

The Case of Meiwes Ate Brandes

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14th February, 2010

A. The erotic relationship between Armin Meiwes of Rotenburg, Germany and Bernd Brandes of Berlin included the killing of Brandes and consumption of parts of his body by Meiwes at Brandes's request in March, 2001. Some reporters, film-makers, story-tellers, singers, and other artists have created work about this incident of cannibalism,¹ but it has attracted little attention among ethicists.² There obviously is a good deal to think about in this matter, although everything in it is likely exemplified innumerable times in the vast history of violence. It has however an uncommon combination of features: the violence is both consensual

¹ A list of references to other media is found in the Wikipedia article on Armin Meiwes.

² The only philosophical study of this case is by Jeremy Wisnewski, "Murder, Cannibalism, and Indirect Suicide: A Philosophical Study of a Recent Case," in *Philosophy in the Contemporary World*, vol. 14, no. 1 (Spring 2007), pp. 11-21 (also online at <http://www.hartwick.edu/Documents/PHILOSWisnewskiMurderandCannibalism.pdf>). Wisnewski examines criteria for judging the behavior, concluding that this is not a case of murder and that "there is nothing wrong with cannibalism."

I have found these three references to the case in philosophical literature: Bran Nicol, "Iris Murdoch's Aesthetics of Masochism," in *The Journal of Modern Literature*, vol. 29, no. 2 (Winter, 2006, titled *Making Corrections*), pp. 148-165) at p. 163, n. 6 on the Spanner and Meiwes-Brandes cases; Jerry Andrew Varsava, "Utopian Yearnings, Dystopian Thoughts: Houellebecq's 'The Elementary Particles'...." in *College Literature*, vol. 32, no. 4 (Fall, 2005, pp. 145-167) at pp. 164-165, n. 7; and Sean Noah Walsh, "The subversion of Eros: Dialectic, revolt, and murder in the polity of the soul," in *Crime Media Culture*, vol. 4, no. 2 (August, 2008), pp. 221-236.

and private. It is as an instance of *consensual private violence* that I believe reflection upon it will shed light on the exact opposite kind of violence: the non-consensual public mass violence of war. The features of the relation between the two men give good reason to reflect on the morality of war (by a construal of the sexual part of their violence) and on the place of power in moral life.

Being concerned solely with formal aspects of this case relative to issues in normative ethics, I shall provide merely a short general account of the episode, supplied by the BBC:

Mr Brandes, a 43-year-old computer engineer, apparently agreed to the idea of being eaten after making contact with his killer on an internet chatroom.....

The pair met at Meiwes's home in Rotenburg in March 2001, where they had sex before Meiwes cut off Brandes's penis, which the men then cooked and attempted to eat.

Meiwes later stabbed and killed Brandes, before cutting him to pieces and freezing parts of his body, some of which he later ate.³ Far more complete narratives are available, including details of their acquaintanceship, the killing, the process of cannibalism, and the legal consequences.

I bring to attention just two facts: (a). that the assertions that Brandes voluntarily sought to be killed and eaten, offering every compliance and no resistance, and that Brandes acted at Meiwes's request, as well as his upon his own desires, was proven by a videotape the two men made of the episode; and (b). that no other person was involved in the plans or the actions attending the event.⁴

I take (a). to establish what I mean by the consent of both parties to this act, notably that of Brandes whom most readers, as well as most legal systems, will

³ <http://news.bbc.co.uk/2/hi/europe/4752797.stm> of 9v06

⁴ See Wisnewski, *op. cit.*, for reasons from the facts of the case to accept the truth of these two claims. He is centrally interested in the normative aspects of these actions rather than, as I am, in violence in relation to fundamentals of normativity.

consider *prima facie* to be the victim of a torture murder. I take (b). to define what I mean by the privacy of this act, i.e., that no other persons were agents or patients of these acts. As to both consent and privacy, one may demand wider definitions, so as to include issues on which we would reasonably question both these descriptors—(a). the free volition of Brandes in light of the determinants of his personality and (b). the isolation of these events from the hurt or offense they doubtless caused to friends of both men and to society. I use both “consensual” and “private” on narrower grounds and in quite ordinary senses. The other issues that can be expressed by wider references involved in the ideas of consent and privacy press with at least equal moral force in considering the violence of these events; it is in regard to the notion of violence in this case that I shall place these other considerations. For both words are modifiers of “violence,” and in this way they serve to stress a couple of features for discussion that are readily overlooked in this case.

