On Sovereignty Limiting Statements

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Abstract

In the January 1965 issue of *Mind*, Armando F. Bonifacio published "On Capacity Limiting Statements," a formal proof of the Paradox of Omnipotence, which asks whether an omnipotent being such as God can make things which he cannot control. His article provided not only a sound and cogent proof to J.L. Mackie's original formulation of the paradox, but also a direct refutation of G.B. Keene's influential ordinary language solution to the problem. This paper argues that roughly the same formal proof, with modifications, can be applied to another problem known as the Paradox of Sovereignty: can a legal sovereign—human or divine—make a law restricting its own legislative power? It will be shown not only that the two horns of this paradox are likewise sound and immune to ordinary language solutions such as Keene's, but how casting it in its logical form reveals valuable insights into the nature of sovereignty, law, and God that have previously been obfuscated by the misleading linguistic formulation of the paradox. The paper concludes that a logical investigation into the concept of sovereignty based on Bonifacio's proof offers a promising solution which consists of distinguishing between first-order and second-order sovereignty.

Introduction

Professor Armando F. Bonifacio, Chair of the University of the Philippines Diliman Department of Philosophy from 1968 to 1986, published an article entitled "On Capacity Limiting Statements" in the January 1965 issue of *Mind*. The piece was highly characteristic of articles in the Analytic/Anglo-American Tradition of Philosophy back in the day; it was nothing more than a two-page formal proof of The Paradox of Omnipotence to refute G.B. Keene's (1961) argument in "Capacity Limiting Statements," which, in turn, was a critical reaction to J.L. Mackie's (1955) highly influential article, "Evil and Omnipotence". To stand toe-to-toe with philosophers of Keene's and Mackie's caliber was already a great feat in itself, while to be published in a journal as prestigious as *Mind* was perhaps a feat even greater.[1] But to enrich Filipino Philosophy with the resources of the Analytic Tradition at a time when it was struggling to find a place in the Philippine academe was perhaps his greatest feat of all. It is to this accomplishment that I hope to pay tribute in this article[2].

The primary objective of this paper is to argue that roughly the same formal proof can be applied to another problem known as The Paradox of Sovereignty. Its secondary objective is to extend this proof into an analysis of the nature of sovereignty, the concept of which, I argue, is distorted by a common but faulty interpretation of the paradox. I will neither propose a solution to the Paradox of Sovereignty nor offer an improvement to Bonifacio's proof; I only aim to show that it both clarifies various concepts and enhances our understanding of the paradox. To this end, this paper will be divided into four main parts. In the first section, I provide a background of the line of articles that Bonifacio responded to. In the second section, I recapitulate Bonifacio's formal proof of the Paradox of Omnipotence. In the third section, I argue how the same proof, with modifications, applies to the Paradox of Sovereignty. In the final section, I explore some implications of our analysis upon the concept of sovereignty.

The Paradox of Omnipotence

In this section, I shall summarize the chain of articles that Bonifacio responded to. In the April 1955 issue of *Mind*, J. L. Mackie published his seminal article "Evil and Omnipotence." In this article, he introduced three philosophical problems to mainstream Analytic Philosophy, criticizing what he claimed were the traditional but irrational arguments for the existence of God: The Problem of Evil, The Paradox of Omnipotence, and The Paradox of Sovereignty. Mackie (1955, p. 200) articulated the Problem of Evil as follows:

> **[The Problem of Evil]** In its simplest form the problem is this: God is omnipotent; God is wholly good; and yet evil exists. There seems to be some contradiction between these three propositions, so that if any two of them were true the third would be false. But at the same time all three are essential parts of most theological positions: the theologian, it seems, at once *must* adhere and *cannot consistently* adhere to all three.

Although there is a wealth of literature on the Problem of Evil, this topic shall not concern us today. Of greater importance are the Paradoxes of Omnipotence and Sovereignty, the latter of which is explicated in the passage below (Mackie, 1955, p. 210):

> **[The Paradox of Omnipotence]** This leads us to what I call the Paradox of Omnipotence: can an omnipotent being make things which he cannot subsequently control? Or, what is practically equivalent to this, can an omnipotent being make rules which then bind himself?...It is clear that this is a paradox: the questions cannot be answered satisfactorily either in the affirmative or in the negative. If we answer "Yes", it follows that if God actually makes things which he cannot control, or makes rules which bind himself, he is not omnipotent once he has made them: there are *then* things which he cannot do. But if we answer "No", we are immediately asserting that there are things which he cannot do, that is to say that he is already not omnipotent.

The reader may have encountered contemporary renderings of this paradox before. For example, it has been asked whether God can create a boulder so heavy that even he cannot lift it (Frankfurt, 1964, p. 263), draw a square circle in defiance of the very laws of geometry which he created, have a beer with a married bachelor, or become capable of destroying even himself. While these puzzles supply amusing brain teasers for casual philosophy enthusiasts, they are not quite logically equivalent to Mackie's original formulation of the paradox.[3]

The third and final problem introduced by Mackie (1955, p. 211) is the Paradox of Sovereignty which reads as follows:

> **[The Paradox of Sovereignty]**...I would point out that there is a parallel Paradox of Sovereignty. Can a legal sovereign make a law restricting its own future legislative power? For example, could the British parliament make a law forbidding any future parliament to socialize banking, and also forbidding the future repeal of this law itself? Or could the British parliament, which was legally sovereign in Australia in, say, 1899, pass a valid law, or series of laws, which made it no longer sovereign in 1933? Again, neither the affirmative nor the negative answer is really satisfactory. If we were to answer "Yes", we should be admitting the validity of a law which, if it were actually made, would mean that parliament was no longer sovereign. If we were to answer "No", we should be admitting that there is a law, not logically absurd, which parliament cannot validly make, that is, that parliament is not now a legal sovereign.

