



Jay Phelan

When members of Congress asked Ford CEO Alan Mulally if, as a symbolic gesture, he would be willing to take a \$1 salary in return for federal aid, his notorious response was, “I think I’m OK where I am.” (Mulally’s compensation in 2007 was \$21.7 million.) As the economy slides deeper into recession, the rapacity of corporate executives—and their apparent immunity to shame—has brought greed to the fore as the most topical of mortal sins. While moderator **David Kirkpatrick** noted that the namesake of the October 26 roundtable, *Greed*, is “a subject we all have personal experience with,” current events betray levels of acquisitiveness far beyond the imaginings of the average consumer. Citing greed as a “primordial topic” and seeking to contextualize it in the present “frightening” financial moment, Kirkpatrick, Senior Editor for Internet and Technology at *Fortune* magazine, asked his fellow panelists, “When does wanting become excessive?”

Laurence Tancredi, Clinical Professor of Psychiatry at New York University School of Medicine, offered a broad definition of greed as “a kind of selfish, compelling desire for goods, mostly money, power, food,” adding the important qualification that such desire be “at the detriment of another person ... as opposed to, for example, someone who would just want to collect clams.” **Robert Frank**, Visiting Professor of Business Ethics at New York University Stern School of Business, countered with a more benign interpretation of greed, referencing Adam Smith’s premise that “greed often leads to good outcomes.” Drawing on Smith’s seminal work, *The Wealth of Nations*, Frank explained that when producers who are competing for a market share create innovations to advance their business, they often benefit society and create a downward movement in prices. He went on to note, however, that when the economy goes sour, it is a challenge to figure out whom to blame, suggesting that the fault may in fact lie not with wolfish CEOs, but with those who fail to implement sensible regulation.

But what are the biological roots of greed, and how do we discern the drive to acquire in surfeit from the impulse for simple human comforts? **Jay Phelan**, Professor of Biology at UCLA and co-author of the best-selling *Mean Genes*, pointed out that greed and seeking out happiness are two behaviors that are closely intertwined. **Rabbi Philip Hiat**, scholar in residence at Central Synagogue, responded by proposing that there are good forms of greed and bad forms of greed. “I’m a greedy person,” he announced. “I don’t want a lot of money. I don’t care about the stock market. But I’m greedy for knowledge. When I see someone who has a lot of knowledge, I am jealous of that person.” He went on to define the truly rich person as one who is satisfied with his or her own lot, but quickly added that people always want to advance

themselves in some way. Professor Phelan interjected that our acquisitive nature is rooted in the fact that we are descended from people who were acquisitive and who reproduced a lot at a time when those impulses were necessary for survival.

The panelists then addressed the question of whether impulses towards greed can be curbed. Professor Phelan noted that while animals have strong taste preferences, if a certain food is closer and easier to retrieve, they modify their tastes. One of the evolutionary strengths of humans, he explained, is that part of the brain allows us to override certain genetic impulses, adding, “I’m constantly overriding a craving for Krispy Kreme donuts and In-and-Out Burger.” Kirkpatrick observed that we continue to struggle with our survival drive and our drive for social harmony, and when to allow one or the other to prevail. Professor Frank commented on the relevance of this struggle in the realm of sexuality, pointing out that in early societies, high-ranking males took more than one mate, an arrangement later subverted by the convention of monogamous marriage.

While the panelists agreed that the desire for individual gain is one of the more deeply ingrained impulses in human behavior, they described numerous scenarios in which altruistic acts rendered advantage not only for groups, but for individuals as well. Rabbi Hiat reminded the audience that the New York cab driver who last April returned a lost Stradivarius gained a great deal from his apparently selfless act. Professors Frank and Phelan agreed that there are benefits, both material and social, for those who surround themselves with a loyal, trustworthy cadre of associates. Professor Tancredi discussed experiments with monkeys using a token economy that point to a biological basis for the notion of fairness. While the panelists questioned whether the turmoil on Wall St. stemmed from natural, competitive human drive or pathological, addictive impulses, there was some consensus that what goes around comes around and, more optimistically, that one good turn begets another. *A.L.*

Caché

Moderator **Brigitte Peucker**, Elias Leavenworth Professor of Germanic Languages and Literatures and Professor of Film Studies at Yale University, remarked on the “sharp intake of breath” that accompanied one of the more shocking moments in *Caché*, the centerpiece of the November 8 film screening and roundtable at the Philoctetes Center. She noted that this is the kind of startling effect that filmmaker Michael Haneke is known for creating. *Caché* follows the story of Georges, a French television personality who is tormented by a series of mysterious videotapes left anonymously on his doorstep. The film hinges in part on the technique of blurring the distinction between events that occur in actuality, and events that are replayed on video.