“Violence” has quite enough breadth to comprise these and the many other issues the case of Meiwes and Brandes suggests. It is a mobile word. We often mean by “violent” moral disapproval of account of the ends to which it is a means but call the same coercive act “executive” or “administrative” when it is sanctioned by authorities warranted to guard ends we morally approve of.⁵ Thinkers like de Maistre and Marx point this out. Slavoj Žižek argues that language itself is a means of violence, among other things, an instrument that causes pain used quite as often and as widely as tools of blunt force.⁶ It also a capacious word. Every necessity in the world may be understood as coercive force and thereby as violence. Schopenhauer believed that violence is as universal as life. Simone Weil believed that all but one of the functions of intelligence is to participate in the ceaseless necessary manufacture of affliction in a universe that exists as automated violence through and through, but for God. We also use the word in witty or good-humored ways, as when we say that a hammer did violence to a nail. The nail feels nothing, and at the same time it was made by the hammer into a part of an object we innocently and proudly take responsibility for—something that is beautiful, or something we need, or something that helps others. Or we might say I did violence to an object I dropped by accident or clumsily repaired. In all of these instances, we

⁵ These words are the words of Walter Benjamin in “Critique of Violence,” in trans. E. Jephcott, *Reflections* (New York: Schocken Books, 2007), pp. 280ff.

⁶ Slavoj Žižek, *Violence. Six Sideways Reflections* (New York: Picador, 2008), p. 60.

as philosophers and as actors in daily life use “violence” by way of the trope of hyperbole, whether our subject is trivial or of the utmost seriousness. I do not say that it is inaccurately used in any of these cases. As a metonym it reveals complicated and unseen truths about coercion and cruelty.

Consent and privacy are features that help to fix the kind of violence in the Meiwes-Brandes case at a spot in the spectrum of acts between hyperbole or wit and, at the other extreme, the kind of violence identified with original sin or with existence itself. Because they help to clarify what kinds of coercion and cruelty obtained in this case, specifying this character of this case of violence will in turn help in understanding the moral features of the actions of these two men. These actions are two phases of one event. They are temporally and conceptually separate but are closely related actions. We will understand both in the end, but only if we untangle some notions from each.

The first in order of time was Meiwes’s maiming and killing of Brandes, along with Brandes’s self-mutilation. Meiwes’s several meals made from Brandes’s corpse followed afterward. The cannibalism however is not subordinate to the killing in moral terms just because it happened after the killing. From the points of view of the gratification of their desires, in their inward feelings and by outward acts, the cannibalism is at least as important as the killing. It was the goal in the temporal and in other senses. For the purpose of examining the violence in this case I shall speak of it first.

From the moment Brandes died, it was not possible for anyone to exercise coercive force on him or to act cruelly to him because Brandes as a person no longer existed from the instant of death. Also, his prospective consent to Meiwes’s eating his body greatly lessens the force here of any otherwise feasible claim that cannibalism is cruel to the eaten dead. Although Meiwes was the recipient of something bequeathed to him by Brandes, Meiwes’s relationship to the bequest was more like the passionate relationship persons have to objects than the passionate relationships persons have to other persons. This is not to say that the life of Brandes counted for nothing. But one cannot understand Meiwes as cannibal by stopping at the fact that Brandes formerly was alive. Humans constantly transform things into representatives of features properly attributed solely to humans. Thus we act as consumers of products, parties in business transactions, legatees,

recipients of gifts, collectors of rarities, movie-goers and concert auditors. In all the innumerable ways in which we project feelings onto things, invest events with emotion, and fabricate artifacts out of raw materials, our touching the human to the non-human is affirmation of human life in one respect and distraction from human life in another. This is the basic Janus-headed character of human life in the world as we have always known it.

