MISCHIEF AS A VIRTUE

by

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Abstract

MISCHIEF AS A VIRTUE

By

Jeffrey Earl Stephenson

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Traditional uses of the word "mischief" indicate that mischievousness as an attitude is morally bad, filled with the worst of humanity: meanspirited intentions, negative energy and falsehoods.

In this dissertation, I argue that in this instance tradition is mistaken. Indeed, through use of intuition pumps and a series of analyses of historical and contemporary uses of the word "mischief" and its cognates, I argue two things. The first argument I make is that mischief and mischief making are fundamentally communicative. One obvious way of understanding mischief as a communicative act is to view mischief through Grice's schema and account of meaning. I take Grice's three-part definition of meaning and then substitute the proper mischievous elements into Grice's schema. The result is a definition of mischief that functions also as an explanation of the communicativeness of mischief. The second argument I make is the *prima facie* contradictory claim that mischief – or more precisely, the content of the mischievous attitude - is an Aristotelian-style virtue. That is to say, while a case might be made that mischief is a virtue in the strongest sense a disposition can be a virtue under Aristotle's theory, in the end I will limit my claim to the proposition that mischief is a virtue in the *spirit* of Aristotle's understanding of virtue.

Finally, through a consideration of some of the work of John Stuart Mill and Friedrich Nietzsche, I consider contemporary mischief making. The conclusion is that mischief maker is morally praiseworthy member of society because he is engaged in society in a public way, yet he still maintains a sense of individualism adequate to the task of countering the influence and power of mass society.

Acknowledgements

My wife, Wendy Terese Grace, gets the first nod. She was an unending supply of support for me during the writing of this dissertation, who read drafts and pointed out inconsistencies along the path to completion. She also kept me sane by forcing me to take time away from writing. For her efforts in this regard and for countless other reasons, she is dearer to me than anyone else in my life.

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Chapter 1

Mischief as a Virtue:
Introduction and Remarks on Methodology

Tradition would have us believe that mischief is bad, filled with the worst of humanity: meanspirited intentions, negative energy and falsehoods. Mischievous acts are bad acts, if not purely vicious.

Examples of the implied badness of mischief abound. In the 18th century Alexander Pope warns

> When to **mischief** mortals bend their will,
> How soon they find it instruments of ill.
> *Rape of the Lock* (canto III, st. 125)

Before Pope, William Shakespeare offered that mischief was vicious, if not evil, as evidenced in this passage where Lady Macbeth holds forth as she prepares to commit murder:

> —"Come all you spirits
> That tend on mortal thoughts, unsex me here:
> And fill me, from the crown to th' toe, top-full
> Of direst cruelty; make thick my blood,
> Stop up the access and passage to remorse,
> That no compunctious visitings of nature
> Shake my fell purpose, nor keep peace between
> The effect and it. Come to my woman's breasts,
> And take my milk for gall, you murthering ministers,
> Wherever in your sightless substances

> You wait on nature's **mischief**. Come, thick night!
> And pall thee in the dunnest smoke of hell,
> That my keen knife see not the wound it makes,
> Nor heav'n peep through the blanket of the dark,
> To cry, hold, hold!"--
>
> *Macbeth*

And before Shakespeare there is the Bible, rife with examples of the conceptual bond between mischief, vice and wickedness:

> But Benjamin, Joseph's brother, Jacob sent not with his brethren; for he said, lest peradventure **mischief** befall him. (Genesis 42:4)

> The LORD hath returned upon thee all the blood of the house of Saul, in whose stead thou hast reigned; and the LORD hath delivered the kingdom into the hand of Absalom thy son: and, behold, thou art taken in thy **mischief**, because thou art a bloody man. (2 Samuel 16:8)

> Behold, he travaileth with iniquity, and hath conceived **mischief**, and brought forth falsehood. (Psalms 7:14)

> His **mischief** shall return upon his own head, and his violent dealing shall come down upon his own pate.[1] (Psalms 7:16)

It seems mischief has always been suspect, a kind of doppleganger to the harmless and fun prank. Whereas the prank is light and lighthearted, wanting laughter via a touch of disarray, mischief is dark and blackhearted, wanting power via

[1] Quotes are taken from the King James version of the Bible, found at <http://www.searchgodsword.org/>. I make no claims to Biblical scholarship or to the accuracy of translations from Hebrew to English. In using examples from a dead language, one must appeal to authority and assume an accurate translation. However, given the influence of the King James version in shaping English speech and habits, the KJV is a fair source for how mischief is conceived in English.

sinister and underhanded means. Pranks are like jokes in physical form. Mischief is not a joke, in any form. Tradition indicates that mischief is filled to brimming with a serious edge, an intelligent malevolence that makes its way in the world through deceit, manipulation and destruction of human bonds.

But in this instance tradition is mistaken. At least, I set out to show that there is a sense in which mischief is not malevolent, and I set out to characterize this non-malevolent sense of mischief in this dissertation. Indeed, I intend to argue two things. First, that mischief fundamentally is a communicative act. How it is so and what mischief aims to communicate to a target audience will be the topics of Chapter 3. The second argument I will make, which depends in part on observations made in Chapter 1 and Chapter 2, is the *prima facie* contradictory claim that mischief – or more precisely, the content of the mischievous attitude - is an Aristotelian-style virtue. That is to say, while a case might be made that mischief is a virtue in the strongest sense a disposition can be a virtue under Aristotle's theory – and in Chapter 4 I will sketch how this stronger claim might look under Aristotle's account of virtue in the *Nicomachean Ethics* – in the end I will limit my claim to the proposition that mischief is a virtue in the *spirit* of Aristotle's understanding of virtue.

I am undertaking this project for the primary reason that there are attitudes and acts that have unrecognized, or at least unanalyzed, moral content, and exploring these attitudes and acts for their moral content can be philosophically fruitful. For instance, Frankfurt infamously explored "bullshit" (1988), and came up with some interesting observations about the act of bullshitting and the mental content underlying it, not to mention a couple of compelling and morally relevant questions

about our attitudes in relation to bullshitting and truth-telling. Mischief seems to me to fall squarely into this category of concepts which in the end yield fruit under philosophical analysis. What is different about my analysis, as compared to Frankfurt's, is that whereas Frankfurt never suggested that bullshit is a better phenomenon than the general public supposes, I am arguing that "mischief" should be reevaluated, and to make the case that reevaluation yields the conclusion that mischief should be valued more highly than it is.

A peripheral reason for pursuing this dissertation topic is that it serves to revisit an interesting and related issue in virtue theory, whether an Aristotelian or consequentialist account of the virtues better captures our moral phenomenology.

In general, the distinction between Aristotelian and consequentialist theories of virtue is located at the following focal point: where Aristotelian accounts focus on the good of acts in relation to internal states of agents, consequentialist accounts focus on the good of external consequences of agent acts. While I will not spend a great deal of time analyzing the consequentialist account, I will make the distinction between them clearer in Chapter 4, exploring the ways in which a consequentialist theory of virtue would also be able to account for mischief's virtuousness. However, in the end the distinctions I make will indicate that an Aristotelian account is to be preferred, a claim which I explicitly make in Chapter 4 and extend further in Chapter 6.

By "moral phenomenology" I mean the perceived moral experiences of human beings. In characterizing the issue in this fashion, I aim to avoid ontological problems associated with values, moral facts, and the like, not because these are not

important problems, but because they are outside the scope of this dissertation. My primary concern here is with the experiences and perceptions of our moral lives, which I take to be those aspects of human existence whereby we deliberately construct and narrate our lives and life choices, whereby we work at being virtuous and noble, whereby we are sensitive to the subtleties involved in relationships, and are aware of the (morally) good or bad attitudes we have and of the effects of our acts on others.

In order to make the case that mischief is a virtue, I first analyze in Chapter 2 the concept of mischief, and consider more examples of uses of "mischief" and its cognates. In doing so, I aim to show that there has been gradual change in uses of the word "mischief," to the general conclusion that these changes might indicate an evolving awareness of the positive mental content of the mischief maker. But even if this claim is inaccurate, analysis shows that there are different senses of the word "mischief" and its cognates, and one of these senses is the focus of what I seek to analyze, to the conclusion that in this sense mischief is a virtue. After distinguishing modes of mischief, a tentative definition is offered in Chapter 3, formulated on Grice's three-part definition of "meaning." Throughout the remainder of the dissertation, the Grice-inspired definition serves as a guide, but only a guide, for understanding mischief making as a meaningful communicative act. As I will show, some elements of mischief as a meaningful communicative act will fit the Gricean schema better than others, but by the end of Chapter 3 it will be evident that most of the Gricean schema works well for mischief as a meaningful communicative act. In Chapter 4, I bring together observations and the results of analyses from the

preceding three chapters, and I show how mischief is an Aristotelian-style virtue. In Chapter 5, I address a thorny issue that arises periodically during the initial chapters: the harm that seems a necessary condition of mischief making, and the consequent moral culpability of the mischief maker. Chapter 6 closes the dissertation with broad observations on the role of mischief makers in contemporary societies. Beginning with a consideration of some of the views of Mill and Nietzsche regarding the future of mankind, I argue that the mischief maker might be a morally superior being to the superior men Mill and Nietzsche respectively posit as a counter to the feared dulling effects of democratization. In any case, it seems clear that Mill and Nietzsche would favor the presence of mischief makers in democratic societies, and their agreement might be reason enough to reconsider the value we place on mischief makers.

I. Remarks on Methodology

In Chapter 2 I undertake an analysis of "mischief," and attempt to capture some of the moral content of mischief. However, beginning with any beginning in philosophy requires some explanation. The explanation I offer is that work in conceptual analysis that I undertake here is work in critical *discovery*. That is to say, the observations that inform my analysis in Chapter 2, and the necessary and sufficient conditions that serve as my definition of mischief in Chapter 3, should be understood not stipulatively, but as capturing significant elements of situations involving mischievous activities and intentions that have more or less gone unacknowledged. Thus, my account is of something that is actually experienced, which experience can

be characterized from the point of view of Grice's theory of meaning and from the moral point of view as informed by Aristotle's virtue theory.

I can think of two natural replies to my claim to be presenting work in critical discovery. The first reply might be something like, "That's all well and good, but what really are the data you will use to support your assertions about mischief?"

This query can be answered in the following way. In some works of fiction, authors employ the term "mischief" or its cognates standardly with reference to some fictional characters, and in everyday use we typically employ the term "mischief" or its cognates when describing certain people or agent acts. I will consider the circumstances in which we use "mischief" and its cognates in order to explore the meaning of "mischief," both in terms of conventional meaning of the word in particular historical periods, and in terms of likely speaker meaning given contexts and cues.[2] In order to further explore the meaning of "mischief," I consider some imagined experiences where using "mischief" might be appropriate or inappropriate. Thus, I am committing in part to a method of ordinary language analysis.

It is a broad assumption of this dissertation, and one which I take as a starting point in terms of philosophy of language, that people use particular words in contexts under standard conditions, and that what a word means – a semantic fact – is reducible to what people mean by it under standard conditions. This reducibility thesis is based on Grice's reasoned views in his article, "Utterer's Meaning, Sentence-Meaning, and Word-Meaning" (1989). Very basically, Grice asserts that what a word

[2] The distinction between conventional meaning and speaker meaning is Grice's, although he refers to these concepts as "timeless meaning" and "occasion meaning" or "utterer's meaning" respectively. These concepts will be explained in greater detail in Chapter 3.

means is reducible to what speakers mean by the word when they use it. That is to say, in order to understand the meaning of a particular word used under standard conditions, one must consider first of all what people likely mean when they use the word under standard conditions. Consideration of a number of utterances of a particular word in contexts under standard conditions leads us reasonably to conclude, even if revisably, that the meaning of the word is definitely not a, b and c, and is likely x, or x coupled with y, or something like x coupled with y.

By "standard conditions," I mean those conditions in which the information intended for communication to listeners is relatively free from ambiguity or confusion, and those conditions in which speakers would employ a typical string of words that would convey their meanings would coincide with conventional meanings. Under standard conditions there is no reason to think that communication won't work. If agents were queried as to whether effective communication had occurred, they would agree that effective communication had transpired. A typical instance of the "standard conditions" criterion would be the kind of communicative act that takes place when a consumer, purchasing jeans in a department store, verbally instructs the clerk to gather a "larger size" for another attempt in the fitting room. Here, speaker meaning and conventional meaning coincide.

Non-standard conditions in which a word might be used would be something like when a non-native speaker attempts to describe a bar fight, and the outcome of the communicative act is not as certain as it would be under standard conditions. Perhaps the non-native speaker understands the word "cramp" to be the proper word to employ when describing such a bar fight, i.e., he says odd things like, "The

bouncer cramped that drunk guy." What the non-native speaker means by "cramp" is the same as the conventional meaning of the word "punched," yet he is not using the word "cramp" under standard conditions. His semantic confusion in this instance is a miscommunication, a non-standard utterance, and he was mistaken in using the word "cramp" in this instance.

Instances of misuse of a word are not limited to non-native language speakers. Native language speakers can be mistaken in using a word as well, and might be evidenced by responses to their utterances ranging from the polite "I'm not exactly sure I'm gathering your meaning," to the more abrupt "I do not think this word means what you think it means." This is not to say that native language speakers generally or even frequently make this mistake. But there are times when native language speakers use a word incorrectly. However, maybe misuse of a word by the native language speaker is of a more subtle variety than that attributed to the non-native language speaker. Perhaps the native language speaker is mistaken in using a particular word because the word denotes mental content missing from the agent he is describing (as may be the case with some uses of "mischief").

An additional assumption under which I work in this dissertation is that native language speakers can believe that they understand what they mean when they use a particular word under what would otherwise be standard conditions, but do not in fact understand or fully understand what they meant by use of the word. Perhaps there are specific stimuli that cue the native language speaker's use of aparticular word, but when pressed he would be unclear as to what the conventional meaning of the word is, let alone what he really meant by using the word. I think some explanation along

these lines helps to understand what has occurred and sometimes still occurs when native-language speakers use “mischief,” although I am not prepared to specify yet the extent to which this is the case, simply because I don’t consider that I have exhausted the analysis to be performed on this fecund topic.

While Grice’s reducibility thesis does not entail this second assumption, I think the thesis creates room for denying that absolutely everything anybody intends by a word is a legitimate component of its meaning, by drawing a line between conventional meaning and speaker’s meaning. People can be misinformed about the meaning of a word, which says nothing of their intentions or propositional attitudes while using that word. To use the word “mischief,” for instance, has sometimes been to deploy the concept as part of a rhetorical bludgeoning of some particular person or act, the equivalent of the term being something like “trouble” or the like. But “mischief” and mischievousness, as I will show, really have far richer content than is generally thought to attach to them.

A second and stronger criticism of the methodological approach of this dissertation relates to the ineffectiveness of undertaking conceptual analysis, namely that conceptual analysis is trivial. G. E. Moore pointed out that a definition whose definiens is supposed to capture an analytically necessary and sufficient condition for the definiendum leaves us with a paradox: either the analysis yields a definition that is an identity of the type a=a between the definiens and the definiendum and is thus trivial, or the analysis yields a definition where the definiens is not identical with the definiendum, and thus is incorrect.

For instance, say we are considering the definiendum "bachelor", and upon analysis we offer that the definiens for "bachelor" is "unwedded male." Upon further analysis we might realize that we had managed to capture a necessary condition of "bachelor" but not all of the sufficient conditions, because the definition is overly broad, and captures within its scope persons like priests. Thus our analysis is insufficient. So we reformulate our definiens by offering that the definiendum "bachelor" means "unwedded male who is available for marriage." This definition would strike us as capturing most if not all of the necessary and sufficient conditions of "bachelor." Thus it would be correct, and our group could now wander to the pub and have a pint. Except that Moore's ghost haunts the pub, and points out to us that the successful analysis has resulted in a wholly uninformative truth, which when written in propositional form would be: "A bachelor is a male who is unwedded yet who is available for marriage." Alas, conceptual analysis, when correct, is trivial.

In relation to what I am doing in this dissertation, the charge of the triviality of conceptual analysis can be met the following way. A large part of what I do in this project is an attempt to describe the attitude and the mental content of a type of individual, the mischief maker, in part by exploring intuitions about how words, in particular the word "mischief" and its cognates, are used under standard conditions, and in part by offering plausible explanations of the intentions of the type of individual under consideration. To the extent that I am arguing first of all that we ought to think of a particular kind of act as communicative, when we don't at present so think, and furthermore that we ought to think of this same kind of act as being

premised on a virtuous character trait, when we do not at present so think, this project reaches beyond mere conceptual analysis for something more.

Granted, armchair reflection may not be able to establish all of the links between a target word such as “mischief” and the complete content of the speaker’s mind when the word is used, but thought experiments in which hypothetical situations are raised can let the speaker and us probe the connections. Additionally, reflection on the word’s etymology and on uses of the word throughout history can provide a richer understanding of what has been meant by uses of the word, and how those historical dimensions might play into current use. Hopefully, we can discover at least something of what we mean that we may not have realized when we use the word unreflectively. In particular, some of the moral dimensions of the word may come into view. Indeed, deeper reflection may convince us that the kind of situation in which we are apt to call a person “mischievous” is at least morally ambiguous, and that in many cases we may even be apt to praise mischievous acts and attitudes. So even if Moore is correct in theory, in practice philosophical analysis can be interesting, and even morally interesting in the case of “mischief.”

Aside from the preceding brief comments on methodology, I will ask readers to employ the principle of charity, by which I simply mean that preconceptions or reservations about ordinary language analysisare to be set aside so that we might gain new insight along the moral lines that I trace and sketch in this dissertation.

II. Closing Thoughts

One way of characterizing the philosophical attitude is to frame it as being open to explorations of possibilities and at the same time skeptical of the received way of looking at or approaching a problem. I am not the only one who thinks that being open to possibilities is a most valuable, if not virtuous, attitude to have. In *Philosophical Explanations* (1981), Robert Nozick argues that "increased understanding can be produced even by an explanation known to be false; seeing what in principle could give rise to a phenomenon illuminates some of its aspects by the way it latches onto these." [3] Nozick thinks philosophy should strive toward understanding, which locates an idea or thing "in a network of possibility, showing the connections it would have to other nonfactual things or processes," as opposed to merely explaining phenomena, which he takes to be locating something "in actuality"; by exploring possibilities in this way, Nozick says that "even a reader who does not enjoy (as I do) the playful exploration of possibilities for its own sake, may see benefit in the increased understanding gained" (1981, p. 12).[4]

I refer to the commitment to possibility as an epistemological premise as "possibilism," by which term I mean to capture the equivalent for "possibility" that "skepticism" captures for "skeptical." That is to say, whereas skepticism is the belief in abstaining from epistemic commitment, possibilism is the belief in committing

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[3] See the Introduction, especially pgs. 8-13.

[4] Nozick speculates in detail on explanations of the mystical foundations of the vague descriptions of the experiences of yogis (e.g., these descriptions found in yoga manuals: "What nectar is brought upwards and drunk?" "What is the mouth of the well of nectar over which the tongue is placed and what ambrosia is drunk daily?" (1981, p.161-164, esp. 164)). He offers that these descriptions cryptically refer to auto-fellatio. Why would an analytic philosopher, *in a chapter dedicated to metaphysical issues*, speculate on a matter like this one? Is Nozick being intellectually mischievous here?

epistemically to possible explanations. Possibilism is forward-looking; skepticism[5] is backward looking. Each is a mode of reflecting on the subject matter of philosophy.

The willingness to explore possibilities for what we might learn on any given topic is not a phenomenon limited to contemporary philosophy. In a note discarded from "Why I am So Clever", Friedrich Nietzsche writes of Ralph Waldo Emerson that he "has been a good friend [through his essays] and cheered me up even in black periods: he contains so much skepsis, so many 'possibilities' that even virtue achieves *espirit* in his writings" (1967, p. 339). Nietzsche understood the value of being open to possibilities, and understood the strange connection between being open to possibilities and being skeptical regarding received views.[6]

Before Nietzsche, Michel de Montaigne[7] admonished readers in "In Defense of Seneca and Plutarch" not to "judge what is possible and impossible according to what seems credible or incredible to our own minds" (1987, p. 821). In his *Essays* he goes into greater detail on the matter when he writes, "If my *exempla* do not fit, supply your own for me. In the study I am making of our manners and motives, fabulous testimonies– provided they remain possible – can do service as true ones. Whether it happened or not… it still remains within the compass of what human beings are capable of; it tells me something useful about that" (1987 transl., p. 119).

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[5] As elements of "mischief" are detailed in the chapters to follow, it will become clear to readers familiar with the history of philosophy that some philosophers, such as a particular kind of skeptic, can be seen as the mischief makers in intellectual history.

[6] For a discussion of Nietzsche's dedication to "experimenting" in and with life, see Kaufmann (1974, Chapter 2, Section IV).

[7] In "On the Power of the Imagination" (1987, p. 115), Montaigne offers a defense of the male reproductive organ in the context of arguing for the power of imagination. For this and other reasons, I take Montaigne to be a prime example of a mischievous intellectual.

In this dissertation, I am offering what I think is the correct description of what constitutes acts of mischief, including an accurate description of the morally relevant features of mischief making and mischief makers. Based on the evidence I present here, readers will have to decide for themselves whether my account is correct. If my account is mistaken in some regards, I hope at least to have made available to readers a previously unimagined possibility, namely, that there is something quite interesting going on during acts of mischief, and further, that there is something morally praiseworthy about the mischief making attitude.

Chapter 2

The Concept of Mischief

In Chapter 2, in which I begin to develop a theory of mischief, I start by examining uses of the word from a broadly historical perspective. I think approaching this topic by telling a story that incorporates some of the history of the word "mischief" will serve to highlight some of the philosophical and moral dimensions involved. At the very least, I think such an exercise will show how complex the idea of "mischief" is. Finally, comparison of historical and contemporary uses of "mischief" will show that there is some social awareness of the value of mischief, which will be made explicit in Chapter 4 and Chapter 6.

That there seems to be some awareness in the general public of the value of mischief lends support to the argument I develop in Chapter 4 that mischief is a virtue, but no great part of my argument turns on the historical dimensions of the issue that I discuss in this chapter. Even if there were no reconceptualization indicated by a different sense of "mischief" in contemporary usage, I would still argue that the mischievous disposition captured in my three-part definition is a virtue. What is peculiar about this claim, however, and the reason it is *prima facie* contradictory (as mentioned in the introduction), is that there should be a disposition like mischievousness thatincorporates elements of social antagonism of a sort, including arguably harm, yet be virtuous nonetheless. Accordingly, each of these elements will be further clarified and analyzed in greater detail before the end of the dissertation.

In the first steps of telling the story of "mischief" in this chapter, I consider some examples of its use in translated biblical passages. Next I consider the early modern etymological roots of "mischief," which is proceeded by early modern examples of uses of "mischief" from the law, pamphlets and literary sources. Following this, I consider examples of contemporary uses of "mischief", and discuss its contemporary synonyms and other closely related phenomena, contrasting it ultimately with "prank." This is followed by a suggestion that we view mischief as a phenomenon that occurs in three distinct modes: religious, criminal, and intellectual.

I. The Root(s) of All Mischief: Religious Text

In "Acts" of the King James Version of the Bible, at 13:10 is the following quote: "And he said, O full of all subtilty and all mischief, thou child of the devil, thou enemy of all righteousness, wilt thou not cease to pervert the right ways of the Lord?"[8] In this passage, "mischief" has been transliterated from the Greek "rhadiourgia" (phonetic spelling: hrad-ee-oorg'-ay-ah; original word: rςA), which is defined as "ease in doing; levity or easiness in thinking or acting; love of a lazy effeminate life; unscrupulous, cunning, mischief." Notice the association between mischief and capable intelligence, which seems to be a necessary condition for certain kinds of mischievous acts. In the definition one can hear the echoes of references to slaves, or a member of a lower class or caste, with the attendant associations of cunning and laziness. Notice further the somewhat conflicting elements of being

[8] Based on Thayer's and Smith's Bible Dictionary Greek lexicon, referenced at <http://www.searchgodsword.org/lex/grk/frequency.cgi?number=4468&book=ac&translation=str>. All quotes in this section are located at <http://www.searchgodsword.org>.

unscrupulous and at the same time thinking or acting with levity. These semantic elements and associations will recur throughout our analysis.

"Rhadiourgia" has its origin in the Greek word "rhaidios", or "easy; reckless", and is the feminine version of the neuter noun "rhadiourgema", which is translated as "a piece of knavery, rascality, villainy." That the "mischief" in question should be a piece of villainy seems to indicate that it plays a role in a greater orchestrated (if ill-willed) event, which further indicates an intellectual component to "mischievousness." Once again, we see the notion of mischief is associated with members of the lower social classes (knaves, rascals and villains), known for their unscrupulous intelligence and clever yet stealthy manipulation of circumstances. We also see that the notion of mischief is conceptually aligned with a number of other negative notions, but the connection to "reckless" is especially interesting, because villains, knaves, and rascals are not generally thought of as reckless, at least not in the sense that they fail to consider the steps of their deeds or what effects their deeds might cause. That villains, knaves and rascals are associated with reckless behavior is probably a comment on their "destructive" tendencies for society, not on how they conceive of and execute their villainy; it is a comment on effects, not intentions, process or methods.

Some words from the original Hebrew of the Old Testament also have been translated as "mischief". In the King James version, at Daniel 11:27 we read: "And both these kings' hearts shall be to do mischief, and they shall speak lies at one table; but it shall not prosper: for yet the end shall be at the time appointed." In this passage, the original Hebrew word for "mischief" is transliterated as "mera"

(pronounced “may’ rah”), which is translated as “evil” in the New American Standard Bible. The association with malicious intent is clear. Another interesting example can be found at Proverbs 10:23: “It is as sport to a fool to do mischief: but a man of understanding hath wisdom.” The word translated as “mischief” (transliterated: zimmah; pronounced “zim maw”) is translated in other places as plan, wickedness or purpose. Of peculiar interest, though, in this passage where “zimmah” is translated as “mischief,” is that the intent is to contrast a wise person with one who is a fool, but notice that the fool in question is not necessarily unintelligent. The fool partakes in mischief “as sport,” which implies a certain cunning, and which indicates there is an element of intelligence at work in the fool.

This calls to mind a passage from Thomas Hobbes, a contemporary of the King James translators, who also uses “fool” in a way that is not derogatory regarding intelligence. Hobbes’ “foole” is one who thinks he can violate covenants with impunity, and Hobbes calls him a fool because only a fool would bank on other people not noticing such intentional violations of agreements. He writes: “The fool hath said in his heart, there is no such thing as justice; and sometimes also with his tongue; seriously alleging, that every man’s conservation, and contentment, being committed to his own care, there could be no reason, why every man might not do what he thought conduced thereunto; and therefore also to make or not make; keep, or not keep covenants, was not against reason, when it conduced to one’s benefit… [but] he which declares he thinks it reason to deceive those that help him, can in reason expect no other means of safety, than what can be had from his own single power. He therefore that breaketh his covenant, and consequently declareth that he thinks he

may with reason do so, cannot be received into any society" (1997 (1651), p. 114-5). As this passage shows, Hobbes views the fool not as unintelligent, but as unwise. The fool reasons, but he reasons mistakenly. He is not unintelligent, but merely shortsighted, in the end outsmarting himself. Notice also that Hobbes's fool is a social outcast, which will not be the last time such an association can be connected with the mischief maker.

Returning to the passage at Proverbs 10:23, recall that the fool is one who makes a "sport" of acting mischievously. The idea appears to be that the fool treats his interactions with others as sport, or a game. A sport or game generally involves the goal of winning, which necessitates competition (even if only against oneself). Sports and games are undertaken for enjoyment or pleasure as much as for winning and the serious determination involved in competing. This mix of attributes of play and seriousness will arise again in uses of "mischief." Even though the sentence is intended to express denunciation of the fool and praise for the wise man, it is clear that mischief carries an edge of seriousness to it that is not to be found in other lighter, more exclusively playful undertakings.

I include the preceding observations of biblical source material in order to show that the conceptual, historical connections with "mischief", while generally negative, point to associated words with conceptually complex components, to include seriousness, cunning, planning, intelligence, orchestrating, playfulness, laziness, and wickedness.

II. Early Modern and Modern Senses

A. Early Modern Etymology

The modern association between "mischief" and negativity can be seen in its early-modern etymological foundation, and possibly even grammatically. Etymologically, the modern word "mischief" dates at least to the 14th century, and derives from the Middle English "mischief," which is in turn derived from the Old French "mes" + "chief."[9] In the case of the Old French, the sense of the word is "calamity," but notice that the root in the French, "chief," means "head" or "superior in a hierarchy," which indicates a semantic association with "one in charge." Naturally, the chief or 'head' person is one who leads. One who doesn't lead properly might be one who "mis-leads." Such a person might then be called a "mis-chief," and acts attributed to him or brought about under his direction (or, rather, his "mis-direction") might even be called "mis-chief-ous acts." Consider further that a president can "mis-lead" voters about the reasons for making policy choices, or a critic can "mis-lead" readers into believing there is such a thing as meaningful critical theory when there is not. Someone is still "leading," in these instances, but the leading is being done somehow inauthentically or deceptively. Or perhaps"mis -chief" is activity that is directed against the chief or leader. This would make some sense of current uses of the word "mischief" in contexts where the agent is described as or thought to be working against an authority. A student who removes all of the desks from a classroom might be referred to as "mischievous" by a teacher or an administrator.

Another understanding of the etymology suggests that "mischief" comes from the Old French "mischief," which is related to the French "méchef," a verbal noun

[9] Merriam-Webster dictionary entry, found at <http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=mischief>.

from "meschever" which means "to come or bring to grief, be unfortunate."[10] The antonym of this word in English, then, would be something like "achieve," which means to be fortunate or successful. To "mis-achieve," then, would be to come to grief or misfortune, possibly by failing to have sufficient wisdom (recall again the quote from Proverbs regarding the fool). But notice that there is not necessarily a human agent with malice aforethought involved. The entry attributes harm or evil to a person or "some cause." Today when we use the word "mischief" we sometimes have in mind attributing a peculiar attitude or maybe even a particular mental content to an agent.

Naturally, the different etymological connections create some confusion, but what seems clear enough is that when human agency is the "mis-achieving" cause, the questions "Why would some people, especially young people, apparently intend to "misachieve" in this particular way?" and "What is it that they are actually trying to achieve by such apparent misachieving?" beg for answers. To put it loosely in Aristotle's terms, arts and inquiries, actions and pursuits, all aim at some good. Thus our etymological reflections give us additional reasons for wanting to explore explanations, and to provide answers to the question, "What is the good at which mischievousness aims?"

B. Modern Mischief: Shakespeare and Others

As mentioned in the introduction, Shakespeare often used "mischief" or its cognates in contexts where events of malicious intent are unfolding or being orchestrated. Lady Macbeth asks evil spirits to manipulate her nature so that she will be able to

[10] Found at <http://www.etymonline.com/index.php?l=m&p=16>.

murder Duncan. The entire scene, indeed the better portion of the tragedy, seethes with foulness, ill will and avaricious intent, and mention of mischief in this context associates the word with a negative energy. However, Shakespeare did not limit use of "mischief" to foul and wicked contexts. Shakespeare uses "mischief" in a different sense in a scene involving Romeo and Balthasar:

> ROMEO: Tush, thou art deceived:
> Leave me, and do the thing I bid thee do.
> Hast thou no letters to me from the friar?
> BALTHASAR: No, my good lord.
> ROMEO: No matter: get thee gone,
> And hire those horses; I'll be with thee straight.
> [Exit Bathalsar]
> Well, Juliet, I will lie with thee to-night.
> Let's see for means: O mischief, thou art swift
> To enter in the thoughts of desperate men!
> I do remember an apothecary, --
>
> *Romeo and Juliet*, Act V, Scene I

In this brief aside, Romeo uses the word "mischief" to denote a kind of creative, cunning spirit, which arises more quickly in desperate men. A conceptual connection between mischief and creativity is implicit here. Recall that Romeo connives to fake his own death, i.e., to play on appearances, in order to escape from his family ties and with Juliet.

Let's consider another example from the same period. A contemporary of Shakespeare, Ben Jonson, produced the following gem: "Let them call it mischief:

When it is past and prospered 'twill be virtue."[11] Here Jonson is being ironic, reminding us of the fickleness of history, yet his comment also reminds us that the difference between "mischief" and "virtue," far from being hard and fast, is pliable, depending on vantage and context.

The negative connotation of "mischief" travels well into the 18th century. An anti-French pamphlet from 1735 in England reads: "Considerations upon the Mischiefs that may arise From Granting too much Indulgence to FOREIGNERS" (Merriman, 1993, p. 20). The pamphlet goes on to describe the French as extremely enterprising and industrious, and there is a voiced fear of the French taking over "all the profitable Branches of Trade." In this context, "mischief" means something like "trouble," but notice that it is also associated with intelligence and planning.

Why "mischief" should be associated with "trouble" is no great wonder, as the event of an act of mischief is unpredictable by design. That is to say, one of the "messages" communicated by some acts of mischief is precisely that life is unpredictable, and that we ought not rely too much on conventional rules. The trouble that mischief causes is upsetting not just to an individual, but often to an entire way of life for many people who assume accidental truths to be unavoidable truths. It seems a general (if anecdotal) fact of human psychology that people prefer consistency and predictability, and mischief undermines this consistency and predictability.

C. Modern Mischief: Criminal

[11] *Catiline*, Act III, Section 3.

As a legal term, the phrase "criminal mischief" or "malicious mischief" was coined in the 18th century.[12] This makes sense, arising as it does during the time when the notion of property rights became common intellectual currency. "Criminal mischief" is a phrase frequently employed to describe destruction of private property.

Committing a particular kind of mischief is still a crime today. In October 2003, a man named Kirk Jones purposefully plummeted over Niagara falls.[13] He was charged with unlawfully performing a stunt and with mischief. Another act which is typically "criminally mischievous" today is spray painting graffiti on the sides of rail cars and the facades of buildings. Notice that the harm of some instances of criminal mischief is difficult to quantify. After all, Jones's act seems hardly to have been harmful to anyone save himself. Graffitied rail cars are often said to be more aesthetically pleasing than unadorned ones; the façade of the graffiti museum in Queens, New York, is embroidered with strange and beautiful motifs, and the kids who are responsible for the graffiti are commonly referred to as graffiti "artists." This connection between mischief and artistry should not be neglected, as it will resurface frequently throughout this dissertation.

III. Contemporary Use and Sense

A. Current Thesaurus

The word "mischief" has been generally used to disparage certain kinds of acts and behaviors, and this use runs directly from the Ancients through the Modern period.

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[12] Merriam-Webster Dictionary entry, found at <http://www.m-w.com/cgi-bin/dictionary?book+Dictionary&va=mischievousness>.

[13] Complete article found at <http://www.CNN.com> under "Niagara Falls survivor."

This use occurs in contexts where notions of right and wrong are established via divine commandment, with mischief falling on the side of the wrong. Implicitly, then, mischief sits in opposition to God's will, which by definition, then, means that it is wrong to commit a mischievous act. But after the cultural dissolution (or at least weakening) of the notion of commanded right and wrong, "mischief" starts, consistently, to take on a less sinister, more nuanced and more complex sense.

If the prior claim holds true, we should be able to find other words of condemnation that have taken on a more nuanced, less sinister meaning. Certainly this is true of words like "wicked" and "evil," for instance. These words are much less frequently used than they were in centuries past. Their use today often connotes something less severe than their use in centuries past, and we often remark when we hear such words used that the speaker must be speaking hyperbolically.[14]

Something like this appears to have occurred with "mischief." In contemporary thesauruses "mischief" can mean something like "playfulness", as witnessed by this thesaurus entry for "mischievous": "devilish, elvish, impish, knavish, pixieish, prankish, rascally, roguish, sly, waggish, wicked, antic, coltish, frisky, kittenish, playful, sportive; gay, happy, lighthearted, whimsical; energetic, lively, spirited, sprightly; artful, cunning, tricky; misbehaving, naughty; pestering, riling, teasing."[15] The synonymy with "wicked" persists, but the balance of the other synonymous terms seems to favor a less malevolent notion, with some of them being downright positive. The rather tame, contemporary thesaurus entries under

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[14] One reason President Bush raised eyebrows in referring to the "Axis of Evil" in his address to the nation after the September 11, 2001 attacks was that he used the word "evil."

[15] Found at <http://www.m-w.com/cgi-bin/thesaurus?book=Thesaurus&va=mischievous>.

"mischievous" seem to indicate a semantic disconnect from the historical use of the word, but the move from "mischief" meaning "wicked" is not completely disconnected from "mischief" meaning "impish." Remember, one of the Greek terms for mischief, "rhadiourgia," is translated also as "levity" and names a host of other behaviors and attitudes less dire than "evil." One of the Hebrew terms for mischief, "zimmah," is used in a context where sport is the metaphoric association.

Of particular conceptual significance is the fact that some of the synonyms listed in the thesaurus entry, e.g., "artful" and "sly," imply cleverness if not superior intelligence. This association reinforces the connections between mischief and cleverness, intelligence and creativity. I think these conceptual associations are consistent enough to serve as one of the primary connecting threads from mischief's religious past through its use in secular contexts today.[16]

B. A Few Contemporary Examples

In a perfect example of the change in use of "mischief," Reuters writer Jill Serjeant describes the boy cast to play Peter Pan in the latest movie version of the eponymous story as "angelic but mischievous."[17] One can hardly imagine such a description appearing in the bible, simply because a "mischievous angel" would likely have been oxymoronic. Normally we do not associate Peter Pan with devilry or evil; his mischievousness takes on a more playful yet serious tone, concerned as he is to alter

[16] Recall how Milton characterized Satan as clever, persuasive, and hyper-intelligent, which characterization was the poetic equivalent of the Biblical devil.

[17] Taken from "'Peter Pan' Seems Awfully Grown Up in New Movie", found on December 12, 2003 at <http://story.news.yahoo.com/news?tmpl=story2&cid=638…/leisure_peterpan_dc&ncid=76>.

reality, i.e., to halt the natural aging process, because of his desire to maintain his own innocence.

A second example clearly points to a new understanding of "mischief." During a carriage ride to the scene of another crime, Watson exclaims of Sherlock Holmes that, "Suddenly, however, as we neared our destination he seated himself opposite to me -- we had a first-class carriage to ourselves – and laying a hand upon each of my knees he looked into my eyes with the peculiarly mischievous gaze which was characteristic of his more imp-like moods." This is not the only example of Holmes being referred to as "mischievous," either. He is described by Watson as having a "mischievous twinkle" when, feigning illness and depression, he returned some very important papers to a man by asking the man to uncover his breakfast (Doyle, 2001, p. 285). He looks at Watson with "mischievous eyes" when starting to relate one of the cases he solved prior to Watson's chronicling his adventures (Doyle, 2001, p. 115). And what is it that Holmes does with his time? He discovers the truth behind appearances, uncovering reality beneath the veneer of some intelligent criminal opponent. He does so through clever ruses and clear thinking. That is to say, he often solves what appear to be unsolvable crimes by manipulating the "reality" that others see.

Holmes is a shrewd man, and he understands that there is acriminal element of society that must be dealt with in very creative and peculiar ways. One of his famous solutions to this dilemma is to take on disguises in order to conduct his work undetected, against a powerful criminal element. So successful is he in hiding his identity that he is mysteriously able to have knowledge of the facts of a case that he

can't possibly have known, at least according to the criminals. Many criminals, upon being caught, disclaim Holmes as in league with Satan. One caught criminal says, "We give you the best, Holmes. I believe you are the devil himself," to which Holmes replies "Not far from him, at any rate" (2003, p. 572). That Holmes does not deny his association with ill powers is no wonder, as he was keen to have members of the criminal circle believe in his occult powers. But why would he want them to believe this? To stop them from committing crimes, of course, but the "message" that he delivers through his mischievousness, through his disguises and manipulations of reality, is not only that he is a clever detective, which is too obvious for Holmes, but might be something like "truth will win out in the end." Interestingly, however, Holmes's praiseworthiness is often treated with ambiguity. No one, aside from his very good friend Watson (and there are times when even Watson is unsure what to make of Holmes), is quite sure what to think of Holmes, a fact which is true of many mischief makers.

A more recent example is to be found in descriptions of Sir William Osler, the man who first identified the medical phenomenon of "penis captivus," where the male sexual organ (allegedly) becomes captured by the vagina during sexual intercourse.[18] The title of a 1983 article describing the history of the phantom phenomenon in the *Southern Medical Journal* reads "Penis Captivus and the Mischievous Sir William Osler."[19] The story behind Osler's urban legend is that he was fed up with the non-empirically supported ideas of one of his fellow editors of a newsletter of practical

[18] I am indebted to COL Arthur O. Anderson for bringing this story to my attention.
[19] Vol. 76, No. 5, found on May 14, 2004 at <http://snopes.simplenet.com/sex/info/captive2.htm>. I am indebted to Arthur O. Anderson for directing me to this article.

medicine, an obstetrician by the name of Theophilus Parvin. Parvin had an obsession with the idea of spasm of the perineal muscles, which for women are heavily in play during intercourse. Osler submitted a story relating the phenomenon of penis captivus to the newsletter, under the pseudonym Egerton Y. Davis, presumably in order to show the absurdity of unsubstantiated medical claims by pompous doctors.[20] Notice, though, that the word "mischievous" in the title is clearly not used to indicate villainy on the part of the acting agent.

Another example, this time from the BBC News, is found in the title of an article about a "hijacked" website: "Archer website swamped by mischief-makers."[21] The website in question was supposed to be dedicated to debating timely and serious issues leading up to the London mayoral elections in 2004, but "mischief-makers… have posted dozens of insulting and defamatory e-mails on its message board." Later in the article, the mischief makers are referred to as "practical jokers." But the apparent interchangeability of phrases "mischief-makers" and "practical jokers" misses a significant contextual difference between the references. In contemporary use, "practical joker" seems to refer primarily to persons interested in entertaining themselves by humiliating or embarrassing others, whereas "mischief maker" denotes something else. Shortly, we will address in detail what that something else is.