While the passage seemingly applies to human sovereigns, Mackie also intended it to apply to God who, by way of stipulative definition, is "omnisovereign" (can legislate any law conceivable). But can God legislate a law that limits his own sovereignty? If this is answered affirmatively, then this would amount to saying that God can be both an unlimited and limited sovereign, which is obviously an intolerable contradiction. But

if this is answered negatively, then this concedes that God is incapable of legislating a sovereignty-limiting law, which means that God is not omnisovereign after all. I shall only return to this paradox, however, in the next section of this paper. Our interest for now shall be on the Paradox of Omnipotence and the line of responses it generated, culminating in Bonifacio's "On Capacity Limiting Statements," which was published ten years after Mackie's article.

G.B. Keene (1960, pp. 74-75) posited what he described to be a "simpler" solution to the Paradox of Omnipotence—the very solution which Bonifacio later objected to:

> **[Keene's Solution]** The paradox can be formulated as follows: Either an omnipotent being can make things which he cannot control, or an omnipotent being cannot make things which he cannot control...I do not wish to challenge the first step in the argument, namely, that if a being can make things which he cannot control, then he is not omnipotent. I do, however, dispute the second. I deny, in short, that from the statement, "X cannot make things which X cannot control" it follows that X's capacity for making things is limited. For this statement can be reworded without alteration of meaning, in any of the following ways:
>
> "There is nothing of which it is true both that X can make it and that X cannot control it,"
>
> "It is not the case that there is anything such that X can make it and X cannot control it,"
>
> "If X can make anything, X can control it,"
>
> "Everything X can make, X can control."
>
> But clearly, from the fact that everything X can make, X can control, nothing follows as to the omnipotence or otherwise of X. Thus, if my argument is correct, the

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paradox (so-called) does not, in fact, show that "unqualified omnipotence cannot be ascribed to any being that continues through time." If anything, it adds support to the case for God's omnipotence by showing that an omnipotent being can control anything he can make.

Keene's solution to the Paradox of Omnipotence comes in two stages. The first is to carefully formulate the two horns of the paradox, and the second step is to show how either horn cannot be used to deduce that God is not omnipotent, thereby enabling him to deny that there is a paradox to begin with and, ultimately, to maintain God's omnipotence. I shall now discuss each stage in turn, beginning with the first. Keene believes that Mackie's Paradox of Omnipotence forces the theist to choose one of two untenable propositions. Either:

(A) An omnipotent being can make things which he cannot control; or
(B) An omnipotent being cannot make things which he cannot control.

Keene accepts (A) as logically sound though he does not explain why. In my view, he is correct to do so because it asserts what is at least a plausible proposition: a creator who is "omnipotent" in certain respects can make at least one thing which he cannot control in those same respects. As P. T. Geach (1977, p. 7) says, if X is omnisovereign, then X can do "everything that can be expressed in a string of words that make sense [even if self-contradictory]...You mention it, and God can do it." Allow me to provide my own example. Consider an expert computer programmer who specializes in artificial intelligence and knows everything that one can possibly know in his field. He develops a computer program that extracts real-time information from financial databases and runs algorithms that study the daily fluctuations in the stock market. It determines, completely autonomously, whether an investor should sell or hold onto certain stocks. The programmer, however, is himself a business-savvy investor who has earned millions of dollars in the stock market thanks to his instincts. He

knows, however, that his algorithm is superior to any human investor because it makes perfectly rational decisions based on virtually complete information. On some days, the programmer's intuition and the program's recommendation clash, the former pointing towards "Sell" and the latter towards "Hold." In these situations, the programmer cannot control the program even though he created it, for it makes informed judgments about stocks independently of what its creator originally thought or currently thinks. Thus, even if the algorithm received input straight from the programmer's mind *before* he created it, it does not follow that he can control what it does *after*. Hence, "(A) An omnipotent being can make things which he cannot control" is sound.

We now move on to the second stage of Keene's solution. He turns his attention towards "(B) An omnipotent being cannot make things which he cannot control" and attempts to rephrase this into logically equivalent statements, most notably what I shall designate as (B*), "Everything X can make, X can control." In Keene's view, there is nothing in (B*) that entails that X's capacity for making things is limited, and he is correct to do so. For instance, if it were assumed that every program the expert programmer makes is something he can control, then there is no way to arrive at the conclusion that the expert programmer is not "programming-omnipotent" (in a very narrow, limited sense of the word).

The issue, however, is not whether a denial of X's omnipotence can be deduced from (B*), but whether (B) and (B*) are logically equivalent at all. For if it can be proven that rewording (B) into (B*) alters its original meaning, then Keene's solution to the paradox is fallacious. Indeed, in the April 1961 issue of *Mind*, Bernard Mayo argued that Keene was guilty of committing precisely this sleight of hand. In Mayo's view, a "cannot" statement such as "(B) An omnipotent being cannot make things which he cannot control" is not rewordable in the way that Keene described. For example, if the statement "I cannot make origami cranes" were reworded into "Everything I can make is not an origami crane," it would be absurd to conclude based on the former that my capacity for making