To understand this, consider Meiwes's relationship to the corpse of Brandes in light of our the many sides of our relationships to sculpture, especially to statues of human figures.⁷ When a person makes a statue or looks at one, one might metaphorically give it life, also take life from it into one's self; one also might metaphorically deaden the life in the statue or deaden the life in one's own self, as if a statue had the power to petrify a person. Again, one might recognize a ghost or spirit of someone one knew or of a stranger, or feel that deceased person as a revenant, or be stirred to devotion if it is a pious figure, or to anger by memories of hurt. We can consider a statue to represent a figure from within our psyche, one we struggle to hold onto and to reject by turns. The fantasy of animation follows a circuit from person to thing and back again, by virtue of the imagination and even of hallucination that converts the invisible into the visible by another kind of image, or text, or conversation. This dialectical borderland between destroying life and trying to give life, where these two opposite actions succeed each other and blend together, includes Meiwes's lonely dinners. It is a part of almost every act in human life and never more so than when the situation is precisely and expressly one of life and death. Apart from its resistance to being sliced or cut, Brandes's body might have presented to Meiwes the impression given by portrait statue by Canova: something clearly like the softness of a living person massed within a supple skin and yet utterly not like skin and not alive.

It will be objected that a human body even when dead is profoundly different from anything else and that certain uses of it are simply so disgusting that one errs by putting them in the company of better things. A cannibal surely is not an *artifex*. But our employment of the material world is so various in effect and moral quality that it is an error as well to regard any cannibalism as discontinuous from the entire class of human projections. Surely part of the disgust of some

⁷ See Kenneth Gross, *Dream of the Statue* (Ithaca and London: Cornell University Press, 1992).

persons at Meiwes's cannibalism is exactly because it objectifies a person. No cannibalism can be understood without accounting for "objectification." Thus when some people eat other people in order to survive mortal danger of starvation, we are obliged to think of the nutritive properties of flesh and we are obliged as well to consider the relations of affection and enmity that prevailed among the party in dire circumstances. Some Romans thought that Christians were cannibals when they took communion; sometimes these days many will feel that thoughtless consumerism is no less destructive and immoral. When Meiwes cannibalized Brandes he was not coercing Brandes or hurting Brandes, just as when we animate a statue in our examination of it, and in thinking about it, we act in a voluntary and private circumstance with regard to the statue. These two men created a situation that, if it is to be regarded as violent, must be regarded as an act of violence peculiarly situated in consent and privacy, a situation like the psychic impact of sculpture or like eating at a restaurant—but unlike these as well. The deep entanglements between the two actors is due to the erotic relationship between them. This is part of the specific, essential character of what is both a suicide and a murder of the same person. I turn now to those events in order to specify the kind of violence involved in them, if any, and in order to consider their implications for normative ethics.

B. In my construal of the erotic nature of the events in the Meiwes-Brandes affair prior to the passing of Brandes, I shall use some of the basic notions involved in sado-masochistic sexual play. The points taken from them will not rely on any psychiatric or social-critical literature about sado-masochism, on no empirical study or conceptual theory. I rely in part on my own experience of sado-masochism and in part on the understanding I have from the many participants in it I have talked to or whose personal accounts I have read. The points I take away from this discussion for the further purposes of this paper are self-evidently and reasonably construed out of the facts.

Domination and submission is the core theme of sado-masochistic practices. The matter does not come in black and white: each participant has both dominant and submissive feelings, interests, and behaviors, and most such sexual events feature ambiguous as well as dramatically clear play episodes. Dominants have

needs that they turn to submissives to fulfill, and the same must be said of submissives, that they seek fulfillment they believe can or must be provided by a dominant in sexual role-play. Dominants and submissive also, it must be understood, co-operate in their play. Both top and bottom have to row in the same direction. They attempt to solve problems for one another. The mildest and the most extreme sado-masochistic practices, provided that they are consensual, require that the partners work together even if they construct the appearance of opposition or honestly feel true hostility. Experienced players generally claim that the scene is most gratifyingly worked through, as to the specific emotional issues around which the sexual play is developed, when the partners are most conscious of their interdependence. Each participant requires domination by others or submission by others in different areas or ways, often quite subtle, and each person requires domination or submission in varying degrees of intensity in order to answer to his or her needs. Thus for some submissives a light flogging, and others need it to be very heavy. Some dominants and submissives are satisfied with a brief period of pretending, and others want life-long, unremitting, full-time iteration of the exchange of power and emotion. A couple or a group who engage one another in the many sexual practices associated with this will attempt to match the degrees of domination and submission of the partners along with the million other things that make sex successful or not for the partners.