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[20] Osler himself never commented on his role. See Medical Aspects of Human Sexuality, "Penis Captivus: Fact or Fancy?" at <http://snopes.simplenet.com/sex/info/captive1.htm>.

[21] Found on September 22, 2003 at <http://news.bbc.co.uk/1/hi/uk_politics/505046.stm>.

C. Mischief and Contemporary Philosophers

Owen Flanagan refers to Colin McGinn's cognitive closure thesis in philosophy of mind as a doctrine that is "extremely mischievous" (1991, p. 314), and in a recent article, Joshua Weidhorn describes Paul Feyerabend as a "mischievous philosopher." (2003, p. 71). A more careful consideration of the contexts in which these uses of "mischievous" appear reveals that it has two contemporary uses. In the former article, Flanagan is not only not writing flatteringly of McGinn's view, he is more or less saying that McGinn's view is wrong, even though Flanagan seems puzzled over how exactly to approach, or describe, its wrongness. Weidhorn, on the other hand, is speaking flatteringly of Feyerabend when he refers to him as mischievous. Feyerabend infamously questions the primacy of science over religion in contemporary (Western) society. For purposes of his article, Weidhorn wants to illuminate the wedge driven between science and religion. In other words, Feyerabend flatly is to bepraised for his intellectual mischievousness, not condemned.

Finally, there is this example from H. P. Grice himself. In his article "Meaning Revisited" (1989 (1980), pp. 283-303), Grice writes:

> My sometimes mischievous friend Richard Grandy once said, in connection with some other occasion on which I was talking, that to represent my remarks, it would be necessary to introduce a new form of speech act, or a new operator, which was to be called the operator of quessertion. It is to be read as "It is perhaps possible that someone might assert that…", and is to be

> symbolized "?⊦"; possibly it might even be iterable. I treasure this suggestion to just about the same degree as I treasure his dictum, delivered on another occasion, that I "can always be relied upon to rally to the defense of an 'under-dogma'". Everything I shall suggest is highly quessertable. I shall simply explore an idea; I do not know whether I want to subscribe to it or not. In what follows, then, I am not to be taken as making any ground floor assertions at all: except for the assertion that something is quesserted. (1989 (1980), p. 297)

Here, Grice refers to Grandy as "mischievous" in relation to Grandy's comment that Grice is employing a completely new form of speech act, "quessertion" during his philosophical inquiries. Because Grice subsequently and explicitly adopts quessertion as a philosophical methodology throughout the remainder of the article, one can surmise that his reference to Grandy as "mischievous" does not have a negative connotation. Thus, for our purposes the most obvious significance of the paragraph is it that increases the number of uses of the positive sense of "mischief" or its cognates.[22]

These examples from philosophy serve to unpack an important point about the concept of mischief, at least as contemporary philosophers use it and as we might. Consider the phrase "malicious mischief." The phrase might appear redundant as a descriptor, unless there is also a sense in which mischief is not malicious. In

[22] Another reason the passage is interesting, and the reason I quoted Grice at length, is that there are parallels between quessertion and possibilism. Later in the paragraph we learn that "quessertion" is the "exploration of an idea" that even the idea's originator isn't sure he believes is true. The parallels to possibilism as stipulated in Chapter 1 should be obvious.

describing his friend, Grice does not employ the term "mischievous" in any sense that we would be inclined to say is malicious; nor does Weidhorn use "mischief" in a reprobative sense. It follows that there must be a sense in which "mischief" applied to agents is approbative. Of course, it might be that when we use the phrase "malicious mischief" we are calling attention to a specific element of the concept in order to stress that aspect of it. Adding the adjective "unjust" to the noun "tyrant" is not necessarily redundant. But notice as well that, in the latter case, the implication is not that some tyrants are just. "Malicious mischief" does not appear to be like "unjust tyrant". Injustice seems to be necessarily part of the idea of tyranny, and to utter the phrase "unjust tyrant" is to draw attention to this fact. Malice does not appear in the same way to be part of the idea of mischief, especially as evidenced in these examples taken from the writings of philosophers, and so by stressing that a mischievous act was interpreted as being "malicious," one is drawing attention to a peculiar element of the agent's intentional state that is not necessarily tied to the mischievousness of the act. In the end, uses of "mischief" that do not count in favor of interpreting its semantic content positively do not count against the possibility, as evidenced in some of these more recent examples, that our understanding of "mischief" has evolved.

Use of the word in disparate contexts occurs, I suspect, because, from the third-person point of view, we are often unsure *what* is going on when an agent makes mischief. At some level, our inconsistency in employing the word – equally as a term of reprobation and approbation – betrays our uncertainty about what is going on in these situations. And it is just this kind of uncertainty regarding the motivations of agents that creates situations to use the word under different conditions.

There is also the objection that the changes observed in uses of "mischief" do not reflect conceptual evolution, and that they merely mean that the old word "mischief" should not be translated as the contemporary word "mischief." But the argument from homonymy is implausible, since there is continuity between uses, not to mention considerable overlap in reference.

IV. Comparative Categories and Concepts

In the following sections I analyze and discuss the phenomenology of mischief and the properties of mischievous acts in relation to some closely aligned concepts and categories. These ruminations have only my observations to substantiate them, but rather than being merely anecdotal I think they resonate with how we use the word "mischief" and its cognates, and with what we often intend to communicate when we use these words.

It will be observed that I consider a concept, *eutrapelia*, which is a virtuous characteristic for an agent to have per Aristotle. Because the concept is itself closely aligned with the others in this section, I include it here, but I will revisit it in Chapter 4. It will become clear, from the material below and from the material on Aristotle's theory of virtue in Chapter 4, that I am not merely renaming an already identified Aristotelian virtue.

A. Mischief and Satire

There seem to be some sorts of activities which, while themselves not mischievous *per se*, contain elements of mischief. The literary form of satire might be one such activity. In what follows, Icompare and contrast satire and mischief.

A variety of definitions seem to fit "satire", but generally "satire" can be understood as a literary form characterized by indirect attack on some social evil.[23] Individual personalities might be caricatured and also attacked, but the real thrust of satire seems aimed at the social level. Brian Connery and Kirk Combe offer that satirists "specialize in demolition projects", and that satire "promises to tell us what we do not want to know—what we may, in fact, resist knowing" (1995, Introduction). Further, the intent behind mischievous acts sometimes seems to be the same as the intention behind satiric pieces of writing as described by Connery and Combe, namely, to tell us what we resist knowing. Connery and Combe also note that the "disruptive behavior [of satirists] leads to segregation under the discipline of literary studies" (1995, Introduction). Interestingly, in society mischief makers are effectively segregated from the social body; no one quite knows what to make of mischief makers, and when the effort to categorize them comes to difficulty, the simplistic "troublemaker" label gets attached and their significance diminished. One can also see that in the practice of mischief, mischief makers sometimes "segregate," or separate themselves from society. But the act of self segregation is only

[23] In the scholarly literature definitions vary. I've taken what seem to be the most common and clearest aspects of satire, and have included these in this definition, but there are different kinds of satire, such as the "cosmic satire" that John Tilton identifies in Kurt Vonnegut's work, where the satiric vision is meant to deliver a cosmic commentary on the situation of man in the universe. For a more thorough consideration of the elements and kinds of satire, see *Theorizing Satire: Essays in Literary Criticism*, Edited by Brian A. Connery and Kirk Combe (1995).

temporary, because mischief making requires agents to be actively engaged with and in society.

Perhaps the simplest way to get clear about the similarities between mischief and satire will be to consider an example. I suggest we consider Jonathan Swift's satire *A Modest Proposal*, an essay that is markedly successful at being mischievous, maybe even more so than its success as satire, given the mixed reception and interpretation the essay received. Furthermore, when we consider Swift's explicit intentions in writing *Proposal* and comments he made in letters, there seems to be some mischief involved in Swift's attitude in writing *Proposal*.[24] One critic, James Russel Lowell (1967 (1876)), even describes Swift in paradoxical terms of being a "generous miser; a skeptical believer; a devout scoffer; a tender-hearted misanthrope," echoing again the somewhat ambiguous views we have of agents who have elements of the mischief maker and their attitudes.

The proposal of *Proposal* is well known. The argument is put forth that life for the Irish poor, and especially the children of the poor, is so awful that cannibalizing them is a legitimate alternative to their lying about the streets and gutters. The narrator presents his argument in an orderly fashion, which readers would expect from a clear-minded politician or social critic of the day. It seemed (and still seems) an outrageous claim, which was precisely the effect Swift was after. Though there are many ways of interpreting his intentions, one thing is clear; Swift intended to provoke his audience. He explicitly claimed that satire was "a

[24] Summary information regarding Swift's intentions for this section is taken from Griffin (1994). I have chosen Griffin's critical work because he cites a number of scholars on Swift, and gives a guarded, balanced approach to the material.

supplement to the law" (Connery and Combe, 1995, p. 11), and considered himself somewhat the vigilante pointing out a "defect in the law" (Griffin, 1994, p. 38). One can surmise that what Swift may have detected and may have wanted to correct was a sort of moral inconsistency in the law. However, recognition of a problem does not mean the corrective measure necessarily is effective, and the extent to which satire is capable of changing the society at which it is directed is less clear. The critic Elkin says satire "can never bring about any improvement, simply because neither human nature nor society is capable of fundamental change" (as quoted in Griffin, 1994, p. 62). If governments thought satire a politically powerful weapon, then one would expect to find many laws censoring satire, but in actual fact there have been few laws calling for the censoring of satire (Griffin, 1994, p. 154). Further, while modern sociologists have tried to establish the significance of satire on public opinion, evidence collected not only suggests a lack of influence, but the creation of confusion in readers as to what exactly the point of a work of satire is (Griffin, 1994, p. 154). Whether and to what extent the public or governments perceive satire to be capable of changing the world is less important for my thesis than whether and what the *satirist,* or mischief maker, intends by offering his vision of society.

Satire, then, appears to have some elements in common with mischief. First of all, satire attacks a social norm or questions a belief pattern as doxa. Swift is attacking the way the Irish poor must live, the treatment (or lack thereof) of the poor by the State, and even the wealthy Irish who disdain the poor. But Swift attacks these not by explicitly summoning a list of social vices and presenting them. Instead, Swift attacks by implicitly showing the horrors of the situation in which the Irish poor exist,

and by offering, from apparent sincerity, a considered, logical, and even rational judgment on the matter. This implicit attack is intended to provoke his audience, to create dismay and a bit of bafflement, and perhaps even to serve notice to the social body to the effect that x is the presently unacceptable situation, and maybe something ought to be done about x. Furthermore, might Swift be presenting a *reductio ad absurdum*, to the effect that standard patterns of thinking about the poor lead inevitably to the conclusion that they should eat their children? Swift's intention, then, is to make readers take notice that in addition to there being something wrong with conventional patterns of living, there must be something wrong with conventional patterns of *reasoning*.

As with satire, some mischief making is premised on the idea that there is a social norm to be attacked. If true, then the mischief of some young boys is a more interesting phenomenon. When a youth steals the police car and moves it around the block, it is possible to understand the act, or at the very least to reasonably describe the act, as one by which the agent shows that law enforcement in his town is somewhat lax. The youth may even have something like this in mind at an intentional level. The indignation with which such an act might be described gives way to an interpretation of the act as challenge: How will the police officer react? How shall the townspeople react? What will they do about the fact that a police cruiser can be driven around the block in broad daylight?

This example, though, presents one clear difference between satire and mischief. Whereas satire is offered to an audience in a language, mischief is not always offered in language. Both satire and mischief are communicative acts, which

entails that there are agents involved doing the communicating, but the communication of satire is purely iterative, whereas the communication of mischief is frequently non-iterative. In this way, then, mischief is a broader form of communicative act than is satire.

B. Mischief and *Eutrapelia*

Another concept that captures some of the elements of mischief is *eutrapelia*. It comes from the ancient Greek, as a compound of the Greek "eu" and a derivative of the Greek base "trope." The meaning is not difficult to determine: the word referred to well-turned repartee or jesting. Aristotle employed the term to refer to the virtue to be had in play, and the connotation was that of verbal play, along the lines of badinage or persiflage.

How the concept connects to mischief may not be clear at first, but "mischief" shares some properties with Aristotle's *eutrapelia*. First of all, *eutrapelia* is a virtue because it is a mean in playing. Aristotle calls those who achieve the mean in play *eutrapeloi*, "well-turning". The association with "turning a clever phrase" comes to mind, and it is something like this for which Aristotle intended its use; those who could take what is said and turn it, not only to their advantage but into laughter, were virtuous in this regard. More or less, then, what Aristotle seems to have in mind is less like playground playing or playing games, and more like verbal playing or, more accurately, verbal jousting. When one engages in verbal jousting, one is interested not only in showing one's competitors to be slow or witless; one also is keenly interested in making oneself look good. That is to say, one turns a phrase well not to

educate the crowd, but to parade one's mental nimbleness at the expense of the verbal opponent.[25] To do so while at the same time making one's audience break out in laughter is a skill.

Following Aristotle, St. Thomas Aquinas also employed the concept of *eutrapelia*. Aquinas was compelled to address the issue of play, presumably, because in the medieval period play was typically associated with the devil. Virtue is God-like; play is devilish. And notice that we now have two chief elements of mischief associated with the Devil: intellect, from the earlier discussion, and frivolity. But Aquinas wants to move away from the association between the Devil and play, and he does so by quoting, first of all, the authority of Augustine, who says, "I pray thee, spare thyself at times: for it becomes a wise man sometimes to relax the high pressure of his attention to work."[26] Whereas the body needs rest, so does the soul, especially in those whose souls are properly devoted to activities of philosophical contemplation.

In his treatment of *eutrapelia*, Aquinas might have in mind the notion of the "merry Christian" from medieval theology. But who was the merry Christian? It was likely someone who incorporated the maxim "Play is necessary for the intercourse of human life."[27] Aquinas explains that man needs rest for his soul as well as his body,

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[25] The conceptual connection between play and competition is explored in Huizinga (1950).

[26] *Summa Theologica*, Quaestio 168. Found on May 27, 2003 at <http://www.newadvent.org/summa/316802.htm>.

[27] Ibid, found on May 27, 2003 at <http://www.newadvent.org/summa/316803.htm>. In the text here, Aquinas is referring back to a response he provides to the second question of 168, which is that, "Now such like words or deeds wherein nothing further is sought than the soul's delight, are called playful or humorous. Hence it is necessary at times to make use of them, in order to give rest, as it were, to the soul. This is in agreement with the statement of the Philosopher (Ethic. iv, 8) that "in the intercourse of

and *ludus*, or play, fulfills this need. Rest for the soul is necessary for the intellect, because the intellect's reserves dwindle more quickly than the physical body's. Thus, when we are at play we are recreating (read: re-creating) our souls, the essence of which for both Aquinas and Aristotle is the intellectual, or rational, part.[28] But Aquinas is careful to point out that the virtuous kind of play is not the kind associated with belligerent practical jokes or with foul language. The coarseness associated with foul language, and the harms to neighbors that can come from belligerent practical jokes, are vices, and thus sinful for Aquinas.[29] Furthermore, and a reminder of an important element of mischief, Aquinas says jokes[30] are vicious and sinful if they are made at the wrong time at the wrong place with the wrong person. Virtuous playfulness, then, depends on the use of reason to guide joviality or jesting at the right time, in the right place, toward the right individual. Recall that mischief has as one of its elements proper timing. Without it, both mischief and *eutrapelia* devolve into viciousness, or the excesses that are obnoxiousness, belligerence, and coarseness. However, also note that the timing of an act of mischief, just like the timing of the playful jest of the *eutrapeloi*, seems to be a difficult point to quantify with precision. Thus, it becomes highly situational, and the agent who has *phronesis*, or practical

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this life there is a kind of rest that is associated with games": and consequently it is sometimes necessary to make use of such things."

[28] Ibid, *Quaestio* 168. Found on May 27, 2003 at <http://www.newadvent.org/summa/316800.htm>.

[29] Ibid, *Quaestio*, 168. Found on May 27, 2003 <http://www.newadvent.org/summa/316803.htm>.

[30] The Latin *jocus* typically meant verbal jesting or a riddle, as opposed to the non-verbal play denoted by *ludus*. I do not know whether these words were used with this distinction in mind. Aristotle may have intended to limit *eutrapelia* to verbal jousting and one-upmanship, but if Aquinas strayed from this strict meaning his expansion of the semantic content of the word does nothing to change the substance of my comparison and contrast with mischief.

wisdom, will be able to identify the correct circumstances and the best methods for delivery of the jest or verbal jousting.[31]

In the end, though, the difference between *eutrapelia* and mischief are clear. Mischief makers don't focus on making themselves look good, as Aristotle's *eutrapeloi* do. And whereas *eutrapelia* is a verbal competition, mischief is neither a competition nor must it be iterated. Finally, *eutrapelia* is in a way still part of everyday social interaction in a way that mischief making is not.

C. Mischief and Subversion

The case of mischief and subversion is a tricky one. At first glance, mischief and subversion might not appear to have much in common. Mischief has an air of paradox about it, playful yet with an undertone of seriousness; subversion seems to entail an attitude of flatly serious determination. Whereas mischief does not necessarily take place in political contexts or incorporate political motivation, subversion typically entails effort at undermining events in political contexts and with political motives, as evidenced in the following definition of subversion: "a systematic attempt to overthrow or undermine a government or political system by persons working secretly from within."[32] Even when the use of "subvert" takes a non-political meaning, there lingers a connotation of an overthrow of law and order, as evidenced in thefollo wing court decision: "A community need not wait to be

[31] It might seem that there is no proper time to jest or bring about mischief, because timing is dependent upon perspective. What one man might think a jest is a properly timed example of *eutrapelia*, another might think an ill-timed and inappropriate remark. This issue also is connected to the issue of identifying the harm involved in acts of mischief, and will be addressed in Chapter 4.

[32] Found at <http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=subversion>.

subverted by street riots and storm troopers; but, also it cannot by its policemen or commissioners, suppress a speaker, in prior restraint, on the bases of news reports, hysteria, or inference that what he did yesterday, he will today."[33] However, mischief and political motivation need not be mutually exclusive. Consider the following scenario. Say a member of a fascist party is about to give a speech to a large crowd. The topic of his speech is the evils of democracy and capitalism. As the fascist begins to speak at the podium, a member of the crowd shouts, "Three cheers for the fascist!" A few people in the crowd shout, "Hail the fascist! Hail the fascist! Hail the fascist!" The fascist, warmed by the display of support from the crowd, looks over the crowd approvingly, waits for the cheers to die off, and as he is about to begin his speech the same person from the crowd, who unbeknownst to the fascist is disdainful of fascism, shouts again, "Three cheers for the fascist!" This time, more people from the crowd join in, shouting, "Hail the fascist! Hail the fascist! Hail the fascist!" This continues for two more episodes before it becomes clear that the fascist will not be able to deliver his speech, and he angrily withdraws from the podium.

There are two interesting facts to be said in relation to the fascist example. First of all, I think we would be inclined to say that the person in the crowd who instigated others to disingenuously cheer the fascist was acting both subversively and mischievously. It would then follow that we could say the person who first shouted was a mischief maker, and that he was a subversive, and I think we would be talking about similar elements of his intentions and of his act. There is something subversive, sometimes, and possibly even always in a loose sense, about mischievous

[33] *Rockwell v. Morris*, as cited in the Illinois Supreme Court decision for *Village of Skokie v. National Socialist Party*, found in Arthur (1981, p. 526).

acts no matter the level at which they are performed.[34] Consider the fellow who steps into a packed elevator, and after the door closes turns around to face the crush of people. Some people giggle, most others avert their eyes uncomfortably, others fidget. We might describe this act as mildly mischievous, and we might also acknowledge that it has subversive elements. The subversive elements are not political in nature, so equally we would be talking about mild subversion, of a standard and yet arbitrary[35] and contingent way of behaving in a social setting.[36]

The second interesting fact about this scenario is that it raises thequestion whether mischief can be a group activity. The person who implicitly encourages the crowd to cheer the fascist acts on his own initially. However, by the end of the scenario, the crowd has joined in the cheering, but it isn't clear if the crowd could be considered purely mischievous, i.e., intentions and motives of the crowd are unclear. But if the people in the crowd have caught on to and agree with the initial agent's motives, then this is an example of group mischief, and its plausibility is clear enough.

Another example of the overlap between subversiveness and mischief might be the submission and publication of Alan Sokal's article "Transgressing the

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[34] In reference here to "levels of mischief" I refer to levels of acting agent's awareness of his own intentions. This notion is to be explained in greater detail in Chapter 3.

[35] Maybe "arbitrary" is too strong, though. There are perfectly good evolutionary reasons why there should be avoidance of eye contact in intimate social situations. The point here is that the agent on the elevator who turns to face everyone is doing so while fully aware of the discomfort he causes.

[36] It is interesting that people are encouraged to think "outside the box", but acting outside the box is still socially forbidden.

Boundaries: Towards a Transformative Hermeneutics of Quantum Gravity."[37] In that infamous article, Sokal disingenuously applied the language and methods of a particular style of literary critical theory to his own specialization in physics, then submitted the article to a renowned literary journal, where it was subsequently accepted for publication. Only later did Sokal reveal that his intention in writing the article was not to substantiate the authority of this particular type of critical theory over all discourse, but instead to show that a particular kind of critical theory lacked intellectual rigor.

Curiously, in popular discourse Sokal's article is frequently referred to as a "hoax", and any online search under "Sokal's Hoax" will produce numerous articles and commentary. If we consider the details of the submission and publication, however, we can see further why Sokal's article is an act of mischief. To refer to Sokal's article as a hoax is to mischaracterize it, because hoaxes are perpetrated by those who really want others to believe some event or circumstance to be the case, when the perpetrator knows for certain that the event or circumstance is not true, and the motive for so wanting is often some sort of fame associated with the hoax. The case of Piltdown Man is classic in this sense. The hoax schema does not capture what is going on with mischief or with Sokal's want, intention or motivation. Sokal wanted other people to believe *only initially* that the author of the article believed its contents, and his motivation was not for fame.[38] Perpetrators of hoaxes are happy if no one ever knows the truth about the hoax, whereas Sokal would not have been

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[37] Found in *Social Text*, #46/47, pp. 217-252 (spring/summer 1996); also found at <http://www.physics.nyu.edu/faculty/sokal/transgress_v2/transgress_v2_singlefile.html>.

[38] This is not to say want of fame could not have been or was not a motivating factor, only that it was not *the* motivating factor.

happy if no one ever understood the message he intended to communicate through his article.

While Sokal's article was not a hoax, I think we might inclined to call Sokal's act both mischievous and subversive. We would be inclined to call the act mischievous because it incorporates some elements peculiar to mischief such as cleverness and intelligence, because the agent is obviously up to something but it isn't clear what, and because the act was relatively innocuous when one compares the volume of vociferous reactions to his article. I suspect Sokal intended to cause a reaction disproportionate to any harm caused by his submission.

We might be inclined to call Sokal's act subversive, because in Sokal's indirect way he was trying to subvert the influence of a particular school of thought. To be sure, some mischievous acts might be *described* or *describable* as subversive, i.e., might be interpreted as *being* subversive, without subversiveness being part of the mischief maker's mental content. But, again, I think we would only describe Sokal's article as subversive in the broadest sense of the word. In its narrowest sense, "subversion" implies an intensity, determination and seriousness that mischief does not

Additionally, a subversive is often a member of an organized movement, which in some ways seems to run counter to the spirit of individualism of the mischief maker. In fact, one can imagine a mischief maker taking on a group of subversives, and his thinking might be something like, "You think you know so much about the true nature of politics, or of the motivations behind those in power? Let's just see about that…". And some political subversion incorporates resorting to

violent means, yet we're hard pressed to associate violence with mischief making. Suffice it to say, avowed political activism with the intention of subverting state power through violent means is not the kind of action and thought we would be inclined to call mischievous.

I think these observations fairly indicate the point of divergence for mischievousness and subversiveness. There is often something programmatic involved in acts of subversion, yet this is not the case for acts of mischief. Analysis of mischief in categories of questioning social/political hierarchies or of questioning those in power is attractive, and may be true at the level of appearances, but in the end these categories fail to capture the essentials of mischief making. Mischief makers don't seem to be concerned with power or power relations *per se*. Instead, they are (more frequently, or at a deeper level) concerned with authority, i.e., they are concerned with the appeal to authority implicit in all sorts of dubious or pernicious doxa. There is nothing revolutionary about mischief making or mischief makers, although that is what seems implied when we attempt to tag the mischief maker as a subversive. Finally, acts of mischief are thoroughly public even though they do not wear their meanings on their sleeves, so to speak, whereas subversive acts are, like spying, are not public A cts of revolution are public, yet meanings are worn on the sleeves of revolutionaries for everyone to see, even if it means their deaths. I don't think mischief makers are inclined to die for mischief.

D. Mischief vs. Prank

There seem to be many instances where “mischief” and “prank” are intersubstitutable. This intersubstitutability relies on some obvious semantic similarities between the two words, but shortly I will show that there are clear differences between them. Consider the following sentences:

S1: The mischief maker drove the police cruiser around the block and parked it.

S2: The prankster drove the police cruiser around the block and parked it.

S1 and S2 appear to say the same thing. Even further, they show that meaning doesn’t have to be communicated in language (although for it to count as meaningful it must be articulable, even if only in principle), insofar as the actions represented in each of the sentences would be meaningful if we were asked to redescribe the events. A significant aspect of the meaning of S1 and S2 is to be found in the intentions of the mischief maker/prankster.

But this seems to be where the similarities end. Consider these two sentences:

S3: With a gleam in his eye the young mischief maker knocked the hat from the man’s head as he emerged from the department store.

S4: With a gleam in his eye the young prankster knocked the hat from the man’s head as he emerged from the department store.

With these two sentences there is some puzzlement. Sometimes it appears there is a subtle difference between them, at other times no difference can be detected. It does seem at times odd as in S4 to describe a prankster as having "a gleam in his eye"; however, saying that a mischief maker had a gleam in his eye as in S3 seems right. The difference here seems to be in the implication involved in having a "gleam" in one's eye. The phrase implicates that there is something rather significant about to come off, and that the something significant is recognized by the agent as being meaningful in ways other than simply anticipatory.

But maybe not. Maybe S3 and S4 don't quite get clear enough the difference between "prank" and "mischief", although I think S3 and S4 hint at the fact that the substantive difference has to do with intentionality. The following might be a better example of the contrast between a mischief and prank:

S5: My sometimes mischievous friend Richard Grandy once said, in connection with some other occasion on which I was talking, that to represent my remarks, it would be necessary to introduce a new form of speech act, or a new operator, which was to be called the operator of "quessertion".

S6: My sometimes prankish friend Richard Grandy once said, in connection with some other occasion on which I was talking, that to represent my remarks, it would be necessary to introduce a new form of speech act, or a new operator, which was to be called the operator of "quessertion".

In this instance, "prankish" just doesn't work. Grice's sentence makes sense with the descriptor "mischievous friend", but "prankish friend" does not capture the speaker-meaning of Grice's remark. His friend is clever, provocative, and obviously has a tendency to offer rather outlandish observations in order to spur Grice intellectually. Describing such an attitude as "prankish" fails to do justice to the content of the idea being expressed.

It might be objected that "prankish" is not a standard word in English, and that is the reason why S6 sounds odd. The fact that for "prank" there is no natural equivalent of the adjectival form for "mischief" might indicate why mischief is more difficult to analyze. "Prank" is a count noun, whereas "mischief" is more like a mass term, such as "air" or "gasoline"; one can say "a prank" but one can not say "a mischief." When one witnesses a prank, one just knows it; there is a particularity about assigning "prank" to an act that bespeaks a certain familiarity with both form and content, and the familiar is always easily identified and labeled. But acts that we are inclined to call "mischievous" are at least less familiar in content. That is to say, one explanation for why mischievous acts escape (and have escaped) clear categorization is that the mental content of the acting agent is more difficult to comprehend and designate, hence it is baptized with mass term associations instead of count noun associations.[39] Notice that "mischievous" seems to be more a comment on the mental states of acting agents than a comment on the events involved in an act. The events involved in a prank fit the concept "prank" simply and snugly. A prank has an association with harmless fun. Mischief stands outside social norms and rules,

[39] Children ask far more odd questions about mass term phenomena than count noun phenomena. The question "What does air *look* like?" was once posed to me by a four-year-old girl, but she did not express similar confusion when her mother went for "a run."

but it also stands outside mere playfulness. Mischief makers have that gleam in their eyes, and are up to something complex, which together might be said to be representative of a peculiar intentional element involved in their actions. Pranks seem to be merely playful, which is not to diminish the good that pranks can do, but which is to point out that while mischief has a sense of playfulness as well, there is something more to mischief than mere spirited entertainment.

It might be useful here to pause briefly to mention an essay by Brian Weatherson. In "Prankster's Ethics,"[40] Brian Weatherson argues that pranks are good because they are amusing or artful, even if they also are immoral. The goods of being amusing or artful, then, can be greater goods than the harm done by the immoral acts. Among other things, Weatherson wants to show that the good and the (morally) right come apart, and that nonmoral good can trump the (moral) good under some circumstances.

One of the examples Weatherson uses to make his case is that of an agent who throws pies in people's faces, and Weatherson's argument runs along general lines of utility to the conclusion that having (immoral) pie-throwers in society is a greater good than having no pie-throwers. However, because the intentional states of the prankish agents in Weatherson's examples are unclear, I'm not sure his examples do the work he wants them to do. That is to say, I'm not convinced that his agents, and more specifically their acts, are immoral, because intentions are unclear, and also because it isn't clear to me that acts that bring about harms are thereby excluded from being morally acceptable, or even morally encouraged and praiseworthy. I also think

[40] Found on 16 June 2003 at <http://www.geocities.com/eganamity/pranksterspdf.pdf>.

it unlikely, then, that Weatherson's larger thesis that moral value can't be too closely connected to character or disposition is supported by his general argument and examples, because his examples don't tell us anything clear about the character or dispositions of his agents.

A final example draws the distinction between "prankster" and "mischief maker" more clearly. It will be easiest to quote from the source:

> "Godfrey Cambridge, a black comedian who was pretty big in the sixties, used to tell a story about being invited, as the token black, to a fancy Manhattan dinner party. When the mashed potatoes got around to him, Cambridge said, he scooped out a big portion with his hands and passed the platter – then, in quiet amusement, listened as his sophisticated friends "calmly" whispered to each other, "Don't say anything; don't say anything!" (Goldberg, 2003, p. 100)

From this we get:

S7: The man's mischievous act of grabbing the mashed potatoes with his hands startled the dinner guests.

S8: The man's prank of grabbing the mashed potatoes with his hands startled the dinner guests.

I think first of all that this is clearly an instance where we would want to call the act, and the agent's attitude, "mischievous", but I do not think we would be

inclined to call the act or the agent's attitude a "prank" or "prankish." It is clear from Cambridge's testimony that, while he gained amusement from the act, amusement was not the reason why he reached for the platter and grabbed a handful of mashed potatoes. His intention conceivably was to make a serious point about the kind of condescension that black people sometimes experience.[41]

At the very least, there now emerges a clearer difference between what we mean when we call an act mischievous and what we mean when we call an act a prank. We can imagine someone who enjoys giving wedgies to people at parties, or enjoys throwing pies in the faces of people[42], and we would be inclined to call him a prankster, and his acts pranks. We might even be inclined sometimes to refer to him as a mischief maker. But what is it about his behavior that is different from mischief such that, if we were pressed to decide whether he were a mischief maker or a prankster, we would be less inclined to call him a mischief maker, as I think we would? Why are we inclined to refer to Cambridge's dinner party behavior as mischievous, but not to refer to it as a prank? And what is it about Grice's description of Grandy that inclines us to agree that Grandy is being mischievous and not a prankster?

In general, pranksters seem to be in it for their own pleasure, of seeing a pie in the face, of watching stamping feet as a flame draws nearer a toe. This is in keeping

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[41] Even if Cambridge actually just wanted to have a funny story to tell others to show that well-to-do whites condescend to blacks, for our purposes it is conceivable that Cambridge grabbed the mashed potatoes in order to make a point about the condescension that blacks sometimes face.

[42] An August 13, 2003 AP story, describes Ralph Nader as being hit in the face with a pie by a "prankster" as he was endorsing a Green Party member for California governor (http://story.news.yahoo.com/news?tmpl+story&cid=514&e=8&u=/ap/20…/davis_recall_nade). It seems more natural to me to describe Nader's antagonist as a prankster and not a mischief maker, but others might disagree.

with aspects of definitions of prank which indicate a kind of superficiality to the prankster. An Old English definition of "pranken" is "to show off", and the Middle Low German word "prunken" means "display,"[43] hence the semantic connection today between a prank and a trick. To "trick" a car out means to decorate it with flashy embellishments in order to show it off, ultimately drawing attention to the car's owner. And a horse's "prancing", or showing off, is now a term used to indicate affected, showy and often effeminate character traits of a person. Other entries clearly show that pranks are associated with frivolity, for "fun and amusement."[44] The prankster is not trying to get any sort of message across. He is indifferent to audience uptake, and is not interested in getting his audience to consider their reactions, or anything at all for that matter.

One obsolete definition of "prank" is "a malicious or harmful act"; but its present definition is telling: "a *ludicrous* or *mildly* mischievous act" (italics mine.)[45] A prank is ludicrous, but one would not naturally refer to a mischievous act as ludicrous; a prank is mildly mischievous, but a mischievous act of greater intensity would not be a prank.

Along this same line of thinking, we might on dark days be inclined to call Iago from *Othello* "mischievous" (in its sinister sense, of course), but we would never refer to him as a prankster. Indeed, I think the reason we would be reluctant to refer to Iago as a prankster is that the effects of his orchestrations are severe in such a way

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[43] Entry found in *The American Heritage® Dictionary of the English Language, Fourth Edition.* Houghton Mifflin Company, 2000.

[44] *WordNet.* Princeton University, 2003.

[45] *Webster's Third New International Dictionary of the English Language, Unabridged.* Chicago: Encyclopedia Britannica, Inc. 1986, Volume H-R.

that describing Iago as a "prankster" isn't right. There is a difference in levels of seriousness between mischief makers and pranksters. Furthermore, a reason we might be inclined to refer to Iago as a mischief maker has to do with his motivations. As W. H. Auden (1975)[46] argued quite memorably, the motivation Iago finally settles on for desiring Othello's ruin – retribution for being passed over for promotion by Othello – is not believable. Someone who seeks revenge typically wants to reveal to the object of his revenge not only what he has done, but *why* he has done it. In contrast, when the opportunity comes to tell Othello why he has brought about his ruin, Iago refuses to speak ("What you know, you know"). Because Iago's attested motivation is not believable, and because he himself is silent on the matter, we are left to wonder why he has done what he has done to Othello (and Desdemona, and Cassio,..). Is it implausible to think that Iago's real intention is to reveal to Othello that he, Othello, is not the man he thinks he is? That he is not accepted as a true Venetian even though his self worth is bound to his being accepted as a member of the Venetian community? And that his identity is not bound to the love of Desdemona as he believes it to be? To put it in terms to be explored in greater detail in the next chapter, there is a doxa at work for Othello which he is not justified in believing, and Iago serves to show that there is this hollownessto Othello's character. Shakespeare does not have Iago reveal this knowledge to Othello, but he clearly intends to reveal this information to the target audience, i.e., theater goers.

The seriousness of the fallout from Iago's manipulations, not to mention the seriousness of Iago's supposed motivations, indicates Iago is not a prankster. A

[46] Read the full essay, "The Joker in the Pack" (1975), to see just how convincingly Auden dismantles the received views of Iago's motivations.

prankster is a trickster or a practical joker; with mischief there is much more going on. This difference might account for why historically the word "mischief" is used in such contexts as the examples chosen from the bible, and why the word was employed as a rhetorical bludgeon against a social or economic enemy in the 18th century in a way that "prankster" (or its semantic equivalent) could not have been used. Hence, the etymological and semantic associations for "prank" differ in significant ways from those that root and attach to mischief, which never has as its goal pure pleasure-seeking of the merely showy or playful (and relatively trivial) kind.

Furthermore, and more significantly, a prank is a self-contained whole, whereas mischief is not; a prank has no point beyond itself, whereas mischief does. If we ask the point of a prank, what the prank is *for*, the only answer is "to be a prank" or "because it is funny," or a response equally uninformative. An act of mischief, on the other hand, entails that there is always a non-trivial answer to the questions, "What is the point of it?" and "What is this guy getting at?" This seems to me to be the fundamental difference between a prank and mischief, that mischief is internally related to the presence of a message, whereas a prank is not.

It might be observed that there is a feature that both mischief and pranks share in common, which is proper timing. There must be an element of propertiming involved in an act in order for it to be mischievous or a prank. S1 and S2 show that timing is an element for both pranks and mischief; one has to wait for the right moment before one can readily get hold of a police cruiser and move it around the block. But pranks in general do not require the same atmosphere of potential

audience uptake that mischief requires, because the focus of the prank is really on the prankster and his own enjoyment. Mischief entails a kind of timing that is sometimes more selective, because in order to be effective it must be more precise. A prankster might take the police cruiser if he didn't think it would make the evening news, whereas a mischief maker would take it if his intention in doing so was to illustrate the laxness of the local police department.

This issue can best be brought out through a consideration of a Greek term, *kairos*, which was employed by a group who were arguably mischief makers themselves, the sophists. The sophists were fond of the term *kairos*, which was often employed in military contexts. When in battle, soldiers patiently waited for the *kairos*, or opportune moment, to strike at the weak point in their enemy's armor. Sophists adopted this term for their own use. When trying to deliver a fatal blow in oral argument or presentation, a sophist would bide his time and wait for the right moment. When the *kairos* arrived he would strike at the weak point of his oratorical enemy's argumentative armor.[47]

In a similar manner, mischief and pranks make their ways in the world. Each must be properly timed. But mischief has a different aim from pranks.

The difference in aim can be illustrated with the following example. Consider a group of Auburn fans who are attending a game against Alabama. Placards have been distributed among the Auburn group so that whenever Auburn scores, the

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[47] Although I learned of the term independently, I recently came across a passage in *Cosmopolis* (1990, p. 191) where Stephen Toulmin employs the phrase to explain Aristotle's meaning when he says that practical wisdom entails that one has the ability to make decisions *pros ton kairon*, or "as the occasion requires."

Auburn group members turn their placards over one by one to reveal the enthusiastic cheer "G-O- -A-U-B-U-R-N-!" Unbeknownst to the Auburn group, however, a member of a group of Alabama fans has replaced the Auburn fan placards with placards of their own, so that when Auburn scores and the placards are turned, the cheer reads "G-O-A-L-A-B-A-M-A-!" What is occurring here is that there is a rule, "Cheer for your team", that is in play, but the rule itself is being questioned neither by the Auburn group nor the Alabama group. The Alabama group recognizes the validity of the rule, or the belief, "Cheer for your team", but they pull a "prank" in order to "one up" their football rivals. In many cases of mischief, however, what is going on is that the rules of the game itself, the beliefs behind the rules, are being questioned.[48] A mischief maker might at the last minute switch all of the lettered placards out for blank placards, so that when the group goes to cheer for their respective team, no message is communicated by the turned placards. The mischief maker here might want the target audience – the group of Auburn fans or the cheering multitudes in attendance, perhaps – to question the idea of blindly rooting for a team.

To show that this example isn't a fluke, consider the example of Banksy, who smuggled his artwork into the Brooklyn Museum, the MOMA in New York, the Louvre (twice) and London's Tate Museum.[49] He says that his sister inspired him to do it, because she said his pieces would never be "hanging in the Louvre." The title of the article from which this information is taken is "Prankster Smuggles Art into

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[48] I am indebted to audience members who attended the 31 March 2005 CUNY Graduate Student Philosophy Colloquium series, for their comments on this material, some of which are included in this section.

[49] Article found on 27 March 2005 at <http://www.soloops.ipbhost.com/forum/lofiversion/index.php/t32920.html>. Another online article on Banksy can be found at <http://blogs.citypages.com/ctg/2005/03/banksy_to_louvr.asp>.

Top Museums", and I think the label "prankster" is accurate. Banksy is not interested in particular to make a meta-statement about art or aesthetic values; he accepts the rules of the art world game, one of which is that ambitious artists display their work in famous museums. He recognizes the rules as being legitimate, and goes to no trouble to question the legitimacy of the rules themselves. On our distinction, then, he is a prankster.

If the distinction brought out via these two examples is correct, then what we are able to do now is get away from criticisms that zero-in on the psychological accuracy of my account of the intentions ofmischie f makers. That is to say, even if there are instances of mischief where the attitude is not as I've described it, the general difference between "mischief" and "prank" is that pranksters assume the validity of rules even though they break them, whereas mischief makers do not assume the validity of rules, and deliberately act in such a way to have others question rules that need questioning.