origami figures is not limited. In fact, it would be very clear that my origami skills were limited (or at least that I am not "origami-omnipotent"). Effectively, Mayo provided a cogent argument against the second stage of Keene's solution which rests on the logical soundness of rewording (B). In truth, Bonifacio's objection to Keene deploys a similar strategy as Mayo's by pointing out that Keene's rewording of (B) to (B*) is arbitrary. Persuasive as Mayo's linguistic argument was, however, it did not achieve the level of logical rigor that Bonifacio's formal proof did,[4] one advantage of which is that it allows one to reapply his proof more systematically to similar philosophical problems such as the Paradox of Omnipotence. Keene (1961, pp. 251-252) briefly responded to Mayo's argument in the same issue of *Mind* in an article entitled "Capacity-Limiting Statements," thereby setting up Bonifacio's "On Capacity Limiting Statements" which was eventually published in 1965. Without going into detail, suffice it to say that Keene did not provide any substantially new insight to his solution other than arguing that Mayo's examples of allegedly unrewordable 'cannot' statements were faulty. In any event, even if Keene's rejoinder effectively refuted Mayo's objection, it does not have any bearing on the soundness of Bonifacio's proof which stands on its own, as I am about to show.

Bonifacio's solution to the Paradox of Omnipotence

Bonifacio begins by restating Keene's formulation of the two horns of the paradox:

(A) An omnipotent being can make things which he cannot control; or
(B) An omnipotent being cannot make things which he cannot control.

He then explains that he wishes to criticize Keene's solution on its own terms (Bonifacio, 1965, p. 87):

[Bonifacio's Objection to Keene]. I fully agree with Keene that the paradox depends upon the proper analysis

of (A), and further, if (A) is understood in terms of (B), it will not follow that X is not omnipotent, or that X's capacity is limited. The point, however, which I would like to make in connection with Keene's analysis is whether (A) is necessarily analyzed in terms of (B)...I should like to show that (A) has another analysis which cannot wholly be judged as erroneous and which, if the one made, would still generate the paradox.

Prof. Bonifacio then provides two separate formal proofs for both (A) and (B), ultimately concluding that both statements are logically sound. Let us now examine each in turn.

Proof of "(A) An Omnipotent Being Can Make Things Which He Cannot Control"

Let the propositional functions,

(i) "Ox" stand for "x is omnipotent.";
(ii) "Mxy" stand for "x can make y"; and
(iii) "Cxy" stand for "x can control y"

(1)   Ox ⊃ (y)Mxy
(2)   Ox ⊃ (y)Cxy

(1) states that an omnipotent being can make everything while (2) states that an omnipotent being can control everything. By conjunction,

(3)   Ox ⊃ (y)(Mxy · Cxy)

If an omnipotent being can both make and control everything, then, necessarily, the fact that an omnipotent being that can make everything implies that it can also control everything.

(4)   Ox ⊃ (y)(Mxy ⊃ Cxy)

But if it is not true that for any y, x's being able to make it implies that x can control it, then x is not omnipotent. By modus tollens, (4) gives us:

$$(5) \qquad \sim(y)(Mxy \supset Cxy) \supset \sim Ox$$

Herein lies the crucial move: if one assumes the first horn of the paradox that (A) an omnipotent being can make things which he cannot control, then there exists at least one thing y which x can make but cannot control. (5) yields:

$$(6) \qquad (\exists y)(Mxy \cdot \sim Cxy) \supset \sim Ox$$

Therefore, x must not be omnipotent after all. But how can this be if (i) Ox—x is omnipotent? In short, if one accepts the first horn (A), then one must accept that x is both omnipotent and not omnipotent, which is an intolerable contradiction.

Proof of "(B) An omnipotent being cannot make things which he cannot control."

Bonifacio, like Mayo, objects to Keene's interpretation of (B) as (B*) "Everything X can make, X can control", translating this instead into what I designate as (B**) "There is at least one thing which X cannot make and this is that which he cannot control." In symbolic form:

$$(7) \qquad (\exists y)(\sim Mxy \cdot \sim Cxy)$$

We shall return to (7) shortly, but for now, let us return to (1). If it is not true that x can make any given y, then x is not omnipotent. And from (2), if it is not true that x can control any given y, then x is not omnipotent.

$$(8) \qquad \sim(y)Mxy \supset \sim Ox$$
$$(9) \qquad \sim(y)Cxy \supset \sim Ox$$

Now if there were at least one thing y which x could not make or, then it would imply that x is not omnipotent. Hence, (8) and (9) yield:

$$(10) \quad (\exists y)\sim Mxy \supset \sim Ox$$

$$(11) \quad (\exists y)\sim Cxy \supset \sim Ox$$

(10) and (11) yield:

$$(12) \quad [(\exists y)\sim Mxy \cdot (\exists y)\sim Cxy] \supset \sim Ox$$

Once again, herein lies the crucial move: if one accepts the second horn that (B**), then one asserts two propositions: first, that there exists at least one thing y which x cannot make, and second, that there exists at least one thing y which x cannot control. From (7), we get:

$$(13) \quad (\exists y)(\sim Mxy \cdot \sim Cxy) \supset [(\exists y)\sim Mxy] \cdot [(\exists y)\sim Cxy]$$

(12) and (13) together would yield that if one accepted that (B**), then x is not omnipotent:

$$(14) \quad \{(\exists y)(\sim Mxy \cdot \sim Cxy)\} \supset \sim Ox$$

In short, to take (7), which asserts (B**), and (14), which denies x's omnipotence if (B**) is the case, yields only one conclusion: x was never omnipotent to begin with.

$$(15) \quad \sim Ox$$

Hence, Bonifacio has also proven that (B**) is a logically sound proposition and that one cannot resist the conclusion that x must not be omnipotent after all. Because both horns of the Paradox of Omnipotence are sound, Keene's solution ultimately fails. If a solution to the paradox exists, then it might entail denying that (A) and (B) or (B**) properly express the two horns in the first place. But at the moment, it is difficult to see how this can be done. Perhaps the theologian would deny this proof was helpful, but the philosopher would likely count it as progress. After all, what other purpose, as Wittgenstein (2009, p. 57) says, could good philosophy serve other than the therapeutic analysis of language?

