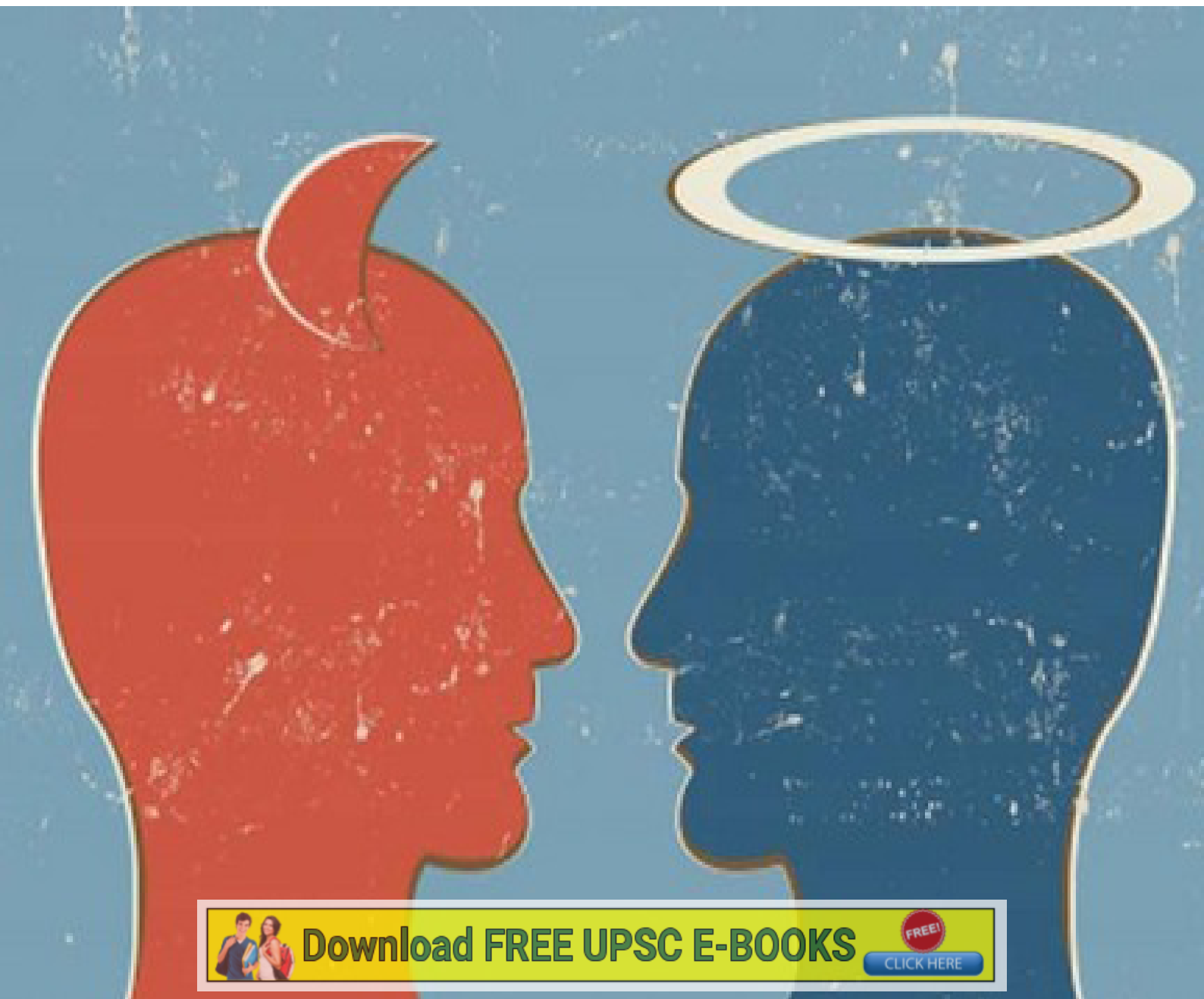


Ethics



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UNIT 1 NATURE AND SCOPE OF ETHICS