As extreme as the behavior of Meiwes and Brandes was, it can be viewed, at least in part, in this general framework for sado-masochistic sex.⁸ The problems that Meiwes sought to answer (or issues to resolve if you prefer) by the submission of Brandes to his domination were so intense that he felt they could be solved by nothing less than maiming, and then killing, and then eating Brandes. The problems that Brandes sought to answer by being dominated by Meiwes were so intense that he believed they could not be solved by anything less than his submitting to Brandes by maiming himself, by being maimed and then killed by Brandes and finally by being cannibalized by Brandes even though he could not experience the last part at the time it happened but must gratify himself solely by actions leading toward it. They sought as much black and white and as little gray as possible in their sado-masochistic power exchange. All domination and submission sexuality is dynamic, pursued toward release and resolution,

⁸ To those who say that it is not sex because it was murderous, or even just because it was violent, I reply that they are falsifying reality for the sake of ideology.

prospective of an experience of knowledge. The fact that Meiwes bricked up this endpoint behind the unbroached wall of death does not change the fact that their sexual relation is intelligible in the continuum of power dynamics in dominant-submissive and sado-masochistic sex.

In the course of the killing and the dying, Meiwes exercised just as much coercive force as was necessary to supplement Brandes's willing suspension of his own will. Brandes conveyed to Meiwes the nature of the suffering he desired to experience. The evidence of the history of the encounter and videotape seem to tell us that there was minimal coercive force and that what we should otherwise call cruelty is better described in this instance as a measure of sado-masochistic pleasure and pain. On the side of Brandes, our knowledge of the physical body allows us to say that the pain was of a very high degree. We know less about the intensity of Meiwes's pleasure.

Consent and privacy affect the character of what we call violence because they change the impact of the coercive and cruel parts of a violent act or series of violent acts. Consensual private violence is then to be distinguished from other kinds of violence by really consequential and blatant constituent features. Consensual private violence is thoughtful and intimate, in certain senses of these adjectives. The Meiwes-Brandes episode is violent because it is destructive as well as feasibly creative, like much violence. If their act of consensual private violence were a light spanking, or something else of minimal impact, we'd likely not call it violence, even though it is in every respect except degree of destruction much like the actions our two subjects took. It follows further that their actions were much like the light spanking except in degree of destructiveness. Both are violence, but they are violence without two of the features that we commonly consider necessary parts of violence, these being coercive force and cruelty, because the act is modified in consequential ways by its consensual and private characters. The axis of coercion and cruelty, from minimum to maximum, is not the final stipulation of the violent character of an act. Another axis, that of consent and privacy, from minimum to maximum, stipulates the violent character of an act or series of acts regardless of the amount of coercion and cruelty in the same act or acts, because they are parts of the widely-cherished idea of personal autonomy. The consensual and private acts of Meiwes and Brandes toward one another specify these acts as a kind of violence with clarity but upon a basis that challenges our habitual moral judgment of violence.

C. The view onto the events of March, 2001 from outside the emotional circuit of the two actors is certainly rather different from that which I have just outlined. Suicide almost always causes profound sorrow to those who cared for the person who commits it. They are left with guilt, grief, and anger among many other feelings, as my readers and I know all too well. For the purpose of the present discussion I shall stipulate that Brandes had no intimates, family, or friends. This is not unheard of. In this case, there is no survivor's point of view for us to consider. But of course most of the time there are survivors, yet it seems reasonable to say that the person who commits suicide values his feelings, taking this word in its most general sense, more than the feelings of any others. Because the cities and country they lived in cannot be stipulated away, we must say that Meiwes and Brandes also did violence to the feelings of their communities. But all such violence, to anyone of any class outside of the consenting and private world of these two men, is a different kind of act than the one they performed. Their act is in part separable from similar acts. The way in which is not separable involves not so much the feelings of their intimates or their communities, but rather those feelings almost all humankind encounters, for each person, provided he or she lives long enough, survives the deaths of others due to every kind cause. The whole world of such pain must be considered. But I am not yet considering it.