Bonifacio's solution applied to the Paradox of Sovereignty

I now argue that Bonifacio's simple but elegant proof can be applied to the Paradox of Sovereignty. It also begins with the proper formulation of its two horns, which I designate (C) and (D), both of which can be expressed analogously to (A) and (B). Either:

(C) An omnisovereign being can legislate a law restricting his own legislative power.

(D) An omnisovereign being cannot legislate a law restricting his own legislative power.

For now, I have replaced Mackie's phrase 'legal sovereign' with 'omnisovereign' to better compare the proof below with Bonifacio's proof, though it also applies to the limited sovereign power of a human sovereign. I have also replaced 'make' with 'legislate' for stylistic purposes. Finally, I have omitted the word 'future' because it is logically otiose; (C) and (D) express the more general form of the paradox.

Proof of "(C) An omnisovereign being can legislate a law restricting his own legislative power."

Let the propositional functions,

(i) "Sx" stand for "x is omnisovereign";
(ii) "Lxy" stand for "x can legislate y"; and
(iii) "Rxy" stand for "x's legislative power is restricted by y."

(1) $Sx \supset (y)Lxy$
(2) $Sx \supset \sim(y)Rxy$

(1) states that an omnisovereign being can legislate anything while (2) states that an omnisovereign being's legislative power is not restricted by anything. By conjunction,

(3) $Sx \supset (y)(Lxy \cdot \sim Rxy)$

If x is omnisovereign, then any law y legislated by x cannot restrict x's legislative power.

(4)   Sx ⊃ (y)(Lxy ⊃ ~Rxy)

By modus tollens, (4) gives us:

(5)   ~(y)(Lxy ⊃ ~Rxy) ⊃ ~Sx

Herein lies the crucial move: if one accepts the first horn of the paradox that (C) a legal sovereign can legislate a law restricting his own legislative power, then one asserts that there is at least one law y which x can legislate but *does* restrict his legislative power. (5) yields:

(6)   (∃y)[(Lxy · ~(~Rxy)] ⊃ ~Sx
(Or, more simply, (∃y) [(Lxy · (Rxy)] ⊃ ~Sx)

Therefore, x must not be omnisovereign after all. But how can this be if (i) Sx—x is omnisovereign? In short, if one accepts the first horn (C), then one must accept that x is both omnisovereign and not omnisovereign, which is an intolerable contradiction.

Proof of "(D) An omnisovereign being cannot legislate a law restricting his own legislative power."

Before proceeding further, it is important to establish how (D) can be reworded in a manner that clarifies its logical structure without changing its original meaning. Following Keene's solution to the Paradox of Omnipotence, (D*) might be something like "Everything X can legislate cannot restrict X's legislative power." But following our earlier analysis, this is an arbitrary reformulation which is neither logically equivalent to nor logically follows from (D). Based on (6) above, the second horn (D) is better reformulated as what I shall designate as (D**) "There is at least one law which an omnisovereign being cannot legislate and it is that which restricts his legislative power." In symbolic form:

(7)   (∃y)(~Lxy · Rxy)

We shall return to (7) shortly. But for now, let us return to (1). If it is not true that x can legislate any given law y, then x is not omnisovereign. And from (2), if it is not true that for any given law y, y does not restrict x's legislative power, then x is not omnisovereign.

(8)   ~(y)Lxy ⊃ ~Sx
(9)   ~[~(y)Rxy] ⊃ ~Sx

Now if there were at least one law y which x could not legislate, then it would imply that x is not omnisovereign. Similarly, if there were at least one law y which does restrict x's legislative power, then it would also imply that x is not omnisovereign. Hence, (8) and (9) yield:

(10)   (∃y)~Lxy ⊃ ~Sx
(11)   (∃y)~[~Rxy] ⊃ ~Sx
(or, more simply, (∃y)[Rxy] ⊃ ~Sx)

(10) and (11) yield:

(12)   [(∃y)~Lxy · (∃y)Rxy] ⊃ ~Sx

Once again, the key is to understand that if one accepts the second horn that (D**), then one asserts two propositions: first, that there exists at least one law y which x cannot legislate, and second, that there exists at least one law y which restricts x's legislative power. From (7):

(13)   (∃y)(~Lxy · Rxy) ⊃ [(∃y)~Lxy] · [(∃y)Rxy]

(12) and (13) together would yield that if one accepted that (D**), then x is not omnisovereign:

(14)   {(∃y)(~Lxy· Rxy)} ⊃ ~Sx

In short, to take (7), which asserts (D**), and (14), which denies x's omnisovereignty if (D**) is the case, can only yield one conclusion.

(15)   ~Sx

It seems that x was never omnisovereign to begin with. But how can this be if (i) Sx — x is omnisovereign? In short, if one accepts the second horn (D**), then one must accept that x cannot legislate at least one specific law. But this would entail that both horns of the paradox, (C) and (D**) are valid, and ultimately, that Mackie's formulation is sound. The property of omnisovereignty can be meaningfully predicated of God — or of any other being for that matter.