V. Mischief: Cluster Concept, or Family Resemblance

Very generally, there is a phenomenon we recognize, which is reflected in the positive sense in uses of the word "mischief" and its cognates, and which I am attempting to characterize, the essence of which is that of causing a commotion (thereby causing some sort of immediate harm or trouble) in order to get people to reflect on something about which they *should* be reflecting, yet aren't. Ultimately, this is the focus of the discussion here. The word in English that comes closest to naming this phenomenon is "mischief". There will of course be instances when

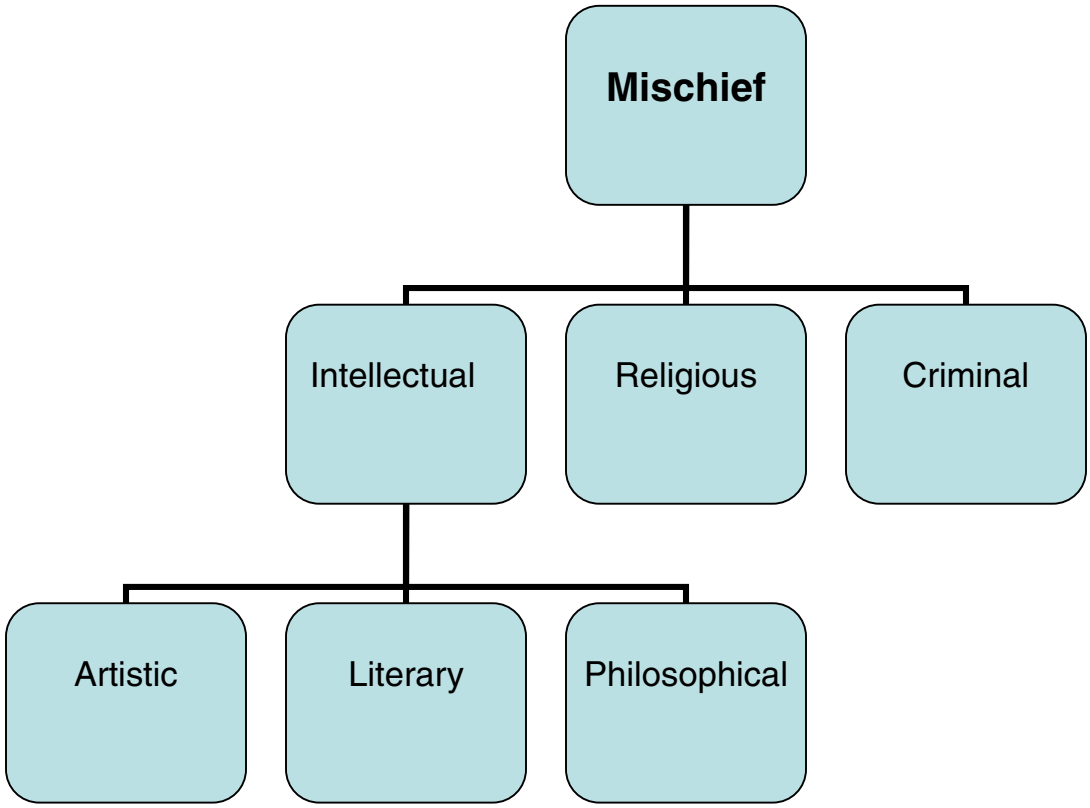
"mischief" might be applied to a few things which don't fall into this category, or a few things that fall into this category that aren't clearly to be called "mischief." But what I mainly am concerned with here is the idea of provocative-action-in-order-to-question-the-doxa.

Some elements, like playfulness or provocation, seem to be found with greater consistency in the mental content of the mischief maker, whereas other elements seem to arrive at different levels, or are not always present. We might be inclined, then, to say that "mischief" is best understood as a Wittgensteinean "family resemblance" concept, where it comes in all sorts of ways and degrees. Just as the concept "game" captures a variety of activities that have some elements in common while not having all elements in common at the same time, "mischief" captures a variety of activities that have some elements in common while not having all elements in common at the same time.

While this option has some appeal, the notion of "family resemblance" permits more conceptual drift than I think is warranted for "mischief." Instead, I propose that we categorize "mischief" as a cluster concept. In general, a concept is a cluster concept if there is a group of properties the presence of a sufficient number of which crosses a threshold for the proper assignment of the term; the term "mischief" can be applied in any instance where a sufficient number of the cluster of the identified properties are to be found. More formally, C is a cluster concept when there is a group of properties G such that, for any x, x is a C if and only if x has most of the properties in G, some of which are necessary conditions and some of which are not.

VI. Modes of Mischief

A closer look at the examples of the use of the word "mischief" and of the comparative categories of satire, *eutrapelia*, subversion and prank indicate that there may be distinct modes of mischief. I would like to quessert that these can be divided roughly into three categories: Intellectual, religious, and criminal.



Quotations from the Bible that begin this chapter illustrate the religious sort of mischief, obviously. Mischief resulting in property damage, such as spray painting subway cars, would be criminal mischief, as would less harmful mischief, such as parking a police cruiser around the block. Within the larger category of intellectual

mischief might be found the more selective categories of artistic, literary and philosophical mischief. Many of the instances with which we will be concerned here are categorized as mischief in the intellectual mode.

Arististic mischief might best be represented in some of the works of Marcel Duchamp. In 1917, Duchamp famously and controversially offered a urinal as an art piece in order to taunt his peers at an avant garde show, and in 1919 he drew a goatee and moustache on a postcard of the Mona Lisa, entitling the piece "L.H.O.O.Q.", which letters when pronounced in French sound like *elle a chaud au cul*, the translation of which is something like "she has a hot ass." (Notice also the desecration of this revered image with *graffiti-like* scribbling.) Literary mischief might be best represented by the previously cited examples from Swift or Sokal. Cambridge's behavior at the dinner table also would be an instance of intellectual mischief, possibly a species of philosophical mischief. Philosophical mischief would certainly be found historically in the work of some of the Skeptics, in the life of Diogenes of Sinope, Grice's work on occasion and Robert Nozick's penchant for entertaining possibilities.

It will be important to note that to one degree or another each of these modes can be interpreted as social mischief. The notion of "private mischief" doesn't even appear to be intelligible. This makes perfect sense, because mischief makers are active members of society, and are engaged in a public way with their communities, even if their activities are atypical and their methods of communication unusual. It will be important to keep the observation that mischief makers are engaged in a

public way with their communities in mind when the issue of the role of the mischief maker in modern society is addressed in Chapter 6.

Chapter 3

Mischief and Meaning

Among other revelations, our analysis in Chapter 2 shows us that there is a "message" involved in acts of mischief, and that the communicative aspect of mischievous acts is intentional. One way of understanding mischief as a communicative act is to reconceptualize "mischief" along lines indicated by Grice in *Meaning* (1989 (1957)). If we apply Grice's schema of "utterer U means x by s" to mischievousness, we get something like "the mischief maker MM means x by act of mischief m". What the mischief maker means by his act of mischief will be a matter of some controversy, but as I will make clear in greater detail later, my use of Grice's three-part definition of "meaning" is justified in part by two facts. The first is that there is the presence of a message in acts of mischief, which the Gricean schema fairly captures, and second, that deep analysis of what that message is reveals that it has to do with questioning "doxa," an observation which the Gricean schema also can capture.

With regard to the first fact, that there is the presence of a message in acts of mischief, it should be noted that whereas there is room in Grice's theory for conventional meaning and speaker meaning to be one and the same, this is not true of acts of mischief and their messages. The meaning of the mischief maker's "assertion" always functions at two levels. The first level of the meaning of his utterance (or act) is the conventional meaning of his utterance. The meaning of this utterance (or act) will be different, however, from the conventional meaning, because

he intends to assert something different from the conventional meaning of the words (or act) indicated by his utterance (or act). This second level of meaning is intended by the mischief maker to be the focus of the target audience after they have considered the conventional meaning of his "assertion" and after they've thought about their reaction to the conventional meaning in relation to what *else* the mischief maker might intend by his utterance (or act).

With regard to the second fact, that deep analysis reveals that the message of mischief is that there is a dubious *doxa* requiring further consideration, it will help to clarify what is meant by the word *doxa*. In ancient Greek, the word "doxa" meant "opinion", but it also meant something more philosophically compelling than that, such as "appearance" or "seeming". *Doxa* is to be contrasted with *episteme*, or "knowledge" in the most complete sense of the word. This is why in the *Republic* Plato has Socrates oppose *doxa* to *episteme*. Whereas *doxa* is an opinion about the material world, and all opinions about the material world are mere opinions about particulars (appearances), *episteme* is knowledge, i.e., certain knowledge of universals, which is attained through thought alone. Through the famous extended metaphor of the Divided Line, Plato has Socrates explain that a continuous progression of learning moves along a line from mere opinion regarding the appearances in the natural world to knowledge of reality as revealed by intelligent examination. Those who conduct themselves based on appearances, are, by definition, living according to and acting on *doxa*, that is to say, on unexamined beliefs that should be transcended if one is to live the best life, which is a life based on knowledge. The deeper message deliberately communicated by all acts of

mischief is something like "question the *doxa*." Hence, "questioning the *doxa"* will eventually be a component of the definition of "mischief", along with some of our other observations from Chapter 2. The first definition I consider will exclude both of these, and will strictly parallel Grice's conceptualization of meaning. Only later will we hang some "mischievous" meat on Grice's "meaning" skeleton. I proceed in this manner in order to show clearly that informing our understanding of "mischief" via Grice's conception of "meaning" is not to force "mischief" into a Procrustean bed. Once the initial deep parallels between "mischief" and Grice's "meaning" have been detailed, we can then fill in our definition so that it captures more of the content of "mischief".

Before reconceptualizing "mischief" and recasting it in a Gricean mold, I will say a few more words defending my use of Grice as a template. After I offer this defense, I proceed with an analysis of the intentional component of mischief, which on my understanding of mischief is one of the keys to considering it a virtue in Chapter 4. Subsequently, the provisional definition of "mischief" is presented, and after refining the definition, the following final, working thick definition of "mischief" is offered:

Act A is an act of mischief if and only if:

(1) A is done with the intention of having an audience question a pernicious or dubious doxa through the vehicle of deliberately causing a reaction in an audience disproportionate to any harm that is the reasonably anticipated result of A,

(2) A is done with the intention that the target audience eventually will recognize A as intended in (1)

(3) part of the intention in doing A is to induce the reaction mentioned in (1) by means of audience recognition mentioned in (2).

Toward the end of this chapter I will offer a less complex, and easier to recall, thin definition of "mischief."

I should acknowledge right away that on the Gricean definition of speaker meaning, the issues of justification and success do not arise. But in general, Grice's Cooperative Principle – to be discussed later in this chapter – works only if utterers are justified in presuming that listeners have a basic set of semantic facts in place along with an awareness of contextual clues that deliver information not made explicit in any of the sentences they employ when communicating. Likewise, mischief makers are in some ways justified in presuming that a target audience has a basic set of semantic facts in place along with an awareness of contextual clues, so that when mischief makers act mischievously the result likely will be an overreaction by audience members that is a direct result of an unquestioned doxa, and neither the mischief maker's proximal intention that an audience should understand that he is communicating something different from what his act literally shows him to be communicating, nor his ultimate intention that audience members should question a doxa through recognition of his intent that they do so, is made explicit by the mischief maker. The issue of an internalist component whereby agents have accurate access to their own mental states in relation to the external world, i.e., the question of justified belief of the mischief maker, will arise later in this chapter and in the chapter on virtue to follow. However, we should keep in mind that the recipient of mischief – that person or those persons at which the mischief is directed – is not always identical

with the target audience. This is important to note because there might be instances of mischief makingwhe n the mischief maker does not appear to be justified in assuming that the direct recipient of his mischief can gather his meaningfr om context and semantic facts, whereas the mischief maker will be justified, or more justified, in thinking a target audience, as distinct from the direct recipient, has a greater chance of gathering his meaning. For now, in this regard it might be helpful to keep in mind the distinction between sarcasm and irony, where contextual clues and sheer attitude of the speaker typically distinguish the former from the latter. Irony is a more vague and complex method of communicating one's views. Mischief in some instances is much like irony, incorporating as it does components of vagueness and instability when directed at a recipient.[50]

The entire issue of "audience uptake,"[51] as I have referred and will refer to it, and whether the mischief maker intends his target audience to understand his message, also will be addressed. While I think the issue of justification is implicit in Grice's understanding of and explanation of utterer's meaning, success is not a consideration that Grice needs to address. An utterer means x by an utterance U so long as he intends his audience to form a specific belief, and to form that belief because the audience recognizes that the utterer intends the audience to form it. With this in mind, it appears that I need not address the issue of audience uptake if all I wish to do is follow the Gricean schema, because on that schema there is no

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[50] The differences between irony and mischief will be spelled out in greater detail in Chapter 6 as part of a discussion of Socrates.

[51] This word is Austin's, but as Grice freely and explicitly employs it for his purposes in "Retrospective Epilogue", (1989 (1987), p. 351), so do I. The word is used by Grice as a stand-in word for "understanding" or "comprehension".

requirement that audience uptake is necessary for an utterer to mean something. However, audience uptake is an interesting issue, and there is a question of uptake in the case of mischief if it is to be considered a virtue, hence I eventually will address the issue of success.

I. Why Grice?

The decision to refer to Grice's work in my account of the virtuousness of mischief was made in light of the fact that, early on in my thinking, it became clear that I needed some systematic way of capturing the meaningfulness and the communicativeness of mischief. Even upon the most superficial reflection, acts of mischief are communicative, and the meaningfulness of these acts is intimately bound to the unspoken intentions of the mischief maker. Modeling the definition of mischief on Grice's three-part definition provides a reasonable framework for tying meaning to mischief through the vehicle of intentions, or "utterer meaning",[52] and later to virtue as well.

The question may be posed whether another semantic theory might have worked just as well to frame the problem. Since beginning this project I have considered this possibility, but there are various reasons for thinking Grice's theory works better than any others might. For instance, behaviorist theories, such as

[52] In "Meaning Revisited" (1989 (1976)) Grice also employs the term "speaker meaning", which he concedes was Schiffer's terminology. Throughout this dissertation, I shall assume "speaker meaning" and "utterer meaning" are intersubstitutable.

Quine's notion of "stimulus meaning", make no room for mental content.[53] Indeed, whereas Quine is openly hostile to mentalism, the analysis of mischief undertaken so far assumes that intentions and propositional attitudes are fundamental aspects of our mental lives.

Characteristic of mischief is the use of the mental phenomenon of expectation in order to get a message across. Sometimes the message is a criticism of the very expectations involved in the communicative act itself. Gricean implicature also takes advantage of expectations to convey a message. When I wish to convey a message to you that a gas station is open and I say, "There is a gas station down the street", I rely on your expectation that I will be maximally informative in conversation. But notice with acts of mischief, the message to be communicated is not maximally informative, at least not in the direct way that Grice's schema requires. That is to say, whereas Grice's schema assumes a structure for communication that is more or less stable, mischief, if it is communicative as I argue, is fundamentally unstable. However, as I will show, it is this very instability of mischief as communicative act that is one of its most important features. As we will see, to a certain extent Grice accounts for "unstable" sorts of communications, through his recognition of instances when agents violate rules of communication. Furthermore, where expectations are concerned, something similar to Grice's assumption of expectation is what occurs with regard to expectations in instances of mischief making. How this actually works – how the message is to be understood by a target audience given the odd communicativeness of mischief making - is often difficult to describe, but this chapter will at least attempt to

[53] See his *Word and Object* (1960), especially Chapter II, section 8, "Stimulation and stimulus meaning."

shed some light on the communicativeness of mischievous acts, and provide avenues for further exploration.

Some will argue that employing Grice without arguing for his views on "meaning" is to beg the question regarding the legitimacy of his views in the first place. However, it seems reasonable to hold that Grice has shown that an internal component, i.e., intention, is at minimum necessary for a full account of meaning. The internal component jibes with the strong intuition most people have that meaning can't only be external (behavioral or causal). This idea can be traced to Locke's idea that the purpose of language is to convey what is in the mind of the utterer to the mind of the hearer (1959 (1689)).[54]

Grice's analysis reveals why causal theories of meaning struggle to satisfy, because causal theories rely too much on the external features of standard meanings of words, i.e., conventional meaning. The conventional meanings of words change, and one element of meaning that accounts for the change is agent intention. However, it is equally a mistake to commit to too strong an internalist view of meanings, for reasons having to do with "intentional drift", where the meaning of a word changes over time but where there is no clear intentional change in use of the word. That "pinch" should cease meaning "mental or spiritual pain or distress" is a

[54] In Book III "Of the Signification of Words" in *An Essay Concerning Human Understanding*, Locke writes that "words, in their primary or immediate signification, stand for nothing but the ideas in the mind of him that uses them, how imperfectly soever or carelessly those ideas are collected by the things which they are supposed to represent," and that "when a man speaks to another, it is that he may be understood: and the end of speech is, that those sounds, as marks, may make known his ideas to the hearer." He later adds that "though words, as they are used by men, can properly and immediately signify nothing but the ideas that are in the mind of the speaker," they also give their words a "secret reference" to "the ideas in the minds also of other men," and "to the reality of things." The connections between Locke's theory of meaning in these quotes and Grice's theory of meaning will be made clear enough in the section to follow.

fact we can't attribute to intentions. The lesson, then, is that a balance between external and internal elements is necessary for an accurate account of meaning. Despite the onslaught of behavioristic theories of meaning in the 20th century, Grice's work rehabilitates the Lockean intuition regarding the purpose of language and its internalist component, which is tailor-made for thinking about mischief, and later, for thinking about mischief as a virtue.

Grice defines meaning in terms of components, and in particular he focuses on intention. As we will shortly see, the contrast between speaker and conventional meaning assumes that the concept of meaning is already in play, and what I do is define a mischievous act from the intention of the acting agent in the same way, or as a special case of the way, Grice defines the meaning of an utterance from the intention of the utterer. Both Grice's definition of meaning and my definition of mischief show that concepts which do not at first yield easily to analysis can be explained in more fundamental terms. Grice's fundamental terms are utterer meaning and conventional meaning, with the latter originating in the former, via the structure of nested intentions. Mischief follows the same pattern, and lends further weight to the accuracy of Grice's analysis of meaning. But, while I think Grice gets more right than wrong on meaning, I am not as interested in the theory itself as I am in using it as a tool for illuminating what I take to be some particularly interesting elements of the mischievous attitude.

A. Grice, Meaning and Mischief

Grice argued that what is of primary importance in determining meaning is the intention behind communicative acts. Grice observed that there is a clear difference between what an agent means, or even thinks he means, when he says a particular word or group of words, and what a particular word or group of words means in context; what an agent means by uttering a statement is not necessarily what the words themselves mean, and what an uttered statement is taken to mean is not necessarily what the speaker meant by uttering the statement. Thus, Grice provides analytic philosophers with one of their most consistently employed tools, the distinction between conventional and speaker meaning.

A simple way of getting clear about the distinction between conventional meaning and utterer meaning is to look at figures of speech.[55] The meaning of an utterance like, "That fellow is in the grip of a vice" is not identical with the literal meaning of the words spoken. Thus there is a difference between the literal meaning of words, or the conventional meanings, and the meaning intended by the utterer, or utterer's meaning. Grice offers a theory of meaning whereby meanings are not mysterious entities inhabiting some ethereal plane,[56] but are communicative formulations of an agent's mental states in specific contexts, and which become more or less stable over time.

The three-part definition Grice offers of "A means something by X" is that

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[55] The importance of figures of speech for understanding what is going on during acts of mischief will be explored later in this chapter and again in Chapter 5.

[56] For the most part, I wish to leave aside the question of the ontological status of meaning that characterizes much of the discourse on the subject of meaning. If I intend to express E to you, then I think it reasonable to say that one ought to be ontologically committed to meaning involved in E. But I recognize that this old-fashioned commitment to internal mental content does not do justice to the topic of the ontology of meaning, so I leave this discussion of this well-traveled territory to those who can address it with the attention it deserves.

(1) A must intend to induce by X a belief in an audience, and

(2) A must also intend his utterance to be recognized as so intended; furthermore,

(3) A must intend to induce the belief mentioned in (1) by means of (2).[57]

The entirety of Grice's analysis of meaning, then, presupposes that meaning is intimately tied to intention, such that speakers are aware that there should be a connection between their utterances and beliefs induced in their audiences. His analysis also implies that there is a reflexive quality to the intentions involved in utterances, such that a necessary condition for an utterance to have meaning is that the utterer must intend that his utterance be recognized by the target audience as the vehicle through which his intentions are manifest, no matter what the factive content (i.e., conventional meaning) of the utterance might be.

Now if we draw on our observations regarding mischievous acts and mischief makers in Chapter 2, we can offer the following definition of mischief that parallels Grice's concept of meaning and incorporates a few of our observations regarding the mischievous attitude:

Act A is an act of mischief if and only if:

(1) A is done intentionally to cause a reaction in an audience that is disproportionate to any harm that is the result of A,

(2) A is done with the intention that the target audience eventually will recognize A as intended in (1)

[57] Paraphrased from "Meaning" (1989 (1957), p. 219). Reiterated in the later "Utterer's Meaning and Intentions" (1989 (1967), pgs. 86-116.)

(3) part of the intention in doing Act A is to induce the reaction mentioned in (1) by means of (2).

Notice that our definition of mischief heavily incorporates intentionality, just as Grice's definition of meaning does. It also contains an element peculiar to mischief making, that of intending to cause an overreaction in an audience. There is also an element of calculating harms vs. benefits, a kind of moral checklist that I think accurately describes part of the cognitive exercise involved in the activities preparatory to mischief making.

One response to the definition formulated above might be that it results in a puzzle, if not a contradiction. If the reaction to some communicative (meaningful) Act A is disproportionate, then the meaning of A is not grasped. However, we have posited that mischief is a communicative act the meaning of which people can grasp. Therefore, the reaction is disproportionate if and only if the act is not mischief (i.e., if it is not a communicative act). Successful mischief, it turns out, must be non-mischief if it is to be a communicative act.

But I think this puzzle can be solved. First of all, there is nothing to say that the meaning of a communicative act must be understood at some specific time t after the communicative act. It is not as if an audience has only a limited amount of time to understand the meaning of a communicative act. Second, it also is not the case that if a target audience fails to grasp the meaning of a communicative act then the act is not a communicative act. On the Gricean formulation, an act's being a communicative act depends primarily on agent intentions, and not on audience uptake. It will be important to keep in mind that there are two different periods of

uptake that the mischief maker might have in mind, whereas Grice identifies only one. In the Gricean account, there is just time t at which the audience is expected to pick up on the speaker's intent, but in mischief making, there are two time t's: the time t1 at which the direct recipient of the mischief overreacts, and time t2, at which the audience, realizing it has overreacted at t1, begins to suspect that this overreaction (and the audience's noticing it) was what the mischief maker intended all along. The mischief maker intends this two-time-t process to occur; however, just as in the Gricean formulation, there need not be audience uptake for the act to be communicative. A *successful* communicative act is one whereby audience uptake, even partial audience uptake, occurs, and of course we generally want our communicative acts to be understood by our audience, but failure of audience uptake does not mean the act isn't communicative.

As we proceed, I propose to consider three instances of mischief throughout the remainder of this dissertation as our paradigmatic examples. While I will not rely on these examples exclusively, referring to specific examples will help us maintain consistency in exploring in detail our observations and intuitions about mischief and mischief makers. The three examples I have in mind were already mentioned in Chapter 2: the youth who steals the police cruiser in his neighborhood, Cambridge who grabs handfuls of mashed potatoes during a formal dinner, and Sokal who publishes a disingenuous article in a famous critical journal.

The second and third of these clearly fit the Gricean schema for "mischief." Both Cambridge and Sokal intend to produce a reaction in an audience that is disproportionate to the harm resulting from their acts. And it seems reasonable to

think that Cambridge and Sokal intend their acts to be recognized by audiences as so intended. Maybe Cambridge wants the dinner guests to realize that he intends to produce a reaction in them; likewise with Sokal and his (much broader) audience. Or, keeping mind the distinction between the direct recipient of an act of mischief and a target audience, maybe Cambridge wants the story to be told and retold later, so that in moments of reflection other people (or possibly even the dinner guests in attendance that night, the direct recipients of his mischief) will ruminate on what Cambridge actually was doing by grabbing the mashed potatoes with his hands. Likewise with Sokal, who may want the readers of *Social Text* to wonder much later, after the article has been published and after people have begun to read it, what precisely he is up to. It even is conceivable (although I grant this doesn't seem likely) that Sokal wants the editors of the journal, the direct recipient of the act of mischief, to reflect later on their own responses to Sokal's article (possibly Sokal's thinking might be, "The editors will see that the intensity, clarity, directness and certainty of their responses constitute a refutation of many of the premises of their espoused views on textual interpretation"). In any case, it does not appear controversial to think or claim that Cambridge and Sokal want someone to understand the meaning behind their respective acts, and to want this understanding to arise through recognition that this is what Sokal and Cambridge want.

The first example of the youth who drives the police cruiser around the block also fits our analysis, given the right intentions. If he wants to charge his community with reconsidering their level of safety due to lax policing, communicating this via the act of moving the police cruiser around the block surely will result in an instance

that meets our definition. He moves the police cruiser with the intention of causing an overreaction to his doing so; he acts with the intention of having the target audience, his community members, recognize his intention in so moving the cruiser; and he intends to have his audience think about their safety via his intention that they do so through consideration of his having moved the police cruiser. Notice that in this instance the audience is intended to understand a proposition like "whoever did this wants us to know we are not safe" or the like, and the audience need not know *who* the utterer is. This is true of other instances of mischief, but makes the acts no less public, or meaningful.

B. Grice, Natural vs. Nonnatural Meaning and Mischief

Our Gricean analysis of mischief might be helped by a consideration of a distinction Grice famously makes between natural and nonnatural meaning. Natural vs. nonnatural meaning can be distinguished as follows:

Natural Meaning	Nonnatural meaning
1. factive	1. non factive
2. non-linguistic	2. linguistic
3. "black clouds mean that it will rain"	3. "use of that phrase means that he's happy"
4. noncommunication	4. communication
5. certain	5. less certain, more vague
	6. does not look as if it names an original feature of items in the world because:
	a. given suitable background conditions, can be changed by fiat

b. presence is dependent on a framework provided by a linguistic community[58]

Grice makes other distinctions between types of meanings, but the above list includes the most salient and significant points in relation to understanding "mischief". Instead of belaboring the analysis, I will consider one of our paradigmatic examples, that of Cambridge, in relation to Grice's distinction between natural and nonnatural meaning. However, after we have gone through the Cambridge example it will not be hard to see how the Sokal example and the example of the boy moving the police cruiser are Gricean, nonnaturally meaningful instances of mischief.

It seems clear that mischief makers intend (mean) to communicate something to audiences. Cambridge not only wants his audience to think about their demeaning expectations of blacks, he gets them to think about this because, thanks to his gesture, they recognize he wants them to. Contrast this with the case where in all sincerity Cambridge eats the potatoes with his hands, and as a result the other guests at the table are reminded of their low expectations of blacks. Or even suppose he reaches for the potatoes knowing what the other people will think, but not caring. What makes his reaching an assertion – and a mischievous one, as well – is that he expects his audience to realize that these are not his usual table manners, and to wonder for that reason why Cambridge is acting as he is, and to realize that he must be trying to get them to think about something, e.g., he wants them to think about their *expectation* that he just might do such a thing without caring what other's thought, or

[58] This list is compiled from distinctions made throughout "Meaning", "Meaning Revisited" and "Retrospective Epilogue" (1989).

that due to his uncultured upbringing he doesn't know better. If this is right, then Cambridge's act clearly is communicative, so it meets Grice's 4th condition for nonnatural meaning. It is also vague, at least insofar as the message he intends to get across is one that the dinner guests must puzzle over in order to understand, so it meets Grice's 5th condition for nonnatural meaning. Furthermore, while his act is not strictly speaking linguistic, it is assertive, and the assertion can be rendered in language, such as "Grabbing the potatoes under those circumstances meant that he was trying to get them to consider their condescending attitudes towards blacks." So Cambridge's act is linguistic and meets the 2nd and 3rd conditions on Grice's list for nonnatural meaning. It also does not appear to be factive, hence it meets the 1st condition. Factive meaning is something like "positive" meaning, whereby the sense of "meaning" involved is one that incorporates the notion that it can't be an indication of anything other than what it is an indication of. The sentence "Those dark clouds mean rain" is an instance of factive meaning, whereas the sentence "I adore you" can be an expression of sincere affection, or it can be an indication of disdain if uttered sarcastically or of feigned sincerity if uttered in order to achieve sexual favors, and therefore would be non-factive. Finally, Cambridge's act meets both subparts of the 6th condition: background conditions help to determine meaningfulness, and its meaning depends on a framework provided by a linguistic community. The same can be said for any instance of mischief.

C. Cooperative Activity and Mischief

According to Grice, conversations are cooperative activities intended to achieve some shared goal, hence he says that conversationalists adhere to the "Cooperative Principle," which guides conversation. Grice argues that the Cooperative Principle says that during communicative acts you should "make your conversational contribution such as is required, at the stage at which it occurs, by the accepted purpose[59] or direction of the talk exchange in which you are engaged." ("Logic and Conversation", (1989 (1967), p. 26). Grice further identifies four cooperative categories for conversations: quality, quantity, relation, and manner. These four categories yield the following maxims:

1. Quantity: Make your contribution as informative as required (for the current purposes of the exchange).

2. Quality: Make your contribution one that is true, such that you do not say that which you believe to be false or that for which you lack adequate evidence.

3. Relation: Be relevant

4. Manner: Be careful how you say what you say, to which proper attention yields the following submaxims:

   A. Avoid obscurity of expression

   B. Avoid ambiguity

   C. Be brief

   D. Be orderly

[59] There does not appear to be an "accepted purpose" for mischief, at least insofar as acts of mischief aren't "accepted" by society. As noted earlier, thinking outside the box is encouraged, but acting outside the box is not. Part of the point of this dissertation is to show what the purpose of mischief as a communicative and virtuous act is, and to persuade readers to *accept* that that is the purpose of mischief.

I think Grice's notion of a Cooperative Principle for communication yields a rich vein of ore for us to mine for illuminating connections to mischief making. Mischief functions via embedded propositions (the deeper content of which is, again, "question the doxa"). Referring back to our three paradigmatic examples of mischief, the youth intends to communicate the proposition "question your community safety standards" or something similar. Cambridge intends to communicate the proposition "question your condescension toward blacks." Sokal intends to communicate the proposition "question the scholarly standards for a particular style of critical theory." And at a certain level, in each of these instances it is clear that the agents are also intending to question the very nature of standard communication, yet they still are cooperating with others in doing so, at least insofar as their metacritical look at communication is intended to be communicated to target audiences via the target audience's recognition of the mischief makers' intentions that they do so.

Likewise, the Cooperative Principle can be the basis for establishing the communicativeness of the other messages involved in mischief making. When Sokal submits the article for publication, he plays on the editor's believing that Sokal wants the article published, which he in fact does. Sokal's article submission and its publication are part of a communicative effort, in which Sokal obeys elements of the Cooperative Principle, even if he disobeys certain rules of academia (presumably, those captured in a maxim like "submit only those articles that genuinely reflect your beliefs – although one could argue that Sokal obeyed even this rule, because Sokal believed that it would be obvious to many people that the form of critical theory his article embodied was less than rigorous). In the instance of Cambridge grabbing

mashed potatoes at a dinner party, he merely violates social norms relating to acceptable behavior and dinner etiquette. His act is still part of a communicative effort, and, like Sokal, he continues to obey the Cooperative Principle by making his "conversational contribution *such as is required*, at the stage at which it occurs, by the *accepted purpose* or direction of the talk exchange in which [he is] engaged" (stress mine). It may be that Cambridge is engaged in redirecting the exchange such that it is focused on a new purpose, but he is still conversationally contributing to the exchange.

Obviously, utterers sometimes violate a maxim when communicating. For instance, we can imagine scenarios where a maxim is violated because there are maxims competing for our intentions, so to speak. Consider a case where John is asked by Ed the whereabouts of Mike, and John knows generally where Mike is located at present. John's response might be, "Mike lives somewhere in South America." In this instance, the answer is less informative than is required, and purposefully so, because John does not know the exact information sought. This provides an example of a conflict between obeying the maxims of quantity and quality, where the responsibility to say that which is true conflicts with the responsibility to be as informative as is required by the situation.

Additionally, a great many communicative devices rely on ignoring or disregarding one maxim in order to obey another. Consider the following example in which sarcasm is employed. Imagine that Kathy takes Mary into her confidence regarding a personal matter, but Mary betrays Kathy's confidence to another member of their clique. Kathy says the following to a group of people who know that Mary

has betrayed this confidence, and who know that Kathy knows this: "Mary is a great friend."

Kathy does not believe that Mary is a great friend, so her communication is an attempt to get across a proposition other than the one she puts forward. Indeed, the proposition she intends to put forward is obviously opposite the one she utters. In this example of sarcasm, the maxim of quality is deliberately violated when Kathy utters that which she knows to be untrue, but she continues to follow the Cooperative Principle in that she is communicating by implicature a proposition regarding the inadequacies of Mary as a friend. Grice's analysis of conversational implicature yields an understanding of meaning intimately bound with intention, such that the conventional meaning of an assertion, e.g., "Mary is a great friend", is not necessarily what is conversationally implied by the assertion. The implication not only can be understood by a target audience, it often is.

To bring a more modern example to bear on this topic, and one which I think will lend itself to getting a bit clearer about the distinction between merely violating a social rule and violating the Cooperative Principle, not to mention one which I think is a good example of mischief making, let's consider a recently created electronic gadget. This gadget acts as a kind of signal interruptor, turning off televisions and other electronic devices at the push of a button.[60] Anyone who was to employ such a gadget, say, in a sports bar during a mid-season baseball game, will create a predictable reaction of outrage.

Now then, one reasonable explanation for the behavior of the agent who employs such a gadget is that the agent just wants to cause trouble. If this is the case,

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[60] I am indebted to Eric Levin for bringing this gadget to his father's attention.

then the person who engages in the activity is merely violating social rules about individual goods, or about respecting harmonious social living, or the like. There is no message being delivered, either, so the Cooperative Principle isn't even in play.

However, it is conceivable that the message the agent wishes to communicate here is that we are too dependent on video imagery and have lost touch with our inner resources, or something like this. If this is the case, then the person who engages in the activity would reasonably be described as still adhering to the Cooperative Principle. It seems reasonable to think that the agent is at some level working against a rule here, or a belief, such as "Technology is always good" or the like. Certainly the reaction of people to having their television screens suddenly shut off during a mid-season baseball game shows that they are overly dependent on external electronic stimuli, which at some level is a symptom of a contemporary social malady. Possibly they will be prompted to reflect on this dependency by their own outraged reaction, and possibly, at some level, the agent wants them to do this. It is even possible that some people might reflect on this as a direct result of having understood the intentions of the agent.

What this example also shows is that there is a certain loose play in how intentions are individuated, so that in its pure sense "mischief" as a communicative act (and later as a virtue) is assigned to those agents who have the right sort of intentionality, even if getting clear about the precise intention involved is difficult. In fact, I think in the former case we would be willing to dismiss the agent as a troublemaker, whereas in the latter case we would more willing to call the agent a mischief maker. There is still a level of communication at work in the latter case

such that the agent is participating in a cooperative activity in a way that the former is not.

A different version of this scenario might put this issue into proper perspective. Imagine there is a gadget that at the push of a button blocked out beautiful sunsets. This seems not to be an example of "mischief"; I think we would consider it maliciousness. This is because there is no message to be taken or communicated, at any level of intentional individuation, from such an act. This is likely attributable to the fact that beautiful sunsets do not occur with great frequency, so we value their occurrence more than mere television programming. Live baseball games sometimes have unique feats of athleticism, but these feats could be viewed on replay without losing much of the original experience, whereas obliteration of a beautiful sunset is a loss that seems less replaceable. Blocking the viewing of a midseason baseball game could be mischievous, but blocking the viewing of a beautiful sunset appears only to be shortsighted or callous. Furthermore, observing beautiful sunsets does not normally interfere with other valuable pursuits, like conversation or thinking or resting or intimacy with a romantic partner. Imagery displayed on screens (notoriously) gets in the way of all of these, and this is why a mischief maker might want to warn against them.

Consider also a device that could shut off cell phones in one's vicinity. Employing such a gadget would typically not be an example of mischievousness, because the aim of such a gadget would be the utilitarian one of ending an actual annoyance. There is no message to be communicated to nearby cell phone users, not

to mention those who would employ such a gadget would likely prefer that everyone else think it mere coincidence that their cell phones abruptly lost signal.

These examples show us that mischievous acts are those which communicate a message, following the Cooperative Principle, that reaches beyond mere entertainment and conventions, and that they generally are not meanspirited.

II. Mischief Reconceptualized

The analysis undertaken in this chapter thus far yields a number of observations about mischief, which can be divided broadly into external and internal components.

Mischief, when viewed from a purely external point of view, is serious yet seems often to be playful, hence the variety of contexts and situations in which the word and its cognates are used. From a purely external point of view, mischief is considered unacceptably harmful at times, at other times merely annoying, still at other times enjoyable.

Mischief can't occur accidentally, which is to say, it must be a studied act done deliberately, and with a specific kind of intentionality, although that intentionality can be identified as functioning at different levels. Unless the act is deliberate and occurs with this specific kind of intentionality, we would be more likely talking about belligerence or obnoxiousness, selfish immaturity or sheer goofiness. If the mischief in question occurs accidentally, then attributions of mischief are somehow parasitic on the deliberate kind.

When we try to capture what is happening internal to agents when they are acting mischievously, we see that such acts are not motivated by desires to amuse

themselves. To be so motivated is to neglect the *serious* attitude entailed by the concept of mischief where there is either a message or a point to be made via the mischievous act. Clearly, desiring to amuse oneself is not intrinsically immoral; however, when one's ultimate goal is to amuse oneself by disturbing the peace and purposefully (and solely) commanding attention to oneself in doing so, or to do so by harming others, such an intent makes acts at least bothersome or noxious, at most harmful.

I've talked a good deal about the formal aspects of mischief, and the ways in which mischief involves intent, indeed the intent to create awareness in a target audience. And I've mentioned and discussed the fact that it seems that "questioning the doxa" is the deeper yet still intentional focus of the mischief maker. But I haven't yet addressed what I think is going on at the deepest level of mischief making in terms of audience awareness. I propose that at the deepest level mischief makers create awareness of mechanical thinking.

That mischief is concerned with mechanistic thinking might strike us at first as implausible, but I think this is what is going on. My thinking on this point has been directly influenced by Henri Bergson's treatise *Laughter: An Essay on the Meaning of the Comic* (1937), in which Bergson speculates on the nature of laughter. He asks us to imagine a scene in which a person trips and falls while walking by a café. The patrons of the café laugh, of course. But why do they laugh? Bergson argues that the reason the patrons laugh is that they see that the individual who trips is no longer bringing his will to bear in the world; they recognize that the will of such individuals has been thwarted, and that such individuals are reduced to mechanical

processes. Consider that when a person is duped, say, through the telling of a joke or through perpetration of a hoax, we often employ the phrase, "You fell for that!" The allusion to the mechanical process of falling, meshed with the negative implication of mental rigidity, is surely not coincidental. And Bergson thinks that together these are associated with agents characterized primarily by their absentmindedness.

Broadly speaking, part of the value of mischief is that it provides a way of drawing attention to *mechanical thinking*. Indeed, even if mischief doesn't involve this component at an intentional level,[61] I think the anti-mechanistic aspect of mischief making is its most valuable asset for communities. Why this is so I will address in Chapter 6, but for now, suffice to say, the mechanistic thinking that mischief combats is to be found scattered throughout the history of philosophy. As we will see later, Mill and Nietzsche expressed disdain for mechanical, unreflective thinking and living. Mill's person of genius in part serves to thwart conformist, mechanical thinking (and living), as does the mischief maker. Nietzsche is disdainful of the drudgery of labor as "mechanical activity," associates this notion with "absolute regularity, punctilious and unthinking obedience, a mode of life fixed once and for all, fully occupied time, a certain permission, indeed training for "impersonality," for self-forgetfulness," and contrasts this with the "rare energy," "courage," and "contempt for opinion" of the superior man (Nietzsche (Kaufmann transl.), 1989, p. 134).

If we consider our prime examples of mischief, a picture develops with anti-mechanical thinking rooted deeply in each. Cambridge targets an audience of dinner

[61] I vacillate on the extent to which the anti-mechanical focus of the mischief maker is part of the agent's intention. Because I vacillate, I omit this element from the definition.

guests who have become accustomed to thinking unreflectively of blacks as uncouth and ill-mannered. This unverbalized doxa about a group of people is the primary focus of Cambridge's act. Indeed, the anti-mechanical thinking behind mischief might often be said to have prejudice in its sights. Sokal draws attention to the uncritical acceptance of a particular style of critical theory. People have unreflectively embraced this type of literary criticism, and Sokal makes his target audience aware of this doxa by publishing a nonsense document written in the style of which he is critical. The young boy who moves the police cruiser around the block wants his community to question the doxa related to their safety. Even Colin McGinn's cognitive closure thesis can reasonably be said to have the effect of calling into question the standard "mechanical" thinking about particular theoretical issues in philosophy of mind.

At a more specific, intentional level, though, the mischief maker is concerned with prodding an audience or community into awareness of some more particular and pernicious or dubious doxa. The "something" that the mischief maker wants his audience to be aware of might be as "low level" as taking themselves and life too seriously. Or, the mischievous man may want the community to become aware of the contingent nature of social rules. Or, it can be as "high level" as an intention to show that an imperial academic school of thought is bereft of clothing.

By "low level", I mean to characterize a type of mischievous act where the agent likely does not have ready to hand a complete and articulable account of why she or he acted as she or he did. This does not mean that such an account is in principle or is fundamentally inarticulable. Nor does it mean we are free to impute all

sorts of many-headed intentions to agents. I follow Grice in disavowing "any intention of peopling all our talking life with armies of complicated psychological occurrences" ("Meaning," 1989 (1957), p. 221). An agent may be assumed to have intentions that make his behavior make sense, even if the agent can't clearly articulate intentions. As Grice further points out, explicitly formulated linguistic intentions are rare ("Meaning," 1989 (1957), p. 222), so we can expect to find ample instances where intentions are not formulated, and some instances where agents would struggle or fail to articulate reasons. In such instances, we would search for contextual indicators for intentions.