Upon returning to the self-regarding aspect of their history, one might bring up the issue of the intrinsic dignity and worth of each of them as standards for judgment. As part of this, one would claim that Brandes did not make the best of his life that he could, and neither did Meiwes. There certainly was no benefit for others beside themselves, but it is possible, or rather more than possible, that each man benefitted according to his own autonomous will. For if we admit the principle of sacrifice for others, then we ought to admit a principle of sacrifice for one's self provided that an actor sacrifice himself or of himself rather than sacrifice the lives or goods of others. The intrinsic worth of a person is a very high standard, the probative conditions of which must be very narrow, though firm and deep, if they are not to argued away. Is it not then possible to admit into them self-sacrificial violence as well as sacrifice for the benefit of others? I do not say that this or must be the case. Instead, I am pointing out that to dismiss the plainly evident qualities that a person take for his or self-evident when they have nothing

to do with harming others and when they concern such areas as the individual's control of his own body and life is a very hard thing indeed. On the killer's side, the laws define his crimes. But Brandes as much killed himself as he was killed, so this issue of human dignity turns again to the specific nature of the violence. It can be looked at from a further remove, but we have not yet exhausted the importance of consent and privacy.

Then there's the cannibalism. Here the argument for overriding the actors's judgments in favor of the opinions of others is even harder to make. I once read about a man who put the ashes of his beloved wife into medicinal capsules, ingesting one or more by mouth each day. Apart from what anyone might believe to be divine commands as to this matter, what on earth is wrong with the widower's actions? No one is harmed by them, nor does anything in these actions prevent the man from mourning in other ways so as to resolve his conflicts through other practices such as psychotherapy or religious ritual. If his wife's death were by euthanasia, even a euthanasia in which he was obliged law or informally to offer some form of consent in addition to her stated wishes, we would still have no reason to regard his cannibalism differently than if his wife died of natural causes. We might feel greater or different revulsion, but that's not a reason to judge the man harshly. At worst, his ritual with capsules and her ashes protects a dysfunction by the reinforcement of habit, but this consideration is very extrinsic to the act. We all know that the cases of persons who fed on the corpses of others in situations of starvation are extremely fine ones to judge. Everyone must feel humbled in moral reflection on such circumstances. After all, it's just a body, lifeless clay. As with Meiwes and Brandes, we are in a morally different world once we place ourselves within the circumstances of the actors exposed to nature without help when it is needed. Such persons are desperate, someone who seeks euthanasia is desperate, and from everything we know from the words and deeds of Meiwes and Brandes they too faced desperate needs at the time of their fatal decisions.

Many will argue that Meiwes and Brandes actions caused harm to themselves that outweighs and endures beyond their first gratifications either in fantasizing about these actions, often years in advance, or in executing them. One form of this is that they harmed their immortal souls and that this harm will continue when they as individuals suffer pain in other planes of existence until

divine absolution, if any. We readily recognize a related but secular form of this in the psychodynamic view that behind these actions they endured emotional pain so great that they eroticized it to relieve and release it. The latter certainly is the case; the former may well be the case too. But once again we see that violence has to be understood in surprising terms to be understood as a wrong. In the case at hand, it is imperative and fair to limit the ascription of violence and hence of wrong to features that express their needs, possibilities, desires, and capabilities for dealing with life. It becomes in fact quite clear that, were the positive law not in force, their actions relate so fully to the isolation and singularity of their relationship that, setting aside theodicy, we must set our judgments of right and wrong from a perspective on violence or harm very much wider than quick disgust at the thought of the scene they created allows.