The concept of sovereignty

Of sovereign chickens and legal eggs

As I mentioned earlier, I will neither propose a solution to Mackie's Paradox of Sovereignty nor expose some flaw in Bonifacio's reasoning which, as far as I can see, is logically sound. Instead, I will take a closer look at the implications of the proof upon the concept of sovereignty itself. I shall argue that analyzing the paradox in its logical form elucidates the nature of sovereignty in general (not just omnisovereignty), and, in doing so, provides a glimpse into what anyone who wishes to solve the paradox must take into account. Before proceeding further, let us take note of how Bonifacio (1965, p. 88) concludes his article:

> From the foregoing, it is all the more obvious that the generation of the paradox depends almost entirely upon the manner by which the second alternative is to be rendered...In fact, if my analysis of the first alternative is correct in the conclusion that "X is not omnipotent" ["X is not omnisovereign"] has been formally deduced, we must be more inclined to accept (7) as the rewording of the second alternative following closely the rendition of (6).

Although he does not explain why the generation of the entire paradox lies in the formulation of the *second horn* in particular, Bonifacio is undoubtedly correct. The advantage that his formal restatement wields over Mackie's original formulation ("Can a legal sovereign make a law restricting its own future legislative power?") is that it clarifies what makes the paradox so perplexing. The crucial step, I think, is (13) which says,

$$(13) \quad (\exists y)(\sim\!Lxy \cdot Rxy) \supset [(\exists y)\sim\!Lxy] \cdot [(\exists y)Rxy]$$

It is now clearer that the paradox simultaneously asserts two logically independent but seemingly irreconcilable propositions: first, that there exists at least one law y which the omnisovereign x cannot legislate, and second, that it is that very same law y which restricts x's legislative power. Simplifying this further, the conjunction claims:

(a) At least one law y exists;
(b) x cannot legislate y;
(c) y restricts x's legislative power.

It is apparent that (a) is in tension with (b), because how can law y exist if x cannot legislate it? It is also apparent that (b) does not sit well with (c), because how can law y be efficacious in restricting x's legislative power if x did not possess the legislative power to legislate y in the first place? In other words, which came first: the law y which defines the scope of x's limited legislative power, or the legislative power which was necessary to authorize the creation of law y? If one answers that it is the first alternative, then one will end up with a blatant contradiction, so it is not a viable candidate. But if one accepts the second alternative that the legislative power that authorized the creation of law y came first, then one will find oneself in an infinite regress, for where did the legislative power that created the legislative power that authorized the creation of law y come from, and where, in turn, did *that* legislative power come from? This line of questioning can go on *ad infinitum* because, in any legal system, the creation of a norm can only be authorized by another legal norm that occupies a higher place in the hierarchy

of norms (Kelsen, 1967, pp. 199-200). For instance, in the Philippines, the authority of judges to sentence convicted murderers to *reclusion perpetua* is authorized by a legal norm that is contained within the Revised Penal Code permitting them to do so, which, in turn, is legally valid because it was enacted by the Congress of the Philippines, which, in turn, is authorized by the Constitution of the Philippines to promulgate general legal norms, and so on. The same arrangement applies to the Paradox of Sovereignty. But to complicate it further, an omnisovereign being such as God is no ordinary authority, and to admit that his legislative power is conferred by an even higher source implies that there must be another being even more sovereign than God. This, too, is untenable, for who could possibly outrank God? The only way out of this conundrum is to postulate that God must have granted himself omnisovereignty. The problem with this solution, however, is that it only results in a vicious circle; it essentially says that God at some point declared by fiat that he is to have unlimited sovereignty without providing any justification as to why he would have the sovereignty to authorize *that* to begin with. I shall, however, set this point aside for now and return to it later.

Based on the analysis above, The Paradox of Sovereignty, made more intelligible by Bonifacio's formal proof, turns out to be a subtle variation of the chicken-and-egg problem, a metaphor which I borrow from Scott Shapiro (2011, pp. 39-40). On one hand, all chickens must hatch from chicken eggs; on the other, all chicken eggs must be laid by chickens. The existence of one presupposes that of the other, so which came first? The Paradox of Sovereignty follows a similar structure. We may think of eggs as legal norms just as we may think of God as the "c-sovereign" chicken that has the unlimited power to lay any legal egg (I define a chicken to be c-sovereign if, and only if, it has the power to lay any egg). There is only one problem: God, no matter how powerful, is still a chicken, and like any other chicken, he could not possibly have laid the chicken egg from whence he came, otherwise, it would only result in a vicious circle akin to what was previously mentioned. Hence, the Paradox of Chicken-Sovereignty might be stated as, "Can a c-sovereign chicken lay the egg from which it hatched?" The two

horns of this paradox would force one to accept either of two propositions:

> (E) A c-sovereign can lay the egg from which it hatched; or
> (F) A c-sovereign chicken cannot lay the egg from which it hatched.

Let the propositional functions,

> (i) "$S_c x_c$" stand for "x_c is c-sovereign.";
> (ii) "$L_c x_c y_c$" stand for "x_c can lay any chicken egg y_c.";
> (iii) "$H_c x_c y_c$" stand for "x_c was hatched from chicken egg y_c."