By "high level", I mean to characterize a type of mischievous act where the agent has a definite and articulable account of why she or he acted as she or he did. When pressed for an explanation, the high-level mischief maker will be able to express clearly why he did what he was doing.

The topic of the clarity with which agents can articulate their motives draws attention to another issue for our Gricean conception of mischief related to the intentional fallacy. Let's assume that many people sympathetic to Sokal's submission disapprove of his explanation for why he published it. For the sake of argument, let's say that Sokal published it in order to get famous, or as a lark. Let's further imagine that many people interpret his submission as more meaningful and powerful than did Sokal. This variation on the intentional fallacy, typically found in interpreting the arts, where the agent's intention is considered inadequate to the power or impact of his art (or act), brings up the interesting question as to what we do when Sokal's explanation for his act isn't as good as someone else's. It seems inadequate to

respond that speaker meaning is the final arbiter in such cases, because it seems plausible that speaker meaning might not be as compelling as the meaning that someone else attributes to the act. In fact, isn't there something communal about acts of mischief, such that the intention of the mischief maker can't be the end of the story in determining the meaning of his act? If so, doesn't that force us to question the legitimacy of the Gricean model for mischief?

My response to this line of thought is that it is perfectly acceptable that other people might interpret different meanings of an act. It is just part of the dissiderata of some types of communicative acts, including mischief, which people are going to go on and on discussing the meaning of the acts. The mischief maker is quite happy to let dialogue unfold as part of the questioning of the doxa that needs to take place.

Finally, I think we have arrived at a place where we can offer a more full, if still somewhat incomplete, definition of mischief.

Recall our initial definition of "mischief", modeled on Grice's definition of "meaning":

Act A is an act of mischief if and only if:

(1) A is done intentionally to cause a reaction in an audience that is disproportionate to any harm that is the result of A,

(2) A is done with the intention that the target audience eventually will recognize A as intended in (1)

(3) part of the intention in doing A is to induce the reaction mentioned in (1) by means of audience recognition in (2).

Now we can fill in the definition with other conditions that seem to be an intimate part of mischief making *per se*. We will start with the following definition:

Act A is an act of mischief if and only if:

(1) A is done intentionally to cause a reaction in an audience that is disproportionate to any harm that is the reasonably anticipated result of A,

(2) A is done with the intention that the target audience eventually will recognize A as intended in (1)

(3) part of the intention in doing A is to induce the reaction mentioned in (1) by means of audience recognition in (2).

Again, Component (1) reflects a necessary internal component of mischief, namely, that it is an intentional activity. It also incorporates the general observation taken from instances of mischievousness that mischief makers intend to provoke an audience to reaction. But it now includes an additionalprovision regarding expectations, i.e., the "reasonably anticipated" reaction of the target audience. I think this is an important component, because it seems right to say that mischief makers generally are thinking about how their acts are going to be received by the target audience. Notice that while this criterion can be internal to agents (i.e., the agent is the one who determines the anticipated reaction) as a sort of “cognitive contact with reality” criterion, it is not necessarily attributable to agents. This leaves room for us to include among mischief makers those (youthful, perhaps) agents who can't be thought literally to be calculating a risk/benefit analysis. Finally, Component (1) incorporates the idea that the mischief maker in general wants to get not only a reaction from his audience through the trouble he causes, but also that he intends that

the reaction should be disproportionate. Notice that the disproportionate criterion leaves room for the reaction to be either an overreaction, which would be the typical reaction, but also an *under*reaction. Cambridge's grabbing the mashed potatoes and the subsequent hushed responses of the dinner guests fit this understanding of the disproportionate critierion precisely. The proportionate response would have been for the host (or other dinner guests) to ask pointedly what in the world Cambridge was doing.

Component (2) continues to reflect the necessary condition of intentions, and continues to identify the reflexive "feedback loop" of intentions that seems to be at work in instances of mischief, where the mischief maker intends that the audience recognize his intention through his act of mischief. And component (3) continues to express that the effects of the act are known to the agent, and that the audience recognizes the significance of A through recognition of the acting agent's intention that they so recognize it.

There is one element, however, of mischief that is still missing from our definition. If the ultimate intention behind acts of mischief is to get a target audience to question some problematic doxa, then we are required to incorporate this idea into our definition. Doing so will not be hazardous. The final definition looks like this:

Act A is an act of mischief if and only if:

(1) A is done with the intention of having an audience question a pernicious or dubious doxa through the vehicle of deliberately causing a reaction in an audience disproportionate to any harm that is the reasonably anticipated result of A,

(2) A is done with the intention that the target audience eventually will recognize A as intended in (1)

(3) part of the intention in doing A is to induce the reaction mentioned in (1) by means of audience recognition in (2).

Notice that the definition continues to parallel Grice's definition of "meaning", and does so even more fully now because the intention in (1) is directed toward influencing beliefs in the target audience, which is a fundamental aspect of Grice's first necessary condition. It also incorporates our observation that the act ultimately is directed toward influencing beliefs in the target audience relating to questioning a pernicious doxa, which our reflections on mischief makers and their acts have revealed. However, some readers still might not be persuaded that the Gricean skeleton is right for hanging our understanding of mischief. Next, I'll consider a few arguments against my use of Grice in relation to the communicativeness of mischief, and against the reconceptualization of "mischief".

III. Problems

A. *Audience uptake is a real problem for Gricean mischief making. Audience members often don't 'get it' when agents make mischief. So the Gricean framework doesn't work for instances of mischief.*

The gap between mischief maker and audience "uptake" begs for clearer treatment. How do we account for the successful act of mischief, where success is understood as sufficient audience uptake, when it is clear that intentions via these

communicative acts are indeterminate? Furthermore, when mischief fails, why does it fail? Why *do* some people get the uptake, while others don't?

Surely the mischief maker, like any member of a cooperative enterprise, assumes that there is a good chance that the audience will recognize his intentions in doing x, and, to paraphrase Grice, also assumes that it is not a foregone conclusion that if he did not have a particular intention in doing x the desired audience reaction and later recognition of the questioned doxa would be forthcoming ("Meaning," 1989 (1957), p. 219). So, the presence of the right kind of intention is necessary as a starting point for a successful act of mischief. But do we want to say it is sufficient for success?

Surely we can imagine an agent acting mischievously, but surrounded by dunces too dull-witted to notice the mischievous intent of the act, or to overreact to the act itself. Provided the agent has reason to believe and *believes* his act will have the desired effect on the audience, then it seems clear one can be mischievous (in attitude) without actually having the desired effect on one's audience. Thus, our definition does not commit us to requiring that the audience recognize the intentions behind the act, only that the agent believes this to be the case.

I think this is the right answer, as far as it goes, if for no other reason than it seems fine to say that, just as there's no way to be recognized for being witty around dullards, and yet one can still be witty, there's also no recognition of mischievousness in the company of drones, yet one can still be mischievous. An agent may be justified in believing that his act will result in reactions disproportionate to any harm caused by them, but still have the audience fail to so react. There was no guarantee that the

dinner party guests would react to Cambridge's grabbing the mashed potatoes with his bare hands as they did, with loud whispers and general discomfort (with only a few attendees discussing the matter later in an effort to discover what was really "going on" that evening), but this is just the sort of epistemic limit we all face every day in attempting to assess the behaviors and predict the reactions of others. Our definition captures this intuition and this epistemic limit by making the intention to provoke a reaction *part of* what makes the act mischievous. This solution to the problem serves us well, because it makes room for failure. Making room for failure for instances of mischief is appealing, because we know that one can have the right sort of attitude and intention about acts and audiences despite a lack of audience uptake of intentions.

However, quite naturally we think of a successful act of mischief as one where it must not only be reasonable for the agent to think that members of the target audience will recognize the intent of the agent as standing in the right sort of relation to the act, but also that the target audience in fact recognizes that he wants them to recognize this through his act. The best way to look at the issue of audience uptake, then, might be through an Aristotelian lens: a complete or successful act of mischief achieves the desired reaction, and does so through audience recognition of intentions of the mischief making agent, whereas an incomplete or unsuccessful act of mischief achieves neither of these. In the latter case, it is still an act of mischief even if it is not completely successful in getting the audience recognition sought through the vehicle of recognition of intentions.

Yet, the previous discussion regarding audience uptake and successful acts of mischief only meets part of the argument that was originally posed. After all, there might be problems with audience uptake that have nothing to do with the audience, and have more to do with the expectation that the mischief maker's intention to be an agent provocateur for purposes of questioning a doxa can be understood by any audience of reasonable intelligence. Indeed, a counterexample seems be ready to hand.

In September 2004, a man dressed in a Batman costume used an extendable aluminum ladder to climb a wall of Buckingham Palace and perch in a viewing gallery in protest against unfair treatment of divorced fathers in British courts. As police tried to talk with him, he unfurled a banner that read "Superdads of Fathers 4 Justice, Fighting for Your Right to See Your Kid." This apparent example of mischief might put a real kink in the Gricean framework for capturing what happens in instances of mischief. If our Gricean framework is accurate, then there must be a way for the audience to understand the intentions of the mischief maker. But how is anyone supposed to know the intentions of Batman Dad? There is no connection between Batman and fatherhood, and nobody would associate (or could even be expected to associate) Batman with fatherhood.

My rejoinder to this counterexample involving the problem of audience uptake incorporates some of Grice's observations and some of my own. As Grice points out toward the end of "Logic and Conversation" (1989 (1967)), talk exchanges frequently result in miscommunications, so there is no reason to think that the message the mischief maker wants to get across should be less susceptible to

communication breakdowns. Of course, one difference here is that Grice is talking about accidental miscommunications, whereas mischief makers are deliberately less than straightforward or perspicuous. But, generally speaking, mischief makers are not deliberately miscommunicative. I think mischief makers genuinely wish to get across some proposition. Failure to do so is an indication that they chose the wrong vehicle or method for communicating their act of mischief, not that they are being purposefully ambiguous.

Some mischief makers might also be like poets who compose poems the meaning of which are unclear. Many poets deliberately impose on their audiences the effort of figuring out their intentions (the meanings) of their poetry. Mischief makers might be said to do the same. Yet a communicative act with a vague component is still a communicative act, and is part of a cooperative activity.[62]

Now, typically in circumstances where the conventional meaning of an utterance is ambiguous, there are all sorts of contextual clues that indicate what a person means by his utterance, and we generally rely on audience awareness of such clues for the audience uptake we're after. I see no reason to think mischief is very much different. After all, what reason could there be to set the bar higher for acts of mischief than for talk exchanges or poetic communications?

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[62] Some agents might be deliberately ambiguous, and through which ambiguity these agents might intend to communicate messages such as "there is no message here" or "there are no messages." I suppose we might loosely call these persons mischief makers, functioning as they do to charge people with reconsidering their doxastic positions regarding communication and the nature of meaning. However, at one level their act is self refuting (it is a communicative act that asserts there are no communicative acts), in which case it appears these agents are themselves victims of a pernicious doxa regarding communication and meaning. At another level, however, it seems more accurate to say these agents would qualify less as mischief makers and more as "meaning nihilists" or the like. While there may be some overlap between nihilistic tendencies or anti-intellectualism and mischief making (see the 1998 essay by Greg Graffin of the punk band Bad Religion at <http://www.badreligion.com/news/essays.php?id=5>, nihilism and anti-intellectualism appear to be distinct from mischief making. In any case, there is no reason to think of such mischief makers as virtuous on Aristotle's account of virtue, as we will see shortly.

Correct as I think this response is, I think it also concedes too much to the Batman Dad counterexample, because I do not think this is an example of mischief. At best, Batman Dad serves as a case of failed mischief, because there isn't the right sort of relation between agent expectation, intention, audience and message. At worst, and I think this is the right response, his behavior doesn't count as mischief because his action appears broadly to be attention seeking. More specifically, his act seems to be more like an advertisement, not for a product but for a cause. Advertisements can be clever, as those created for the Super Bowl have been in recent years, but because their message is merely to get you to buy some product -- or support their cause, in the case of Batman Dad – this doesn't appear to meet the threshold for mischief making. Furthermore, my feeling is that Batman Dad's intention - drawing attention to the plight of divorced or separated fathers - has no connection to his act, and makes the event seem just strange. The fact that he had to write on a banner in order to get his message across further removes him from the realm of mischief.

Leaving the issue here, though, puts me in the position of also having to defend categorizing Sokal as a mischief maker. It is arguable that without his revelatory act no one could possibly have known what he was getting at. But I think the analogy with Sokal's post-publishing revelation can be dismissed as misleading because Sokal's act at least had something *to do* with his intention, whereas Batman Dad's act is so far removed from his intention that one can't make sense of it even when one learns *after the fact* of Batman Dad's intention once he unfurls his message. When one learns why Sokal did what he did, the connection between his act and his

intention is clear. And consider the youth who moves the police cruiser around the block, his act has something to do with his intention in a way that, if you were told after the fact why he did what he did, you would see the connection clearly. The same can be said of the example of Cambridge at the dinner party. Whenever intentions aren't absolutely clear in talk exchanges, we search for clues (conditions, preceding events, known agent dispositions) to help us figure out the agent's intention, and this is what happens with mischief as well. There doesn't seem to be a communication involved in Batman Dad's act itself, because the act is not connected to his message, whereas the acts of Sokal and the youth are communicative, and the messages they intend to communicate are connected to their actions.

I think the observation that intentions have to have something obviously to do with utterances after the fact adequately copes with the counterexample, but we can be even more precise than this. One element that Grice stresses throughout his many articles on "meaning" is the interaction of intention and convention. One of the ways we get our intentions across is by using conventions that have been previously established. I signal that I want to turn left by turning on my turn signal, which is the accepted convention for turning left. This became the convention simply by repetition of the behavior in question, which came to be accepted as the external manifestation of internal states (intentions). Mischief makers are forced to rely on previously established understandings if they are to get their messages across. This is a constraint on all communication, and all communicative acts suffer from the constant danger of their being misunderstood by a target audience. What's odd about Batman Dad, and why his behavior seems very close to being merely and purely

attention-seeking, is that he does not even seem to have *tried* to exploit anything conventionally or even naturally associated with fatherhood. One might be able to say that his costume carried the message "Look at my sign," and the sign carried the message he wanted to get across, but this seems to have taken us a long way from mischief making that focuses a target audience's attention on some doxa through recognition of intentions. The disconnect between the intentional and conventional is precisely why Batman Dad fails (or at least puzzles), and why his act seems more like attention-seeking than it seems like mischief.

B. *On the Gricean schema audience uptake depends on recognition of the mischief maker's intentions in a reflexive feedback loop, whereas there is no need for the second-level of recognition of intentions incorporated in the reflexive feedback loop.* It might be argued that the second Gricean intention need not be present, and that the requirement that it be present puts us in the position of forcing acts of mischief onto a Procrustean bed. But I think the second Gricean intention that results in the reflexive feedback loop must be present.

Consider the Cambridge example. The mere act of grabbing the mashed potatoes with his hands would not naturally lead the dinner guests to reflect on their liberal assumptions, and it would be unreasonable for Cambridge to expect them to do so by simply witnessing his act. The dinner guests could interpret his act in countless ways, and Cambridge would know this. Part of his plan, then, must incorporate an element of intending that they interpret his action the way he wants them to, so there must be an additional component involved in his thinking that will serve this purpose.

This additional component must be that the dinner guests should ask themselves why he is grabbing mashed potatoes with his hands, and that by grabbing the mashed potatoes with his hands he must be trying – intending – to tell us something.

Likewise with the example of the youth who moves the police cruiser around the block. The youth must know that all sorts of interpretations can be put to his act if he abandons the cruiser on the outskirts of town, or if he vandalizes it, or if he were to steal something from the cruiser, because these facts would lead people in the community to simply assume it was "some damn kids," and to reflect that they should report it to the Chief of Police, etc. It's improbable that they might think that they should tighten up security in the community, and the youth knows that the mere fact of grand theft won't bring about the desired result. The *manner* of the act of mischief matters. The youth must by some thought process intend members of the community to come to the target belief regarding community safety. He intends that members of the community ask themselves why the car was stolen, but left undamaged and abandoned around the corner. And he must intend them to conclude that the thief must have been trying to tell us something regarding lax policing standards, or that we had better lock our car doors because of lax policing standards, or the like. Thus, the mischievous youth and Cambridge meet the Gricean condition of the reflexive component. They must intend that their primary intentions be recognized, and they must intend that their primary intentions be fulfilled by audience recognition of their intention that they do so.

If we had to construe this requirement in terms of a working principle, it would be that nobody can intend to do something he regards as very unlikely to result

from what he is doing. People must believe that what they intend to do is going to result, or is at least likely to result, from what they do. Indeed, people generally are even more unlikely to do something when there is an alternative action more likely to result in the occurrence of what they intend. So agents, including mischief makers, with their unique methods and message, must think it likely that the message of their acts will be accurately recognized by the target audience, and this recognition necessarily takes the reflexive feedback loop of intentions found in the Gricean schema.

C. *The definition of mischief is too broad.*

One might object that our definition is too broad, and permits the inclusion of agents whose actions we do not consider mischievous (and certainly not as virtuous, to put it in terms of the stated goal of the dissertation). For example, take Jayson Blair, the now ex-journalist at the *New York Times*. He had at least one editor, his girlfriend, his friends and some of his fellow workers convinced that he was an up-and-coming writer. However, Blair, by his own admission, duped his editor, girlfriend, friends and co-workers (2004). It turns out that he fabricated numerous interviews and the contents of entire articles while writing for the *Times*. It might be argued that Blair's deception, his ability to fool a group of individuals into thinking he was a journalist, makes him a candidate as a mischief maker, per our definition.

But I think the solution to this type of counterexample is easy to come by. It might be that *from a purely external point of view* one could call Blair's act mischief, because his actions give us pause as we consider issues like whether journalism necessarily distorts, or what society should learn from this case, or how entertaining it

is to see the great *New York Times* brought to its knees. So from an external point of view, some people might be inclined to call Blair's actions mischievous, and might even be inclined to call Blair a mischief maker. But from an internal point of view, we would not be inclined to call Blair's actions mischievous, or Blair a mischief maker.

Previously we observed that there are two different ways an action can be said to be mischievous, one of which is when an act or doctrine *becomes* mischievous (such as McGinn's cognitive closure thesis). In such a case, even if the agent didn't intend it, the effect of the doctrine is mischievous, so we categorized this as impure mischief. A better characterization, however, might be found in the claim that if an agent does not have the right intention, then this is a *parasitic* example. Uses of the word "mischief" that are parasitic are only loosely examples of mischief, hence the characterization of intentional mischief as "pure." If anything, Blair's actions qualify as parasitic mischief, but not as mischievous in any pure, intentional sense.

At some level, then, an agent must have an attitude about his act that meets specific intentional criteria, and he must think of himself as meeting these intentional criteria: he understands possible impact(s) of his act, and that at some level target audiences recognize his intention, which causes them eventually to think somewhat differently about life, etc. When we describe agent A as mischievous, we intend to ascribe to A more than can be observed merely from the *outside*; we intend, at least in part, to ascribe to A what we know from the *inside*. Attitude is paramount when deciding matters of character, and by implication matters of pure mischief.

This helps us makes sense of Flanagan's comment on McGinn's cognitive closure thesis. In this case, Flanagan is calling McGinn's cognitive closure thesis "mischievous," I believe, because it causes the same sort of consternation and intellectual bewilderment that mischievous acts typically cause in an audience or in a community *by intent*. I think Flanagan means to say, or imply, that if he were to address the cognitive closure thesis, he would be less capable of doing so in an even-handed, philosophical way, and might be inclined to just sort of "let loose" on the doctrine. Flanagan seems to be saying, Look, this doctrine is going to cause some mental cramp-like pain if you consider it seriously, and you're not going to know what to do with it, to your own frustration. He seems to be warning us away from it because the doctrine is trouble, and the reaction to it won't be pleasant. Indeed, in a way, Flanagan seems to be using "mischievous" here in the religious mode, whereby it is a warning that not just trouble but trouble that might cause one to lose one's intellectual soul is afoot. But in so doing, Flanagan is really using "mischievous" here parasitically to capture the effect a doctrine has on an audience or community, and while he is not ascribing mischievous intent to McGinn, he is saying that the effect on a reader might be similar to that experienced in the company of agents with intentional states peculiar to what we might be inclined to call mischievous. "Mischief" here has an extended sense, by which I mean an act is mischievous in this sense if it is just the sort of thing that would normally have a certain motive behind it, although in this case it is hard to be sure what the motive is.

With this distinction in mind, sense can now be made of the following utterances:

U1. Act A is mischievous.

and

U2. Agent X acted mischievously in doing act A.

U2 does not say the same thing that is being said in U1. Calling an act mischievous is different than saying an agent is mischievous. U2 says something about agent intention, whereas U1 does not. We can imagine instances where the utterance of U1 might be reducible to U2, i.e., where what we really mean when we describe an act as mischievous (U1) is to ascribe a particular kind of intention to the agent who brings about the act (U2). But there are times when the difference between describing effects and ascribing intention is clearly what we wish to do.

We can see, then, that it is perfectly acceptable to call something "an act of mischief" even if it doesn't meet the intentional standard. Attributing mischievousness to agents or even acts without the right kind of intentional component is really to *misattribute*, and in a sense, such attributions are incorrect. However, this is not to say people who misattribute mischief to agents or events are bad or unintelligent; there is nothing pejorative involved in the claim that someone has misattributed mischief. Whether animals actually have beliefs, talk about the belief states of animals is perfectly understandable; such talk is not utter *nonsense.* On some accounts, it merely attributes too much content to the mental states of animals. Likewise, with instances of misattribution of mischief, these corrupt uses of the word and its cognates are simply parasitic on the full blown, paradigmatic cases I've discussed here, and on the application conditions I've tried to capture in my

definition. Counterexamples to the paradigmatic cases just fall short of the ideal attribution of mischief in one way or another. While my selection of paradigmatic cases in Chapter 2 admittedly was based on intuition, the fact that the paradigmatic cases and so many other cases have the characteristics in common that are captured in our definition speaks to reasonable identification of a cluster concept phenomenon, instead of merely being a decision by fiat.

D. *The definition of mischief is stipulated*.

I have gone to some lengths to show the connections between my definition and actual instances of "mischief". My reply to those who might insist that the definition is stipulated, and that I've captured nothing psychologically real about "mischievousness," will be to ask for counterexamples that shed light on how my definition is mistaken. As it stands, I can not conceive of an instance of mischief that in most of the right ways isn't captured by my definition, or at least that substantially resists being described in these terms.

I say *most* of the right ways because it seems clear to me that some instances of our use of "mischief" might not fit perfectly with our definition or our other phenomenological observations. It seems best, as mentioned earlier, to characterize mischief in terms of a cluster concept, because some instances escape the definition's net, so to speak. But to so concede does not mean that my definition is, or the associated phenomenological observations are, incorrect. Again, some instances are simply more parasitic on the paradigmatic examples than others.

Indeed, I think I have made a convincing case so far that there are clear examples of mischief where all of the conditions of the definition, and even the phenomenological observations I've offered, are met. But for low-level instances of mischief, say, in the case of the youth who drives the police cruiser around the block, I can see that the charge that the intentional aspect of my definition, especially in connection to questioning the doxa, might have some teeth. This criticism is intimately connected to my use of Grice's definition of "meaning" as a model.

Recall that Grice's three-part definition of "Agent A means something by X" includes A's intending to induce by utterance x a belief b in an audience, A's intending his utterance x to be recognized as so intended, and A's intending to induce the belief b by means of having the audience recognize A's intention that they so believe b. Thus, if we are to follow Grice's model, the mischief maker must intend his act of mischief to be recognized as so intended, and the mischief maker must intend to induce the belief that he intends to produce in his audience by means of their recognition of his intention to do so.

Now then, the example of Cambridge at the dinner party is perfectly Gricean. Cambridge wants the dinner party guests to consider their patronizing attitudes, wants them to think this when they reflect later on their own reactions to his behavior, and wants them to think this through recognition of his intention that they think this. If you saw him grab the mashed potatoes and his hosts tolerated this, you might think they were patronizing white liberals. Incidentally, you might think this even though Cambridge's action would not have said this, and Cambridge knows this, so his is a Gricean utterance.

The youth who wants people to realize that community policing is lax is a different case. It is less plausible that he cares whether people come to this realization because they recognize that he intended them to do so. He might not even care that his audience reason from his intention at all. With this example we may have hit on a not-completely Gricean case of mischief. But all that is necessary really is that the boy wants his target audience to question the doxa, and that he doesn't care whether they do so because they see he intends them to. The take home lesson here is that some instances of mischief will fit the Gricean model better than others.

Another criticism along these lines might be that the "disproportionate reaction" condition is stipulated. I favor an understanding of the mischief maker that assumes there is content to the "disproportionate reaction" condition in the definition. Most of the time I think it is a psychological fact of the mischief maker that he deliberately attempts to cause a disproportionate reaction, so that people will reflect on their own reactions as a way of discerning his intention that they question some doxa. However, it is not hard to imagine examples where it would be inaccurate to ascribe the psychological state of wanting to deliberately cause a "disproportionate reaction" to an agent. For instance, when mischief making occurs during an intimate discussion, it does not always appear to be part of my psychological state that the reaction sought necessarily should be an *over*reaction; I want only that my friends should question the doxa regarding the substance of the very concepts of which they speak, and I want them to do so through recognition of my intention that they do so. But I think our paradigm cases accurately reflect the psychological content of this

element of mischief making, such that other instances are parasitic on the definition formulated on the Gricean model and the paradigmatic cases.

IV. Summary

To sum up, then, target audience members witness an act, yet contextual clues, including overreactions from the recipient of mischief (and possibly the target audience members), indicate to target audience members that the acting agent doesn't "mean" his act. That is to say, the clues indicate that the acting agent believes something other than what his act supposes he means by it, which begins the reflections by the target audience members on what exactly it is that the acting agent meant by his act. Hopefully audience members arrive at the doxa which had been the focus of the mischief maker's act, which might lead to further reflection on the mischief maker's intention in targeting it. From the audience member's vantage, then, the psychological events run from the initial reaction, to reflection that the reaction was disproportionate to any harm caused by the act, to wondering on the *meaning* (i.e., utterer meaning) behind the mischief maker's act which caused such an overreaction (this step being loosely formulated as the "What is that person on about?" criterion), through to identification of the doxa that was at some level perceived by the audience to have been intentionally violated or questioned by the mischief maker through his act.

Because our final, thick definition may be a bit unwieldy for quick reference, I offer the following thin definition, i.e., *a provocative act done with the intention of having an audience question a belief.* Notice that the thin definition is broader,

omitting the idea of the audience members questioning a belief because of their recognition of the mischievous agent's intent that they do so. This permits us to include those acts we are inclined to call "mischievous" as acts of mischief even when agents do not desire that recognition of their intentions be a catalyst for questioning the doxa. Additionally, this definition will be easier to recall with clarity, and will in most instances serve readers well for general purposes of reference throughout the remainder of the dissertation, even though at times I will refer to elements of the thick definition when analysis requires it.

Chapter 4

Mischief as a Virtue

In Chapter 2 I touched on some elements of mischief that make it a virtue, and some of the examples offered point in the direction of mischief's virtuousness. In Chapter 3, with the help of a Gricean analysis of "mischief", we incorporated observed elements of mischief that indicate the scope of its moral dimensions: intentions, harm, and public engagement. Intentions, as aspects of character, will be the focus of Chapter 4, with the issue of the harm of mischief coming up for consideration in Chapter 5. The topic of public engagement will be considered throughout Chapters 4, 5 and 6.

In Chapter 4, I make the case that mischief is a virtue, or a matter of character, thereby explicitly describing the conceptual connection between its communicative content and virtue, and identifying those elements that make it a virtue. To do so, I consider two theories of virtue. One is Aristotle's account as rendered in the *Nicomachean Ethics* (NE hereafter). Because at the levels of common sense and intuition the notion of a virtue entails strong internal elements, such as having access to one's cognitive states and having accurate beliefs about the external world, I think an Aristotelian account of virtue, which incorporates the internalist elements that appear in our definition of mischief, is the best way to proceed. Consequently, I will focus most of my efforts in this area. But first, for those who feel that virtue theory is not best informed by a virtue ethics account, and who feel that a consequentialist account of virtue is the best way to frame the discussion of virtue, I will offer a

generic consequentialist theory of virtue as it might relate to mischief. While I think there are counterintuitive implications involved in the consequentialist account of virtue, there are advantages to the account sufficient for including them here. I conclude the chapter by summarizing the main points that warrant grouping mischief with the virtues on Aristotle's theory, which I also understand to be good reason for us to think of mischief as a virtue in the broadest sense of being a character trait that we value. In Chapter 6, I will comment on how this analysis of mischief, including its social function and meaning, can help to revive interest in Aristotle's theory of virtue.

The appeal to Aristotle's theory specifically is due in part to a bald appeal to authority. Aristotle is the starting point in the history of philosophy for virtue ethics. Additionally, Aristotle seems to me to get more right than wrong on matters of virtue, as I hope to make clear later in this chapter. For the purpose of construing mischief as a virtue, it may not matter which theory serves as our basis for understanding virtue, although for the elements of mischief I have sought to capture it will be fairly obvious that a virtue ethics inspired approach fits best. Some might dispute the details of my summary points of Aristotle's theory or of my generic account of virtue for the consequentialist, but for purposes of my dissertation I am only going to be concerned with getting the general points of the theories correct.

While I do not intend to tackle the complex issue of the nature of dispositions, I will say the following before proceeding to a discussion of intentionality in relation to virtue. We certainly treat dispositional properties as if they were intrinsic properties, and the claim that dispositions are intrinsic properties is strengthened by

the failure of the disposition to imply the associated conditional. Consider that if Bob finds himself in circumstances Y, he will respond by giving to charity, and that in most instances where circumstances Y present, Bob indeed gives to charity. However, let's say that Bob passes out when viewing photos of starving children in Uganda, intended to elicit his financial support. Passed out on the floor, Bob can not write a check; he can not be charitable, and the implication seems not to go through. But notice, this example strengthens the idea that charitability is a property intrinsic to Bob. Even though he lay unconscious on the floor, we are no less inclined to attribute charitability to Bob. Even in this instance of a "finkish" disposition, where the implication of the conditional is defeasible by some previously unknown and typically strange effect, the conditional statement about Bob would *still* be roughly equivalent to saying that he is generous, or that he has the virtue of generosity, even if he were to pass out at the sight of starving children.[63]

But whether or not it is the case that dispositional properties are intrinsic properties,[64] it seems clear enough that it is not necessary to know the ontological status of dispositional properties for our language to function so that we can describe agent x in terms of having the dispositional property, for instance, of being generous or hotheaded, and whether we can expect x to behave a certain way given specific circumstances. I take it as uncontroversial, then, that the dispositional properties

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[63] This begs the question as to how we would know of Bob that he is charitable, given that all we really know about him from this example is that he appears to lose consciousness when viewing photographs. Skipping over questions of indeterminacy – after all, how are we to be sure his passing out was causally connected to viewing the photograph? How do we know Bob doesn't faint at the sight of grass in the background of the photo? How do we know he isn't naturally lightheaded? – most of which can be done away with by Bob's testimony, which would surely be sought upon his coming to, we can assume a history of interacting with Bob such that we think him charitable, even if squeamish.

[64] The claim that dispositions are real, intrinsic properties is argued by C.B. Martin (1994) and Lewis (1997).

discussed in this project have something to do with ordinary conditional statements about agents. That is to say, dispositions are the bases of material conditionals which are normally true, even if they are not truth-functional in the classic sense.

Ordinary conditional statements incorporating dispositions, then, are understood to be robust material conditionals, such that there is a stronger connection between the truth of the antecedent and the truth of the consequent, yet the strength of this connection only has the flavor of a truth-functional conditional, which permits the assignment of the disposition even if the antecedent is true and the consequent is false. Throughout the remainder of this paper, the term "disposition" will be employed in this way, without ontological commitment (or problems arising therefrom); to say an agent is virtuous is just to say we would describe him as having the disposition to act in a particular way given certain conditions. More formally, in this instance we would say that an agent A has a charitable disposition D to give money to Ugandan orphans if and only if A is in an internal state S such that, if he is shown a picture of the orphans and if A remains in S, then he will give money. If upon viewing the photos Bob passes out, he falls out of S and so fails to meet part of the requirements for the conditional to go through.

There is one argument that should be addressed prior to beginning the analysis of mischief as a virtue. It might be argued thatAristot le's virtue theory assumes or presupposes a social mainstream, yet mischief makers appear to be more or less antagonistic toward the social mainstream, so it is difficult to reconcile how mischief could be a virtue. Even if we have spelled out hitherto unnoticed and unanalyzed elements of mischief as a phenomenon, the best that might be said of

mischief making is that the virtuous among us can appreciate it, but will not think it a virtue.

From Aristotle's point of view, this might be an errant line of thinking. As we will see, for Aristotle, acts arising from virtue just are noble, and they will be noble no matter what the social circumstances may be. Whatever the "social mainstream" happens to be, it is merely the backdrop for acts of virtue by individuals. Surely there are times when virtuous individuals must go against the social mainstream, such as when Socrates goes against the Athenian mainstream. It is not as if virtue requires that all of our actions in relation to other members of society be harmonious; virtue requires that all of our actions be harmonious with, or rather, that they be *kalon*, noble or beautiful, which may at times run contrary to the social mainstream. Furthermore, and as we will see later in this chapter, Aristotle's notion of *eutrapelia* makes room for a kind of antagonistic bravado, a kind of intellectual game of one-up-manship. This kind of antagonism can surely be disruptive to social harmony, and might at times result in bad feelings, or even attempts at revenge, but it is an antagonism premised on the right sort of attitude. Discourse aimed at attacking or belittling others can be part of the social fabric, even if it partly works against the good feelings that most virtues encourage during public or at least social interactions. Mischief might similarly be understood as placing a strain on the social fabric, yet still constituting an acceptable and worthy part of the very fabric of a society.

However, in part because I do not want concern over this issue to distract from the attempt to understand the virtue of mischief, I stress again that I am not arguing that mischief is a virtue in the strongest sense a disposition can be a virtue

under Aristotle's theory, even though I think a good case can be made for a strictly Aristotelian understanding of the virtue of mischief, regarding which I go into some detail. Instead, I limit my claim to the proposition that mischief is a virtue in the spirit of Aristotle's understanding of virtue, a more humble claim which provides us the intellectual room to work out what is to be valued in the mischievousdisposition.

I. The Consequentialist Account of Virtue

A. Mischief and Human Flourishing

According to some accounts of virtue, virtuous acts promote the good or flourishing of society or a community, or are required for smooth social interaction.[65] Intentions of the agent are irrelevant in determining what aspects of her character are virtues; effects of acts are what determine virtue. Thus, for these types of virtue theorists, the good community or the good for the community are foundational, and the virtues are derivative in relation to the goal of producing the good community. A trait such as greed is a vice, not because it is a reflection of an unbalanced inner state, but because the community standard of trust is held as foundational, and greed in general leads to bad consequences like theft, or worse, low standards of living due to rampant selfishness and uncooperativeness. A trait such as friendliness is a virtue, not because the intentions of the agent are good, or because the agent intends to do good for the sake of doing good, or even because the virtue of friendliness leads to living a good life for the friendly agent, but because the trait in general leads to good consequences like social harmony.

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[65] See Driver (1996) and Hurka (1992) for clearly written consequentialist accounts of virtue.

The focus on the effects of acts of virtue is what leads to a consequentalist understanding of virtue ethics. There is even some indication that Aristotle understood the desire to act on the virtues as a desire that piggy-backs on the desire to make others better human beings, as evidenced when Aristotle writes, "The true student of politics, too, is thought to have studied this [human excellence] above all things; for he wishes to make his fellow citizens good and obedient to the laws" (1102a6-10). But as I will show later, this is only part of the story of virtue for Aristotle. However, it is hardly controversial to say that Aristotle understood virtuous acts to be good for the polis. For Aristotle, acting for the sake of the noble was necessarily (although not sufficiently) connected to not only the flourishing of the individual, but also to the flourishing of the community. But for Aristotle, as opposed to consequentialists in general, a polis is good not because of any pay-off from good acts, but because it performs goods acts. That is to say, it is possible to view Aristotle as a consequentialist insofar as his focus is on *acts.* However, unlike other consequentialists, Aristotle does not focus on the consequences of acts of virtue. It is this distinction to which I am appealing as we compare and contrast Aristotle's virtue theory with what could be called traditional consequentialist virtue theory.

It is easy enough to see the intuitive appeal of the consequentialist approach to ethics in general: Consequences matter in how to determine what counts as a virtue. This is intuitively appealing because many people associate that which is moral with other-regarding behaviors. At the very least, one strength of consequentialism is that it provides a theory whereby impartial decisions are made in relation to the effects of

acts on other agents with similar interests, which is in keeping with what might be called “common sense” morality.

The issues of how exactly mischief tends to promote human flourishing, and what the virtue of mischief looks like on the consequentialist approach, remain to be addressed. There are some obvious ways in which mischief might be said to be a virtue on the consequentialist account. For instance, some people gain the good effects of laughter that can result from mischievous acts. When the boy drives the police cruiser around the block, I can get a laugh out of watching the policeman’s consternation as he exits the diner and is puzzled over his missing vehicle. Mischief makers also provide the opportunity for social interaction, in that a topic of discussion is always ready to hand when a mischief maker creates his spectacle. “What was that person *doing*?” we ask, and “Do you know her reasons for doing that?” These questions mark the beginning of a reflective process whereby we can assess the agent actions and intentions, and we can discuss moral or even legal culpability. Mischief is a virtue that tends to promote human flourishing, so the consequentialist might hold, by creating something interesting and provocative, and by being an *example* of creativity, and by *functioning* as a social friction whereby a kind of entertainment provokes members of a society to reflection. We seem often to recognize and appreciate the cleverness and creativity behind acts of mischief (although sometimes well after the fact), which increases our pleasure. And recognition of these types of attributes serves society well, because it reminds people of the unpredictable element of the human mind, which in turns reminds us of the unpredictable elements of life. That mischief functions in a public way on timely topics is also a reminder, at the

meta-level, of the evils of becoming thoughtless and mechanical, as indicated in our earlier discussion of Bergsonian interpretation of mischief.

Another way of looking at the consequentialist virtue of mischief might be to approach the disposition as one which exemplifies nonconformity. As J.S. Mill put it, "…in this age, the mere example of nonconformity, the mere refusal to bend the knee to custom, is itself a service" (1991 (1859), p. 74). Being an example of nonconformity for others, then, might be part of what constitutes the good of mischief, regardless of the attitude of the mischief maker.

B. Weaknesses of the Consequentialist Approach to Virtue

The consequentialist claims that external effects are all that matter when determining whether a disposition is a virtue seems to place the cart before the horse. After all, it seems strange to think of internal traits of character as virtues only after the effects of the traits are known, or by assuming an ideal community and then assigning the title "virtue" to whichever trait promotes that ideal. After all, we generally think of traits as virtues regardless of whether they are being manifest in acts at the time. Good people are good people even while they sleep, so the thinking goes. One naturally thinks of virtues as aspects of character that humans just *have*, regardless of when or how agents act. The consequentialist can respond that when we say a sleeping man is good, we are unconsciously thinking of the effects his traits would have when he is awake, and we can't forget that in our world courage generally has good effects, and cowardice generally has bad effects.

But this way of looking at virtue only begs the question against the connection between effects and traits. Courage is a virtue that we praise because it is intrinsically an attitude that is dignified and honorable, in any possible world; cowardice is a vice we condemn because being cowardly is intrinsically an attitude that is undignified (if not dishonorable). This points to the crucial importance for a theory of virtue of Aristotle's idea of the noble for determining what is virtuous. The noble is connected deeply to *acts* themselves, not to the consequences of acts. To focus on consequences of acts as the factor in determining their moral value is to render morality vulgar.

There is also the problem of identifying an uncontroversial list of the goods that constitute the ideal community and from which the virtues are derived. Such an exercise is notoriously problematic. For instance, there are times when circumstances seem to dictate that lying is in order and would result in good consequences. Alasdair MacIntyre (1981) describes a tribe in which deception is encouraged among the young. In such a society, then, it is clear that something like "concern for self advantage" is a foundational good of the society. Consequently, the trait of deceiving is derivatively a virtue, because the trait promotes the foundationally good aspect of the community in question. Now, some people will be inclined to agree that a disposition to deceive is a virtue in such circumstances, and so should be on the list of virtues to be cultivated by members of that society. Others will disagree, arguing that to include deception on the list of virtues runs contrary to the spirit of virtue ethics (or even ethics, really). Identifying an uncontroversial list, then, seems difficult at best, and an intractable problem at worst.

Additionally, the theory seems to make of the virtues an arbitrary grab bag of dispositions to be used and discarded whenever circumstances fit. Thus, virtues are radically situationally good or bad, and the implicit relativism on this point is a mark against consequentalist virtue theory as a moral program. Indeed, we clearly employ some virtue terms with the intention of delivering moral praise through their use. For instance, when we say, "That man is courageous", we say this expecting that our audience will understand that we mean to praise the person in question, and praise him in a particular way that incorporates at least a hint of moral praise, all of which is related to the intentions of the agent being praised. It would be tremendously odd to say, "That man is courageous", and to mean by this description that people should understand that the man is to be condemned for his courageousness because he is immoral. Conceptually, then, virtue words like "courage," "magnanimity," "just" and "wisdom" incorporate the very notion that they are good traits of character; the agent who has these good traits of character is better – often morally better (i.e., attitudinally more praiseworthy) – than one who does not have these traits, regardless of whether the society in question treats certain of its own cultural characteristics as foundational. And it is difficult to imagine a world whereby you would hear, "That man is wise" where that would mean we should avoid the man. But this possibility is that to which the consequentialist position on virtue as outlined above seems committed.