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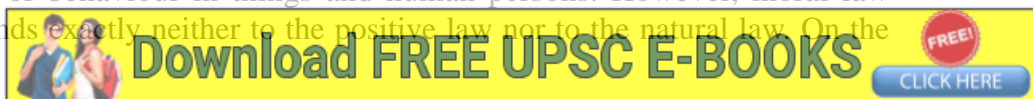
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1.0 OBJECTIVES

This unit aims at introducing the students to the philosophical need for Ethics starting from a brief discussion of Moral law and how the human person in his or her process of growth intuitively understands the ethical principles. Discussions pertaining to the dynamics of morality is undertaken to show how on the one hand new situations call for new responses from moral point of view and on the other hand certain fundamentals of ethics remain the same in so far as there is something of a common human nature adequately understood.

1.1 INTRODUCTION

Let us begin our study of Nature and Scope of Ethics by understanding what we mean by moral law. But two things need to be clarified before we raise the question with which we are concerned here. First, the moral law is called 'law' only metaphorically, or if one prefers, analogically. The primary meaning of law is "a rule of action, promulgated by him/her who is in charge of a community in view of the common good". This is called positive law. If the legislator is considered to be God, it is divine positive law; if the legislator is human person, and it is human positive law. Human positive law can further be subdivided according to what the common good aimed at. (e.g. civil law, criminal law, commercial law, etc.) In a case, a positive law lays down rules to be observed by human persons. It is prescription. Then there is another sense of 'law' which is quite different. In this sense it is a formula expressing a constant of behaviour of things and of persons. So we have physical law (including laws studied in physics, chemistry, biology, etc.), psychological law, sociological law, etc. (Since the constant of behaviour among human persons is less fixed and foreseeable than that among things it is more of a statistical constant). As distinct from positive law, this kind of law is called 'natural law'. It is descriptive. It can also be called prescriptive to the extent if it is considered as willed by God and includes the divine positive law, and descriptive to the extent that this divine will is the ultimate cause of the constant of behaviour in things and human persons. However, moral law corresponds exactly neither to the positive law nor to the natural law. On the



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contrary, the sense of the 'absolute should' is an immediate datum of the moral consciousness itself.

Secondly, in the language of Moral philosophers, moral law includes not only general and abstract rules of action (e.g. "do good and avoid evil"), or, in our language, the sense of the absolute should, but also particular and concrete precepts (e.g. help the poor, obey legitimate authority, be truthful, do not kill the innocent, adultery is wrong, etc.). These particular and concrete precepts, we are here calling the specifications of the moral law.

Hence our question: How are the general data of the moral consciousness particularized and concretized in specific precepts and what is the cause of this difference among men? In terms of moral value, we can raise this question as follows. If the moral value par excellence is human person's self-realization as human how can this moral value determine specific moral values? And why is there disagreement as to whether such and such an action is a 'good' (moral value) or not?

1.2 MORAL INTUITIONISM

All 'deontological' theories agree that there must exist some rule or law which 'enforces' moral value and that it is natural to human person, intuitively known. There is then an element of 'intuition' in all of them – no matter how they conceive of it and the way they approach it, whether as 'conscience' (Ockham), 'Logos' (Stoics), 'moral sense' (Shaftesbury), the 'a-priori categorical imperative' (Kant), 'right reason' (Thomas Aquinas and Suarez). This element of moral 'intuition' is also found in the 'teleological' theories whether implicitly or even explicitly. It is implicitly found in the concept of '*autarxia*' (Epicurus), in that of '*eudemonia*' (Aristotle), and explicitly in the concept of 'right reason' (Hobbes), in the 'conscientious feelings of mankind' (Mill).