The formal proof for this paradox would roughly follow Bonifacio's, and as before, it almost entirely depends on the proper formulation of the second horn. But under the pain of repetition the third time around, I will not outline its step-by-step flow and risk making it overstay its welcome. Instead, I will jump straight to the crucial juncture in (13) where we derive two logically independent but simultaneously asserted propositions: "There exists at least one egg which a c-sovereign chicken cannot lay and it is that from which it was hatched."

$$(13_c) \quad (\exists y_c)(\sim L_c x_c y_c \cdot H_c x_c y_c) \quad \supset \quad [(\exists y_c)\sim L_c x_c y_c] \quad \cdot \quad [(\exists y_c)H_c x_c y_c]$$

The metaphor and its formal expression reveal an important aspect of the paradox that has been obfuscated and concealed by the superficial structure of Mackie's original formulation: the chicken egg (legal norm) represented by 'y_c' in $[(\exists y_c)\sim L_c x_c y_c]$, as it turns out, is a *different* kind of chicken egg from that which is represented by 'y_c' in $[(\exists y_c)H_c x_c y_c]$. The first kind of chicken-egg, which is laid by the c-sovereign chicken, can hatch into any kind of chick (legal norm) the c-sovereign chicken wants, but the second kind of chicken-egg, from which the c-sovereign chicken hatches, can only hatch into one kind of chick: a c-sovereign chicken. I will refer to the first kind of

chicken egg as "first-order" chicken eggs, and a chicken can only lay them if it wields what I refer to as "first-order c-sovereignty", whereas I will refer to the second kind of chicken egg as "second-order" chicken eggs, and a chicken can only lay them if it possesses "second-order c-sovereignty". The difference suggests that the source of philosophical confusion lies in some kind of fallacy of equivocation; that is to say, the paradox involves the ambiguous use of the word 'sovereign' (or 'omnisovereign' for that matter), which, very subtly, shifts back-and-forth between two senses corresponding to the two kinds of chicken-eggs. The first refers to the sovereign power to lay legal eggs, while the second refers to the power to lay an egg that will eventually hatch into a c-sovereign chicken that can lay any legal egg. There are very important conceptual distinctions between these two senses, and I shall devote the final portion of this paper to explaining what these are and what they reveal.

First-order and second-order sovereignty

The analysis of the concept of sovereignty that follows, as I shall explain, is applicable to both divine and human sovereignty. Based on the discussion above, first-order c-sovereignty refers to the capacity of a c-sovereign chicken to lay any legal egg. Its limited human counterpart may simply be referred to as first-order sovereignty, which refers to the legislative power of an authority figure to enact any law that directly governs the actions of his subjects, albeit within limits. For instance, kings, congressmen, and parliamentarians enjoy and exercise their first-order sovereignty in one form or another. They enact laws that forbid murder, prescribe how private parties may enter into contracts, impose taxes upon corporations, require banks to report suspicious transactions to regulators, establish national heritage sites, declare religious holidays, criminalize abortion, order the protection of endangered species, define what a valid marriage is, and fulfill thousands of other functions. Some philosophers have characterized what legislative powers a virtually unlimited first-order sovereign would theoretically have. Thomas Hobbes, for instance, argued that an absolute ruler known as The Leviathan

would establish a commonwealth in order to secure public order against the ordinary citizen's lower state of nature. To this end, he believed, the unlimited rights of the sovereign included being owed unconditional loyalty, determining which social ideologies are acceptable, censoring doctrines that threatened the peace, resolving any kind of controversy, appointing his counselors, and imposing any kind of obligation upon citizens (Hobbes, 1996, pp. 121-129). Meanwhile, John Austin (1995, pp. 29-32) provided a more tempered depiction of the sovereign's legislative power by reducing the laws he enacts into general *commands* backed by credible threats of coercive sanctions in events of non-compliance. His authority would be so great that both officials and citizens would be in a general "state of dependence" (Austin, 1875, p. 82). The Austinian Sovereign need not be a single person; it could be Congress or Parliament, for instance, provided its authority were recognized by the people (Lobban, 2021, pp. 231-232). Like Hobbes' Leviathan, it could declare virtually anything as law in accordance with their procedures just as a c-sovereign chicken can lay any first-order egg.

Second-order sovereignty, on the other hand, refers to the capacity to lay a second-order egg from which a c-sovereign chicken will hatch; in human terms, it refers to the legislative power to enact laws that govern the *sovereign* specifically in the capacity of a lawmaker (or lawmakers if the sovereign is a body of persons such as Congress). These second-order laws are not directly concerned with the actions of the sovereign's subjects so much as with the administration of his duties as a sovereign. For instance some second-order laws may define the procedures for first-order lawmaking, or they may create guidelines for resolving a dispute over the interpretation of a first-order law. In other words, the exercise of second-order sovereignty is an activity of meta-level legislation—of making rules about *other* rules. The most famous proponent for this sort of distinction is H. L. A. Hart (1961, pp. 29-32) who argued that law is a union of primary and secondary rules. According to his theory, primary rules directly govern the conduct of citizens whereas secondary rules are concerned with the administration of the primary rules themselves. For example, Hart (1961, pp. 92-95) explains,

lawmakers in Parliament have Rules of Change that specify how primary rules are to be amended (similar to Article XVII of the 1987 Constitution of the Philippines which contains the amendment process), whereas judges have Rules of Adjudication to help them determine whether a primary rule has been broken. Mackie himself introduced a similar distinction between first and second-order divine sovereignty in "Evil and Omnipotence", but did so only in passing; he failed to explain some important implications upon the concept of sovereignty that I hope to call attention to. The move of extending this distinction to divine sovereignty, however, is perfectly sound even though its scope is different from that of human sovereignty. What matters to our analysis is the logical relation between first and second-order powers *within* a kind of sovereignty, not that between two different kinds of sovereignty.