Consider for example the case of the pediatric oncologist in this country about a decade ago who substituted placebos for the entire courses of chemotherapy administered by mouth prescribed for a great many children dying of cancer committed to his care. He billed the insurer for these expensive medications but never ordered them from their manufacturers, pocketing the vast profit the cost of sugar pills left him. The children, some infants, died as a result of his actions. These actions were non-violent, but they nonetheless were foul murder and other crimes many times over, without doubt and without any excuse whatsoever. It would be hard to argue that his moral wrongs were not greater, were not incalculably greater, than those done by Meiwes and Brandes to themselves as consenting adults. This is notionally true in the case of the class of non-physical violence titled “moral violence” in Catholic casuistry, such as the use of torture in legal processes. It might even be true of the whole class of actions we call violence in Žižek’s terms or, yet further, in Weil’s or Schopenhauer’s concepts of necessity and will.

According to my construction of this episode, I say that it exhibits the desires for domination and submission in a balance that is one of many possible arrangements of their relative strength and reach, to be judged correct or not according to the desires and needs of the consenting partners. Here dominative force honestly expresses the power-dynamic in most intimate relationships. Arranged in certain patterns, domination and submission seem to satisfy enduring needs in people. Suppose two intimate partners willingly agreed that if a certain one of them does certain kinds of wrong—either, for example, disobeying the

express commands of the other or threatening in some way the established order of power—that certain other of the partners has the right to corporeally punish the offender. They agree to this presumably because it answers to their needs for security, protection, desire, and affection, however imperfectly it does so in the opinions of others. That the partners might indeed find better ways to answer these needs— indeed, they often do exactly this in time or right away, even while not abandoning their sado-masochistic approach—is irrelevant.

This approach fulfills the logic of dominative force by means of consenting eroticization, which deletes the coercive and mass aspects of dominative force. In such erotic play, rarely are the participants actually physically hurt. They might however sustain older psychodynamic hurts or intensify them, or they might resolve them through play-acting. People have long had an inclination to believe that there is something natural, also desirable and inevitable, in the aggrandizement of power—that those who conquer act according to nature as it plainly is, so that nothing can be more natural than to keep and extend what they have gained. Plato tells us about that people feel this so strongly that they

...seek, on such grounds, to attract men to the “really and naturally right life,” that is, the life of real domination over others, not of conventional service to them.⁹

He gave us an unforgettable portrait of their advocates in Callicles. This concept is of course an enduring one in Western ethical, social, and philosophical thought, both as descriptive and as normative principle. From the point of view of the spiritual or psychic harm we can do to ourselves, Meiwes and Brandes were destructive in the obvious regard but also therapeutic in another regard. This other regard is constituted in recognition of the place of dominative force in our common and individual characters. As among consenting private persons we see that this kind of violence is so specified that it might be said to do minimal harm, at least in the sense of violence as cruelty forced on the innocent. For while the domination and submission are carried to extremes, there is no hint of prescription for others or desire of attacking others. Nonetheless, most conceptions of the natural law and virtually all bodies of positive law proscribe the actions of Meiwes

⁹ Plato, trans. B. Jowett, *Laws* 890a.

and Brandes in this matter—namely, self-maiming, suicide, murder, dismemberment, and cannibalism; also, wherever one stands on natural and positive law, one can strongly argue that Meiwes and Brandes suffered even if they thought they were getting pleasure or gratification; but resting upon an idea of human autonomy, they had strong grounds as well to justify their actions in moral terms, and so have we.

D. The purpose of pushing my considerations in this case as far as I have done is not to be daring or contrarian. I am not principally concerned with the rights and wrongs of suicide or cannibalism. Nor am I arguing for libertarian or libertine principles or against communitarian ones. The core of the matter I have established is not even the requirement of human autonomy. The results we may draw from this discussion are two fold. The first concerns the moral status of violence, and the second suggests something about the conception of personhood.

Consent and privacy are features of an act of violence that, when present, require the specification of moral judgment in accordance with the inner life these features reveal and protect. The schema of erotic dominance and submission that I outlined for these the relationship of these two men relates their feelings and actions to broad themes of human life and to their most individual, intimate needs and desires in intensely complicated ways. In such a case as this, apply whatever principles of moral goodness or right action that you will, you must modulate their severity. Their absoluteness must be mitigated. For on the one hand if the principles you apply are those of intrinsic human dignity, the drive for survival, or power, has consequences that overwhelm the full brightness of the distinction between one person and another because it can require bizarre relations among persons. If on other hand the principles you employ are those of the common good, you must rein them in a little unless you are willing discard autonomy *tout à court* in favor of the judgments of society and state. The only other option to mitigation in judgment or modulation of application of principle is the appeal outside reason to divine revelation.