The consequentialist could respond to this reasoning by arguing that the word for the trait might vary with the world, so that where in possible world W1 the same trait T is not a virtue as it is in W2 (because in W1 there consistently are bad

consequences arising from trait T), and T would be called by a less flattering name than it is in W2. The virtue of trait T, then, would vary with the world. This would preserve the consequentialist claim that virtues are to be identified according to their *actual* effects; character traits are not good in and of themselves, they are good *only* in relation to the effects they bring about in the world. Other possible worlds would have circumstances whereby a trait T is a virtue on world W1 because of the effects the trait produces in W1, yet in world W2 trait T would produce different and bad effects, and trait T would not be a virtue, regardless of the words used to fix referents for traits like wisdom or courage.

This argument misses the mark from the Aristotelian perspective, and I think the Aristotelian perspective is the correct one. Even if the word for a trait varies from world to world, there is an essence to traits, and transitivelyto the acts that arise from traits, which does not vary from world to world. This is true regardless of the words used to fix the referents for traits or the acts that arise from them. The act of lying is inherently ugly and undignified, and by transitivity so is the trait that results in lying, even if consistently there might be good consequences to come from lying in a possible world.

Still, this violation of the intuitive invariance of the property of being a virtue seems to require deeper consideration. If in given circumstance C1 agent X is virtuous, then this means X will have the intellectual acumen, coupled with the proper moral sense, not to act on those virtues inappropriate for C1. If courage is called for, in any given circumstance C1 at any given not-so-different possible world, then the virtuous agent will act courageously. If courage is not called for, in any given

circumstance C1 at any given not-so-different possible world, then the virtuous agent will not so act, because to do so in circumstance C1 would not be virtuous but foolhardy or brash or dangerous, or even nonsensical. It is true that circumstances matter in determining when a virtue is to be acted on, but circumstances do not *determine* whether an internal state counts as a virtue, which is what the consequentialist is committed to saying. To characterize the virtues in this way, however, is to replace "virtue" with a corrupt, ignoble notion. It may be the case that lying works in some possible world, but that is merely a pragmatic or practical observation; it hardly means that lying is a virtuous activity. Thus, consequences cannot *determine* what constitutes virtue.

It might be more appropriate to characterize the situation as one where the external world provides the landscape for virtuous activity, instead of the content of virtue. Furthermore, it is unfair to make the claim that circumstance C1 determines whether disposition d is a virtue, while at the same time assuming that (as one argument against Aristotle's virtue theory typically proceeds), given different circumstance C2, agent X will act precisely the same as X would have acted in circumstance C1. Arguing in this way plays two ends against the middle. If agent X is virtuous, then X will be so attuned to the differences between circumstances C1 and C2 that, in this world or any other at least close possible world, he will do what the situation demands. An honest man won't tell lies even in a world where lying has good effects, because lying is ugly regardless of practical results.

Imagine that in some not-so-similar world Y there is a duplicate of Diogenes of Sinope, and that this duplicate Diogenes alters the images on Sinopean coinage.

He does so with the same intentions Diogenes in our world had in mind, i.e., to cause a reaction such that Sinopean citizens would begin thinking about his intention in defacing the currency.[66] But in this not-so-similar world Y, there is almost no reaction to his act of defacing the currency. In fact, people in government and ordinary citizens carry on their everyday lives as if Diogenes had not existed. Does this mean that Diogenes wasn't mischievous? Of course not. Diogenes still had the intention of bringing about a reaction disproportionate to any harm he had done, even if others did not react as anticipated, and we must assume he was justified in believing that his act would result in a disproportionate reaction. Otherwise, we would not be talking about the same Diogenes, who was reputed to be quite clever, aware of his circumstances and environment, and committed to creating situations where others could consider possibilities outside the normal scope of their existences.[67]

Now, it might be objected that in this world Y Diogenes is suffering from the inability to accurately assess his environment. Consequently, he was not justified in believing his act would result in a reaction disproportionate to any harm caused – as evidenced by the lack of anticipated response – so he does not meet one of the conditions of mischief. Thus, he is not even mischievous in the first place. But this argument, I think, begs too many questions. There is no reason to think that duplicate Diogenes suffers from any epistemic defect such that his assessment of the external world could be mistaken in the way this argument implies he must be. Additionally,

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[66] As described by Diogenes Leartes in *The Lives and Opinions of Eminent Philosophers*, found at <http://classicpersuasion.org/pw/diogenes/dldiogenes.htm>. Notice here that Diogenes of Sinope can be understood as being engaged in political subversion as well as mischief.

[67] After all, Diogenes is reputed to call an olive jar home.

the unresponsiveness of his audience might be an indication of any number of things, such as removal of their neocortexes at that moment or their transformation into zombies immediately prior to Diogenes' act, so to impute poor judgment to duplicate Diogenes is merely question-begging.

Possibly, I am not giving the consequentialist his due in this regard. If we were to consider hypothetical scenarios in which a common sense virtue, such as courage, did not have its customary effects, many people will say that in those circumstances the virtue of courage would not be morally praiseworthy, or even necessary. The consequentialist, then, will feel vindicated, because the hypothetical scenarios indicate that the only reason virtues such as courage are valued in our world is their consequences. Without consequences, the set of virtues is empty.

Fair enough. But I am not saying consequences are completely irrelevant, only that it cannot be that consequences *decide* matters of virtue. Furthermore, the very notion of virtue depends intimately on effort, and effort arises in agents, not outside them. If virtuous activity does not meet with success, it is still virtuous activity, at least in so far as it arises from a disposition related to an intention supported by proper motive guided by right reason in relation to a proper assessment of circumstances. That circumstances might change unexpectedly and unpredictably is not a mark against the virtuous agent. Diogenes is still virtuous, regardless of the close or distant possible world into which he is placed.

C. Consequentialist Virtue and Intentionality

Another issue involved with mischief as a virtue that warrants some discussion is the relation between intentionality and virtue. I propose to proceed by considering the views of Julia Driver in *Uneasy Virtue* (2001). Driver offers this most recent consequentialist account of virtue, and Driver's provocative argument in *Uneasy Virtue* (as I use it in relation to mischief) shows the curious and counterintuitive implications of a drastically externalist, consequentialist account of virtue. It also shows how low-level acts of mischief are virtues even on this radically externalist, consequentialist account of virtue. Because Aristotle and Driver are not talking about the same or even similar ideas of virtue, I won't spend time considering details of Driver's critical treatment of Aristotle or how Aristotle might respond to Driver. I will also limit my comments to a consideration of objective consequentialism, as Driver does. Driver makes a distinction between objective and subjective consequentialism, where the objectivist holds that acts are good insofar as they objectively bring about good consequences in the world, and where the subjectivist holds that acts are good insofar as agents believe their acts will bring about good consequences in the world. Subjective consequentialism seems to share enough in common with a Kantian or Aristotelian ethic, insofar as internal states of agents play a strong role in determining ethical praiseworthiness, to warrant focusing on objective consequentialism. However, I should stress again that Aristotle is not concerned with consequences per se; a person or a city that performs noble acts just *is* flourishing. This aspect of Aristotle's theory of virtue will be explained in greater detail shortly.

1. Summary of Driver's "Virtues of Ignorance"

Driver thinks that the classical conceptualization of virtue a la Aristotle's internalist model is mistaken. For Aristotle, in order to have moral virtue one has to have *phronesis*, or practical wisdom, which is the capacity to deliberate well so that one can determine the morally salient features of a given situation. But there are a number of virtues that, she says, do not fit into the internalist model. She calls these virtue exceptions to the Aristotlelian rule "virtues of ignorance," hence the title of her book, which is presumably an allusion to the fact that we might find it difficult to accept the virtues of ignorance as virtues at all. Virtues of ignorance are the result of "epistemic defect." It logically follows, then, that neither perceptual nor intellectual accuracy is necessary for virtue. Consequently, if internal conditions are unnecessary for determining virtue, external conditions must decide matters of virtue. Thus, a consequentialist theory of virtue, incorporating the virtues of ignorance, is the best way of conceptualizing virtue. A character trait, or disposition, is not a virtue unless it produces good results "out there", objectively in the world, and virtues of ignorance do this quite nicely.

To drive her point home, she offers modesty as a paradigm case of an uncontroversial virtue of ignorance:

> Genuine modesty, I argue, requires that the agent underestimate self-worth to some extent (though not to the extent of constituting self-deprecation). This means that the agent is making a mistake. The agent fails to fully recognize that, for example, he is the best pianist in the world when in fact he is. (2001, p. xvi)

Modesty, she writes later, is "basically an attitude of ignorance that one has towards oneself." Virtues of ignorance, then, like modesty, serve as clear counterexamples to

Aristotle's model of virtue. Aristotle thinks the man of practical wisdom, or of good sense, is one who deliberates about circumstances in order to voluntarily arrive at a decision. It is the condition that an act be voluntary, i.e., a result of proper deliberation and choice that makes the act virtuous and morally praiseworthy. Acts done in ignorance of the relevant features of circumstances are not voluntary, and acts done in ignorance of the relevant features of circumstances are not virtuous or morally praiseworthy. But Driver holds that some acts done of ignorance of the relevant features of circumstances are still virtuous and morally praiseworthy. In fact, they are virtuous and thus morally praiseworthy not only because they systematically lead to the good, but also because some acts done in ignorance are virtuous and morally praiseworthy *because* they are done from ignorance.

2. Problems for Driver's Argument

Again, going the consequentialist route in general is not without its problems, some of which I've touched on above. But going the strongly external route that Driver espouses is even more problematic. For instance, Driver claims, against Aristotle's theory of virtue, that ignorance isn't intrinsically bad, if what we mean by saying so is that ignorance is always bad. She supports this claim with the following argument: "I am ignorant of the names and addresses of most of the people walking by my office window, but I don't view that as something bad" (2001, p. 27). Thus some instances of ignorance are acceptable. But her implicit argument fails to make her point, and in two ways.

In the first way, notice that she has actually switched topics, because she is no longer talking in the context of virtue, which necessarily entails moral content. Ignorance of names and addresses of passersby is not morally significant. However, ignorance of the relevant moral features of a situation necessarily indicates for most people that our acts cannot be morally praiseworthy, even if they also cannot generally be morally blameworthy. And in certain instances, ignorance of facts is morally culpable. Consider that if I promise to visit you next Tuesday, but I am ignorant of your address and fail to find out what it is, this is an instance where moral culpability follows ignorance.

Additionally, her argument plays on two different senses of "ignorant." In the sense in the quote above, ignorance is a *temporary* cognitive state that can be remedied, by stopping people and asking their names, asking their addresses, and visiting those homes in order to confirm that the individual in question in fact lives there, etc. But no such remedy exists for "ignorance" in the original understanding represented by modesty, because the modest person is cognitively incapable of knowing the facts of her own situation. She is *permanently* disconnected from her internal states in such a way that knowing that she is modest (or that she has exceptional and unparalleled talents) is not a cognitive possibility. Thus, Driver's attempt to show that being ignorant of facts is not necessarily vicious by employing the example of not knowing addresses plays (even if unwittingly) on an ambiguity.

Additional modal considerations also provide an *ad absurdum* argument against Driver's position. For Driver, virtue does not necessarily entail the right kinds of intentions, dispositions, effort or intellectual abilities, because these

internalist concepts are baggage leftover from classical influences like Aristotle, who misunderstood the relationship between internal states, actions, external affairs and virtue. Virtue is determined by external affairs, by the actual outcomes of agent action, and not by any epistemic responsibilism, intellectual capacity for judgment, or access to internal states, according to Driver. Hence traits of ignorance, which require cognitive errors, qualify as virtues, because these sorts of traits lead to good consequences in the world and thus to human flourishing, regardless of the internal states of agents. But this is precisely the point where Driver's position is question begging. Her position commits her, as with other consequentialist virtue theorists, to deny that moral goodness consists in the nobility of the virtuous act, and consists solely in other goods (understood as material goods or social goods, such as economic fruitfulness or social harmony). It is these goods that constitute a flourishing society, on Driver's position, yet this is what Aristotle would deny.

Another of Driver's examples is that of a kind of forgetfulness, where agents who literally forget past harms (i.e., can no longer retrieve the memory of past harms) done to them or pains they've experienced help to create a better world for others because they do not need to go through years of therapy paid for by the state, won't perpetuate evil acts by repeating the awful harms done to them against others, etc.

But if we follow this logic, our notion of virtues and human flourishing change the landscape of what constitutes good effects, a good world, and human flourishing considerably. If a possible world full of virtuous agents would be the best world, then a possible world with greater numbers of forgetful individuals would be the better possible world than one with fewer forgetful individuals, all other things

being equal. But surely this must be wrong. From the perspective of a judicious observer, it can not be the case that a possible world full of forgetful agents would make the possible world a better place, the way having a possible world full of courageous people would. From a perfectly practical point of view, a possible world full of courageous agents would function just fine, but a possible world full of forgetful agents would soon cease to function, so there is at least one counterintuitive implication to be drawn from the theory.

Someone might object that, similarly, a world full of mischief makers would not be a good world either, so by extension my argument turns back on itself. But I don't think this counterargument to my position here has any teeth. As I think I have made clear, it is conceptually part of mischief making that it be the kind of activity where the agent in question is selective about how to act and when to act and in relation to what one should act. A world full of mischievous agents, then, may not be significantly different from a world with fewer mischievous agents. Agents act mischievously only when events or circumstances warrant, or Aristotle might say, the world (or a society) should have just the right amount of mischief making.

To see just how strange the implications of Driver's position are, if dispositions of ignorance are virtues, then this seems to be a short step away from "Gump Ethics". The main character of the movie "Forrest Gump" could do no wrong. All of the results of his savant-like efforts resulted in astoundingly good consequences. Yet he was incapable of acting otherwise than he ever did act, being the simpleton that he was. Gump was absent a good many cognitive capacities, like self-awareness and an ability to judge the true character of other people, all of which

seem to be part of the capacities to moral responsiveness that a virtuous agent, and a proper virtue theory, should entail (Swanton, 2001). On Driver's account, a possible world full of Gumps can be a better world than our own, or at least it is a more virtuous world than our own, if external circumstances are right, but this seems broadly counterintuitive. A morality consisting of virtues of ignorance seems really to be mere serendipity.

But the Gump world speculations may not be necessary, if Driver's argument can be shown to be wrong from the start, which I think it is and can show in two ways. The first error I think Driver makes is that she misunderstands the connection between cognitive states and virtues. The second error she makes is rooted in the justification she offers for the necessity of creating a consequentialist account of the virtues in the first place.

In relation to the first point, the virtue of modesty does not require ignorance. In praising Roberto Clemente for his modesty, we are praising him for how he acts, not what he believes; praising the modesty of one of the greatest baseball players (and probably the best outfielder) of all time consists in acknowledging that he does not gloat about his remarkable athletic abilities. What he believes about his own skills as a baseball player isn't relevant to assigning him the virtue of modesty, as it must be on Driver's account. Furthermore, as we identified in the previous chapter, there is an other-directedness to traits that in part constitutes their being virtues. The other-directedness of Clemente consists in his determination and discipline in becoming a better baseball player throughout his career. His mental energy was not directed at himself, at where he stood in the hierarchy of baseball greats.

In relation to the second point, in earlier work Driver (1996) identifies Aristotle as well as Kant as being of the tradition that assumes psychological states are key to determining the virtuousness of agents, and identifies the role of pleasure as the key to understanding the mistakes that each philosopher makes. Whereas Aristotle sees virtue as being connected with pleasure, Kant sees virtue as being disconnected from pleasure. Hence, for Aristotle the agent must harmonize his emotions and his intellect, but for Kant the agent must control his emotions with his intellect.

Driver makes this move in order to show that to focus on proper desire (Aristotle) or on self control (Kant) is to focus in the wrong areas, on psychological states of agents. What Aristotle and Kant have in common, and what they each fail to see, is that they advocate a view of virtue as "necessary for successful social interaction", according to Driver, so she develops her "unified theory of virtue" along consequentialist lines in order to focus on what Aristotle and Kant have in common, at least implicitly, when they write of virtue. But this only begs the question against Kant and Aristotle, and serves to establish the validity of a consequentialist theory of virtue without first determining whether Aristotle's understanding of virtue or Kant's is adequate from the start. As I will try to show in the next section, Aristotle's theory is adequate from the start, or is at least an adequate place from which to start developing a non-consequentialist theory of virtue that is as complex as human phenomenology (experience) is, so there is no need to go the route of developing a consequentialist theory that would embrace the baldly counterintuitive notion of virtues of ignorance.

II. Aristotle on Virtue

The first issue to be addressed in any attempt to argue that a particular disposition is a virtue is to say what exactly a virtue is. Aristotle provides a clear conception of what a virtue is, but which conception is more readily understood with a comprehension of his metaphysical views.

For Aristotle, all matter has in it a potential that is actualized in the world over time. Thus, change is no more than the attempt of a thing to realize its nature, or *eidos*. The principle of its change is internal to an object, so that each object's *ousia* (substance or essence) can be actualized. The *telos*, or end, toward which each substance aims is its good.

Human beings are no exception to these metaphysical principles. Aristotle's theory of virtue is an extension of his metaphysical view that each substance is a mix of form and matter trying to realize its *eidos*. Human *eidos* in particular is the right kind of mental activity (rational) blended with action. More specifically, like all other things, human beings have a *telos*, or end, that is their good and toward which they aim. Human beings aim toward *eudaimonia*, translated as "happiness", "flourishing", and "human good", but which includes both the notions of behaving well and of living a good life (1996 (1966), p. 59). This indicates that Aristotle held that happy living, rational living and virtuous living were intimately connected, a connection maintained throughout the NE. Aristotle initially defines *eudaimonia* as "activity of soul in conformity with excellence" (1098a15-16) and finally as "an activity of soul in accordance with complete excellence [virtue]" (1102a5-6).

Recall that earlier in this chapter stress was placed on the idea that Aristotle could be considered a consequentialist virtue theorist insofar as he is concerned with the *acts* that are the effects of virtue. The stress on acts and action throughout the NE, and the inclusion of "*activity* of soul" (*energia*, or "energy") in the definition of *eudaimonia* indicate that proper attributions of the virtuousness of agents are contingent upon agents *doing* things. "Activity of the soul" is rational control of the mind over the irrational parts, and the virtues to be expressed are both moral and intellectual, but what matters most for Aristotle are the acts that arise from virtue; a virtuous life is necessarily a life of action and of doing. Aristotle says that virtue is premised on choosing between possible solutions[68], with virtue being the state of having chosen and acted on the best solution to the problem at hand (1150a23-1150b6).

The preceding account of the connection between Aristotle's metaphysics and ethics still leaves us in the position of not knowing how Aristotle defined and understood virtue. Aristotle sets out in section 13 of Book I to provide a definition of virtue that is focused more on internal qualities of agents, and concludes by saying that virtuous living is *eudaimonia*. If through habituation, effort and action an individual cultivates the virtues, the result simply will be that the individual is *eudaimonistic*, or successful and happy.[69] Thus, cultivating the virtues when one is

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[68] As Aristotle makes clear throughout the NE, virtue and vice, properly understood, are premised on deliberation and choice.

[69] The Greek word *eudaimonia* is frequently translated as "happiness," but it is really something more than happiness, bringing with it ideas of flourishing, well being, the good life and success. Whenever I employ the term *eudaimonia*, I will have this broader notion in mind, even if I also employ the term happiness in the same context.

young, and exercising the virtues when one matures, are what *determines* well being and happiness for humans, and are sufficient for human happiness (100b10-11).

It should be clear now that Aristotle neither *says* that the virtues are defined or derived in terms of a *eudaimonistic* life, nor does Aristotle derive the virtues from a concept of the good or successful or happy life. While it is true that in the NE Aristotle defines *eudaimonia* first, which implies a beginning or foundational point, he employs the term "virtue" in the very definition of *eudaimonia* he offers. To define a notion in terms of a second notion is to acknowledge that the second notion is more fundamental than the first. The implication, then, is that for Aristotle dispositions do not count as virtues by first assuming a particular kind of life as the good life; one decides the good life by understanding what virtue *is* and then *exercising* the virtues.

Furthermore, it should be noted that the Greek word for virtue, *arête*, is not semantically limited to "moral virtue," as our word "virtue" is often more or less interchangeable with "moral virtue." *Arête* is semantically broader, and brings with it the notion of "excellence," as in *human excellence*.[70] So a virtue is any human excellence, including the intellectual excellences, and the task of a human being is to become excellent by acting on excellence.

Aristotle is not interested in explaining how to maximize utility for other human beings. His focus is on the character and acts of the virtuous man rather than on any external results of his actions. Thus, *eudaimonia,* which is the end and essence of Aristotle's theory, is the individual agent's excellence, not excellence of or

[70] See Barnes' discussion of the term in his 1976 Introduction to Tredennick's 1976 revision of J. A. K. Thomson's 1953 translation of *Nichomachean Ethics.*

for other persons or for society at large. Of course, Aristotle is aware that a community consisting of virtuous agents will itself be virtuous, but one does not act virtuously as a means to making oneself or society better. One acts virtuously because it is noble to do so, and being noble just is being good, for individuals or societies. For Aristotle, being noble just is being better, and certainly is better than any consequences that might follow.

This is best brought out by Aristotle's claim that it is noble to strive for virtue, and to be completely virtuous is the noblest goal a human can have (1099a21-22; 1100b22-32). Such a person will achieve the status of being "blessed." (1099b17; 1101a5-7, 17-21). A virtuous human being commits to doing what is noble not because doing what is noble will serve to benefit him, or society, but because it is the noble, or virtuous, thing to do under those conditions. To put it in Aristotle's terms, a character trait is an excellence if it is desire of a "noble object" (1116a28), or if it issues in noble acts.

Now then, let's assume this interpretation of Aristotle is correct, that virtue is intrinsic to agents and acts, and is not determined by circumstances. The question then arises: Does this understanding of virtue cover mischief? I think mischief makers do desire a "noble object". In the same way a man desires a noble object when he acts courageously, mischief makers desire a noble object when they act mischievously. The noble object at which the courageous man aims is to be courageous for the sake of being courageous (1120a24); the noble object at which the mischievous man aims is somewhat more complicated than that, but fits into the same schema: the noble object at which the mischievous man aims is to be mischievous for

the sake of being mischievous. This is not to say that the courageous man, and the mischievous man, doesn't have other aims. The courageous man wants to resist the invader without giving in to fear; the mischievous man wants to get people to rethink conventional beliefs. But these are in addition to the aim of doing that which is noble for its own sake.

The reason we don't incorporate this motivation when *defining* mischief is similar to the reason why we don't incorporate this motivation when defining courage. We can define courage as something like having an accurate sense of danger and having the willingness to endure it, and in so doing we mean to relate what courage is. We understand this as a praiseworthy trait even if we do not specify that the courageous agent does so for the sake of being courageous. Indeed, we can see that it is conceptually a part of courage that courageous acts are done, at least in part, for the sake of the noble. Likewise with mischief, we define it in order to understand what it is, but we also can see that acting mischievously is done, at least in part, for the sake of doing the mischievous act, in addition to hoping for a fruitful outcome. An act of courage is still an act of courage if the enemy wins; an act of mischief is still an act of mischief even if the audience fails to question the dubious doxa. Courageousness and mischievousness are good states of being because they produce good acts, which when motivated in the proper way are good in and of themselves.

Aiming at a noble object, or acting on the ideal, requires proper reasoning, which is to say that the noble man follows the dictates of reason, or the noble deed just is what is reasonable to do under certain conditions. In Aristotle's theory, then,

this is the point where we arrive at the doctrine of the mean, which is by definition that which is reasonable, or that which a reasonable man will do. But the doctrine of the mean is no simple recipe for ethical action, no rudimentary set of axioms to be applied to generate a virtuous choice or act, as Aristotle indicates when he says ethical matters are not liable to the kind of calculation found in mathematics; there is only the adjusted perceptual abilities of the virtuous agent to identify the mean under certain conditions. In short, one just must be able to perceive the virtuous course, and it is the prudent man, or man of practical wisdom, who can do this well.

This last point also indicates an important fact of mischief, to be discussed in greater detail shortly, that perceiving the right circumstances in which to act mischievously is difficult, and cannot be fit into a formula. Again, such perception is what Aristotle refers to as prudence, and mischief requires it.

In relation to the general position taken in this dissertation, I think an appeal to Aristotle as a starting point is fruitful for several reasons. First of all, Aristotle's commentary on specific character traits lends insight into mischief as a virtue (sections A and B below). Second, Aristotle's distinction between moral and intellectual virtues sheds light on some of the complex elements of the virtue of mischief (section C below). Third and last, Aristotle's Doctrine of the Mean provides a good schema for understanding just what is right about mischief and how other character traits are wrong (section D below).

A. Human *eidos*, Intellectual Play, and Vice

In the previous chapter I addressed the notion of play, or intellectual playfulness, in relation to virtue. Specifically, I mentioned that Aristotle considered *eutrapelia* a virtue, and philosophers such as Aquinas had to go to some lengths to account for how play could be a virtue.

That play, or intellectual playfulness, should be thought a vice in the Medieval period makes sense, because of the association between play and frivolity. Play was what one did when one had ample and extra time, but the results of idle hands and an idle mind are well known. This general observation in the Medieval period (and into the Modern period, actually) can be found in Aristotle's NE. Aristotle says that persons who focus on mere "amusement" are "soft" persons (1150a32-1150b18). Thus, for Aristotle as well as for philosophers of the Medieval period, play as mere amusement was an expression not of a virtue, but of vice.[71]

Mischief does not suffer from the associated vicious characteristics connected to frivolity and soft persons. First of all, mischief is generally not merely for frivolous amusement, so it can't be play of the vicious, idle sort that Aristotle and Medieval philosophers have in mind. Second, mischief seems often to have as one of its primary elements a kind of seriousness, which isn't captured in Aristotle's *eutrapelia*, focused as that virtue is on competition. Indeed, the seriousness of mischievousness in some instances entails meaning to provoke orhurt one's audience, which means that mischief has an edge to it not likely to be found in

[71] In the *Politics* in a passage concerned with whether music should be part of education, Aristotle offers that "amusement is for the sake of relaxation, and relaxation is of necessity sweet, for it is the remedy of pain caused by toil; and intellectual enjoyment is universally acknowledged to contain an element not only of the noble but of the pleasant" (1339b15-19). Aristotle seems to be saying here that play (the right kind of amusement) is for the sake of work, which is for the sake of leisure, which is for its own sake (where "leisure" can be understood, I believe, as "contemplative life" as described in Book I of the NE). Thus, we can see that play, while not a vice, nevertheless is low in the hierarchy of virtues.

Aristotle's notion of *eutrapelia*. Third, even though mischief also contains a pinch of playfulness, this is not exactly the kind of playfulness associated with Aristotle's intellectual playfulness. Fourth, and to return to the idea that mischief as playfulness might be a kind of vice of soft persons, it is unlikely that one would characterize mischief makers as soft persons. Mischief often requires a sort of studied awareness of the environment and other relevant circumstances in order to come off well. Indeed, mischief requires a certain amount of resolve and willingness to face unpleasant consequences of one's actions (i.e., social punishment or recrimination).

If we look specifically at what Aristotle writes with regard to *eutrapelia*, the differences between mischief and other (possibly) conceptually related notions become clearer. Aristotle lists virtues and vices that include other dispositions that are similar to mischief, without being identical with it (1107a28-1108b10, especially 1108a10-30). Aristotle says that *eutrapelia* (in Barnes's translation, "ready wit;" 1108a24) is the virtue of the human activity of self expression ("intercourse in words and actions;" 1108a11-12). Thus, self expression for human beings is important for living a good life, and the best disposition one can have in this regard is *eutrapelia*. We can see a similarity with mischief on this point, because it is clear that purely mischievous acts are acts of self expression. Further, we can see similarities in attitude with regard to a sense of humor and playfulness, and with the excess of self expression. Aristotle states that a deficiency of self expression is "boorishness" (*agroikia*; 1108a26), and an excess of self expression is "buffoonery" (*bomolochia*; 1108a25). Earlier, we observed that proper timing and the right attitude are paramount to mischief, and that having the wrong attitude with imperfect timing

might amount to buffoonery. To describe an agent as a buffoon is to assert that he suffers from a certain lack of seriousness that is required for us to take the agent seriously at all. The buffoon is a slapstick; is overly concerned with entertaining, i.e., "doing anything for a laugh"; is too little focused on delivering an actual message; is something of a professional comic of gross subject matter. Boors, on the other hand, lack creativity and verbal skill, and are generally thought to be dull yokels.

In light of the categories of dispositions to which Aristotle compares *eutrapelia*, we can see that Aristotle's notion, while it has similarities to mischief, is not the same. The spectrum runs from professional jester to uneducated peasant, with the witty intellectual falling in the mean. While mischief incorporates intellectual content and cleverness, it is not focused on appropriately delivered, witty repartee.

Now, it might be observed that Aristotle includes "words and *acts*" (italics mine) in his explanation of the virtue of *eutrapelia*, and an argument could be generated that mischief is a kind of *eutrapelic* act. However, Aristotle's examples all rely on verbal repartee, and it is difficult to think of what might constitute "ready wit" in terms of pure action. Mischief is a disposition to act, not just a disposition to speak or write in a particular way with entertainment in mind. Furthermore, Aristotle indicates that the witty man is a man of tact, who is inclined to "say and listen to such things as befit a good and well-bred man" (1128a18-19); that he is a person who respects standards of decency (1128a24); and that he is one who acts as "a law to himself" (1128a33), refraining from offensive humor. Clearly, these characteristics do not capture the character of the mischief maker, who is often out to offend someone in his audience, and to do so intentionally, not to mention that the goal of

the mischief maker is not typically humor at all, at least not humor for the sake of humor.

That *eutrapelia* is translated as "ready wit" also indicates a clear difference, even with the addition of *eutrapelia* being a mode of "intercourse in word or act." To be a ready wit is to be spontaneously able to respond to an immediate situation, whereas the mischief maker is one who waits for the right circumstances to be present before acting. There is a patience involved in mischief that is not captured in Aristotle's *eutrapelia*. Ready wits deliver their responses immediately upon perceiving circumstances that call for response, such as in the heat of verbal one-up-manship; a ready wit who delayed a response would not be a ready wit at all, at least not for that reason.

On the other hand, Aristotle makes clear that the moral virtue of *eutrapelia* is directly related to social life, as mischief is, and that *eutrapelia* and its vicious states are all "concerned with an interchange of words and deeds of some kind. They differ, however, in that one is concerned with truth, and the other two with pleasantness"[72] (1128b4-6, 1127a34-1127b6). This reminds us of the discussion in the first chapter on pranksterism vs. mischief making, where one difference seems to be that the former entails pleasure seeking behavior for the self, whereas the latter is a well timed act of self expression intended to provoke a community in relation to accepted beliefs (i.e., truths).

[72] Aristotle, along with most other moral philosophers, holds that attaining truth, and even the effort to do so, is one of the principles guiding a truly human life, the other being a desire for and the attainment of justice. However, the mischief maker is not necessarily committed to the idea that he or she has attained truth (although this is true of some mischievous agents), only that there might be a different way of looking at a particular issue from which the received view can and should be questioned.

B. Misrepresentation and Viciousness

Some might argue that mischief is not a virtue because in a way it involves misrepresenting states of affairs. Such an argument would appear to echo Aristotle when he discusses misrepresentation as a poor choice of mean to accomplish x, because misrepresenting states of affairs can lead to vice (1127b4-22). One surmises that the vice that such misrepresentation of affairs might lead to would be something like deception, where the audience is purposefully misled and in a way duped into believing x when the mischievous agent suspects that x is not the case.[73]

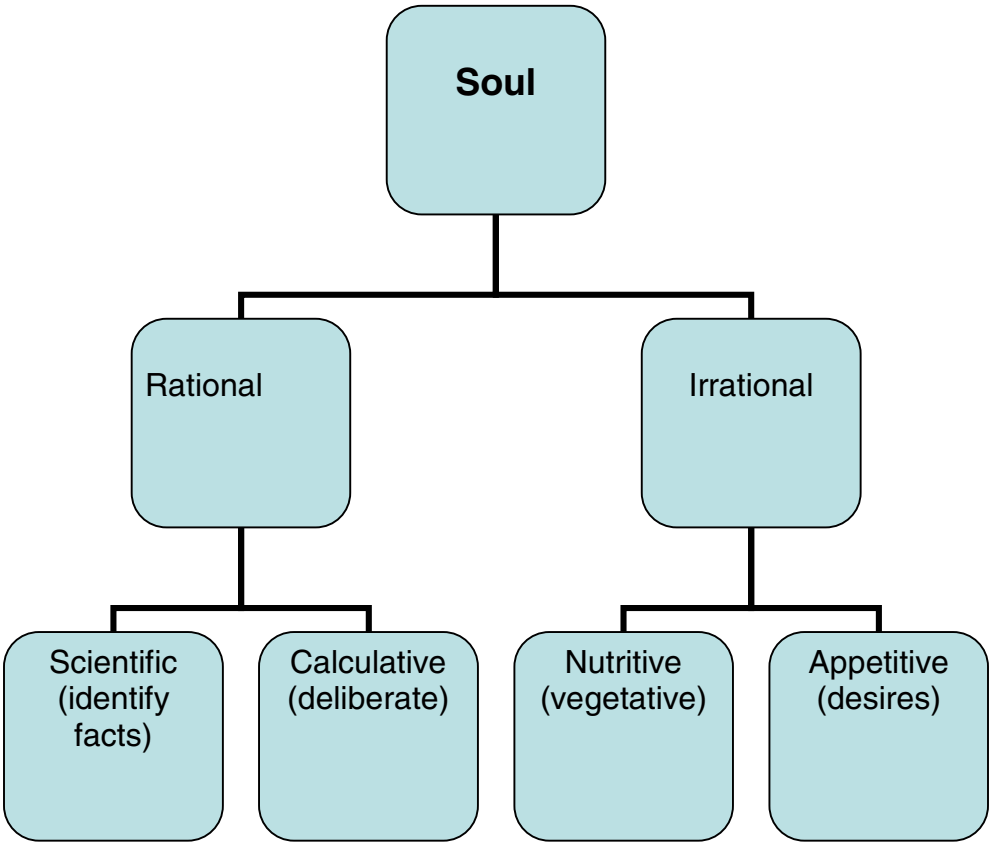
Aristotle offers this comment on misrepresentation leading to vice in the context of assessing the virtue of boasters and exaggerators, and I think this is where the analogy might break down. Boasters are somehow out of touch with the facts themselves, whereas mischief makers seem to have the pulse of some epistemic certainty or possibility that they are warranted in believing. Boasters often suffer from delusions of grandeur as well, thus suffer from misrepresenting *themselves* to themselves and others. Many often take a delight in falsehood, which is a purely vicious disposition. Socrates would say boasters are not virtuous, because they do not properly know themselves. Mischief makers are not keen on representing or misrepresenting themselves, and are focused on external states of affairs. Likewise with exaggerators, who suffer from an inability to focus on what is actual and real in a way similar to boasters. Mischief makers might have some sympathy with such quixotic creatures, but if mischief makers are vicious they are not vicious in the same ways that boasters and exaggerators are, because they are concerned with truth.

[73] The topic of deception in relation to mischief will be explored in greater detail in Chapter 5.

C. Is Mischief a Moral or an Intellectual Virtue?

Aristotle divides the virtues into two categories, the moral and intellectual (1103a14). Getting clear about whether mischief is an intellectual or moral virtue, and being able to follow Aristotle's schema when he identifies the virtue in relation to the vices of excess and deficiency, will go a long way toward showing how mischief can be understood as an Aristotelian style virtue. I will address these issues in this and the following section.

In order to specify which of the two types of virtue mischief might be, it will help first of all to consider in some detail how Aristotle distinguishes the two. Again, Aristotle states that man's function, the achievement of *eudaimonia* or a flourishing life, is activity of the soul in accordance with virtue over a lifetime. The concept of "soul", which for Aristotle would not entail a spiritual entity distinct from the body, and instead would have meant something like "personality" (MacIntyre, 1996, p. 64), can be located more easily in the following diagram.



The soul is divided into two parts, the rational and irrational. The incontinent man is one whose irrational appetitive part somehow fails to obey the rational part. The *eudaimonistic* man is one in whom the rational and irrational parts of his soul are properly harmonized. The rational parts and the irrational parts are different aspects of our nature, and their virtues do not overlap, save for the intellectual virtue of practical wisdom (*phronesis*). The function of *phronesis* is to enable us to know the correct way to behave, so while *phronesis* is not a moral virtue, shortly we will see that it is quite closely associated with the moral virtues.

As a general category, virtues, or human excellences, are dispositions that express choice (1106a3-4; 1106b36), and any state of mind that is praiseworthy is a virtue (1103a9-10). Therefore, the first aspect of a virtue on Aristotle's account that we should keep in mind is that in order for a person to be thought praiseworthy for the expressions of their states of mind, a person must have deliberately chosen to act on the intention (1105a30-1105b1). [74]

One of the chief distinctions between intellectual and moral virtue is that intellectual virtue owes its inception and growth to instruction (1103a15), whereas moral virtues are the result of habituation (1103a17). The moral virtues have more to do with our natural constitution to receive them, but their full development is due to habituation. One does not habituate intellectual virtue, because one is instructed in intellectual matters. This brings out another difference between them, their relative subject matters. Intellectual virtues are habits of the rational part of the soul concerned with discerning truth, whereas moral virtues are habits of the appetitive or passionate part of the soul with respect to love of the mean in some determinate matter.

An example Aristotle offers in order to make the distinction between intellectual and moral virtue clearer is that of the young boy who, having received proper instruction, could be a brilliant mathematician, yet could not possess practical wisdom, because he has insufficient experience yet with particulars (1142a12-16) and has little experience in habituating his emotional responses in the right way. When we describe a man's character, we refer to his moral virtue (per Aristotle). Moral

[74] Aristotle explicitly states that in order for acts to be virtuous an agent "…must have knowledge, secondly he must choose the acts, and choose them for their own sakes, and thirdly his action must proceed from a firm and unchangeable character."

virtues, then, are dispositions of our passionate elements, which help us respond correctly to practical situations (or, as Aristotle writes, "…to feel them at the right times, with reference to the right objects, towards the right people, with the right aim, and in the right way…" (1106b21-22)).

This is not to say that we don't praise the man of wisdom, because we do, but in praising him we are praising something other than his character; we are praising his state of mind and his ability to attain truth. Thus, a disposition of the mind that enables us to know the truth is called an intellectual virtue (1139b11-13). There are five intellectual virtues, beginning with knowledge (*episteme*), consisting of deductions from more basic principles. Making the correct deductions requires identifying the right principles, which is accomplished by comprehension or intuition (*nous*). A third virtue is wisdom (*sophia*), which consists of the combination of *episteme* and *nous,* and manifests as the ability to have a complete understanding of nature. There are two other intellectual virtues, skill or the art of making (*techne*) and the previously mentioned practical wisdom (*phronesis*), with the latter being the most significant for Aristotle. He states that a man with the virtue of *phronesis* is "able to deliberate well about what is good and expedient for himself, not in some particular respect, e.g. about what sorts of thing conduce to health or to strength, but about what sorts of thing conduce to the good life in general" (1140a25-28). The man of practical wisdom, then, is an excellent deliberator who can correctly identify the relevant facts of experience in an effort to skillfully, reliably and quickly infer and apply general moral knowledge to particular situations so as to commit to action. The man who has the virtue of practical wisdom is called the "prudent man". Virtue, then,

or “excellence”, is “a state concerned with a choice, lying in a mean relative to us, this being determined by reason and in the way by which the man of practical wisdom would determine it” (1106b36-1107a7).

It is clear, then, that the moral and intellectual virtues are not the same, and I think we can reasonably agree to the distinctions Aristotle makes. The moral virtues provide our values, our way of properly feeling in relation to the world, but our intellectual virtues help us to know the right steps to take in order to achieve the desires we have in relation to the world. But it is possible to have the right values without knowing how to achieve them in practice, and it is possible to know how to achieve objectives without having the proper values or feelings in relation to the world. The proper function of practical wisdom is to execute a plan and act on the correct orientation of values.

It is because mischief incorporates creativity, proper timing, and is often highly intellectualized, that I think it is more like an intellectual virtue, and I am inclined to think that this is what Aristotle might say. It does appear to satisfy many of the necessary conditions for qualifying as a kind of intellectual virtue. Mischief is a well-timed act brought out through a sensitivity to the external world and community, all of which implies a kind of wisdom, or *sophia*, about one’s environment and about existence *qua* human experience. It also seems to rely on the intellectual virtue of practical wisdom, or *phronesis,* in the same way other virtues do. Additionally, mischief, like intellectual virtues in general, seems to have as its subject matter a concern for attaining truth.

Aristotle identified the intellectual virtue *techne* (1140a1 -23) as the "art of making." While mischief does not appear at first glance to be an art, it is a kind of skill, and it incorporates an aesthetician's touch. It has elements of artistry in its awareness of atmosphere and audience, its focus on timing and delivery, and in its studied method of deliberate provocation. "Mischief" seems related in many ways to what Aristotle referred to in the *Poetics* as the art of comedy found in the theater (a literary art), and in the art of rhetoric as described in the book bearing the same title, each of which are subsumed under the category of *techne*. Below I explore each of these connections, settling on the claim that mischief is best thought of as subsumed under the art of rhetoric.

There are likenesses between mischief and the sorts of things Aristotle said about comedy, limited though his comments were.[75] Aristotle defined "tragedy" and "comedy" primarily in relation to each other. He makes it clear that there are distinct subject matters, different means of representation, and different communications attending the two genres of literature. However, a similar impulse, to know through mimesis or imitation, is the foundation for both tragedy and comedy (and, I suspect, is one reason why Aristotle says the youth must first imitate virtuous acts and virtuous men before they can be virtuous men).