And in fact the more the idea of moral obligation is prominent in an ethical theory, the more explicit becomes the recourse to this element of 'intuition' (or 'direct perception'). This element of 'intuition' is strongly emphasized by meta-ethicists who maintain that moral language is 'objective' and therefore 'informative'. But here again, they differ as to what the 'object' of this moral intuition is. This difference is explainable by the difference in their meta-ethical theories regarding the meaning of moral 'good.' Hence for some, this object is the 'rightness of specific acts' (Carritt, Prichard) for others it is a kind of moral property, simple and indefinable in non-moral terms (Moore), for others, it is a general principle (e.g. the 'the principle of utility' itself – Sidgwick) or a set of principles (e.g. the 'Prima facie' duties of fidelity, reparation, gratitude, justice, beneficence, self-improvement and non-maleficence – Ross). In ethics the philosophy which insists on the necessity of moral intuition is called Ethical Intuitionism.

But even the most insistent of all moral philosophers on this element of intuition in the moral consciousness, namely Kant, not only does not deny, but, on the contrary, explicitly states that the moral judgment includes elements derived from experience (which are therefore '*a-posteriori*' as opposed to the '*a-priori*' element). Kant denies the possibility of deriving particular and concrete moral precepts from the concept of practical reason alone. For this the study of human

Similarly, Thomas Aquinas distinguishes between the ‘first principles’ of the *synderesis* which are ‘self-evident’, intuitively known by all, and which cannot be deleted from the human heart, and the ‘secondary and more specific principles’ which are derived from the former ‘as if by way of conclusion from premises’ what is implied here is that this secondary principles require reflection. Thomas speaks of the difficulty involved in applying general principles to concrete cases. Even though principles whether theoretical or practical can be evident in themselves, they may not be so evident to us. And this is due, according to Thomas, to wrong persuasions on the part of human person.

Saurez is perhaps even more explicit in his doctrine that even the secondary principles – which like the primary are self-evident in themselves – require a certain amount of thought and experience. This is truer of the tertiary principles which require study and discursive thought. But all moral principles can be derived from self-evident principles. One notable difference between Thomas and Suarez is that the former derives the concrete principles in a way corresponding to ‘human person’s natural inclinations,’ the latter derives them in a way corresponding to a legal system. For Suarez these precepts have their immediate norm the ‘good’ of human nature. The need of experience and reflection is similarly – indeed even more insisted upon by contemporary ethicists. Why this greater insistence?

1.3 HUMAN PERSON IN SEARCH OF HIMSELF/HERSELF

What we are dealing with here is to see whether a general principle such as ‘serious promises should not be lightly broken’ is ‘self-evident’ and therefore be counted among the ‘first principles’ intuitively known by everybody. If yes, how is it derived from the very first self-evident principle that ‘good is to be done, evil to be avoided?’ Is it merely by a kind of logical deduction? And if it is ‘self-evident’ in itself but not known by all, is it because of some accidental reason such as ignorance or bad habit? Finally, if it is not ‘self-evident’ how is it that human person has today come to agree that such a general principle is correct (that it is amoral value)?

To speak more specifically of thinkers like Thomas Aquinas, Suarez and Ross are we to say that the examples they give of first principles (or of *prima facie* duties) are meant to serve merely as examples or are we to say that they are meant to be included among the first principles themselves? In the first case we could perhaps disagree that the examples they give are good examples but still agree with their doctrine that there exist first principles intuitively known by every man. The question would be then which are these first principles. In the second case to question the aptness of the examples would be to question their doctrine itself. Irrespective of what such thinkers actually mean we have got to study the problem in itself.

If there is any principle that cannot be denied, it is the immediate data of moral consciousness. If these data cannot be denied they are self-evident. They are self-evident not as principles, that is, as formulae but as data whether they are thematically formulated or not. The immediate ontological foundation of the moral obligation is human inter-relatedness and that the norm for moral good (as distinct from the moral right) is human person as a social being. We have also reflected how the only moral principle which is immediately evident is

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self-evident and cannot be justified on a mere moral level is that human person should be human (as an individual and social being). Hence all other precepts (what we are here calling specifications of the moral law) must somehow or other flow from this fundamental precept that a person should realize himself/herself as human.