Roy Grundman, Associate Professor of Film Studies at Boston University and curator of the 2007 MoMA retrospective, “Michael Haneke: A Cinema of Provocation,” noted that *Caché* is one of Haneke’s most complex films, in particular because it incites viewers to question what they are seeing. He said he noticed many things the second time he saw the film that he hadn’t noticed the first time, a sign for him of the film’s allure and complexity. While the fallibility of perception is a theme found in other Haneke films, Grundman pointed out that *Caché* is unique in that it incorporates questions of the “ethnic other,” i.e. non-white residents of France. He noted that this element had added poignancy because the film was released at the time of the race riots in the Paris suburbs. In response, ►►

► Professor Peucker remarked that no matter how much Haneke’s purview is broadened to include socio-political strife, the political is allegorized through the nuclear family at the film’s center. She noted that although Haneke’s films frequently address class tensions, *Caché* brings the question of interracial adoption into the mix, adding a compelling political layer.

Brian Price, Assistant Professor of Film Studies at Oklahoma State University, emphasized that Haneke’s most intriguing talent lies in addressing the political in terms of what we see and how we see it. “Haneke ... is really interested in problematizing this idea that we can just look at something and understand it simply by looking at it,” Price observed, “because what we already think and what we already believe will impact what we see and how we see it.” In *Caché*, this question of perception is at the heart of the central character’s conundrum.

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The panelists spent several minutes parsing the final sequence of the film, which is a long fixed shot of the front of a school where, unbeknownst to most viewers, two pivotal characters meet and hold an inaudible conversation as the credits roll. After polling the audience to see how many missed this sequence, **Garrett Stewart**, James O. Freeman Professor of Letters at the University of Iowa and author of *Framed Time: Toward a Postfilmic Cinema*, wondered what the conversation was intended to signify to those attentive enough to notice it. He speculated that it might be a continuation of an earlier dream sequence, while Grundman theorized that it could in fact be the scene that launches the entire story, further highlighting Haneke’s unconventional take on chronology.

Psychoanalyst and Center Co-Director **Edward Nersessian** reiterated how helpful it was to see the film twice. Laying aside his original expectations of a “Hitchcockian puzzle,” he realized that the film is not only about visual perception, but also about psychological perception. For Nersessian, the film underscores the fact that the cohesiveness of a narrative does not mean that the narrative is truthful, and he pointed out the danger of making assumptions based on appearances. “It’s very akin to what we see and do in psychoanalysis. We don’t take the surface as what’s real. We are always looking for what is hidden.” *A.L.*



Roy Grundman

The Presumption of Rationality: Psychological Challenges to Legal Certainty

The failure of justice epitomized by prisoner treatment at Abu Ghraib and Guantanamo Bay has prompted many people to ask what has happened, in the last several years, to the rule of law. This question begs another, deeper question, one that was at the center of the October 25 roundtable, *The Presumption of Rationality: Psychological Challenges to Legal Certainty*. Moderator **Anne Dailey**, Evangeline Starr Professor of Law at the University of Connecticut, pinpointed this line of inquiry at the event’s outset, asking, “Where do laws come from?” Dailey then laid out a set of related, interwoven questions for her fellow panelists, challenging them to unravel the many strands of analysis that constitute our notion of justice. Does the rule of law derive from reason? What happens when we think of law as a product not of reason but of imagination, of how we imagine the world should be? Does the full embrace of the imagination lead us in the direction of more authoritarian, less democratic forms of law?

Kenji Yoshino, Professor of Constitutional Law at New York University, was quick to remark on the historical provenance of such deliberations. “The distinction between imagination and reason with respect to statecraft is as old as Plato’s *Republic*, which argues that reason should be the basis for law because reason can be found.” However, according to Plato, the rational person is in fact imaginary and non-existent, as opposed to the poet, who is by definition irrational and must therefore be banished. Paradoxically, we must use imagination in order to conceive of a rational construct. Yoshino proposed that historically the law is not against the use of imagination, but against the use of reason that is not backed up with the threat of punishment.

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In response to Yoshino’s implication that, from a historical perspective, might makes right, or at least that reason backed up by deterrent force is preferable to reason alone, **Peter Brook**, Mellon Visiting Professor at Princeton’s University Center for Human Values, mused about the long-standing difficulties inherent in deciding how to treat suspects. With or without the threat of punishment, proving guilt beyond a reasonable doubt is a slippery undertaking, one that often cedes to the more palatable but less conclusive exercise of determining *mens rea*, or a guilty conscience. In the absence of reasonable proof, we look for other means of determining guilt, the most conspicuous being confession. But this leads to the obvious problem of false or coerced confessions, one of the most glaring flaws in the “imaginative” application of the law at Guantanamo.

Nomi Stolzenberg, Nathan and Lilly Shapell Professor of Law at the University of Southern California Law School, challenged Brook’s assertion that the rule of law fails to adequately account for the treatment of criminal suspects, arguing that the presumption of innocence accounts for the fallibility inherent in determining guilt. The problem of the justice system, she contended, is that it “can never know that the guilty are in fact guilty.” She maintained that mindfulness of the risk of error, even in the medieval period and in biblical criminal law, resulted in procedural law that was surprisingly liberal. “It was all about due process in the name of the inherent fallibility of ►►