According to Aristotle, the origin of comedy was a strange and provocative play-like event during which men gathered to dance and sing around a giant phallus (1449a10-14, 22-25). In a tangential philological speculation, Aristotle relates that comedians likely got their name from the fact that they went from "hamlet to hamlet,

[75] Aristotle's work on comedy, if there was one, is lost to us, although at least one person has attempted to reconstruct it (Janko, 1984).

lack of appreciation keeping them out of the city" (1448a37-1448b1). Aristotle's speculation on this matter connects the theatre atmosphere to a provocative event socially stigmatized in cities. Unlike tragedy, however, the provocative event is not one incorporating dark motives or the downfall of a hero, but one involving conventions and the average to below average man. This average man is considered ridiculous, Aristotle tells us, and not noble (1449a-32-34), and the form of comedy presents a dramatic picture of the ridiculous. If we think of our examples, there is certainly something like this in relation to mischievous acts. In a way, Sokal wants to show that critical theory in its academic form is ridiculous, and Cambridge clearly wants to show that the dinner party guests' attitude toward blacks is ridiculous.

Writers of comedies, however, are still considered poets by Aristotle, as evidenced by his inclusion of a Homeric play that presented the general form of the true comedy to be used later (1448b34-1449a-6). It is not insignificant that Aristotle should consider writers of comedies poets, as they arguably are. In the beginning of Chapter 9, writing about the distinction between historians and poets, Aristotle offers that:

> The distinction between historian and poet is not in the one writing prose and the other verse – you might put the work of Herodotus into verse, and it would still be a species of history; it consists really in this, that the one describes the thing that has been, and the other a kind of thing that might be. Hence poetry is something more philosophic and of graver import than history, since its statements are of the nature rather of universals, whereas those of history are singular. (1451a39-1451b7)

This passage contains an interesting claim that the subject matter of a poet is "philosophic and of graver import than history". If a type of poet, a comedy writer, should be associated with philosophy (though Aristotle does not go so far as to say the comedy writer is a philosopher), and if mischief is a type of comedy, then the idea that mischief might incorporate the kind of philosophical attitude we've discussed thus far is given additional support.

The connection between the poet and the mischief maker we've mentioned previously. Now we have a constellation of sorts formed by Aristotle, Grice and mischief making. In "Logic and Conversation" (1989 (1967), p. 35), Grice writes that the poet creates a problem "the hearer has to solve", namely, "why a speaker should, when still playing the conversational game, go out of his way to choose an ambiguous utterance." Intentional ambiguity imposes "on the audience the effort involved in finding this interpretant." Mention of a speaker "playing" a "conversational game" calls to mind the playful attitude associated with mischief making. Furthermore, notice the clear similarity between poet and mischief maker as equals in creating complex representations of the ideas they wish to express to audiences.

Last of all, Aristotle specifies that literary imitation is presented, and ought to be presented, in both comedy and tragedy in three phases: a beginning, middle and end. If each of these parts is adequately probable, clear and persuasive, the conditions present for learning occur (Ch 4, but especially 1448b12-20). That the theater should be an event focused at least in part on learning, as opposed to

entertaining, leads one to think that Aristotle might have considered mischief a kind of theatrical performance or sketch as a corrective.

While mischief is like comedy in at least these ways, there are differences, the most obvious of which is the gravity with which tragic plays unfold. In order to accommodate this difference, we might be tempted to view mischief as being a blend of tragedy and comedy, having a subject matter of some gravity like tragedy, a means of representation more like comedy, and an intended communication not clearly in line with either.

But a final difference between mischief making and comedy, or theater in general, indicates that mischief making would not be looked on by Aristotle (and should not be looked on by us) as a species of comedy. Mischievous agents are not participating in a theatrical performance; rather, they create a theatrical performance, which is to say that, in a way, they create theater from elements found in the real world, and they treat actual circumstances as if these were part of a theater performance. The role of the ridiculous man in episodes of mischief making is played by what we have referred to as the direct recipient of the act of mischief. Of course, the line between audience and player typically (though not always) is clearly drawn in theater, whereas the lines between the target audience (as audience) and direct recipient of the act of mischief (as unwitting player) is blurred in mischief making, because the target audience and direct recipient can be one and the same. The television show "Punk'd", where a person suddenly discovers that he is a player in a performance staged for the amusement of others, is a good example of this blurring of lines. Indeed, in instances of intimate mischief, i.e., among very small

groups of two or more in relative isolation, the individual(s) intended to rethink a doxa is/are often the very person(s) on the receiving end of the mischievous act. However, mischief making as communicative activity travels, so to speak, from immediate audience/recipient to extended audience, via continued discussion of the event beyond its time t temporal location. Additionally, in the theater all agents, audience members and players, know the roles they play, but in mischief making in the real world not all players know the roles they play; the line between actor and audience in theater is clearly drawn, whereas the lines between mischief maker, observer and recipient are not. And of course, the mischief maker is not motivated by the desire to produce a cathartic effect in the audience; emotions are not the focus of mischief, but a different intention is what the mischief maker has in mind, which again can be broadly thought of as questioning the doxa.

It is this issue of the inclusion of other agents in the act of mischief, which shows the clearest difference between mischief and theatrical comedy. Mischief is not part of theater properly understood, but it is part of the real world, and it is concerned with matters of truth and beliefs about the world. Because other agents are directly involved in these acts, this indicates that mischief might fall into the category of virtue concerned with what is due others, or justice : "For this same reason justice, alone of the excellences, is thought to be another's good, because it is related to others" (1130a3-5; see also 1129b27-1130a1). It is this connection to the virtue of justice that leads me to think that Aristotle would likely consider mischief a form of rhetoric, and thus an intellectual virtue, in part because in the *Rhetoric* Aristotle also directly connects the *techne* of rhetoric with the virtue of justice.

There are some reasons why a match between rhetoric and mischief is not altogether smooth. For instance, rhetoric deals with persuasion through language, and as we've noted mischief does not always rely on language for its persuasiveness. Additionally, Aristotle spends a great deal of time making and exploring connections between rhetoric and politics, indeed commenting that "rhetoric masquerades as political science" (1356a26-27), whereas mischief as we've seen is less concerned with matters political.

However, the reasons for thinking Aristotle and we should look on mischief as *techne* subsumed under the art of rhetoric are weighty. In a section in which Aristotle recaps his ethical theory in order to connect his views on moral psychology to rhetoric, he states that acts and traits that are excellences are noble. He then lists those noble aspects of a person which one might wish to praise during a speech, and includes among them "all things done for the sake of others, since these less than other actions are done for one's own sake; and all successes which benefit others and not oneself; and services done to one's benefactors, for this is just" (1267a3-5). This is just a brief reference, however, to the detailed treatment of the virtue of justice that Aristotle provides in Book 5 of the NE. The connection from rhetoric, an intellectual virtue, to justice, a moral virtue, evidenced here is I think the best way to characterize the moral content of the intellectual virtue of mischief. Mischief is a skill, which is an intellectual virtue, but when performed well, the "product" of mischievousness is beneficial to others, and thus becomes a matter of justice, and so functions as a moral virtue.

If we think of shoe making as an intellectual virtue, it is the knowledge of how to make the shoe and actually making a good shoe that is the skill, but the shoe that is actually made and sold, the product of the skilled artisan, becomes a matter of justice. To be sure, making a bad shoe is not contrary to the skill of shoe-making– consider the experienced cobbler who makes a bad shoe in order to teach some lesson to an apprentice. But making a bad shoe and then selling it as if it were a good shoe is a matter of justice, i.e., runs contrary to justice. Making a shoe is an act of the art of making shoes, but selling a shoe is an act of justice. Something like this is what is at work in instances of mischievousness. Creating an act of mischief so that it conduces to provoking the audience to reconsider a dubious *doxa* is a skill; bringing the act to bear in the world in relation to a target audience ("consumers"), becomes a matter of justice relating to what is due others who lack a balanced perspective on some dubious *doxa*. If audience uptake of the meaning of an act of mischief occurs, then the mischievous act is successful; if audience uptake of the meaning of an act of mischief does not occur, then the mischievous act is not successful.

To what extent mischief might be a matter of justice also depends on being able to identify the kind of justice it is. In Book 5 of the NE Aristotle identifies two types of justice, distributive (chapter 3) and rectificatory (chapter 4). I am inclined to assign mischief to the category of distributive justice, because mischief seems to be concerned with matters of proportion in relation to merit of individuals and their beliefs, as opposed to being concerned with arithmetical gain/loss as in the case of rectificatory justice. But if mischief doesn't always fit under the distributive umbrella, this seems to be another indication of how peculiar a disposition mischief

is, and not an indication that mischief making is not a matter of justice.[76] Aristotle indicates that the just person makes just distributions, which is to display the pattern of the mean (i.e., to be unjust in distributions of too much or too little in relation to merit is vice itself, although the excess and deficiency are treated under the same name, "injustice"). And certainly the mischief maker does something like this. He treats persons according to their merit based on their belief in some doxa, and he strives to strike the mean, or that which is just, and to avoid injustice, by maintaining cognitive contact with reality in such a way that his act has the intended effect of provocation but is not so over-the-top that the underlying message, the questioning of the doxa at work, does not get lost, at least not lost on all consumers of his "product" (i.e., members of the target audience).

Further, Aristotle says that one task of rhetoric is to help us deal with matters that do not permit of systematic treatment, and it does so by incorporating aspects of three separate subject areas: logic (which he addresses in the *Analytics*), moral psychology (which he addresses in his ethical works) and language structure and use or style (which he addresses in the *Poetics*). That rhetoric is an art based on fragments of disparate subjects is an additional indication of why mischief, as a skill within the art of rhetoric, is so difficult to categorize.

Another task of the rhetorician is to deliberate on subjects that do not yield to systematic inquiry "in the hearing of persons who can not take in at a glance a complicated argument, or follow a long chain of reasoning" (1357a3-5). Recall that one of the elements peculiar to mischief making is the determination by the agent that

[76] For a succinct discussion of the issues related to Aristotle's treatment of justice in individuals, as well as for references of works opposed to the view I've taken here of Aristotle's understanding of individual justice, see Annas (1993, pp. 312-316).

the subject is one which can be better addressed indirectly. Sokal's article submission was effective because a message was indirectly delivered to an audience on a subject directly addressed previously (and often). Sokal's mischievousness in this instance, and his virtue, was to identify this subject as one which would not yield to standard argument via explicit statement, and to show his audience through less direct yet more *effective* means that a particular school of critical theory lacks intellectual rigor. Maybe in this instance the subject matter couldn't accommodate additional direct critique, or the audience was no longer capable of hearing or seeing the arguments from any point of view, and the mischievous agent needed a new "trope" to deliver his intended message. Regardless of the circumstances, however, it is the *medium* the mischief maker chooses for delivery of his message that is essential to its impact on the target audience.

That Aristotle and we might consider mischief a subspecies of rhetoric also makes sense when one considers that rhetoric is defined as the identification of the available means of persuasion (1355b28). Mischief makers must identify not only the right circumstances *in* which to act, but must also identify the right means *through* which to act, otherwise, and again, their acts are at best obnoxious, and at worst irrelevant. Direct argument can not always be relied upon to get the point across.

The connection to Aristotle's views on rhetoric should be clear enough now. Mischief works along lines similar to those of rhetorical devices. Mischief makers are concerned to get across some proposition concerned with truth and true beliefs in a studied attempt to persuade the audience to question some doxa, and they do so by adhering to the Principle of Cooperation, even if at the same time they violate other

sorts of norms of behavior (such as “don’t harm” or “don’t embarrass”) by whose violation the mischief maker says something. Recognizing the best conditions and circumstances in which to deliver the “message” is a skill, hence success at delivering the message to those who “get it” is a sign of success, which is a sign of the agent’s intellectual virtue. We might be inclined to agree as well that success in this regard is also a sign of the agent’s moral virtue, concerned as he is with the good of the community to know the truth. The connection to nobility, then, might be found in the fact that mischief makers sacrifice their own temporary well being. In other words, they put themselves in a sort of danger from social stigmatization or worse, for the sake of “persuading” a target audience to question a doxa that needs questioning.

That mischief might be an intellectual virtue that *functions* as a moral virtue is a capital point to keep in mind, because this helps us to be rid of the following two worries. If mischief is a (moral) virtue like courage, there’s the problem that people always mean something positive when they use other virtue words like “courage”, but they don’t always mean something positive when they use the word “mischief.” I’ve already conceded that historically the word “mischief” has this negative content, so it can’t be argued that people who use the word as a term of condemnation or to impute maliciousness are wrong or conceptually confused. Further, this observation begs the question against the working definition. It would appear the definition is normatively loaded in favor of my argument that mischief is a virtue. This expressivist line more or less asks whether I am not simply talking about the same type of act that others are talking about when they use the word “mischief” but mean to indicate it is a vice.

Thus the extension is identical, but the attitude is different, and who is to say that one or the other is wrong?

But these issues can I think be resolved quite cleanly. First of all, and as I stressed at the beginning of this dissertation, my primary goal is to help us see more clearly the delineations of a particular type of action and agent. That I use Aristotle's theory to showcase my observations is not as important as the extension itself, and that this extension has moral importance should be a much less controversial claim now than it likely was at the beginning of this dissertation.

Furthermore, if we stick with our Aristotelian understanding of virtue, and if mischief is an intellectual virtue, we sidestep both the worry over content and over a normatively loaded definition. Intellectual virtues, like rhetoric, for instance, do not have the normative component attached to them in the same way that moral terms like "courage" do. Rhetoric is an intellectual virtue if the agent has learned the ways and means of persuasion effectively. This does not mean such an agent has the corresponding moral virtue of justice; the agent can use rhetoric well or badly, to benefit the polis (to use Aristotle's term) or not. If used well, say, in ways related to persuading people to believe and to act on that which is true and beneficial for the polis, then it functions as a moral virtue because other people are treated justly; if used poorly or selfishly, it functions as a vice because other people are treated unjustly. The same is true of mischief makers. If a mischief maker uses his skills well, his provocative acts move people to consider a dubious doxa. If a mischief maker uses his skills poorly, mischief in this case functions as a moral vice because in some way people will not be treated as is their due.

D. Mischief as the Mean Between Complacency and Contrariety

In keeping with the Aristotelian method of conceptualizing each virtue, it will behoove us to follow his virtue/vice schema. If mischief is the virtue, what are the associated vices? What are the excess and deficiency of mischievousness?

Aristotle's doctrine of the mean can be summarized as follows. The mean is the properly balanced, or virtuous, disposition, in relation to a particular subject matter, with the subject matter itself having no normative content, i.e., being neither good nor bad. To be out of balance in this subject matter is to have a vice either of deficiency if too little, or of excess if too much. If we consider Aristotle's most famous (and clearest) example, courage is the mean in the subject matter of fear and confidence (1115a7-1115b6). Someone who has too much fear and too little confidence suffers the vice of cowardice; someone who has too little fear and too much confidence suffers the vice of rashness.

If mischief is a virtue on the Aristotelian model, and when it functions as a moral virtue, there must be a neutral subject matter in relation to which mischief is the mean between two vices, one of deficiency and one of excess. One of the elements of mischief, which seems to be the primary subject matter of mischief, is that there is an effort aimed at questioning whatever is believed by an audience, but which the audience is not completely justified in believing, or which the mischief maker believes the audience accepts too unreflectively. Mischief makers have a willingness to entertain possibilities outside accepted norms, and exhibit an indirect yet concerted effort at forcing people to question their assumptions on some matter.

To stress a point made earlier, questioning the prevailing *doxa,* or something very close to this, is the neutral subject matter with which mischief is concerned. So far, so good, since questioning beliefs is neither good nor bad *per se*, which fits Aristotle's schema. To question the doxa in the right way, at the right time, via the right method and with the right audience in mind, broadly speaking would be the mean, or the virtue of mischief. To question the doxa too little would be the deficient vice, and to question the doxa too much or too often would be the excessive vice.[77]

We should probably refine this, however. "Questioning the doxa" can take two meanings. Questioning the doxa can mean merely thinking critically, or it can mean getting people to see in a peculiar way that the very structure of the conversation or the substance of their concerns is a doxa that requires questioning. Both of these can be accomplished mischievously. In the former sense, many of Socrates' dialectical interactions were exercises in critical thinking, where he would enter into a discussion with someone legitimately, and attempt to get to the truth of some metaphysical or moral matter or claim. This straightforward type of interaction and exchange, if it was sincere, is not mischief, but in many of Plato's dialogues, Socrates's exercises in critical discovery have an underlying tone of mischievousness to them. Socrates knows that his dialectical partner believes something that he is unwarranted in believing, and he intends to show his dialectical partner this is the case.[78] But the proposition behind Cambridge's dinner party behavior, which seems

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[77] In "The Jazz Age of the Philosophy of Science" (1999), David Stove – who is a perfect example of a mischievous philosopher - refers to this type of excess as "levity" in describing Karl Popper and Paul Feyerabend.

[78] I also have in mind the Socrates of the *Symposium*, who playfully flirts with Narcissus while generating and participating in a serious philosophical dialogue on the topic of love.

to be something like “think carefully about your own biases and bigotry”, is not only a result of his critical thinking, but is intended to provoke others to think critically as well. It is in a sense an engagement in dialogue, but also is a nonverbal meta-critique of the beliefs of the dinner guests. Cambridge intends to engage them critically, even if the engagement is of a peculiar kind.

The distinction I am trying to make here might come out better with a fresh example. Suppose I have two friends who have just come out of a gender studies class, and my friends are having a debate about the gender of Heisenberg’s Uncertainty Principle. One friend claims that the Uncertainty Principle is strictly feminine, while the other claims that it is obviously masculine. Knowing that the entire discussion is nonsense, I enter it by saying, “Look, it’s obvious that Heisenberg’s Uncertainty Principle is gay most of the time, but has tendencies toward transexuality for periods throughout the year. *Think* about it.” In this instance, I have not really critically entered the discussion, although I am sincerely engaged in an exchange; I have entered the discussion in a peculiar way in order to get my friends to see that the very structure of their beliefs is a doxa that requires serious questioning. In a sense, it is a way of saying, “I’m not sure why you believe this is a serious matter for discussion.” Mischief makers want to show us that a particular story that is believed may well be nonsense, and they want us to see how the story might be nonsensical via a peculiar method. But in either sense of “questioning the doxa,” I think we can find examples of mischief that fit.

Now then, it might be tempting to construe the vices in terms of playfulness and seriousness. One who questions the doxa with too much seriousness and without

sufficient playfulness would be a person suffering from being overly serious, possibly even overly enthusiastic or zealous, a crank; one who questions the doxa with too much playfulness and not enough seriousness would be overly playful, possibly even flaky or goofy. But these categories seem to be overly broad, covering much more than we have in mind when we say that mischief is a proper blend of the serious and the playful.

I think the best way to understand the vices associated with mischief would be to think of these in terms of cooperation and curiosity. The former person, the overly cooperative and insufficiently curious, we would likely describe as having the disposition of complacency or incuriousness. The complacent person, who is deficient in relation to questioning the doxa, is one who goes through life being uninterested in or being unconcerned with what is true about society (a matter about which Aristotle thought was one of the most important with which human beings should be concerned). Complacent persons might be said to suffer from a lack of concern about the truth of conventional wisdom of the day, lack in creativity or engagement, and cannot be persons of action.

The latter type of person, who is excessive in relation to questioning the doxa, might be thought of as a type of charlatan or imposter, and we might describe him as having the disposition of contrariness. Hence, we would call him "contrary" or "contradictory", and refer to him as a "contrarian". These are persons whose timing is off, or whose consistent questioning of any prevailing opinion is merely annoying.

I think these categories of traits help us account for other types of vicious persons as well. The argumentative person is, clearly enough, a special case of the

contrarian. The argumentative person is given to unprincipled exchanges and disputations, and is thought of as one who is more or less cantankerous. These persons are usually fond of argumentation itself, regardless of the truth in the disputed matter. They would appear to be curious to a degree, but essentially they are uncooperative. They give the sense that if they met someone who was properly critical and skeptical, they would argue with him too.

The dogmatist, on the other hand, seems to be a special case of the complacent person. Now, it would not be unreasonable to think that the dogmatic person is really the opposite of the complacent person. Whereas the complacent person is not concerned about the truth of conventional wisdom, the dogmatic person is overly concerned about the truth of conventional wisdom. Complacent persons care for no vantage from which to address conventional wisdom, and dogmatic persons care for one vantage from which to address conventional wisdom, and are wont to harangue others into adopting the same, and even to persecute others for not believing the same. It follows that we might say that the complacent person is too flexible with regard to what others believe about the world, the dogmatic person is too inflexible with regard to what others believe about the world, and the mischievous person has just the right amount of flexibility with regard to what others believe about the world.

But I think this view is mistaken. Dogmatists are more likely a special case of the complacent person because they too are not engaged in the world in an adequately reflective manner. True enough, the complacent person and dogmatist do not share all of the same traits with regard to beliefs about conventional wisdom, complacent persons being doxastically inert and dogmatists being doxastically driven. Being

doxastically driven, the dogmatist is engaged with the world in a way the complacent person is not. But the dogmatic person is not engaged in the world in a way opposed to that of the complacent person. The mistaken belief that the complacent person and the dogmatist are drastically different most likely is rooted in the fact that complacent persons are generally thought to be unexcitable, overly flexible with regard to their *own* beliefs, and downright dull, whereas dogmatists are thought to be excitable, rigid with regard to their *own* beliefs, and even charismatic at times. But the dogmatist, for all his inflexibility, is exactly like the complacent man in not questioning the doxa. Dogmatists are only one step removed from the intellectually complacent man, because dogmatists do not accept any beliefs outside their one belief, and all other possibilities are given no consideration. Dogmatists are complacent in that they do not care to question the doxa, and in that they do not explore possibilities, in just the same way the complacent man won't explore possibilities; the dogmatist is incurious in nearly the same way the complacent man is incurious. The dogmatist, then, is programmatic (read: programmed, with the attendant associations with mechanical, unreflective thinking) whereas the mischief maker is not. The complacent man is not so much programmatic but "unprogrammed" with regard to questioning the doxa. That is to say, the dogmatist questions the doxa with a particular (absolute) view in mind of the way a community ought to believe. Complacent persons fail to question the doxa at all, and this leaves them in essential respects like the dogmatist. Each is incurious, and the only slight difference is in how they manifest cooperation. Dogmatists are incurious and uncooperative,[79] whereas complacent persons are

[79] A timely example of this type is George W. Bush, famous for his incuriosity and rigidity. Even if he does not have these traits and only strategically feigns curiosity and rigidity against political opponents

incurious and overly cooperative. Thus, the difference between the two types of persons is a difference in degree, not in kind, and I think the vices of contrariety and complacency remain.

This also points to how the contrarian, or the argumentative person, is an opposite, vicious type to the complacent, or even dogmatic person. The contrarian excessively questions the doxa, in opposition to the complacent person or dogmatist, but the contrarian does not have any end in mind the way the dogmatist does. Neither does he suffer from indifference about questioning the doxa, as the complacent man does. Indeed, he actually might be said not to care at all about the doxa; what he cares about is arguing for the sake of arguing, such as when Hamlet cruelly taunts Polonious, or about showing off what a free-thinker he himself is, such as Paul Feyerabend. Misperceptions of mischievousness, again, will often be attributable to incorrect assessments of intentions and motivations.

III. Summary

In this chapter, I hope to have accomplished two goals. The first was to show, through an exploration of the mischievous attitude, how the consequentialist account of virtue, while incorporating strengths different from an Aristotelian understanding of virtue, is still less desirable than Aristotelian virtue. The second was to explore in more detail how mischief fits the Aristotelian account of virtue. What I wish to do in

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in order to have them take him less seriously than they should, for my purposes the example holds if we imagine these traits actually can be attributed to him.

the remainder of the chapter is tie together the loosely hanging threads of mischief that make it a virtue.

I think in part mischief is a virtue, not just in the actual world, but in not-so-different possible worlds, and even in not-so-similar possible worlds. The primary reason I say mischief is a counterfactual virtue, and that it is a virtue even in not-so-similar worlds, is that mischief is not about effects of acts *per se*. The virtue of mischievousness, as I think is the case for virtues in general, is about acts themselves, in the *way* acts are brought about, with the *care* and *planning* of acts, in the *intentions*, however vaguely or precisely conceived, behind acts, with the*assessment* of external conditions that takes place prior to acting, and in the *effort* placed into cultivating the *attitude* agents adopt prior to undertaking the planning of said acts. Too often modal considerations seem to thwart a reasonable claim that some disposition x is a virtue by showing that in a world not-so-different from ours the same act could bring about bad consequences, and so disposition x can't be a virtue. Instead of showing that virtues are so heavily dependent on external circumstances, however, I think modal scenarios show clearly how the consequentialist account of virtue, and indeed any strongly external account of virtue, is mistaken.

Mischief, as a virtue, incorporates intentionality in the same way other virtues do, and intentionality and the acts arising therefrom are key to deciding whether any disposition is a virtue.[80] In a close possible world, and even in a not-so-similar

[80] I recognize that there is a conceptual difference between intentions and dispositions. However, what that difference amounts to when we are speaking of virtue is less clear to me. One must have the right sort of motivation to intend to cultivate the dispositions we know of as virtues, but often motivation, intention, and disposition are mixed together. Of course, simply put, motives inform intentions, and dispositions are capacities to act a particular way in relation to circumstances that serve to form motives.

possible world, mischief will be a virtue, because most of these worlds will call for mischief. Mischief is focused on mechanical thinking and mechanical being, and so will make its way in most worlds where there are thinking beings. A truly mischievous individual, transported to not-so-similar world Y, will adapt to the circumstances on Y and bring about mischief accordingly, because mischievous individuals are conceptually and practically mentally flexible.

That mischievousness is a disposition with a peculiar intentional component shows that it meets one condition of being a virtue clearly, but there is more to the virtues than just intentional disposition. The common sense notion of virtue tells us that there is also the attitude behind the intention, the care given in bringing about the intention in an act, and the deliberateness in acting that also show an act to be a virtuous act of mischief by an agent. In keeping with Aristotle's view of virtue, if virtue is a capacity to properly function (a knife's virtues might be its capacities for cutting cleanly, or quickly, or over a long period of time), and if human virtues are those capacities that make one function properly as a human being, then mischief is a virtue also because it is a valuable disposition that makes one function properly as a human being, including action, humor, playfulness, cleverness, flexibility of thought and a concern with truth. Mischief is a virtue because it is part of a flourishing life that one should be mischievous, and one should do mischievous things, because there is a sense in which it is noble to do so.

It might be argued that mischief is not a virtue itself, and that the man of practical wisdom simply has the intellectual virtue of the *techne* of rhetoric, and the moral virtues relating to social qualities. But I don't think this will do, because

mischievousness is an attitude in and of itself. It is not solely a type of social virtue having to do with pleasant interaction, because it is concerned to persuade an audience to question the doxa, which is a matter relating to truth and true beliefs, which indicates it is an intellectual virtue. As an intellectual virtue, it most closely resembles, or is, an unacknowledged type of rhetoric. As an intellectual virtue, its connection to moral virtue then must come through justice. When we move to establish its justice pedigree, we find that mischief fits better under the category of distributive justice, as opposed to rectificatory. Aristotle's Doctrine of the Mean provides a tidy and workable schema for analyzing the vices that seem directly associated with mischief as a virtue.

That mischief's virtuousness does not submit cleanly to systematic treatment may help account for why it has escaped notice as a praiseworthy disposition. Because mischief need not be iterated, and because mischief is a complex of characteristics and traits, some but not all (e.g., questioning the doxa) of which Aristotle identified long ago, and because it seems not to fall cleanly into Aristotle's theory, it seems best to think of mischief as an "Aristotelian-style" virtue.

Chapter 5

Mischief and Harm

Throughout the first four chapters, the issue of the harm caused by the mischief maker has been acknowledged but unaddressed. In this chapter, I sketch a significant part of the moral landscape of mischief making related to its harmfulness, and address the primary moral issues involved.

I begin with a quote that more or less endorses the attitude I argue we should adopt in relation to the harmfulness of mischief. Tellingly for my purposes, the source of the quote is a modern Aristotelian, Alasdair MacIntyre. MacIntyre comments on Socrates that:

> "…he always leaves the interlocutor in a fury. How are we to understand this procedure? … it would not be surprising if Socrates envisaged his duty as a teacher as that of making his pupils wiser by making them discover their own ignorance. To this it may be objected that Socrates is too often pictured by Plato as driving his interlocutors into an exasperated fury, and that this is scarcely a convincing method of moral education. But infuriating someone may indeed be the only method of disturbing him sufficiently to force him into philosophical reflection upon moral matters. (1996 (1966), pgs. 19-20)

I posit that one can be deliberately infuriating, yet still be virtuous, and one can be deliberately psychologically harmful (as offense), even materially harmful within limits, yet still be virtuous, if one's intentions are ultimately to get an audience to

reflect on not just moral matters, as the quote from MacIntyre indicates, but on dubious beliefs in general, beliefs which affect and dictate how we interact with and treat each other, how we judge others, and how we move in the world. This is the conclusion I want readers to reach by the end of this chapter.

I propose the following order of topics for making the case for giving mischief makers a "pass", so-to-speak, regarding the moral culpability of the harms and hurts they cause. First, I consider the extent to which mischief involves harm. This section involves a consideration of whether harm is essential to mischief. The conclusion I come to is that whatever harm is the result of mischief is in fact an essential component of the mischief maker's act. However, I follow this with a consideration of the kinds of harm that mischief makers generally cause, to the conclusion that the harms are quite often mere nuisance offenses. As nuisance offenders, the adequacy conditions for the justifications that mischief makers must be able to offer are less demanding than would be the case for more serious violations of interests. But not all instances of mischief will fit in the category of nuisance offense. Exceptions point to the need for an additional way of looking at the harm of mischief making, which I explore through four models: Just War theory, and the Dentist, Medical Doctor, and Instructor Models. Naturally, this section commences with a consideration of the relationship between virtue and harm. It is broadly counterintuitive that virtue -- any virtue -- should entail harm, yet this is what is implied if mischief is both harmful *and* is to be understood as a virtue. In third and final section, the question of whether communicative acts have moral dimension is raised and answered. Grice never addresses this issue in relation to his theory of meaning, but our analysis of mischief

indicates that there is a moral dimension to communicative acts, which fits snugly with our present topic (as the quote from MacIntyre indicates).

Before proceeding, a preface is in order. As pointed out in Chapter 4, to assume moral responsibility is tied solely to considerations of harm and interests, i.e., to understand harm as the violation of interests *regardless of intentions of agents*, is to understand morality in terms of consequences of an agent's actions. That is to say, if the police officer's interest in not being embarrassed about having his cruiser moved around the block while he is having a doughnut is what determines the moral content of the situation, then the youth just is morally blameworthy, because even the young know at a fundamental if vague level that moving someone else's property is a violation of his interests, and likewise with any other scenario where interests trump all other considerations including intentions. On such a reading, Alan Sokal just *is* morally blameworthy for failing to directly respect the interests – professional reputation, say – of Stanley Fish. But what kind of morality is it that reduces our interactions and exchanges to such a pallid hue? This seems to lead to an understanding of morality bereft of much of the stuff of which our lived-experiences are made.

But if we focus additionally on intentions, we gain back some of that lived experience, that stuff of life. I take it, then, that even from the assumed "violation of interests" perspective of harm on which I propose to proceed, focusing on intentions in light of effects of acts will be acceptable. It is from the perspective of balancing the positive aspects of the agent's intentions with the negative aspects of the agent's actions that we will judge the mischief maker.

I. Mischief and Harm

A. The Notion of Harm

While I do not intend this section to be an exhaustive treatment of the notion of harm, or even a thorough treatment of the related literature, I think a few clarifying comments on the notion of harm are in order.

In cases of mischief making, if we ask the mischief maker to explain from whose perspective he determines the anticipated response will be disproportionate, an *overreaction* to the harm caused by his act, how can he respond without sounding biased in favor of his own perspective?

The matter of perspective has stood in the shadows so far, but needs to be addressed. Ordinary language provides one way of looking at this situation. Sometimes when we feel someone has overreacted to a situation, we say something like, "You just *think* it's a big deal." Our pre-theoretical considerations lead us to conclude that people often misunderstand or exaggerate the effects of events on their interests, or even misperceive that something is happening "to them."

Logically speaking, it is possible that all so-called harms are merely perceived harms, and that the term "harm" has no extension. After all, how can one logically prove that the boy's knocking the top hat from the man's head was *actually* harmful, instead of just being *perceived* as harmful? Anti-realists with regard to harm will argue that those who wish to maintain that the man suffers actual harm are similar to

scientific realists who add desk-thumping, foot-stamping exclamations of "Really!" to claims that electrons exist.[81]

The argument from perceptual illusion against instances of harm, however, places as much burden on its proponent as it does its opponent, and leads to debate about all sorts of things, including whether there are any such things as harms. I don't wish to debate whether there are any such things as harms. Understood broadly, the word "harm" means something like "a violation of interests", and throughout this chapterthis broad understanding will be assumed. The interests being violated are, naturally, the kinds of interests human beings have, or that beings like us have, and the language used to describe types of interests, like "bodily integrity" or "fiscal well-being" or "peaceful existence", can safely be assumed to correspond to circumstances in the actual world we experience. Humans are the kind of creatures who suffer pain, encompassing physical and mental pain, hence they have an interest in not suffering pain, which is a kind of harm; humans are the kind of creatures who consistently rely on each other in cooperative activities, and because of this they have an interest in not being deceived, which is a kind of harm; humans are the kind of creatures who spend their limited time acquiring reputations and working on careers in part to maintain an acceptable standard of living, hence they have interests in not having their time wasted, their reputations or careers damaged, or their living standards materially lowered, all of which are kinds of harms.

B. Intending vs. Foreseeing Harm

[81] As described by Fine in "The Natural Ontological Attitude" (Papineau, 1996, p. 37).

What instances of pure mischief have in common is that moral responsibility is plainly identifiable. The moral culpability of the mischief maker isn't located in the fact that others' interests *happen* to be violated. It is not that the mischief maker's actions are offensive to others, or that his acts cause trouble for other people. The mischief maker's moral culpability is in part squarely located in the fact that he *intends* to violate other peoples' interests, often by deliberately giving offense or causing trouble for others.

Now it might be argued that mischief makers do not intend to harm others, and only *foresee* that their acts will result in harms to others. This distinction is an implication of a theory known in philosophical circles as the Doctrine of Double Effect (DDE).[82] The DDE claims that it is permissible to cause harm provided the harm is a *side effect* of bringing about a good result, where it would otherwise be unacceptable to bring about that same good by causing that same harm as a *means* to the good in question. The distinction then relies on agents being able to *foresee* that a side effect will be harmful in contrast with *intentionally* bringing about the harm in order to achieve the desired good. The DDE is that component of Just War theory that says it is acceptable to kill one's assailant provided one does not intend to kill him. The idea is that one act can have two effects, only one of which is intended, the other of which merely accompanies the intended act. If you attack me, I intend to defend myself, and it is a foreseeable side effect of the actions I implement to fulfill my intention that you should be harmed and very probably will die.

[82] There is a vast and varied literature on the DDE, but only the notions incorporated in a general rendering of the DDE are necessary for purposes of exploring its relation to mischief.

On first consideration, the distinction between *intending harm* and *foreseeing harm* might not amount to very much. After all, if I intend to harm you, it is obvious that I can foresee that the act I intend to bring about is going to harm you. But the distinction is more subtle than that. Just because I can foresee that a particular act will *result* in harm to you, this bare fact does not entail that I *intend to* harm you, or so the reasoning goes. My intention may be something quite different from what practical effects accompany my intentional act. I can intend to defend myself, but I foresee that to do so I will kill you. Something like the DDE might be used to negate any moral culpability that might attach to the mischief maker for the harms that he brings about. The mischief maker, so the thinking goes, intends to get his audience to question a doxa, and he merely foresees that the direct recipient or the target audience of his act will have to experience the harm, offense, trouble or antagonism that will occur.

Likewise, it might be argued that if harm results from mischievous act A, then the harm is an *accidental* property of A, not an *essential* property. This distinction seems to echo the distinction between foreseeing and intending found in the DDE, and might give us reason to consider some type of argument along these lines as the right reason for giving mischief makers a moral "pass," so to speak. However, I think these lines of reasoning are mistaken.

Consider acts of sadism. When sadists inflict pain on others, their goal is to harm others; harm is an *essential* property of a sadist's act of cruelty. Likewise with instances of pure mischief: there is no mischief without harming. Harm (at whatever level we determine this to occur) is an essential property of a mischief maker's act of

mischief. In terms of the DDE, mischief makers intend to harm, offend or cause trouble, which reflects our understanding that the mischief maker knows that there will be an immediate adverse reaction to his act. The intent to harm others clearly is part of the essence of mischief making. It seems disingenuous, therefore, to argue that the mischief maker merely foresees the harm his act will cause. The mischief maker intends the harm and intends to have people question a pernicious doxa.

Because harm is an intended property of acts the consequences of which are known to the mischief maker, he bears the burden of having to accountfor that harm.

C. Mischief and Offense

"Offense" seems to be the general category of violations of interests that capture what is happening in many instances of mischief making. Admonitions against giving offense constitute part ofa longer list of social rules or conventions (such as rules against antagonizing others, causing trouble, etc.) in place for the sake of harmonious group interactions and living.

1. Offense

If we want the notion of "violating interests" to be a robust concept, then it isn't completely clear that mischief makers violate interests, or harm others, in any robust way when they give offense. If so, then the adequacy conditions for the justifications they might offer are much lower than for other types of harms where there is a clear violation of interests at stake.

To make this claim convincing, imagine that I was a guest at the dinner party where Cambridge grabbed handfuls of mashed potatoes. I may have been offended by his action, but there is no clear way in which my interests can be said to have been affected. There may be cases of offending where someone might *say* that their interests are at stake, such as when a strict vegetarian feels that his interests are seriously violated when I consume foie grois (we will assume that I informed the vegetarian of my habit of consuming foie grois knowing the information would trouble him). Even if I claim only to eat foie grois in my own home behind shuttered windows and with a filter that removes all foie grois molecules from the air, my mischief making in this instance is premised on deliberately offending the vegetarian. But what this sort of example amounts to, in terms of violating interests, is terribly unclear, and more importantly, it might indicate that offense is the hearer's problem, not the offender's.

However, we can see the wisdom of not sticking too rigidly to this distinction, in the same way that we earlier decided to dismiss the argument from perceptual confusion relating to harm. *Anything* would go, so to speak. Or rather, all acts would fall within the realm of the acceptable (hence we would have no criteria by which to decide whether an act is morally blameworthy). Furthermore, "mischief" would lose much of its sense. For instance, let's imagine a case where Cambridge knows that a guest at the dinner party is mentally unstable and physically frail, and that if Cambridge grabs the mashed potatoes, the unstable guest will likely fall into a screaming fit, have a heart attack and die.[83] If Cambridge goes through with his plan

[83] We'll set aside concerns over how Cambridge could possibly know such things about the unstable guest.

to grab the mashed potatoes knowing that the mentally unstable guest will likely be dead by the end of dinner, and if we stick rigidly to the idea that offense is a problem for the hearer not the offender, then we would have to say that Cambridge could proceed with his mischievousness. Cambridge, after all, is not intending to give offense in order to kill the unstable dinner guest. But surely this shows that something has gone wrong. First of all, by rigidly adhering to the idea that offense is a problem for the hearer (or witness, we'll say), Cambridge can proceed with his plan to grab the mashed potatoes, and soon a member of the dinner party, a witness to the offending act, will be dead. Cambridge will have known beforehand that his act was going to lead to the man's death. But do we really want to say that Cambridge is free from moral blame in the mentally unstable dinner guest's death? We recognize that if Cambridge is to remain free of moral blame, and indeed if he is to be considered a mischief maker, he can not act on his plan, even if his intention is to question the pernicious doxa, or the prevailing belief among wealthy, liberal whites about the ill manners of blacks. In this instance, the agent might well cross the line between mischief and downright maliciousness. Knowingly acting at a time and in a manner that results in the death of another human being can't be a morally neutral event, and significant moral blame would attach to the act, to the conclusion that it was not mischief at all.

Let's consider another scenario, one where the agent clearly intends to act mischievously, and where the element of offense is established in such a way that we can agree that the behavior only reaches the level of offense. Say I am invited by a friend, who is Caucasian, to attend a family picnic. I know that my friend's family

members are bigots, although they would never describe themselves as such (we'll call them "closet bigots"), and I know that my friend has absorbed some of this bigotry. Finally, let's say I want to draw the attention of my friend and his family to their bigotry. At every opportunity, I start commenting on "them Jews" and "them niggers" and "them dotheads." I go so far as to start assigning epithets to food items, e.g., fried chicken as "that nigger food" and kosher pickles as "that Hebie food", and in the end I am referring to the night sky as "that nigger sky" and the music of Bruce Springsteen as "Mr. Springjew's tunes" and to a head scarf as a "sand blocker for dotheads". I end the evening by addressing my friend's family members, saying, "Thanks for dinner. You're by far the nicest bunch of crackers I've ever met!"

Of course, this example where I spray epithets during my friend's family picnic incorporates morally relevant issues other than just the offense issue. The first issue has to do with obligations of friendship, and the second having to do with what I will call the Ambush Argument.

It might be argued that there are rules of friendship, and that there are interests attendant upon these rules. However, I don't think the appeal to the sanctity of friendship will work. One of the chief reasons we should have friends is that they charge us with becoming better persons than we are, so in undertaking this bit of mischief, i.e., confronting his and his family's bigotry, without my friend's knowledge I would be discharging that responsibility, even if the responsibility is discharged in a peculiar way. But note that, while it may be *peculiar*, it does not follow that it is a less *effective* way of discharging the responsibility.