It might be that the mitigations that consent and privacy require are small ones, or even insignificant ones. Certainly arguments against anyone's basic

standards of moral judgment have been no part of this discussion, nor is any one conception of autonomy essential to the argument. But it is clear that consent and privacy specify the nature of violence in critical ways, because not all of what we call violence is good or bad and because all coercive force being an ineluctable part of nature is like the devil who must be given his due. Taking these things into account, we look at dominative force as one of the direct objects of moral inquiry rather than more mobile concepts like violence or coercion. The way in which privacy and consent specify a certain act of dominative force with respect to the moral judgment is this: there are grounds to judge private and consensual acts less harshly the more consensual and private they are. You may judge them very harshly indeed, nonetheless, but you may not dismiss the inner life, with its fathomless intensional and extensional roots.

In the same way, the less consensual and therefore more coercive and the less private and therefore the more massive the acts of death and destruction in question, the less justifiable mitigation of moral judgment of them is. A common conception is the opposite: that it is more horrifying to do violence to someone one knows than to do violence to bunches of people one does not know on the large scale of military action. Even if one makes the strongest case for the consent of military actors in war, it is always and without exception the case, throughout all time, the many, many innocents, also called non-combatants, suffer death and destruction. So even on the basis of the innocents, the smallest war is infinitely less justifiable according to any rational standard than is a private case of consenting erotic killing. However harshly one judges Meiwes and Brandes, the same principles of judgment must apply in harsher measure to those who make war. Thus the most exigent situation of private consenting dominative force is profoundly less grave a moral error than any warfare; indeed, it represents some of the strongest conceivable grounds for this point of view. In other words, the grounds we have for excusing Meiwes and Brandes are exactly the same grounds for never excusing warfare, unless we wish to give up entirely and finally two of the most fundamental, critical, ineluctable parts of any idea of personal human autonomy.

My argument is not that one thing is not so bad because another thing is much worse. My argument, rather, is that consistent application of reasonable moral principles renders the bigger, broader, bloodier crime far worse than the

smaller such crime. Brandes was far more fully in a good position to justify his killing of the one man Meiwes, who consented to it, than an advocate of war is in a position to justify death and destruction of several, much less masses, of persons. Not one drop of ink in just war theory, or in any justification for a war or of war, can contradict the parallelism. Such defenders of war can and do point to death and destruction avoided by war in recompense for that caused by war. This calculation must also include, though it rarely does do so, the longer-term consequence of war, which is more war, among many other things. I shall not consider defense against that argument here, hopeless though I think it is. Decision as to the mitigability or unmitigability of the moral evil of an action requires consideration equal to the moral claim for autonomy or for any other worthwhile and sufficiently universal notion of morally valent personhood attaching to moral actors, as well as of the number of crimes committed, which is to say, in this case, the number of moral actors affected by it, against each of whom no one person in an opposing country can conceivably have actual and concrete grievances, is active due to the number of moral claims that come into play. The wider the use of dominative force, the more universal and less particular must be the application of moral values because the situation of martial violence is less complex in the way I have outlined than is the situation of two consenting persons.

This is an *a fortiori* argument for absolute pacifism. It is not a new one as regards its focus on the wrongfulness of the death and destruction of innocent persons. Nor will we find it a new thing to acknowledge the decency of the common feeling of injustice at the fact that a government or military official who is responsible for death and destruction in war, however legitimated, is rarely punished as harshly as a murderer convicted under the criminal law of almost any state known to man. But this argument is not one very much attended to in discussions among just war theorists, who struggle to avoid it instead. It not common even among pacifists. I have tried to show that its force lies in certain features that become visible only by comparison with a case of individual brutal and evil violence as opposite as possible to the circumstances of war's brutal and evil violence. To the extent that one is disgusted by Brandes's crime, one must be infinitely more revolted—repelled to actual dissent—by the crimes of warmakers, unless he or she thinks either that any person, combatant or not, deserves to be murdered for the sake of others and can prove the efficiency of this sacrifice as against the history of war, wars singly and as one galloping misery entailing another, or steps outside of reason altogether.