The distinction between first and second-order sovereignty in general illuminates the paradox in a new light. Recall that from (13) two logically distinct propositions are asserted:

(13) $(\exists y)(\sim Lxy \cdot Rxy) \supset [(\exists y)\sim Lxy] \cdot [(\exists y)Rxy]$

First, that there exists at least one law y which x cannot legislate, and second, that this is the same law y which restricts x's legislative power. The first proposition, taken by itself, seems to imply that God's first-order sovereignty is limited. But once it is taken alongside the second proposition, it becomes clearer that the denial of x's sovereignty is nothing like a denial such as "God cannot legislate that 'Thou shall not kill.'" In fact, it is better likened to a more trivial denial such as "God cannot legislate an end date on his own stint as the divine lawmaker." It is now clearer that the Paradox of Sovereignty, even if it were logically valid, in no way threatens God's first-order sovereignty as is commonly understood from Mackie's formulation; it only potentially threatens his second-order sovereignty to legislate a second-order law restricting his legislative power. Most people who have encountered this paradox fixate on the first proposition, failing to see that the paradox asserts a *conjunction*,

and thus illicitly slide from one sense of 'sovereignty' to another. They eventually conclude that "God must not be omnisovereign after all!", as if it were an imperfection on the same level as the inability to promulgate the Ten Commandments (which God did) or to create objective moral truths that are binding (which God may possibly have done). This paradox does nothing to disprove that God is omnisovereign in the *relevant* and *common* sense—the first-order sense—and there is no reason to believe that God's legislative power to make any law directly governing humans is limited in any way. There is also no reason to believe that God's dominion over all of creation is limited in any kind. If anything, the logical formulation above even *strengthens* the case for God's first-order omnisovereignty, especially if sovereignty in the divine sense is defined as that property which makes it the case that everything that exists and every situation that is the case depends on Him (Mann, 2005, p. 36). This is because it would mean that no second-order law—even if he wanted to—can place any limit whatsoever on his prerogative to legislate upon humans. It might be said that God is so powerful that he is simply fated or condemned to be sovereign. Is this not precisely our concept of God?

We must now confront the more difficult question: is God omnisovereign in the second-order sense? As far as I can see, there is no easy way out of the vicious circle that was mentioned earlier. If we accept that God's legislative power over himself comes from a higher being, just as we accept that a more primordial chicken laid the egg from which the c-sovereign chicken hatched, then we are forced to conclude that there is a being with sovereignty over God. This is not to mention that this will inevitably lead to an infinite regress of searching for the source of third-order sovereignty, fourth-order sovereignty, and so on. There is the promise of a solution, I think, in the theories of Hobbes, Austin, and Hart who all argued in one way or another that what we refer to as "second-order" sovereignty is not bestowed by some higher power so much as it simply *exists* as a matter of "brute", plain, social facts that constitute the ultimate foundations of a legal system. For Hobbes (1996, pp. 137-145), it existed by virtue of either paternal inheritance or by violent conquest, for Austin (1995, pp. 29-32), it was the

populace's habit of obedience unto a determinate sovereign and for Hart (1961, p. 203), it was the existence of the Rule of Recognition—a set of customary and social rules shared among officials that define what counts as law, such as their status as constitutional provisions, their having been enacted as statutes by Congress, their longstanding customary practice (in common law systems), or their enshrinement as judicial precedent in the *ratio decidendi* of a case. These solutions allowed them to break the chain of infinite regress by stopping at second-order sovereignty. Based on this conceptual analysis of sovereignty in general, we can see that the distinction between first-order and second-order sovereignty offers a promising way out of the paradox for limited human sovereigns at least: the former refers to the legislative power to make laws of "substance" while the latter refers to the legislative power to make "formal" or "procedural" laws about *other* laws (Allan, 2007, p. 2). There is no contradiction there.

But can the same solution apply in the case of unlimited divine omnisovereigns? I believe that it can, but with a crucial difference: instead of assuming that it was bestowed upon him by a higher being, God's legislative power can be shown as a matter of divine fact. To reiterate what I stated earlier, I do not intend to offer a solution in this paper but perhaps some preliminary remarks can be made. If our concept of God is that he is omnipotent, then it means that he is capable of doing anything and everything wherever, whenever, and in whichever way he wants (Pearce & Pruss, 2012, p. 403). If this is correct, then a second feature of God is that he is absolutely autonomous, at least in the relatively modest sense that there are no external or internal constraints upon what he is capable of. And autonomy, as Kant (2018, pp. 43-44) tells us, is the capacity to be self-legislating, of being capable of willing laws unto oneself for certain motivations. One motivation, for instance, would be God's need to maintain his freedom in the face of heteronomous inclinations (e.g. his wrath upon sinful civilizations). Another would be the need to create the moral law as a guide, without which humans would often fail to act in accordance with God's will. These would mean, therefore, that God is the source of *both* his own first and second-order

sovereignty—not in the political sense that he unilaterally proclaimed dominion over all of creation, but in the logical sense that it is part of the definition of 'autonomy' to be law-giving, and in the ontological sense that, by necessity, it is part of God's divine nature to be a lawgiver. That is to say, God cannot *not* be in a position to possess second-order sovereignty because it would entail a denial of the absolute freedom that he embodies (see, e.g. Lembke, 2012, pp. 430-437). Evidently, this is not a simple argument; it requires deep and substantial theorizing about the nature of God and how his second-order sovereignty hangs together with other divine characteristics. But I do believe that this is the way forward, assuming the paradox can be solved.

Conclusion

In this paper, I have argued how one can apply Prof. Bonifacio's formal proof of the Paradox of Omnipotence to the Paradox of Sovereignty as well, and in doing so, discover essential truths about the nature of sovereignty, law, and God.