Human consciousness is in a process of becoming. Human person is becoming moral and more himself and in the process his awareness of himself develops. He/she has been continuously asking himself the question what he is. Human person is in a never-ending search of himself/herself. The more he/she grows the more he/she becomes conscious of himself/herself as human person the more he/she is himself/herself. Moral consciousness is a part or an aspect of human consciousness. The more human person becomes himself/herself the more he/she becomes conscious of what he/she should be. This leads to the emergence of moral precepts specifying evermore clearly the conduct of human person.

Hence the moral precepts (moral values) flow from the first fundamental moral precept that human person should be himself/herself (the moral value par excellence not by way of mere logical deduction or of mere mediate inference. The former are related to the latter not simply as logical conclusions or as implicitly correlated to their premises. Logic has got to do with ideas, with mere ideas. It cannot be denied that this relation of the explicit to the implicit of the clear to the unclear to the unclear of the concrete to the abstract is here present. But it is present in the sense that a continuously developing human consciousness is related to its stages past and future of its development. Existence is more than logic.

If what we are saying about the progressive development of human consciousness, and therefore of moral consciousness is true one can easily understand the development of morals from the cave-man to modern human person from ancient slavery to the Universal Declaration of Human Rights which was approved without a dissenting voice in the United Nations General Assembly in 1948.

Ignorance of the moral precepts is therefore not necessarily the result of perverse customs as if this result were accidental. It is a fact of experience that perverse customs not only weaken the will to pursue the moral good but darkens the mind to recognize what the moral good is. But this is more easily possible on an individual level. Here we are placing ourselves on the level of mankind and its historical progress. This ignorance and the variety of morals can be explained by human historicity itself, that is, by the historical progressive development of his human moral consciousness.

However, we must not easily take it for granted that this development has always and everywhere been a linear progress. It may have suffered setbacks, reverses and regress. We need not go into that. What is more pertinent here to ask is whether we should reasonably suppose that human person has now attained the some of his/her self-consciousness and of his/her moral consciousness. What is reasonable to suppose according to us is that he/she has not. Apart from the fact that one cannot predict the future, contemporary moral problem of the morality of abortion hinges to a great extent on whether one should consider the human foetus a human person. The so-called women's liberation movement indicates no matter what its merits and demerits are that women have not been treated as full human persons. They were not the women one could think of many other

indications. If progress is still possible it can only be done by the passage of time and on the part of human person by experience and by his reflection on his own experience.

1.4 LOVE AND THE MORAL PRECEPTS

Here we wish to bring into focus the more salient moments of our reflection on the subject bringing them to bear upon the topic at hand. To recognize human inter-relatedness as the immediate ontological foundation of the moral order and to act accordingly can be expressed in terms of love. Love is therefore the existential basis of the moral order. This leads us already to start thinking that love is the basic moral activity.

The primary intuitively grasped demand that human person realizes himself as a human person is particularized and concretized in moral precepts. This too can be expressed in terms of love. Universal love is particularized and concretized – it is objectified – in the moral precepts. Hence as love not just one moral virtue among others but the form of all of the moral virtues, so too love is not just one moral precept among others but it is the form of all of them. It is what makes moral precepts moral precepts. Indeed it could hardly be called a precept since taken by itself in a non-objectified sense, it does not prescribe anything definite. And in the same way one can hardly call the moral realization of oneself as human as an obligation. This too taken by itself in a non-objectified sense does not oblige human person to do anything specific. And there is hardly any meaning in the saying that human person should love (love cannot be enforced) so too there is hardly any meaning in the saying that human person should fulfil himself as human.

If love is the form of the moral precepts and if love – like human moral consciousness – is a progressive affair this means that acting according to the moral precepts is acting according to love but that this awareness admits of degrees. This means that love can also be considered to be not only the beginning of the moral life but also its end. At the beginning it is present as a seed – which is more than mere potentiality but already an actuality albeit in a seminal form. The seed can develop into a fully mature and fully conscious love. And if it is in love that human person perfects himself as human, it is in this fully mature and fully conscious love that he/she does so.