It might also be argued that my friend invited me to a *family* gathering; his family members are preparing to have a barbecue, to enjoy each other's company and the day, and they can not have been expected to know that their attitudes towards members of other races or religions should be under scrutiny. Hence, so the argument goes, it was the wrong time and place to draw attention to their bigotry, and I have violated my friend's family's interests in having a peaceful and happy barbecue. I call this argument the Ambush Argument.

First of all, it doesn't appear that the Ambush Argument is based on any principled way of determining when the "right time" or "right place" can be identified. At best, it assumes that there are circumstances where propriety restricts behavior of the type described. But this is merely to beg the question of timing against the mischief maker in general. By their very nature, acts of mischief must take place in contexts where the unexpected will draw the intended attention and overreaction. The Ambush Argument threatens to make it impossible to do mischief, which is an unacceptable consequence. This observation might not amount to much, other than implicitly committing to the idea that there is some value in having mischievousness as part of the fabric of our lives. It is up to the mischief making agent to determine appropriateness of time and place considerations, and to be able (at least in principle) to provide justification adequate to persuade us of the moral legitimacy of the act in question. This in turn implies that one restriction placed on mischief makers is that mischief makers must be able to provide sufficient justification for their actions. We will return to the issue of justification shortly.

2. Profound vs. Nuisance Offense

The offense that occurs at my friend's family picnic is of a lesser sort, clearly, than other types of offense we can imagine. In "Profound Offense" (Dworkin, ed., 1997), Feinberg makes a distinction between a "nuisance" and a "profound offense" that will prove helpful for us. Feinberg distinguishes nuisances from profound offenses by observing a "nuisance" is an annoyance or an irritation that attaches to "offense" only in a strict and narrow sense. Other offenses have a "felt character" that makes their difference from mere "nuisances" more severe. The latter he calls "profound offense." I think at a certain level this is the distinction that many mischief makers recognize and use to direct their actions that are described as "troublemaking," "antagonistic" and "offensive."

One way Feinberg chooses to distinguish "nuisance" from "profound offense" is to consider whether the acts or words would "rankle even when unwitnessed," such that generally speaking a "nuisance offense" is something that affects individuals, whereas a "profound offense" affects any number of persons whether or not they observe or directly perceive the offensive act in question. Having clandestine sex with cadavers is generally considered a profound offense, though no particular individual's interests can be said to be affected.[84] Hearing one's sibling referred to as

[84] The issue of whether the dead have interests is taken up at different levels throughout the essays in *The Metaphysics of Death* (Fischer, 1993), especially in Feinberg's article "Harm to Others". At an intuitive level, the dead would appear to provide a limit to mischief making, such that not even mischief makers could use the dead for their efforts to provoke (read here: shock) others into questioning a doxa. But even this limit seems questionable to me. I know of one anecdotal story involving a cadaver's penis being artificially erected as medical students walked past (this story, however, strikes me as an example of a prank). Of course, if the dead have interests at all, as Feinberg says they do, then presumably so do their parts; or rather, the dead have interests in their parts, so their interests extend to their parts, and even mischief makers must take this into account when creating mischief.

"a drunk" affects only the hearer, and if offense is taken it is taken only by the hearer (especially if it happens to be false that the sibling is a drunk).

Now then, as I mentioned earlier, the adequacy conditions for the justification of an offensive act are substantially lower than for other sorts of acts where clear violations of interests are at stake. Offending people, such as in the example above, is not the moral equivalent of substantively harming their interests. One can imagine some of my friend's family members responding angrily to my continuous utterances of bigotry. One can also imagine some of my friend's family members seeing the overreaction, and eventually comprehending the "message" I intended to deliver through this peculiar method. Many instances of mischief fall into this category of nuisance offense, and are equivalent to a friend asking a co-worker to husband swap next weekend, or to a library patron incessantly tapping his pencil while one is trying read. As such, the moral culpability of mischief makers is less severe than it might at first seem. Furthermore, it is often the case that when acts of mischief are described after the fact – when the mischief maker has done his deed and moved on – witnesses to the deed, or even third-person testimonials, reveal that the deed is looked on with humor and as provocative entertainment, whereas profound offenses continue to rankle and disgust.

D. Mischief and Justification

Even a brief consideration of the family barbecue scenario and our paradigmatic examples reveals that there are criteria by which we can determine more or less whether an act is justified based on the agent intentions and the harms that will arise

from the act. It is this same objectivity that identifies that there is an *offensiveness* to the use of a particular word in a specific context. Language here permits us to acknowledge an awareness of social settings and expectations, such that behaviors in certain settings and outside those expectations can be identified as having the quality of "offense," without assigning blame to the agent for having unintentionally given offense to someone (or, accompanied by blame if that is applicable). And within this limit whereby we identify objectively that there is an offensiveness to the use of particular words or to a certain behavior, there is a further limit, demarcating the kind of offense that mischief makers can give without moral culpability, and the kind of offense to which moral blame can be assigned, as Feinberg helps us see.

An example of an offense to which moral blame can be assigned might be when an individual's fundamental intention is to shock and offend others, period. Shocking or offending others merely for the sake of shocking and offending doesn't seem to meet our criteria, or our conditions for adequate justification. I think other examples – Cambridge letting the mentally unstable dinner guest die (inadequate justification), my behavior at my friend's family picnic (probably adequate justification) – implicitly rely on an assessment of the adequacy of the justification that could be offered. To be morally and socially acceptable, our explicit thinking might go, the intentional violation of an interest, i.e., intentionally harming somebody, requires adequate justification. From the pre-theoretical vantage, mischievous agents intentionally violate interests. Consequently, the question of harm as related to mischief seems reasonably to reduce one of adequate justification in relation to interests.

To begin our consideration of the adequacy conditions for justifying acts of mischief, let's look ata fresh example. This example parallels an example of mischief offered earlier, so that we can identify more clearly the limit of harm that seems to be respected by mischief makers. In the end, we'll address justification for our other two cases as well.

Say agent x purchases Van Gogh's *Starry Night*. Upon receipt of it, he immediately spray paints it and runs a razor up and down its length. When asked why he did what he did, he justifies destroying the painting in this fashion by saying that he wants others to reconsider their beliefs about revered works of art (i.e., his assertion is something like "a painting is just a painting and not something sacred" or some such thought). This justification might be similar to the justification a young boy in the late part of the 19th century might have had for knocking the top hat from a gentleman's head as he emerged from a department store. When pressed, maybe the boy would stumble through a justification by saying "It's no big deal" or the like, which we might reasonably translate as "questioning the doxa regarding material attachment." The Starry Night violator and the young boy would appear to be similar in terms of the justifications they could offer for their acts. However, our horror and condemnation of the Starry Night violator would be strong and immediate. Our reaction regarding the boy's action would be less strong. If we were asked to look at their actions through the prism of mischief, we would be very inclined to say that the boy has acted mischievously, but we would not be inclined to say that the Starry Night violator acted mischievously.

I think that our willingness to refer to the boy but not the Starry Night violator as mischievous, and our willingness to strongly condemn the Starry Night violator for his act, is due to our intuitive assessment that the justification the Starry Night violator offers for having utterly destroyed *Starry Night* does not meet standards of adequacy. Even if someone were to argue that the Starry Night violator has not violated any interests *per se* – Van Gogh is deceased; the violator purchases the painting through legitimate contractual means, so the only economic interest at stake is his own – it is not the case that it would follow that the Starry Night violator's act amounts to a mere nuisance. The loss of the painting would surely be evidenced in the "unpleasant states of mind" of prolonged and great intensity that would accompany such a deed. Conceivably, some people would even suffer depression, sleeplessness and intense anguish over the loss of such a work of art. Additionally, the mere thought of the act would produce unpleasantness in many people's minds. As such, it is not necessary to actually have witnessed the defacing. It would meet the conditions of "profound offense", and it would be unacceptable, given the reasons the agent offered for defacing it.

Imagine that the Starry Night violator had been told that if he didn't purchase *Starry Night* and publicly deface it, 300 people would be slaughtered. Consequently, he purchases the painting, defaces it publicly, and saves 300 lives. In light of the circumstances, the act would be acceptable; the loss would be socially painful but it would not be accompanied by the same deep distress in the populace (depression, sleeplessness, anguish and anger); and the mere thought of knowing it had happened for the reasons it happened would not be accompanied by distress, sleeplessness, etc.

It would be a hurt, and it would be a profound loss, but the hurt and loss would not be premised on offense. Furthermore, it wouldn't be mischievous. Because the intention is to save lives, the whole situation is removed from the arena of mischief.

Hence, there is a level of harm or of hurt, balanced against agent intentions, which signifies the limit of mischief making, and to which mischief makers are (and should be) responsive, given social settings, standards, attitudes, and values. An irreplaceable work of art can't be defaced for a mere point such as the one the Starry Night violator offers, and still be an act of mischief. Indeed, it seems to be more like a pointed, political statement against imperialist high culture or the like. What the Starry Night violator does (in the original scenario) is simply awful, and maybe small-minded, but it is not mischievous. It is awful because of the gravity of losing a work of not merely economic value, but of irreplaceable value.[85] It is small-minded because the agent has not *recognized* that*Starry Night* is an object of irreplaceable value; he has made his decision to destroy *Starry Night* without having adequate justification (or for that matter, adequate perspective regarding the stuff of human life). The loss of an irreplaceable work of art is a violation of an interest that requires strong justification.

Likewise, in the Cambridge scenario where the dinner guest is likely to die if Cambridge grabs the mashed potatoes with his hands, the death of another human being is a violation of an interest that requires strong justification, which Cambridge

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[85] Technological advancements in the 21st century might make this example less powerful than I had hoped. Reproductions of famous art work are increasingly more accurate and precise, which forces us to ask whether any work of art is irreplaceable. (With a quick switch of topics, this can also lead us to ask whether a person is irreplaceable.) However, my immediate response is to rely on the principle of identity: reproductions are reproductions and are not identical with the items of which they are reproductions. What this gut-level response amounts to, though, is far from clear. Does it add to the cultural value of *Starry Night* that it be *the* object that Van Gogh stroked with his brush?

would not meet were he to grab the mashed potatoes with his hands and the mentally unstable dinner guest were to die.

Incidentally, after considering the example of the young boy who knocks the top hat from the head of a gentleman emerging from a department store, some readers might also think of Graham Greene's short story "The Destructors" (1954), a very interesting case indeed. In that story, the articulated justification of the boys' actions in destroying the old man's house might be something like "to question the doxa related to the permanence of things" or "to question the doxa that anyone is or ought to be immune to destruction in the present age." However, I think after careful consideration it can be agreed that the gang of boys in Greene's story are motivated essentially by a need to experience adventure through destruction, which need is rooted in and a reflection of their times (the story takes place in air raid ravaged London just after World War II). As such, their motivations and actions are different from and exceed the limits of mischief, even if there is a (complex) message involved in what they do. More to the point, though, is that the justification they might offer – either of the doxastic targets specified above – will very likely not meet adequacy conditions to justify the destruction they have wrought.

Two additional observations about "The Destructors" are worth mentioning, the first of which indicates that my assessment is correct, the second of which gives me enough pause to hedge my assessment of their behavior by saying the justification they might offer will *very likely* not meet adequacy conditions. Each of these observations is easier to communicate by quoting the final paragraph of the story in its entirety: "One moment the house had stood there with such dignity between the

bomb-sites like a man in a top hat, and then, bang, crash, there wasn't anything left - not anything. He said, 'I'm sorry. I can't help it, Mr. Thomas. There's nothing personal, but you got to admit it's funny." The first observation of interest is that the house is metaphorically described as a "man in a top hat." This similarity might suggest that the example of the boy knocking the top hat from the gentleman emerging from the department store might not do the work I want it to do here. However, notice that in my example, the boy merely knocks the gentleman's top hat to the ground, whereas in "The Destructors", there is no house left standing. It has been utterly destroyed, whereas the boy who knocks the top hat from the gentleman's head has not utterly destroyed the hat (although the worry remains whether the hat has been damaged). Surely these are morally significant differences in the cases. The second observation, and an element of the story that I find to be as provocative although I'm not sure for the same reasons Greene intended it to be provocative, is the fact that the lorry driver is *laughing* at the house's destruction, and he insists that the destruction is somehow *objectively* funny. [86] One can see how the destruction of a home, often a symbol of stability and contentment, by young boys who are a reflection of an inherited world of violence might be funny in a cosmic way, so laughing along with the lorry driver seems acceptable.

II. The Harm of Mischief

For those who don't accept that the acts of mischief makers result in no more than nuisance offenses – and at times I find myself questioning whether some acts of

[86] This also provokes the questions as to whether something awful, unjustifiable and directed deliberately at another person can at the same time be objectively funny, and whether the cab driver suffers from a vicious character simply because he laughs at the destruction of the house.

mischief, such as Sokal's, are merely nuisance offenses – I will proceed in this section under the assumption that mischief makers harm others. In what follows, I offer some models upon which to explore analogous properties and traits attributed to the mischief maker, so we can see that, even though their acts might be harmful to others, the harms can be justified.

A. Virtue and Harm

It is widely held that morality has primarily to do with limiting harms to others. It is also widely held that virtue has something to do with morality. Transitivity might indicate that virtue must have at least something to do with limiting harm to others.

Aristotle is often described as having created a theory of ethics devoid of concern for others, including harm to others, focused as his theory is on the well-being of the individual (Annas, 1993) and neglectful as his theory is of the moral evaluation of actions (Pincoffs, 1986). But I think this (these) way(s) of viewing Aristotle's theory omit(s) important elements of his position. While this dissertation is not the place to go into great detail defending this assertion, I will offer the following brief defense of it.

As indicated in Chapter 4, Aristotle understood virtue ethics to be a description and a prescription for individual flourishing, and while he focused at the level of the flourishing individual, a flourishing society would be the result if individuals subscribed to his theory. This point might be made most clearly by quoting the following passage from Book 9 of the NE:

> Those, then, who busy themselves in an exceptional degree with noble actions all men approve and praise; and if all were to strive towards what is noble and

> strain every nerve to do the noblest deeds, everything would be as it should be for the *common good*… It is true of the good man too that he does many acts for the sake of his friends and his country, and if necessary dies for them; for he will throw away both wealth and honours and in general the goods that are objects of competition, gaining for himself nobility; since he would prefer a short period of intense pleasure to one of mild enjoyment, a twelvemonth of noble life to many years of humdrum existence, and one great and noble action to many trivial ones. Now those who die for others doubtless attain this result; it is therefore a great prize that they choose for themselves. They will throw away wealth too on condition that their friends will gain more; for while a man's friend gains wealth he himself achieves nobility; he is therefore assigning the greater good to himself. The same too is true of honour and office; all these things he will sacrifice to his friend; for this is noble and laudable for himself. (1169a1-1169b1; stress mine)

In this passage, it is clear, first of all, that Aristotle understood his theory of virtue to be descriptive of how one ought to live *and* about how one ought to treat others. It is perfectly compatible with Aristotle's theory to say that there must be a *component* of concern for the well being of others, which could be interpreted broadly as an awareness of how the virtuous agent through his acts should limit harm to others that is the direct result of the virtuous agent's actions. A virtuous agent will be aware of the effects of his actions, but those effects do not determine whether the action under consideration is virtuous.

Secondly, I think this passage also indicates how harming others might be acceptable, and how it might be unacceptable. The unacceptable way is when a vicious man brings about harm; the acceptable way is if a virtuous man brings about

harm. The vicious man does so without the right attitude or timing; the virtuous man harms others for the sake of doing that which is noble.

But this solution to the problem merely begs the question, "Is it even possible to harm others with the right attitude?" I think the right answer to this question is affirmative. I base this claim on the fact that there are some models available to us that help shed light on just how a virtue can entail harm and still be morally praiseworthy as a character trait. The first model is based on Just War theory. The second, third, and fourth models are the Dentist, Medical Doctor, and Teacher models, respectively.

1. Just War Theory Model

Readers will observe through many of the examples of mischief that the harm must be proportionate to the good work done through some act. Readers will also recall that this moral notion is incorporated in our definition. Let me now draw attention to a similar idea found in a known source, Just War theory.

It is a primary component of Just War theory that there must be sizable good to come from the harms that accrue during war. There are rough parallels to mischief making that help us to see the positive aspects of the latter. For instance, in just war theory the right intention must be in place in order to justify war. The right intention is that which focuses on the common good. It is not difficult to see how "right intention" and "for the sake of the common good" are components of mischief making. Furthermore, the analogy works both ways. In the extreme, mischief

making might be seen as waging a defensive war against an invasive or threatening doxa.

Additionally, the war waged by the mischief maker is directed at a doxa that has become so pervasive, so insidious, that a majority of people don't see it as doxa, they see it as certainty. A particular kind of inadequate critical theory (Sokal), entrenched and liberalized racism (Cambridge), and a false sense of community security (the youth) are accurately identified as pervasive or threatening doxa that had to be attacked. It is the pervasiveness of a doxa that warrants the mischief maker taking arms against it and battling it through the most proportionate means available. And the "proportionate means" criterion is another premise of just war theory that seems to fit the mischief maker. He has to assess the environment in which he is going to act, and he must accurately situate his action in relation to a reaction that he reasonably anticipates will happen if his strike against the threatening doxa is to be effective.

The only issue, then, that arises, is whether the end justifies the means. Generally speaking, the harm entailed by an act of mischief is justified by the intention and the *fact* that the agents on the receiving end of or witness to the mischievous act become aware of the disproportionate reaction to the act, and will thereby begin to question the doxa that the mischief maker wants them to question through recognition that this is what he intends them to do. This is the end in question that, I think, justifies the means.

2. The Dentist Model

Presumably my dentist knows that in order to perform his function well – that is to say, in order to reach the end of getting my teeth clean and my mossy mouth healthy – he must harm me. It is not harm of the sadistic kind, but harm that nonetheless is inarguably an essential part of teeth cleaning. Likewise, mischief involves harm that is inarguably an essential part of creating an opportunity for a target audience to question some pervasive or dubious doxa. And in the same way, presumably, that there is nothing in the virtue ethics tradition that would keep dentistry or dentists from being virtuous, there is nothing in the virtue ethics tradition that would keep mischief makers from being virtuous.

However, there is at least one clear difference between what a mischief maker does and what a dentist does. If the dentist could get my mossy mouth clean without inflicting pain on me, he would be happy to do so. The case of the mischief maker seems less clear in this regard. Would the mischief maker get everyone to rethink the doxa without the pain, trouble or embarrassment? And another point, could the doxa be rethought, or rethought in quite the same way, without the pain, trouble, or embarrassment?

I think the answer here is an unequivocal "No." The harm and discomfort involved in mischief are intimately a part of the mischievous enterprise, and can not be divorced, even theoretically, from the intentions of the agent. There can be no Novocain the mischief maker can administer to take away the pain. Or is there? Isn't it reasonable to look at the playfulness in mischief making as the equivalent of Novocain in dentistry? Is it possible the mischief maker uses playfulness to minimize the pain of his important work?

3. The Medical Doctor Model

Another model for helping us get clear about the harm issue in relation to mischief making might be the Medical Doctor (M.D.) Model. A medical doctor or physician as a model helps to provide analogies for understanding how mischief making of the offensive or troublesome type can be virtuous and morally praiseworthy, which in turn provides a good way of characterizing the virtuous mischief maker.

The most obvious analogy to be culled from the M.D. Model is that in a certain sense the mischief maker is giving society its medicine. The medicine is necessary for the health of society, even if society doesn't like the treatment. Think of our three paradigmatic examples from Cambridge, Sokal, and the youth. Clearly, Cambridge is providing "medicine" for liberal whites who are unaware of their assumptions that blacks are all uncouth. Likewise, Sokal "treats" academics for the "mental illness" of taking seriously a mode of critical inquiry bereft of rigorous standards. The youth as well wants to "cure" his community of the unwarranted belief in their own safety.

The mischief maker might also be looked on as analogous to a physician who must administer shock therapy to patients in order to cure them. This analogy is interesting for the reason that shock therapy, as a standard of care, was administered most often to those who were determined to be mentally incompetent, and it was painful; administration of the cure just was administration of pain. In such instances, the application of a painful and harmful cure was done without the consent of the individual in question, who was judged to be inadequate to the task of deciding his own good. While sometimes such paternalism lead to abuses of power on the part of

physicians, in other instances it seems likely that the discretionary authority afforded physicians is warranted. The truly mentally incompetent can not make decisions based on their own interests, quite precisely because they don't really know what their interests are.[87] Likewise, mischief makers are justified in having the discretionary authority to cure those in need of curing.

4. The Instructor Model

A final model for helping us get clear about the harm issue in relation to mischief making is the Instructor Model. Teachers are charged with the responsibility of educating others. The parallel with mischief makers is clear: Mischief makers have a similar responsibility to educate an audience. However, mischief makers are not charged with the responsibility to educate. Rather, they charge themselves with educating others. Consider again our three paradigmatic examples. Sokal can be understood to be educating his audience in the ways of uncritical critical theory. Cambridge can be understood to be educating his audience in the ways of condescension toward blacks. The youth can be understood to be educating his audience regarding their safety. One can see how something like this rationale – the responsibility to educate others – might be offered as justification for my act at my friend's family picnic. The justification would be that confronting bigots with bigotry is an effective way of teaching them via a kind of creative "lesson plan" about the inadequacies of unwarranted biases for understanding phenomena of the world, including groups of people, adequately.

[87] I have in mind here patients who mutilate themselves with increasing violence, or patients with suicidal impulses brought on by severe, biochemical depression.

This example brings up a point that I think makes the Instructor Model particularly apt for understanding the virtue of the mischief maker. Both the mischief maker and the teacher are (or can be) troublemakers. One attribute of the teaching troublemaker is clearly his knowledge. Knowledge of things in the sky and below the earth has long been the mark of the "corrupting" teacher. It is this convergence point among teaching, knowledge and perceived corruption that makes the mischief maker a good fit for consideration under the Instructor Model.

Not that such a model is completely free from disanalogy. Generally, teachers get paid for administering their lessons (as Socrates pointed out to us long ago), but the mischief maker receives no remuneration. But maybe the mischief maker can be said to be paid a different way, through the satisfaction of knowing his lessons are being taught, and possibly even changing the way people view certain aspects of living or believing. Consequently, he, and the rest of society, would be "remunerated" if people free themselves from some pernicious doxa.

The Instructor Model also might be limited in that the teacher typically is a master of a subject area, where the same cannot be said of the mischief maker *per se*. However, even this disanalogy might obfuscate how the mischief maker is a master of a subject area. If mischief makers are masters of a subject area, maybe it is the subject area concerned with how to live a better life. The inadequacies of wealth and of hedonism for living a good life are acknowledged truisms. Yet those who commit their minds to creative and clever uses in a tempered and balanced way are often happiest among us. Teachers are one such type of persons who commit their minds to creative and clever uses, and they do so for the benefit of others. That teachers are

underpaid is not a controversial claim, yet few teachers remark on the emptiness of their lives in the way that those who seek great fortune or only pleasures of the flesh are frequentlyknown to remark. Mischief makers might also be happier than the general population, sharing as they do with teachers a kind of wisdom about life.

Additionally, teachers are knowledgeable persons, and they have an obligation to teach what is true no matter how discomforting, painful or troubling the truths in question might be. Furthermore, a virtuous teacher does not direct lessons on complex historical events to toddlers, and directs his lessons at the proper audience in the best way possible for getting the lesson across to students. The best teachers, of course, employ clever methods of delivery of information, and often create new and ingenious ways of getting lessons across.

III. The Moral Dimensions of Communication and Mischief

There are pragmatic issues involved in communication, of course, but are there any moral dimensions to the communicative aspects of mischief? If so, what are they?

I propose that there are at least three types of communicative acts which incorporate a moral element. The first type is insult, but as insult appears to be a special case of offense, I don't think it necessary to treat insult as its own species of communicative act with moral dimension.[88] The two types of communicative acts I will consider are deception and lies. However, because I do not think mischief making as communicative act involves deceiving or lying in the conventional senses

[88] The conventional meaning of insult is "an offensive action or remark." However, the directedness of insulting a person seems to fall well outside the scope of the mischief maker. That is to say, the insulter intends both proximally and ultimately to offend a particular person or group of people, whereas the mischief maker intends only proximally to offend a particular person or group of people.

of these words, I don't think the moral dimensions that apply to deception and lying also apply to mischief making.

A. Deception and Mischief

Whereas the doctor is willing (even obligated, in our present age of informed consent and respect for persons) to discuss directly and openly what he is doing to your body why he is doing it, the mischief maker is not willing to discuss directly and openly what he is up to and why. Indeed, the mischief maker relies on *not* directly and openly discussing what he is doing or why he is doing it. It is, after all, of the nature of mischief that the point of the act be unannounced.

One consequence of the mischief maker's failure to discuss directly and openly what he is doing or why he is doing it might be thathe is interpreted as deceiving people. It would not be the straightforward sense of deception where the agent has purposefully misled others to believing x when x isn't true, but it is deception in that the agent isn't directly revealing his intentions in acting the way he does. This act of omission, then, might be loosely interpreted as a case of deception.

While there is a generally understood moral prohibition against deception,[89] deception that is typically the target of moral reprobation is deception where the intent is to evade responsibility for some harm done, or to exploit the deceived such as when pharmaceutical companies deceive clients by only permitting publication of data that can be interpreted as showing that there is no causal relationship between use of a drug and heart attacks. Or, the deception is one where there is some sort of

[89] It is interesting to note that Descartes also takes it for granted that deception is a defect, hence God can not be a deceiver. This is one of the presumptions that drives Descartes' entire epistemology.

advantage to be gained by the deceiver in pulling off his deception undetected. But the 'act of omission' involved in cases of mischief making are not the same as or even analogous to either of these instances where we would assign moral culpability. It is clearly not deception for gain, at least not in the way con artists deceive for economic benefit, i.e., a benefit to themselves in a way Aristotle would say is ignoble. It is also not deception for evading responsibility for harms done, because mischief makers are perfectly content, much of the time, to have others know that they were the party responsible for the act of mischief. And if the deception *qua* deception at work in mischief is not necessarily morally culpable, then this leads us to consider the possibility that deception might not be uniformly morally culpable as it typically is in deontological theories. The difference, of course, between the blameworthy and the praiseworthy, or at least morally neutral, types of deception seems to be located in the intentions and motives of agents.

The issue of deception is also taken up by Grice, in a way that I think is helpful for the case of mischief making. In "Meaning Revisited" (1989 (1976)), Grice relates a story of how natural meaning could have evolved from nonnatural meaning. In so doing, he makes an observation that supports the idea that mischief making, even of Sokal's sort, is not a straightforward case of deception.

Grice observes that among cases of natural meaning are forms of behavior, whereby external actions indicate internal states of distress, such as experiencing pain or the like. In authentic cases of natural meaning, these types of behaviors are nonvoluntary. However, suppose a creature X voluntarily produces a certain behavior, say, that it is pain. This would then be a case of deception, where creature

X is motivated to have other beings treat the behaviors as nonvoluntary. However, if we assume a scenario when creature Y recognizes that creature X's behavior is nonvoluntary, creature Y no longer believes that creature X is in pain. Then Grice asks, "What could be added which would be an antidote, so to speak, to the dissolution on the part of Y of the idea that X is in pain?" It is possible to imagine that not only does creature Y recognize creature X's behavior as voluntary, "but also recognizes that X intends Y to recognize his behavior as voluntary." According to Grice, "we have now undermined the idea that this is a straightforward piece of deception" (1989 (1976), p. 293). As Grice observes, deceiving consists in one creature trying to get another creature to accept the meanings of something observed *without knowing* it is an instance of fakery. "Here, however, we would have a sort of perverse faked case, in which something is faked but at the same time a clear indication is put in that the faking has been done" (1989 (1976), p. 293).

Grice goes on to show that if creature Y considers why creature X should do such a thing, "it might first come up with the idea that X is engaging in some form of play or make-believe… [and] Y is expected or intended to make some appropriate contribution." I think Grice's speculation here shows us two things. First of all, as stated previously, I think what he describes in this scenario up to this point nicely captures what is happening in instances of mischief making. The mischief maker, creature X, acts in such a way that his behavior is indicative of certain internal states, which are not actually his internal states, and Y is *intended* to pick up on this; X *wants* Y to see that he is up to something, which is not the case with deceivers, who wish their fakeries to remain undetected. Hence, cases of mischief making are not

straightforward cases of deception, and the moral culpability that typically accompanies deception cannot be laid at the mischief maker's feet.

Second, I think Grice's example connects nicely with instances of mischief, in that he suggests that the interaction between X, the mischief maker, and Y, the audience, is a form of communication couched in *playfulness*, and that Y is expected or intended to contribute to the interaction in some unspecified way.

B. On Lying and Mischief

As a special case of deceiving, lying might also seem to be an aspect of mischief making for which moral culpability can be assigned. However, I think that the general claims I make regarding deceiving and mischief as communication apply to lying as well. In the same way that deceivers don't want their (true) intentional states to be detected, liars also do not want their (true) intentional states detected, whereas mischief makers want their (true) intentional states detected (in the end) so that the doxa that is the target of their mischief is questioned by target audience members. But there are a few differences between deceiving and lying that bear some comment.

Lying is standardly defined as the act of creating "a false or misleading impression" or conveying "an untruth."[90] Lying is typically understood to be a direct evasion of truth, imputing dishonesty to the liar. Its direct intentionality (i.e., meaning) is different than that of its synonyms. Prevarication is standardly used to imply more of an evasion of telling the truth by means of obfuscation or quibbling, and a fib is standardly understood as the innocuous equivalent of a lie, usually in the form of a trivial or insignificant untruth (e.g., children fib about having taken a cookie

[90] Definitions in this section are taken from *Webster's Third New International Dictionary* (1986).

from the cookie jar, but adults lie about taking money from their employers). A lie, then, is an assertion of something that is known or believed by the utterer to be untrue, and there is a certain assessment of the level of gravity involved in the circumstances surrounding the topic about which the lie is being told.

I can't help but think that mischief simply is not a case of lying. This is because the mischief maker is really asserting something *different* than what his words indicate he is asserting, which is not the case for liars. To put the matter in Gricean terms, what the mischief maker means to assert is something quite distinct from what the conventional meaning of the words that compose his utterance actually assert.

But I think the analysis can be taken a step further in the case of lying, such that we can show how the intentional states of a liar and a mischief maker are so different that it doesn't make sense to equate one with the other. The meaning of the lie a liar "asserts" typically functions solely on one level. This level is the conventional meaning of his utterance, which he knows will be taken by the target audience as delivering information about what is true, or about what he believes to be true. The meaning of this utterance is exactly what the target audience will take it to be, and it is also exactly what the liar knows the audience will take it to be. When President Clinton asserted, "I did not have sexual relations with that woman," he meant to convey that he had not had sexual relations with that woman, and his utterance meant exactly what the target audience took it to mean; Clinton was aware that the target audience would understand the meaning of his utterance at that conventional level. However, the liar knows that his utterance is not true, either in

terms of substantial claims about the world, or in terms of implicit testimonial regarding his beliefs.

The case of the mischief maker is different. Recall the observation made in the beginning of Chapter 3, where the meaning of the mischief a mischief maker "asserts" always functions at (at least) two levels. The first level of the meaning of his utterance (or act) is the conventional meaning of his utterance, which the mischief maker knows will be taken by the target audience as delivering information about what is true, or about what he believes to be true. The meaning of this utterance (or act) is exactly what the audience will take it to be, hence he will achieve his proximal goal of getting a reaction from his audience. The meaning of his utterance (or act), however, is at the same time different from the conventional meaning, because he intends to assert something different than the conventional meaning of the words (or act) composing his utterance indicates. This second level of meaning is intended by the mischief maker to be the focus of the target audience after they have considered the conventional meaning of his "assertion" and after they've thought about their reaction to the conventional meaning in relation to what *else* the mischief maker might intend by his utterance (or act).

Let's consider one of our paradigmatic examples in relation to these observations. Consider Cambridge's "utterance". In a sense, I suppose we might say that Cambridge was lying to his guests. But I think this can only be accepted as lying in a very loose sense of "lying." After all, Cambridge is obviously not working solely at the level of conventional meaning, playing offconventional meaningin order to manipulate the beliefs of his target audience so that they will believe he believes what

the conventional meaning of his utterance is. Whereas President Clinton wanted his audience to believe that he believed the assertion of his utterance as it is conventionally understood, Cambridge does not want his audience to believe that he believes the assertion of his utterance as it is conventionally understood. Cambridge wants his audience to examine his utterance as it is conventionally understood, so that they will see his meaning is different than conventionally understood. Whereas Clinton wanted his meaning (speaker meaning) and conventional meaning to be perfectly aligned in the minds of the members of his target audience, Cambridge does not want his meaning (speaker meaning) and the conventional meaning to be perfectly aligned in the minds of the members of his target audience. In a manner of speaking, Cambridge and mischief makers in general want target audience members to think *beyond* conventions (!) to something else.

The conclusion to draw here is that moral culpability can not be assigned to mischief makers due to the violation of an interest relating to lying as a special case of deceit.

C. Mischief, Figurative Language and Morality

I've argued that mischief making does not entail lying *per se*. But that doesn't mean that a loose sense of lying is inappropriate for informing our understanding of mischief. Indeed, in the brief passage to follow I hope to make clear how the Gricean understanding of the meaning of mischief and Aristotle's theory of rhetoric dovetail to fill out our understanding of the moral dimensions of mischief making.

Figurative language, as a branch of rhetoric, might provide the clearest way of looking at the harm that mischief makers might be said to bring about. For example, consider Romeo's famous utterance: "But soft! What light through yonder window breaks? It is the East, and Juliet is the sun!" If we consider the conventional meanings of the words Romeo uses here, strictly speaking Romeo is speaking falsely. Juliet is not the sun. But the literal meaning of the phrase "Juliet is the sun" is only part of the picture here, and it is the less interesting part. The most interesting part of the picture in this instance of use of figurative language, and in most instances of uses of figurative language, is that Romeo's utterance is illuminating in a way that simply saying "I love Juliet" is not. In a manner of speaking, Romeo's utterance gives us a glimpse into his soul. He is profoundly absorbed with Juliet. To him, Juliet is the "sun", is that which makes life possible and which continues to give life. His world begins and ends with her "light." But while we might concede that, strictly speaking, Romeo is speaking falsely, it seems odd to say that he is being untruthful. He really does mean to communicate that Juliet is that being around which his world revolves. And he means this sincerely, even though his utterance can't be taken literally to be sincere. However, the fact that he can't be taken literally to be sincere when he says "Juliet is the sun" is not an indication that he is a bad or an unintelligent person.

Mischief is to morally significant social action what figurative language is to speech acts in general. Each is intended to be illuminating. That mischief makers are in a broad sense lying does not mean strictly speaking that they are untruthful, and is not an indication that they are bad persons.

IV. Closing Remarks

In this section, I have argued prescriptively that mischief makers like Socrates ought to be given a moral "pass", and that, based either upon the argument that mischief makers are nuisance offenders or upon a consideration of relevant models, mischief makers probably ought to be looked on as virtuous despite the fact that they cause trouble for and harm to others. But even if the legitimacy of this prescriptive claim is denied -- because mischief makers appear to be indifferent to moral matters or to the repercussions of their acts of mischief -- in the end this will make no difference to mischief makers. In fact, mischief makers likely think that denial of the claim that they ought to receive a moral pass is part of the problem. Like Socrates, most mischief makers will conduct their important work regardless of repercussions to themselves.

Chapter 6

Mischief in Society

The preceding chapters have been dedicated to developing the essential elements of a theory of the virtue of mischief. The goal of this final chapter is to step away from analysis and theory *per se,* and to use our new understanding of mischief to sketch some ideas about the relationship between the mischief maker and contemporary society. Suffice it to say, what follows is speculative in nature and should not be taken as a scholarly assessment of work of the philosophers I will consider – Mill and Nietzsche --or of the historical period in which they lived, but I trust that the ideas I pursue throughout thischapter will at least prove suggestive of what is to be gained by a more thorough application of the analysis provided up to this point.

I begin by presenting an interpretation of some of the work of J.S. Mill and Friedrich Nietzsche because, at bare minimum, I think that Mill and Nietzsche would appreciate the value of the mischief maker. Convincingly showing that Mill and Nietzsche similarly value or would value mischief will provide additional support for the claim that the philosophical importance of mischief has been underappreciated, to the extent that it has been recognized at all. If significant parallels there be, it seems worthwhile to discover what it is that makes their thinking alike on this matter. And if there is something deeper going on with mischief, which Mill and Nietzsche help us to identify, at the very least we should keep this firmly in our minds as we think about the kind of society in which we would like to live. Maybe their agreement is a sign that the value of mischief ought not be overlooked.

At first, it might seem odd to begin an exploration of the relationship between the mischief maker and contemporary society by considering the views of these two 19th century philosophers. While there is nothing surprising about finding parallels in the philosophical work of, say, Locke and Hume, at the same time we do not expect to find very much, if anything, in common between Mill and Nietzsche. By their respective philosophical reputations, Mill and Nietzsche are drastically different, even opposed. Nietzsche goes so far as to rail against the "English morality" inspired by Bentham.[91] That they agree or would agree on something that could be called "the value of mischief" is not only remarkable, but helps us to understand these two thinkers, and might even suggest that their differences are less substantial than meets the eye.

That they might agree on the value of mischief is not to say that they share much else in common, and I want to be careful not to exaggerate the similarities between Mill and Nietzsche. Their descriptions of the superior man are quite different. Nietzsche's superior man is sufficient unto himself, and is unconcerned with social reform, whereas Mill's superior man is interested in social reform. There are differences as well between our general understanding of the mischief maker and Mill and Nietzsche's superior man. Mill and Nietzsche consider self-realization to be one of the highest goods the individual can achieve, yet the mischief maker need not be highly self-realized. But in their respective philosophies is a nearly identical

[91] In *Beyond Good and Evil*, Nietzsche writes, "Ultimately they all want *English* morality to be proved right – because this serves humanity best, or "the general utility," or "the happiness of the greatest number" – no, the happiness of *England*. With all their powers they want to prove to themselves that the striving for English happiness – I mean for comfort and fashion (and at best a seat in Parliament) – is at the same time also the right way to virtue; indeed that whatever virtue has existed in the world so far must have consisted in such striving." (1989 (1886), p. 157) Needless to say, this is not only place where Nietzsche expresses dissatisfaction with utilitarian thought.

commitment to individualism, which results in their respective conceptions of the superior man.

In exploring the social function and social meaning of the mischief maker, I will pursue two distinct lines of thought. The first will be to show that even though Mill and Nietzsche did not explicitly state that they favor the presence of mischief makers in society, there are reasons for thinking that they would favor his presence as a type of man who either deliberately or functionally creates the doxastic space in the public sphere in which Mill's and Nietzsche's superior men can flourish. That is to say, Mill would favor the presence of the mischief maker as we now understand him because the mischief maker creates the doxastic space in *a publicmanner* , for his "person of genius" to become a person of genius, thus creating a society wherein individualism is not left in the settling dust of ever-strengthening democracies. Likewise, Nietzsche would favor the presence of the mischief maker because the mischief maker creates the doxastic space for the *Übermensch* to emerge. That the mischief maker creates doxastic space in a public way is no small matter, because the mischief maker as virtuous agent must not only be an agent committed to communication but to action. Additionally, the notion of "public space" is important for understanding the second line of thought that I will consider.

The second line of thought consists of a bolder claim, that the mischief maker is implicitly identified both in Nietzsche's and in Mill's conceptions of the superior man, and that the mischief maker might be looked at as superior to either of their conceptions of the superior man. The argument I makein this regard takes something like the logical form x=y and z=y, therefore x=z, which, as readers might recall, is a

form liable to fallacy due to ambiguity regarding the middle term. Readers should keep in mind that I am not arguing that Mill's superior man and Nietzsche's superior man are the mischief maker, an argument that would be fallacious given the differences of their respective superior men (and which differences I've already conceded). The argument I make in this regard is that there are characteristics of Mill's superior man that are shared with Nietzsche's superior man, and that these shared characteristics, which I identify and list explicitly, form many of the characteristics of the mischief maker. The mischief maker is superior to the superior men described by Mill and Nietzsche, then, because the mischief maker keeps the best parts of the superior men that Mill and Nietzsche identify, yet does not share the weaknesses of their respective superior men, and has the added and morally relevant character trait of being publicly engaged.

This line of thought is developed in part to account for some observations that ring true about the weaknesses in the respective conceptions of the superior men that in part constitute Mill's and Nietzsche's responses to the socio-cultural climate of their times. It also is developed in order to show the social meaning of the mischief maker on a broader, historical scale, and to draw attention to how the mischief maker serves to revive the Aristotelian virtue tradition in a way that is satisfactorily modern.

I. Mill, Nietzsche and the Modern World

One way of understanding Mill and Nietzsche is to view them as assessing the political and social climate of their times. I also see Mill, and to a greater extent Nietzsche, prognosticating man's future, and offering ideas as to what should be done

to stem the oncoming tide of mediocrity, closed-mindedness, or intolerance that might arise in large-scale democracies. Thus, in their respective philosophies is a locus of conviction regarding the importance of the individual, founded on the reasonable belief of the danger posed to individualism by various stifling trends in the 19th century, especially democracy. The 19th century trend toward democratization was equally a trend toward mass society, a fact of which both Mill and Nietzsche were acutely aware. As a kind of socio-cultural counterbalance to, or even as a result of the rise of mass society, Mill and Nietzsche posit the presence, or the coming presence, of superior men, who will have traits that will serve to elevate mankind from the dulling effects of rule by majority.