While his philosophical method would have been standard currency for Anglo-American Philosophers in the 1960s, it was virtually unheard of for a Filipino to utilize the hitherto alien tools of the Analytic Tradition so effectively that it was found worthy of publication in a journal as prestigious as *Mind*—and during the heyday of the Analytic Tradition no less. Much like today, Filipino Philosophy in the 1960s was dominated by Religious or Continental European Philosophy, due perhaps to the deeply Catholic roots of local universities whose faculties include members of prominent religious orders such as the Jesuits, Franciscans, and Dominicans (see e.g. Cullum, 1959, pp. 55-60), or the fact that several local scholars advocate a "nationalistic" kind of Filipino Philosophy that has a "wide social impact" and focuses on "offering real philosophical value to Philippine society" (see e.g. Davatos, 2021, p. 128), some of whom, I have the impression, implicitly question how

something so foreign, technical, and dry like the Analytic Tradition can meaningfully benefit a third-world country like the Philippines. Whatever the reason might be, Bonifacio was fortunate enough to have been advised by the likes of D. S. Shwayder, Benson Mates, and John Searle—the last of whom was an eminent philosopher from the University of Oxford who, in turn, was tutored by intellectual giants such as J. L. Austin, P. F. Strawson, W. V. O. Quine, R. M. Hare, Isaiah Berlin, and Gilbert Ryle (Forguson, 2001, p. 331; Searle, 2015, p. 174)—when he pursued his Master's and Doctorate degrees at the University of California, Berkeley. It is also well-known that Bonifacio was a protégé of Ricardo Pascual himself, the founder of the UP Diliman Department of Philosophy who studied under the logical positivist Rudolf Carnap and pioneered the teaching of Anglo-American Philosophy in the Philippines. While, strictly speaking, Bonifacio did not introduce the Analytic Tradition to Filipino Philosophy, he was certainly indispensable to its early development, blazing the trail for the next generation of Filipino scholars such as Andresito Acuña, Ramon Buenvenida, Pacifico Espanto, Dan Reynald Magat, Noe Tuason, Henson Laurel, Edberto Villegas, Eugene Demigillo, Ernie Agudo, Samuel Vera Cruz, Agerico De Villa, Armando Ochangco, Leonardo De Castro, Zosimo Lee, Emmanuel Q. Fernando[5], and Ciriaco Sayson (Joaquin 2022, pp. 20-21), many of whom went on to study in prestigious English and American Universities in the 1970s to 1990s. He also personally recruited many of them into the faculty to continue the noble work that he and his predecessors had begun.

I have said enough about Bonifacio the philosopher, but what about the person? By all accounts, he was a kind and decent man, a gentleman of the old school who never boasted nor carried himself like a world-class scholar, preferring the nicknames "Sir Boni" or "Doc Boni" over more formal titles such as "Professor" or "Doctor". He was well-respected by colleagues and reputed among students who, warranted or not, circulated a rumor that he was *the* Philo 11 (Logic) professor to enlist under because he, his brilliance notwithstanding, was inclined to give many students an *uno*, the highest possible grade in the UP system. He passed away at the ripe old age of ninety-three years

old on December 10, 2021, leaving behind an indelible mark and legacy that will continue to shape the Filipino philosophical landscape for years to come. Bonifacio embodies what many of us aspire to be—an outstanding philosopher and an even better human being. We are all sitting in the chair that he made.

End Notes

[1] *Mind* is the same journal in which Bertrand Russell's "On Denoting" (1905)—arguably the most important philosophical work of the twentieth century—was published.

[2] This paper was awarded as a runner-up in the Don Isabelo delos Reyes Essay Prize in Filipino Philosophy on January 14, 2022, an annual competition judged and organized by professional philosophers from the Philosophical Association of the Philippines (PAP). The theme of the competition was "Filipino Philosophy in the 20th Century", and all entries were required to discuss an article published by a Filipino philosopher in the 20th Century in a "top philosophy journal in the world." At the time of the submission of entries, Prof. Armando F. Bonifacio was still alive, but unfortunately passed away soon after. This paper has thus been slightly revised to reflect the event of his passing and to comply with the requirements of the *Philippine Social Sciences Review.*

[3] Therefore, Prof. Bonifacio's formal proof does not necessarily apply to each of these versions, only to Mackie's.

[4] In a footnote in his work *Logic and the Nature of God* (1983, p. 73), Stephen Davis classifies Mayo's linguistic analysis among Mavrodes-like solutions to the Problem of Omnipotence which, as he points out, have often been

criticized. Prof. Bonifacio's argument, however, evades such objections due to its formal nature.

[5] I ought to disclose that Emmanuel Q. Fernando (1954-2018) was the older brother of my father, Enrico. Tito Toto, as I used to call him, was personally recruited by Prof. Bonifacio to teach with the department in 1975. By the time he had completed his MA under his supervision in 1980, he had become a staunch advocate of the Analytic Tradition himself, thereafter pursuing higher studies at the University of Cambridge and a DPhil in Philosophy at the University of Oxford beginning 1983. I had the great fortune of being taken under his wing when I was an undergraduate and inherited his philosophical views after years' worth of conversations. I would never have taken philosophy as seriously as I do without his rigorous but patient mentoring, and he, in turn, may never have pursued a career in philosophy had Prof. Bonifacio not recruited him all those years ago. Thus, in some ways, I feel indirectly indebted to Prof. Bonifacio. This paper was my way of paying tribute to him.

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