Many factors go in this process of maturing of self-fulfilment. No matter how logically we can distinguish one human faculty (or aspect) of human person from another human person is a totality one integrated whole. As it is not the intellect which understands but human person by his intellect so too it is not with his/her heart that human person loves but human person by his heart (but heart is one's whole being). Love is an existential relation involving my whole existence.

Suffice it here to remark already that though human person can develop one or other of his/her faculties independently of the rest (or at least quasi independently) one cannot develop himself/herself as a human person without developing the core of his/her being namely his/her love and this is not achieved by mere study and reflection – although these can be very useful – but by doing. As scholastics say the operation is the perfection of being.



1.5 THE DYNAMICS OF MORALITY

Here we examine two questions which are intimately linked. In an evolutionary vision of human person to what extent can we say that morality (that is, the specification of the moral law) are universally valid for all human persons to what extent can we say that they are unchangeable? If one maintains their universal validity one is charged with absolutism with holding the opinion of a static nature of human person incompatible with present day theories about man's dynamic and evolutionary nature. If on the other hand one were to maintain a relative validity one would fall into a philosophically untenable moral relativism. Can the dilemma be overcome?

The Evolutionary nature of human person and of his human consciousness has long been recognized one way or another. Charles Darwin gave the theory of evolution a biological basis. An Evolutionary view of the world and of human person is today at the basis of a great deal of scientific philosophical and theological thinking. The thinking of such human persons as Pierre Teilhard de Chardin and of Aurobindo comes of course spontaneously to mind.

Herbert Spencer is perhaps the best known Evolutionary ethicist. He starts by observing that both human and animal conduct consists in acts adjusted to ends. The higher we proceed in the scale of Evolution the easier it becomes for us to obtain evidence of purposeful actions directed toward the good either of the individual or of the species. This purposeful activity forms part of the struggle for existence waged between individual members of the same species or between different species. But this type of conduct is according to Spencer an imperfectly evolved conduct. In a perfectly evolved conduct which is ethical conduct in the proper sense of the word this struggle for existence will yield place to cooperation and mutual help. Egoism and altruism will be both transcended. This leads Spencer to distinguish between absolute and relative ethics. Absolute ethics is an ideal code of conduct formulating the behaviour of the completely adapted human person in the completely evolved society. Relative ethics is the nearest approximation to this ideal according to the more or less perfectly evolved society in which human person happens to find him/her.

Spencer adopts the utilitarian ethical principle. In fact he takes happiness to be the ultimate end of life and measures the rightness or wrongness of actions by their conduciveness to this end. From a nascent state when this utilitarian principle was dependent on non-ethical (e.g. authoritarian) beliefs it gradually developed to become independent and as suggested by the theory of evolution, it will continue to evolve and reach an ideal limit.

Happiness however depends on the fulfilment of some conditions. And these conditions are the observances of certain principles and rules which causally determine human welfare. Spencer acknowledges the existence of moral intuitions which however are the slowly organized results of experience received by the race. In other words an induction from experience handed down from one generation to the other ends up by becoming an instinctive moral reaction. Evolution is moving towards the emergence of the highest form of life. Happiness as the supreme end of human person is the concomitant and virtue is the condition for its attainment. In the preface of the fifth and sixth parts of his the principles

of ethics subsequently withdrawn Spencer confesses that the theory of Evolution

has not provided as much practical guidance as he had hoped. What is peculiarly Spencer's is his interpretation of Evolution as a teleological process directed towards the establishment of a higher and higher moral order.

1.6 THE CONSTANT AND THE VARIABLE IN MORALITY

Whether or not man has evolved from sub-human beings it is not for us to decide. But we can easily accept the theory that this human consciousness itself has natured and developed. At the beginning human person was not necessarily conscious of himself/herself as human as we today are. On an individual level this progress in human consciousness is a fact of experience. The child is a human being but as it grows it becomes more and more conscious of itself as a human being. We can accept this theory even on the level of mankind as such to explain how the moral law is particularized and concretized in specific moral precepts.