While this isn't the place to go into a detailed defense of the view that democracy has dulling or leveling effects, I take it that the claim that democracy can have leveling effects is not terribly controversial. Of course, democratic governments can sustain societies that have attributes of nobility found in aristocracies, and can embrace economic policies that can serve (although not necessarily *do* serve) to promote competition and individualism. However, it is not controversial, for instance, to think that if the masses are insufficiently educated, and lack perspicacity and sufficient maturity in their understanding of international or nationalevents and their own interests, then their votes on political, social or economic matters will go against the votes cast by the minority who are sufficiently educated, perspicacious and mature. Additionally, it is a persistent and not unjustified charge against liberal democracies that the absence of content and direction regarding the good life is a failing, which results in a loss of fundamental and necessary connections among

citizens, especially *as* citizens. This failure to understand what it is to be a citizen of a republic, and to understand the subsequent distinction between public and private interests, can be attributed to a failure to coherently address these issues through educational means. Even in an indirect democracy like the United States, such a failing obviously can have large-scale repercussions, which surely Mill and Nietzsche were warning, or would warn, against.

A. Mulling Mill, Nearing Nietzsche

1. Mill's Superior Man

Mill makes a famous, and to my thinking quite curious, set of comments in the third section of On Liberty (1991 (1859)). He writes:

> "It is not by wearing down into uniformity all that is individual in themselves, but by cultivating it and calling it forth, within the limits imposed by the rights and interests of others, that human beings become a noble and beautiful object of contemplation; and as the works partake the character of those who do them, by the same process human life also becomes rich, diversified, and animating, furnishing abundant aliment to high thoughts and elevating feelings, and strengthening the tie which binds every individual to the race, by making the race infinitely better worth belonging to. In proportion to the development of his individuality, each person becomes more valuable to himself, and is therefore capable of being more valuable to others." (p. 70)

I say it is a curious set of comments, because some parts could have been written by Nietzsche himself in his more sober moments. The sentiment that a human who cultivates all that is individual in himself becomes "a noble and beautiful object of contemplation" sounds as if it were penned by Aristotle, if not Nietzsche. It certainly does not sound like the words of a seasoned utilitarian committed to calculating the outcomes of various options.

There are moments when thoughtful persons, including philosophers, unknowingly betray themselves in their writing. I think this is one of those moments. Here, Mill indicates one of his moral concerns. More precisely, he doesn't just indicate, he *tells* us that life is about becoming beautiful, and that the individual should do so in part to become "more valuable to himself." This seems to echo Aristotle's idea that the man of practical wisdom prudentially does the beautiful or noble thing because it is the beautiful or noble thing to do. But, also like Aristotle, Mill doesn't restrict the value of becoming valuable to the individual himself; it is not only about becoming beautiful to ourselves, but beautiful to *others,* so that others might be able to contemplate and know the beautiful and noble in us, and to value our presence more highly because of these characteristics.

The only sentiment in the passage from Mill above that does not seem to fit with Nietzsche's work, in fact, is the sentiment that cultivation of individuality should be done within the limits of the "rights and interests of others." Indeed, the entire section of *On Liberty* from which the passage is taken is devoted to detailing the difficulties involved with balancing the needs of the individual against the interests of

others. However, even though Mill favored democracy, he still worried about the stifling tyranny of the masses:

> "The disposition of mankind... to impose their own opinions and inclinations as a rule of conduct on others… is hardly ever kept under restraint by anything but want of power; and as the power is not declining, but growing… we must expect, in the present circumstances of the world, to see it increase." (p. 18-19)

Mill thought that one way of counterbalancing the power of the masses would be to create a society such that the superior man could flourish.

Later in the same passage, Mill writes, "I am not countenancing the sort of 'hero-worship' which applauds the strong man of genius for forcibly seizing on the government of the world and making it do his bidding in spite of itself. All he can claim is, freedom to point out the way… in this age, the mere example of nonconformity, the mere refusal to bend the knee to custom, is itself a service" (p. 74). In the latter quote Mill mentions "questioning custom" again, but also mentions that these individuals should not to be thought of as being concerned primarily with securing advantages for themselves ("I am not countenancing the sort of 'hero-worship' which applauds the strong man of genius for forcibly seizing on the government of the world and making it do his bidding…"), and that they function as examples of originality and individualism ("…freedom to point out the way…"). These are descriptions of the type of individual who would feel at home in Mill's world, his superior man.

The third chapter in *On Liberty*, entitled "Of Individuality, as One of the Elements of Well-Being", is significant because in it Mill describes additional traits of the superior man. Mill stresses that society is better when "individual spontaneity" and energy (pp. 63, 67) are embraced and coupled with a tendency to noncomformity (p. 70). And consider the following passage:

> "Persons of genius, it is true, are, and are always likely to be, a small minority; but in order to have them, it is necessary to preserve the soil in which they grow. Genius can only breathe freely in an atmosphere of freedom. Persons of genius are, *ex vi termini*, more individual than any other people,… If they are of a strong character, and break their fetters, they become a mark for the society which has not succeeded in reducing them to commonplace, to point at with solemn warning as "wild", "erratic", and the like, much as if one should complain of the Niagara river for not flowing smoothly between its banks like a Dutch canal." (p. 72)

Mill's person of genius is likely to be one of a "small minority" of such persons, is "more individual" than other persons, and becomes an object of scorn in society when he refuses to be reduced to the commonplace. Mill argues that society will not always like or appreciate such persons, labeling their acts "wild" and "erratic." Members of society may not understand the point the person of genius is trying to make, and accordingly will shun him. But the superior man won't be bothered by the fact that he is not completely accepted by society, or even that he might be an outcast. That Mill would agree with this point is evidenced by his views on the harms of

conformity. Mill writes that "there is only too great a tendency in the best beliefs and practices to degenerate into the *mechanical*" (p. 72, emphasis mine). Mill's superior man serves to thwart conformist, mechanical thinking (and living).

(2) Nietzsche's Superior Man

Nietzsche's program is quite different from Mill's, yet in the end Nietzsche also posits the presence, or rather, the coming presence of a superior man.

Nietzsche reasons that, contrary to absolving ourselves from responsibility through creation of a deity or a morality driven by the crass appeal to safety and collective happiness, humans must face that they need to create their own, new moral ideals. For Nietzsche, the authentic path for mankind is one that requires the denial of transcendent ideas, such as God, along with modern (English) morality. It is simply wrong to abstract from one's earthly circumstances to focus on foundationless, transcendental ideals like God and egalitarianism. The realm of sentimental action – which is at the root of Christian morality of love thy neighbor (and thine enemy) and of Bentham's morality based on sympathy - is the surest way for humanity to arrive at and settle on the Last Man, Nietzsche's "sheep without a shepherd," grazing, content, incurious and unquestioning. If mankind manages to discard the sentimental impulses that have resulted in the rise of Christianity and modern morality, he will have taken the most important step toward living an authentic life. Humans taking these first steps toward achieving an authentic existence are moving toward becoming more human than human, of achieving an authenticity that is realized in the *Übermensch*, Nietzsche's superior man.

Because Nietzsche felt that the language of his era was infused with concepts taken from the very sources for which he held contempt,[92] he does not go into great detail regarding the attributes and traits of the superior man. However, he does provide us with a glimpse of the superior man through symbolic descriptions. Nietzsche describes the coming superior man as "a different kind of spirit from that likely to appear in this present age: spirits strengthened by war and victory, for whom conquest, adventure, danger, and even pain have become needs; it would require habituation to the keen air of the heights, to winter journeys, to ice and mountains in every sense; it would require even a kind of sublime wickedness, an ultimate, supremely self-confident mischievousness in knowledge that goes with great health" (1967 (1887), p. 96).

Here Nietzsche seems to be lamenting that the present age is not one wherein his superior man can flourish. Although the superior man has not yet emerged, nevertheless (and presumably in an effort to help pave the way for his emergence), Nietzsche offers us this glimpse of him. First and foremost, the superior man is an epistemic explorer, a curiosity seeker of the intellect. Such persons surely are rare in any historical or future time, a fact in keeping with Nietzsche's aesthetically driven elitism. Nietzsche's superior man also is sufficient unto himself, capable as he is of weathering harsh conditions, "winter journeys" and "ice and mountains in every sense." The qualifying phrase "in every sense" indicates that Nietzsche understands his claim to be both literal and figurative; the superior man lives in the extremes, both in terms of environment and inner world (i.e., mental life).

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[92] See Pappas (2005, esp. pgs. 100-101) for more on Nietzsche's deliberate vagueness.

While Nietzsche's superior man is accustomed to adventuring and conquering, it is a mistake to think of him as anything other than a kind of noble man. In fact, it is because he is a noble man that he adventures and conquers. Nietzsche, like ancient authors, understood "nobility" in terms of perfection and elevation of soul, and so in terms of what enhances and benefits the noble individual (Simpson, p. 54; see also Nietzsche, 1989 (1886), Part 9). Nobility in this sense does not include, and can not include for Nietzsche, the dreary toil and trouble of the common man's labor. In a passage where he expresses his disdain for labor, Nietzsche associates the drudgery of physical work with a by-now familiar theme of "mechanical activity":

> "Much more common than this hypnotic muting of all sensitivity, of the capacity to feel pain – which presupposes rare energy and above all courage, contempt for opinion, "intellectual stoicism"– is a different training against states of depression which is at any rate easier: mechanical activity. It is beyond doubt that this regimen alleviates an existence of suffering to a not inconsiderable degree: this fact is today called, somewhat dishonestly, "the blessings of work."" (1967 (1887), p. 134)

Notice that Nietzsche contrasts mechanical activity with the superior man's "rare energy", "courage", and "contempt for opinion." Recall Mill's comments on mechanical beliefs and acts as well. Nietzsche adds that those qualities that accompany mechanical activity, such as "absolute regularity, punctilious and unthinking obedience, a mode of life fixed once and for all, fully occupied time, a certain permission, indeed training for "impersonality," for self-forgetfulness,.." are

all to be avoided as ways of avoiding pain and the struggle of an authentic existence (1967 (1887), p. 134).

II. The Mischief Maker as One Who Creates Doxastic Space for the Superior Man

Explicitly, Mill and Nietzsche favor distinct kinds of superior men, but in their respective descriptions is a convergence of traits, some of which are found in the mischief maker. That is to say, while I am not making the implausible claim that the superior man is the same type for Mill and Nietzsche, many though not all of the traits of the mischief maker are traits of Mill's and Nietzsche's superior men. More plausibly, then, it is not unreasonable to conclude that Mill and Nietzsche would have concurred with the claim that the mischief maker is a crucial type of individual for moving society forward. At least they would have looked on mischief making as the "soil" in which the superior man will grow. They and we might look on the mischief maker as a sort of comedian prophet, who sees the promised land of an open-minded, flexible society, but who also recognizes he likely will not be around to see it come to fruition.

The traits that the mischief maker and Mill's superior man share in common are not difficult to see. Mill's superior man is creative and energetic, uninterested in his own material benefit, spontaneous, nonconformist, considered wild and erratic by society, disdainful of mindlessness, sternly self disciplined, a person of thought *and* action, one who helps other people open their eyes so they can become "original" as well, and is concerned with truth. Nietzsche's superior man is creative and energetic, indifferent to his own advantage, spontaneous, contemptuous of the opinions of

others, deliberately offensive, disdainful of mindlessness, self aware, serious and funny at the same time, an independent spirit capable of enduring dangers and environmental extremes, and is concerned with living nobly. And Mill and Nietzsche tell us how to recognize these superior men: they will cause trouble; they will be largely misunderstood; the public will feel it can do just fine without them. The last three observations alone describe characteristics of the trouble making, misunderstood mischief makers the public feels it can do without. And if we match these last observations with select traits of their respective superior men, such as their questioning of custom, and their commitment to thwarting mechanical thinking and living, then the claim that Mill and Nietzsche would, or at least should, favor the mischief maker as one who creates the doxastic space in society in which the superior man moves is not as implausible as it might have initially appeared. In their agreement on this point is an interesting fact. As stated previously, it is compelling to think that they would agree on *anything*, given Mill's calm, reasoned approach to matters and Nietzsche's half-mad temperament. Nevertheless, on this point they would agree: Mischievousness is of positive value for society, and might help to prepare the way for the superior man, who in turn will be able to counterbalance some of the less appealing, leveling effects of democracy. At the very least, we can conclude that Mill and Nietzsche would agree that superior men require the spirit of mischief.

III. The Mischief Maker as Morally Superior Man

In this section, I am going to follow a line of thought the conclusions of which will be more controversial than the conclusions drawn from the preceding line of thought. I think that without the concept of mischief as a philosophically compelling virtue, the history of philosophy might, and certainly the history of 19th century philosophy will, contain a gap where the agreement between Mill and Nietzsche regarding what society needs should be. Each feared the asphyxiating effects of democratic institutions and conformity. This is the negative thesis they share. The positive thesis they share is that society needs superior men. But where they go wrong is in their conceptions of the superior man that society needs in order to counter the leveling effects of mass society. It turns out that the mischief maker may be a morally superior being to either Mill's person of genius or Nietzsche's *Übermensch*, due in large part to the fact that the mischief maker is a public person, actively engaged in the community or in society in ways not entailed by the either philosophers' conceptions of the superior man.

A. Setting the Stage

1. Mill and Nietzsche on Socrates

In order to make better sense of this second, bolder argument, it will help to consider some of Mill's and Nietzsche's comments on one historical figure in particular, Socrates. While Nietzsche's relationship with Socrates is complicated, and while Mill's reasons for praising Socrates are different than those Nietzsche offers, their thoughts on the figure of Socrates are worth revisiting because of the light their

comments shed on the virtue of mischief, and on the weaknesses of their own conceptions of superior man.

a. Mill on Socrates

In Chapter II of *On Liberty*, Mill aims to persuade readers of the importance of the principle of liberty of thought and discussion. For Mill, the open exchange of ideas between rational individuals is crucial for a flourishing society. As Mill points out, Socrates dedicated years of his life to the open exchange of ideas in Athenian society. Mill also observes that Socrates was thought of (by his close friends, presumably) as "the most virtuous man" in Athens, who was unjustly "… put to death by his countrymen… for impiety and immorality" (1991 (1859), p. 29). Mill writes further that Socrates was a man "possessed in a full, or somewhat more than a full measure, the religious, moral, and patriotic feelings of [his] time and people." (1991 (1859), p. 30) Put in terms we've been using in this dissertation, the general sentiment of which I think Mill would agree, the statement could be rephrased as follows: the Athenian tribunal put a teacher of virtue to death more or less for tying people up in knots over dubious *doxa*.

But how does the description of Socrates measure up against the traits of the mischief maker? While the fit is not perfect, some traits of Socrates clearly are those of the mischief maker. Remember that Mill writes that the superior man does not conform to custom, as clearly Socrates did not, a fact which extends to mischief makers as well. In the *Euthyphro,* Socrates's questioning of the actions of the gods is tantamount to a disavowal of Athenian religious customs. His attire was that of a

beggar as opposed to that worn by a respectable man of his years.[93] And he spent all of his time discussing ethical and metaphysical issues without being paid to do so, which was certainly not customary.

Mill also mentions that his superior man is not the kind of man who becomes a leader of peoples in order to make them do his bidding. Socrates, while he spent time in the military and took turns as appropriate to fulfill his civic responsibilities, did not ever run for office, and was explicitly not interested in advancing his own interests in the least whenever he was discussing ethical and metaphysical issues. Indeed, if Socrates were to claim, echoing Mill, that all he wished to do is "point out the way" for others to follow if they so wished, his claim would not strike us as inaccurate, and might also be reasonable to believe of the mischief maker, who is not concerned with self aggrandizement or with gaining power, but with getting people (it might be said) to question the beliefs behind certain dubious customs. And Mill's claim that men like Socrates who refuse to bow to custom perform a "service" for mankind, supports the idea that Socrates has other traits that the mischief maker has. As Mill wrote, the world, or at least the Athenians, thought they could do without him, which is generally true of mischief makers. And throughout his lifetime Socrates performed the greatest service of "opening their [the Athenians'] eyes," which is clearly in keeping with the mischief maker's goals.

b. Nietzsche on Socrates

[93] One is reminded of another mischief maker, Diogenes of Sinope, who wore rags or, more often than not, nothing at all.

Nietzsche's portrait of Socrates is more complex, but in its way is no less complimentary than Mill's.

In *Birth of Tragedy* (1957 (1870)), Nietzsche states that the Greeks are the drivers of all subsequent cultures; Socrates in particular is one who drives men to a new mode of existence, that of "theoretical man" (1957 (1870), p. 92). For theoretical man, the search for truth is more important than truth. The mistake that Socrates makes is to be convinced of, and to convince others of, the ability to reason through nature's illusions to reach the truth beyond appearances, the objective truth that philosophers futilely seek. No longer content to fear existence, Socrates teaches Western man to conquer himself and nature. The price, according to Nietzsche, is that the Apollonian desire for certainty can never be satiated, for at the periphery of knowledge, at the outer limits of scientific understanding, logic fails and we must revert to the arts for meaning in life.

Nietzsche connects these observations on Socrates to the demise of classic Greek tragedy. Socrates serves as a catalyst for the elimination of the Dionysian element from tragedy, and for the transformation of tragedy into a rational enterprise, an in-artistic ode to knowledge. While Nietzsche clearly condemns Socrates for corrupting the rich texture and tension of Athenian culture, there is also an element of respect expressed in Nietzsche's comments on Socrates. Socrates may have been a corrosive influence on instinctual life, but he was also a person who, through his sheer influence and power of personality, causes us to "view [him] in awed surprise" (1957 (1870), p. 84). Socrates raises the logical, optimistic, Apollonian schema to an art form itself, which is captured stylistically by Plato and harnessed to raise the

power of reasoning above all of the elements of theater, including the chorus, which is soon to be silenced (1957 (1870), pp. 88-89).

Nietzsche blames Socrates primarily for destroying the heroic life, which consisted of a blend of contemplation and action. One of the goals of Nietzsche's philosophical work is to revive the heroic life (albeit in a new form). However, we "… are not entitled to see in Socrates merely an agent of disintegration," and we are forced to consider whether a "Socratic artist" is impossible (1957 (1870), pp. 89-90). Nietzsche reminds us that toward the end of his life Socrates told friends that his daemon had spoken to him, saying, "Practice music, Socrates", possibly prompting Socrates to speculate that there might be wisdom found in art, which the thinking man could not reach (1957 (1870), p. 90). But even if Socrates did not ruminate on such a possibility, Nietzsche observes that what surely is the case is that Socrates has served to influence successive generations to reconsider their art, which in the end serves as an eternal guarantee of the artistic endeavor (1957 (1870), p. 91). It is no wonder, then, that Nietzsche considers himself to be reviving, if not embodying, the pre-Socratic tradition of the hero.[94]

Nietzsche also acknowledges the humor and gaiety that accompanied Socrates' seriousness. Consider the following comment Nietzsche makes, which indicates not only that he respected Socrates, but that he respected the mischief maker

[94] That Nietzsche should consider himself a counter yet kindred spirit to Socrates is not an outrageous claim. Kathleen Higgins (2000) has argued that there is rich humor and irony in the literary forms Nietzsche employs, despite his reputed hyperbole, outrageous insensitivity and meanness. Higgins offers that Nietzsche's *The Gay Science* should be read as "conscientiously theatrical, shaped deliberately for dramatic effect, sometimes for shock value" (2000, p. 6), and says that in it Nietzsche "often aimed to be funny." (2000, p. 1) In fact, I have some sympathy with the idea that Nietzsche is a mischief maker, as opposed to an antichrist or any other interpretation that neglects to acknowledge the playful side of Nietzsche's work and personality.

in Socrates. Nietzsche writes in *Human, All Too Human*: "Socrates is distinguished by the gay kind of seriousness and that *wisdom full of pranks* which constitutes the best state of the soul of man" (as quoted in Kaufmann, 1974, p. 400; stress is Kaufmann's). It seems reasonable to think of mischief making as "wisdom full of pranks," and Socrates' serious playfulness, high intelligence and creativity (raising the dialectic to an "art form") are all in keeping with the mischief maker. One thinks of the way Socrates enters into a serious critical exchange with Cephalus and Polemarchus on the nature of justice in *The Republic*, then of the way he disengages when Thrasymachus rudely enters the discussion, only in the end to have Thrasymachus' dubious doxa on display for all to see.

2. How Mill's and Nietzsche's Conceptions of the Superior Man Might Fail. Recall that the thesis I'm pursuing in this section is that both Mill and Nietzsche create or identify the superior man as the type of man who partly will serve to thwart the leveling effects of democratization.

Part of my contribution to this issue is to show how in their respective conceptions of the superior man Mill and Nietzschemiss the mark. The deficiencies of Mill's and Nietzsche's conceptions of the superior man, both in terms of traits and in terms of the consistency or compatibility of the traitsi dentfie d, while not egregious, are not insignificant. In fact, correctives to the deficient traits indicate that the mischief maker is morally superior to Mill's person of genius and Nietzsche's *Übermensch*. The mischief maker has those good traits that we listed in section II, yet he also has the positive traits that Mill's and Nietzsche's superior men lack, traits

that appear to be necessary for the purpose of creating the space for individualism to flourish in democratic mass society.

a. How Mill's Superior Man Might Miss the Mark

In keeping with Mill's serious tone throughout *On Liberty*, one would expect that Mill's understanding of the superior man would exclude a trait like "individual spontaneity," but he includes that trait specifically. It seems naïve to say that a superior man is going to be spontaneous, at least insofar as one of the responsibilities of Mill's superior man is to charge people to reconsider doxastic positions on significant matters both public and private for the common good. It seems naïve because "individual spontaneity" is more at home in a description of the romantic hero, not in a description of Mill's superior man. Furthermore, Mill's superior man appears to be a contrarian of sorts. He writes that, "when opinions of masses of merely average men are everywhere become or becoming the dominant power, the counterpoise and corrective to that tendency would, the more and more pronounced individuality of those who stand on the higher eminences of thought. It is in these circumstances most especially that exceptional individuals, instead of being deterred, should be encouraged in acting differently from the mass" (p. 74). In this passage I read Mill as arguing that the leveling effect of democratization now requires contrariety for the sake of contrariety, for the sake of refusing to "bend the knee to custom" (p. 74). But contrariety does not appear to be in keeping with the superior man's thoughtfulness, and even seems to be a kind of mechanical thinking, which Mill claims to oppose. In fact, being contrary for its own sake seems somewhat

immature, a kind of thoughtless reflex to the fact of mass society, not a reasoned solution to the problems inherent in mass society. Likewise with his admonitions to encourage "eccentricity" for the superior man (p. 74), and his belief that the superior man should prefer and promote diversity for the sake of being diverse (p. 75), neither of which appears to be a necessary characteristic of the thoughtful yet engaged superior man. Additionally, and I think most importantly from the point of view of Mill's commitment to the public good and his (if naïve) commitment to the benefits of discussion,[95] it isn't at all clear from Mill's description whether the superior man is an engaged member of the public. That is to say, committed as he was to public discourse on matters of concern to society, one would expect Mill to characterize his superior man as one who would be overtly engaged in the public arena; however, Mill's description leaves one with the impression of an intelligent yet aloof man who leads more by example, in his own eccentric way, than by engaging with his fellow man as Socrates did. And the mischief maker is engaged in a public way, through his peculiar, Gricean communicative acts. He wants people, at the very least, to be thinking about what motivated him to do what he did. At most, when he is successful, he actually achieves communication through something like a Gricean recognition by the audience of the mischief maker's intentions behind his act of mischief.

Lastly, Mill's superior man seems to lack a primary characteristic that Socrates had in spades: a sense of humor. Indeed, whether or not he intended it, Mill's superior man is relentlessly humorless to the point of being one-dimensional,

[95] I refer here to the belief in the power of open discussion, which belief seems to ignore the fact that people are easily manipulated by crafty speakers, who may or may not be worth hearing.

whereas Socrates's sense of humor, and especially his sense irony, are famous. Socrates consistently makes fun of his more obnoxious or misguided interlocutors, but does so frequently "under the radar", i.e., via the means of irony.[96] Ironic delivery of information typically involves a method similar to thatwhich the mischief maker employs. The ironic commentator has a direct recipient on the receiving end of the ironic comment, who often fails to comprehend the irony. But there is also a target audience for whom the ironic commentator intends his message. This structure of speaker, direct recipient, and target audience we've already seen in relation to the mischief maker. The mischief maker often has a direct recipient in mind for his act, and has in mind a target audience for whom the message of his act is intended. But notice that the irony of Socrates always turns an interlocutor against himself; i.e., through dialogue Socrates charges his opponents with looking carefully at the consistency of their own beliefs, yet he does so in a way thatonly sometimes is the interlocutor aware of what Socrates is doing (of what his real intentions are); the target audience (readers of Plato's dialogues or, presumably, even those who might have witnessed and heard his discussions unfold) is always privy to what Socrates intends by his ironic comments. And any effectiveness of these more subtle yet potentially playful means of delivering information is neglected by Mill, whose ponderous thinking never seems to be balanced by the levity found in Socrates.

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[96] Socratic irony is mischievous, but that doesn't mean that irony and mischief are identical. It makes sense to say that a situation was ironic without anybody saying anything ironic or even intending anything ironic, whereas no matter how much a situation evokes reactions disproportionate to the harm caused, and however much people think back on their reaction and question its appropriateness, it won't make sense to say that the situation itself was mischievous. Irony seems to be negative, cynical and somewhat self-satisfied, whereas mischief can be more positive and instructive. Mischief makers are deliberately provocative in a way that ironists aren't. This points to the most significant difference between the two phenomena, namely, that because mischief incorporates acts and not just speech acts, it comes to bear in the moral sphere in a way that irony does not.

b. How Nietzsche's Superior Man Might Miss the Mark

Even though Nietzsche's *Übermensch* is an interesting and provocative type, there are some ways in which Nietzsche's *Übermensch* fails as a superior man [97] One failure of Nietzsche's conception of the superior man is that he is either literally or figuratively an adventurer who withdraws from society in order eventually to conquer it ("adventurer and conqueror"). The quality of withdrawing fromsociety (as Zarathustra withdraws to his mountains) for a life of adventure seems to parallel in general ways the descriptions of the romantic heroes detailed by Shelley, Byron and others of the same era. The romantic hero is one who withdraws from the public sphere, into nature, or perhaps he withdraws to contemplate the cosmos. At any rate, he has turned his back on society, and is no longer engaged with his fellow man. In a way that is much clearer than in Mill's conception of superior man, Nietzsche's superior man also withdraws from society, and becomes or attempts to become sufficient unto himself, which does not appear to be a description of a type of person who is going to engage with his fellow man in the way that the ancient heroic tradition entailed, bringing together the life of contemplation with the life of action, and it certainly is not a description of a type of person who will be able to counter the overwhelming power of mass society to crowd out the individual. And that he should also wish to be a conqueror gives us pause, because it reminds us of the very kind of person Mill seems to warn us against ("the strong man of genius [who] forcibly

[97] I have based my reading of Nietzsche's project, including his *Übermensch*, on generally held views and a consideration of the few comments he writes about his superior man. I recognize there are specialists on Nietzsche who will not agree with the description I've offered here, but for my purposes, it is enough to show how the mischief maker might succeed where these other ideal types of superior men as generally understood might fail.

seiz[es] on the government of the world and mak[es] it do his bidding in spite of itself "). The *Übermensch* as conqueror feels contempt for others, a fact which Nietzsche seems content to accept. In *Thus Spake Zarathustra* (1954 (1892)), Nietzsche writes, "And man shall be just that for the overman: a laughingstock or a painful embarrassment" (p. 3). He further writes that, "The earth has become small, and on it hops the last man, who makes everything small. His race is as ineradicable as the flea; the last man lives longest" (p. 5). Contempt for mankind, even if justified at times, is no foundation upon which to build a morally superior man, and begins to sound programmatic in the end, which would make Nietzsche's theory of superior man as much a target for the mischief maker as any other questionable belief.

3. How the Mischief Maker Might Succeed as Superior Man.

It should be fairly clear by now how the preceding observations lead to the conclusion that the mischief maker, as an ideal type, might be a superior man, indeed, superior even to Mill's person of genius or Nietzsche's *Übermensch*. The mischief maker gives us the positive traits we find in the Mill's person of genius, some of which are evidenced in the figure of Socrates. These traits include the willingness to question custom, without the Millian commitment to questioning for the sake of questioning, which seems to be merely a variety of contrariety; thoughtfulness and creativity; and being a member of a small minority committed to promoting careful, non-mechanical thinking. The mischief maker also gives us the positive traits we find in Nietzsche's *Übermensch*. These include recognizing the dangers of mechanical thinking; a

developed and trained aesthetic sense; indifference to his advantage or suffering; and being creative.

But in the mischief maker we also have a *public* person, at least insofar as his acts are not private acts and are generally directed at others (or, to be more precise, at their beliefs). In fact, if the superior man is the mischief maker, this would help us to understand in a different and better light the figure of Socrates; to understand why Nietzsche held such ambiguous opinions about him; and to understand why Mill includes a discussion about Socrates even though he doesn't identify Socrates as a superior man. Socrates, of course, was a thorough-going public person; he participated in the public sphere, and he engaged in dialectical activities in a public way. Mischief makers also are engaged in the public sphere, even if not consistently as openly as Socrates did. Additionally, the mischief maker, like Socrates, has a sense of humor, whereas Mill's and Nietzsche's superior men tend to come across as humorless.[98]

Thus, in addition to the positive traits found in Mill's superior man and Nietzsche's *Übermensch*, the mischief maker also gives us those positive traits of the intellectual, the artist, the teacher (as helpful antagonist), the dialectical partner and the comedian, all wrapped up into one package. And it is becausethe mischief maker is a public person thathis acts enter the moral realm in a way that neither Mill's person of genius nor Nietzsche's *Übermensch* can.

Even if one were to imagine Mill's and Nietzsche's superior men as publicly engaged figures, it isn't clear that these superior men would be the equal of the

[98] This is true more so of Mill's "person of genius" than Nietzsche's *Übermensch*, the latter of which sometimes seems to enjoy a delightful sense of humor relating to the absurdity of the human situation.

mischief maker. Mill explicitly describes the person of genius as being committed to questioning for the sake of questioning, so as to serve as an *example* of nonconformity. Again, being an example of nonconformity *because of* the commitment to questioning for the sake of questioning does not seem to be a trait superior to an agent like the mischief maker who might be seen as a nonconformist, but who has legitimate *reasons* (as an ideal type) for wanting others to question doxastic positions. Likewise, while Nietzsche's *Übermensch* has some appeal to us as a type of superior man, he also is objectionable to us (which Nietzsche may well have intended),[99] and for many of the same reasons that we find him an intriguing character type. Even if he were (somehow) publicly engaged, Nietzsche's superior man, due to traits like his deliberate loneliness and willful contempt for others, would still be inferior to the mischief maker, who does not have these characteristics.

4. Old Wine, New Bottles

This way of looking at the mischief maker in relation to the superior men Mill and Nietzsche describe also shows how Aristotle's virtue theory can be understood in a fresh, more modern way. It is nothing new to argue that a return to Aristotle's virtue ethics is a reasonable response to modern troubles. Alasdair MacIntyre proposes precisely this in *After Virtue* (1981). But MacIntyre's position fails to satisfy, I think, because it feels defeatist and too much like an acceptance of failure when there are no clear reasons for feeling that way. In a sense, MacIntyre's formulation of the return to virtue theory in the ancient sense is a variety of the romantic impulse that idealizes and idolizes nature or the cosmos, that romanticizes a past, and that consequently

[99] I leave open this possibility because it is in keeping with the image of Nietzsche as mischief maker. If Nietzsche is a mischief maker, and if he deliberately offered some ideas in order provoke a reaction in his audience, then this might change one's interpretation of any number of things he has written.

refuses to engage in the here and now. But a mature response to the pressures of today is not to withdraw to the safe and familiar, but to engage one's time by distinguishing the good from the bad, and by using those elements learned from history in order to determine a reasoned response.

In this dissertation I have been pouring new wine into old bottles. If I have been successful, one implication seems to be that an ancient notion – the notion of the virtuous life, and of virtuous acts – can be not only revisited, but revived, through a careful consideration of mischievousness and mischief making. Mischief makers succeed in entering the public domain in democratic, pluralistic society, while at the same time maintaining a commitment to individualism that Mill and Nietzsche likely would have embraced.

IV. Final Thoughts on the Value and Role of Mischief in Society

The mischief maker might also be able to provide a solution to a well known epistemological puzzle, which solution in turn has real implications for societies in which mischief makers are present. The puzzle can be formulated as follows.[100] Let's say that I know that *x* is true. It then follows that any evidence against *x* is evidence against something I know to be true, which means such evidence is misleading. I am supposed to disregard misleading evidence. Therefore I can disregard any future evidence against *x*.

The problem with which the puzzle presents us, in terms discussed earlier in Chapter 4, is that failure to consider all future evidence against all x's results in the vices of complacency and dogmatism, which are not features of a healthy, flourishing

[100] See Harman (1973, p. 148) and Nozick (1981, p. 237), each of whom credit Saul Kripke.

society, as Mill warned us about in Chapter 2 of *On Liberty*.[101] A kind of vigilant effort, then, must go into maintaining beliefs and knowledge, while at the same time creating just enough mental space for entertaining the possibility of the revisability of our beliefs. It seems reasonable to view the mischief maker as a type of individual who creates this space for us.

Indeed, the preceding puzzle might serve as a kind of proof that the mischief maker will (or should) always be with us. Consider the following argument. Either a society truly is doxastically open-minded and flexible, or it isn't. If not, then the presence of the mischief maker is necessary. If the society is doxastically open-minded and flexible, then two possibilities arise. Either the society believes that it is open-minded and flexible, and accepts this belief as an unquestionable fact about itself, or the society believes that it is open-minded and flexible, yet also is open-minded and flexible about this belief as well, which is to say the society leaves just enough space open for doubting whether it truly is doxastically open-minded and flexible.

The former society holds it as an unquestionable fact about itself that it is doxastically open-minded and flexible. But the certainty of this belief is held dogmatically, and the society needs the mischief maker to make the society aware of its complacency (and to move the society to an authentically Millian or Nietzschean ideal).

The latter society is doxastically open-minded and flexible about whether they are doxastically open-minded and flexible, and will welcome those individuals,

[101] Recall Mill's admonition to humanity to admit and face our fallibility, which in turn serves as a reason for permitting discussion and the exchange of ideas on any topic.

like the mischief makers, who doxastically shake things up and keep them from becoming or being complacent. Hence, the mischief maker is a necessary type in society. Notice that through consideration of this puzzle, we can see that the mischief maker perfectly fits into Mill's ideal society, which he describes in part as one whose members are wary of assuming their own infallibility. Mill offers a famous argument favoring liberty of and freedom to express opinion, and begins with the assertion that, "To refuse a hearing to an opinion, because they [authorities] are sure that it is false, is to assume that their certainty is the same thing as absolute certainty. All silencing of discussion is an assumption of infallibility" (1991 (1859), p. 22). To be sure, Mill is not a skeptic who favors challenging known truths because they may be incorrect, but he does favor continued discussion regarding known truths so that these will not be held as dogmas, which surely is in keeping with the function of, if not the deliberate intent of, the mischief maker.

Finally, it seems fair to say that mischief making would be a less prevalent activity in tyrannies or totalitarian states, because these political arrangements call for something different than what the mischief maker can deliver. Our willingness to agree on this point may be due to the fact that we believe thatpeople in totalitarian regimes or dictatorships have more pressing issues than questioning doxastic positions; they likely are more concerned that they and their loved ones not end up dead or in jail due to some trifling offense against the powers that be. It seems quite likely that his fellow citizens are *aware* of the awful circumstances in which they find themselves, but they are powerless to do very much about it, and accordingly are justifiably reserved and circumspect in their attitudes and behaviors.

However, in such political arrangements as tyrannies or totalitarian states, when the presence of the mischief maker is felt at all at a level above relatively intimate social relationships, it might be at the level of questioning authority, which in a totalitarian state or dictatorship is the equivalent of questioning the sacred. That is to say, mischief makers might be interpreted broadly as those who question the state ideology, so the tyrant or dictator will viewthe mischief maker as a natural enemy. Even if the mischief maker isn't being intentionally subversive in the political sense, he might be *interpreted* as questioning the sacred in this special sense. Tyrants and dictators might be wary of mischief makers who can cause other people to wonder whether the ideology is sacred.

That is to say, mischief makers are *upsetting* to the order of things. Those forms of government and statehood that allow for greater flexibility, that permit of diversity and difference, that make room for change and challenge, at one and the same time foster an atmosphere that creates mischief makers and absorbs their critiques. Republican, democratic and parliamentarian forms of government can't be as "upset" as other types of government, so we would see more mischief makers in these types of government. Notice too that these types of government broadly permit of greater flexibility than totalitarian states and dictatorships. The latter are less nimble and permissive, the former are more so. States arranged under republican, democratic and parliamentarian governments, with robust notions of civil freedoms and with a strong commitment to the principle of freedom of exchange of ideas, would certainly have mischief makers around to question pernicious doxa that might be afoot.

In any case, it is the *memorableness* of mischievousness as an attitude and of mischievous acts that makes mischief ideal as a communicative act, especially in contemporary, technologically advanced, open societies. Even in instances of mischief where the meaning and the message of the mischievous act are vague, one of the things these vague acts of mischief have going for them is that they are memorable. Indeed, one might say that one of the things that mischief makers teach people in any society is that there is a difference between the memorable and the forgettable. In an age of intense technological advancement – when we literally are bombarded with images, facts and figures, including email messages from dozens of people a day, spam, advertisements flashing on our telephone viewing screens – we forget all sorts of information we hear or read during contemporary information exchanges. One could say that we are trained to forget things, including forgetting that the aim of communication is often just that some things are more worth remembering than others. But we seldom forget acts of mischief, even if they miss the mark in terms of clear audience uptake. In an era where people are bombarded with information, through ubiquitous advertisements, expanding media outlets and the like, there need to be activities for getting important messages through the clutter. Even if they would deny that the mischief maker is superior to their superior men, I am certain that Mill and Nietzsche would agree that mischief making accomplishes the goal of deliberately creating a doxastic space in the social sphere for a healthier, flourishing society. They might even agree that the mischief maker might be one of the most valuable among us, providing us important messages through provocative

yet creative and sometimes even artistic communicative activities that are not easily forgotten.

Appendix: The Mischief Maker, a Theophrastean Character Sketch

The mischief maker goes about his business unheralded; this is his *modus operandi*. He does not want to draw attention to himself, but to the events he works so diligently to orchestrate. He lurks behind the scenes, or sometimes right under your nose, and he thinks and figures and identifies his route to creating his own little island of innocuous mayhem. He means to cause trouble, he intends to irritate and provoke his audience, because there is an element of your life that needs to be irritated, that needs prodding and prying and poking. If you react by saying, "What in the world was *that* all about?", he has done his job. If you react by saying, "Whomever did this should be run out of town!", his success is complete. And if you react by saying, "What a mischievous scoundrel! We should have his head!", his triumph is a certainty. He wants nothing more, literally, than to have an audience react in complete disproportion to and with dismay over whatever has been perpetrated upon them. And then to *think* about the *why* of their reaction.

A voice from the crowd might also cry out, "Who are you, in your arrogance, Mischief Maker, to decide that we need to question our beliefs?" But the Mischief Maker doesn't need to seek permission. (Why should he? Does one seek permission to speak, to act, to engage one's fellows?). The only justification the Mischief Maker needs is the justification provided by his observations and judgment as an actor in the public arena, and the only authority he needs relates to results: If the Mischief Maker achieves the desired reaction in people, and people then begin to question the target belief, then that is all the authority he needs. In fact, to assume he needs permission from some authority is to beg the question against the Mischief

Maker's enterprise, which is to question the authority of some pernicious belief that the community holds unreflectively.

Some mischief makers know precisely why they do what they do; they have in mind a goal. Others are not as exacting on themselves regarding their motivations, but they will say they know, they will tell you later, they *knew* there was something they were trying to get at, some point they were trying to make, and it was sort of like this, but not exactly like that, and sort of like this other point, but not precisely…. If we had to specify what it is they are doing, it would be something like *barbing the belief out of you*, or *cramping the conviction in you* Or maybe it would be more like *teasing* the belief out of you, or *toying* the conviction out of you.

Consider boys and girls on a playground. What does a boy do when he wants to get a girl's attention? He teases her. He tries to get a rise out of her. How does the girl respond? With vicious stares and gossip sessions, by chasing the boy and yelling at him to "Leave me alone!" An overreaction, no doubt, to the boy's immature overtures. Why does the boy tease her, why does he want to get a rise out of her? He *likes* her. It is affection that motivates the boy to tease the girl, not malice or envy.

More philosophically, we might say that mischief making works on the assumption that whereas x is believed, x is surely unwarranted, or at least there is conflicting information, or other possibilities, available that makes x dubious. But the Mischief Maker doesn't want to talk about it, heavens no, nothing could be more awful than that. Maybe the time for talking has passed, or maybe direct discourse just won't deliver the message. The Mischief Maker knows straight talk is empty sometimes, and is the proper domain of talk-show hosts and lame duck politicians.

For the sake of offering opportunities for all of us to be better (and maybe even get better, as in some are suffering from some illness, and they need to be helped along to a cure), to take a new view on things, for the sake of making us less slavish to questionable beliefs, the Mischief Maker tries to spice up the dish being created in this little time slice. By all means, thinks the Mischief Maker, or rather, by select means, he thinks, let's give this morsel of life some pizzazz and flavor, let's get the crowd aboiling, let's have them cringe and doubt, ponder and reflect *on just what this dish is all about*. After all, it is the provocative presentation that sticks with us, not the culinary host who created it. And this is just fine with the Mischief Maker.

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