E. In these considerations I have not relied upon any consequentialist or deontological principles. The construction of Meiwes-Brandes crime is based on observation, and the argument for pacifism is based on a logic of the way principles of almost any sort ought to be applied. I have not relied on intuitions as to right and wrong; if anything, my arguments have been contrary to common intuition. I have invoked no virtues. Finally, by consent and privacy I have pointed to autonomy, but that notion is defeasible from this argument. It is a way-station, because the whole matter points to a conception of personhood more fundamental than that given us by autonomy.

Rainer Maria Rilke, in his essay “Some Reflections on Dolls,”¹⁰ describes a voyage of human feeling toward objects encompassing a vast part of our passions feelings, stunningly, in just a three or four pages. It is too complex— also too long and too beautiful—to reproduce here. Besides, you ought to read it for yourselves. In the doll, a prettified inanimate *symbolon* of a human being, we find a being tireless, silent, forgetful, irresponsible, a waste, an abuser, a victim, unresponsive, forcing our assertion, splitting our personality, disappointing, shoddy, useless, disastrous, ruinous, irremediable, superior and inferior, beloved at first and in the end hated because it tells us that love is empty and in vain. This is a sample of the complicated inner world of our relations with other persons and with objects. In the case of Meiwes and Brandes, both men related to both as persons and as objects. Behind the screen of consent and privacy there lies the many parts of the world of personhood amidst objects and other persons, as vast fortunes in land deeds and bonded funds lie hidden behind private legal trusts for generation upon generation. Autonomy may be viewed as a deixis of that world, perhaps notionally more complete than consent plus privacy or perhaps emptier.

Inside that world, the world of person, the drive for dominative power is one large part but one part only of the history of seeking, finding, and losing fulfillment that Rilke describes as our life with objects. Inside there, violence is not fully commensurate with the drive for power. It cannot be explained as a part of moral life by power alone, nor does power fill the field of moral ordering. If power as an

¹⁰ Rainer Maria Rilke, trans. W. Tucker, “Some Reflections on Dolls,” in *Rodin and Other Prose Pieces* (London: Quartet Books, 1986), pp120-124.

executive moral order is inadequate to explain violence, then *a fortiori* it is inadequate to explain the full range of moral phenomena. Yet it is easy to see human behavior through the monopunctual view of power. That is the story of empire: of Rome, for example, bounded by desert to its south, forest to its north, the ocean on its west, and strong ancient society out to the east, pushed in most of these directions until it died. We see it also in religious traditions, such as when God demanded submission from Abraham. As philosophers we can see it in the entire run of rational inquiry across the face of nature. This is one of the reasons most people find the story of Meiwes and Brandes to be so disturbing.

As we have seen, if violence is to be more lightly judged in some cases and it is to be more harshly judged in other cases, the principles for so judging in a consistent manner are related to the moral claims each autonomous person makes; and that these claims are based in something deeper than autonomy. Personhood is in fact driven by a more complex system of moral decision and action, the parts of which each actor seeks to adjust into a correct balance in his or her actions and thoughts. Though power is pleonectic, pressure in contrary directions comes from awareness of the urgency of moral claims according to their number and depth. This suggests that we should not resolve personhood into the drive for power—unless we take this drive or the “struggle for survival” so broadly as to be a superficial truth. It suggests that personhood as is not supervenient on some other natural kind, and it suggests that it is not merely epiphenomenal to another complete and true account of behavior or history or delusory as to the same. It suggests that we must understand our lives in terms of some other one or more morally ordering principle in combination with the force of dominative power; and, finally, that the other one or more moral orders is contrary to coercive force. If privacy and consent protect, in some way, the moral autonomy of actors, they also help us to understand personal moral value of such complicated and strong quality that it can be a normative force regarding our care for millions and billions of other persons or just for one’s own fragile self.