Human consciousness involves one's consciousness of oneself as an individual and as a social being. Moral consciousness is an integral part of human consciousness. Primitive human (to call him so) must have been morally conscious – otherwise we are not entitled to call him/her human at all. So if moral consciousness belongs essentially to human consciousness as such – and in a univocal and not in an analogical sense – it has been a kind of constant in all the later stages of man's evolution. However, on the accepted theory that the human and therefore moral consciousness has been developing, the different stages of this development can be reasonably considered as the variable in human evolution.

If we speak of moral consciousness at all – whether of the primitive human or ours – we must speak of it in terms of the immediate data of consciousness as foundation on the human order more precisely on human inter-relatedness and these data to be in conformity to human reason and to be conducive to the self-realization of human person as human. But human moral consciousness has been evolving. This change takes different forms some of which are easily understandable and afford no real problem to ethics some are not so easily understandable and therefore afford some difficulty.

As human person becomes more and more conscious of himself as human – as an individual and as a social being – he/she becomes more conscious of his/her human inter-relatedness and of his/her rights and duties as a human person. This clearer self-consciousness is obviously concretized and particularized in specific moral precepts. Even at one given stage of human moral consciousness different people living in different human situations (situations affecting their inter-relatedness) will live a more or less different moral life. Such human situations can arise out of geographical, climatic and economic conditions.

Again since moral consciousness has been in fact intimately linked to and condition by religious consciousness, different religious beliefs have produced different moral values. And a change in religious consciousness has often wrought a corresponding change in morality. The history of religion affords us with many examples (e.g. human sacrifice, burning of witches, saturnalia, etc.). This change is primarily and directly in religious consciousness and only secondarily and indirectly in moral consciousness. It is a change in the religiously conditioned morality.



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However, a change in civil law governing the mores of the people does not necessarily mean a change in morality. When a civil law declares that something is legal it does not mean to say that it is moral. Civil law as such does not pass a moral judgment. Legal means allowed as far as the state is concerned. It is not the business of the state as such to promote the moral beliefs of one section of its population as against those of another. This is important to remember today when many countries proclaim themselves to be secular – today when society is increasingly pluralistic.

The variable in morality raises the important question regarding the kind of certitude we can have in moral matters. To put it bluntly if what is believed to be morally right today can be proved to be morally wrong tomorrow and vice-versa can one be absolutely certain of what is morally right or morally wrong? In more philosophical terms if human person is conditioned by his/her existential situation and if human (and moral) consciousness is always in a process of development and is dependent on physiological, cultural, social, psychological environmental and other factors, can he/she ever be certain of having reached objective moral truth if there is such a thing as moral truth?

At the very outset, we have to distinguish carefully between moral relativity and ethical relativism. Moral relativity is simply the view that different people especially in different civilizations and cultures have or have had different moral beliefs and what is believed to be morally right at a given time or place may be believed to be morally wrong at a different time or place. This is an undeniable empirical fact. But ethical relativism is the philosophical theory that no foundation exists, there is no universal moral norm (or basic moral principle), but what is morally right is relative to the individual or group of men in question. If such a theory can give reasons for such a position (as Sartre does), it is ethical relativism in the strict sense. If it cannot give reasons but simply admits that it is strictly impossible to say what is morally right and morally wrong it can be reasonably called ethical skepticism.

In an evolutionary view of human being, that is, on the accepted theory that human consciousness of himself/herself is increasingly developing, can we pretend to say the last word on what human person is? Obviously not. Human person's knowledge of his/her self is a progressive and dynamic knowledge, always tending towards a better and better understanding. In this sense human person's knowledge of himself/herself is relative. And if this is true his/her moral knowledge is also relative in so far as it is progressive and far from complete.

However an attentive study of the evolution of human person's self-consciousness and of moral knowledge helps one discover a certain constant progression, that is, human person is becoming more and more himself/herself. He/she is becoming more and more conscious of what he/she really is. His/her moral knowledge helps him/her to recognize himself/herself and others more and more as persons. Like in all spheres of knowledge a time of questioning debate and temporary disagreement is necessary in moral knowledge if progress is to be made. Indeed a state of incertitude on some issues is a pre-requisite and the pre-supposition of every progress. But whatever has been achieved is a definite acquisition – even if this acquisition remains still open to further advance and a deeper understanding.

Check Your Progress I

Note: Use the space provided for your answer

1) Explain Absolute Ethics and Relative Ethics.

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2) How are love and moral precepts related?

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3) How do the concepts of love and moral precepts help to build an ethical society?

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4) What is the notable difference between Aquinas and Saurez’s idea of self-evident or moral principle?

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1.7 LET US SUM UP

Human person both is and is becoming; he/she is an “is-in-becoming.” And this is because he/she is both essence and existence, rather he/she is and essence-in-existence. He/she is act and potency or here again he/she is act-in-potency. He/she is spirit and body, better still, spirit-in-body. In existential terms he/she is freedom and he is existentially situated, that is to say he is freedom-existentially situated.

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Human person is both an end-in-himself and for others a particular human and social being. He/she can only find his self-perfection in the perfection of others. Hence the dialectical tension in human knowledge of moral law. The tension between the “is” and the “ought” between intuition and experience (or the *a-priori* and the *a-posteriori*) between the static and the dynamic the constant and the variable the absolute and the relative. We can go on like that an infinitum.

1.8 KEY WORDS

- Moral Intuition** : All ‘deontological’ theories agree that there must exist some rule or law which ‘enforces’ moral value and that it is natural to human person, intuitively known. There is then an element of ‘intuition’ in all of them – no matter how they conceive of it and the way they approach it.
- Absolute Ethics** : Absolute ethics is an ideal code of conduct formulating the behaviour of the completely adapted human person in the completely evolved society.
- Relative Ethics** : Relative ethics is the nearest approximation to this ideal according to the more or less perfectly evolved society in which human person happens to find him/her.

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UNIT 2 IMPORTANCE AND CHALLENGES OF ETHICS

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- 2.0 Objectives
- 2.1 Introduction
- 2.2 The Challenge of Situation Ethics
- 2.3 Cultural and Ethical Subjectivism
- 2.4 Morris Ginsberg's "On the Diversity of Morals"
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- 2.6 Key Words
- 2.7 Further Readings and References

2.0 OBJECTIVES

While spelling out the importance of ethics in so far as it affects human conduct and behaviour in the society, this unit seeks to respond to the some of the important challenges to ethics as a philosophical discipline particularly from certain approaches to make ethics itself relative. Thus we attempt to look at some of the figures in the tradition of Western Philosophy like Fletcher and Ginsberg, figures representing these challenging currents of thought and we offer an in-depth evaluation of their positions.

2.1 INTRODUCTION

Ethics is the philosophical treatise which studies human behaviour and tries to determine what is right or wrong behaviour. It is also called moral philosophy. (from the Greek '*ethos*' and the Latin '*mores*' which mean 'custom', 'ways of behaviour', 'human character'). That there is in man a spontaneous awareness of a distinction between 'right' and 'wrong' behaviour is an indubitable fact. But philosophy, here like elsewhere, cannot content itself with simply registering facts, it tries to reflect on the 'meaningfulness' of such facts, establish them (or reject them) on a rational basis, understand their implications, draw their practical consequences and above all intuit their ultimate cause (if any).

Our study of ethics is also conditioned by some philosophical assumptions, which we take to be philosophically established in other treatises. Perhaps the three principal ones are: the possibility of meta-empirical knowledge, the ontological structure of reality and man as a rational and free being (philosophically established in critical, ontology and psychology respectively). For us, therefore, ethics is an attempt not only to 'understand' what is and what is not right human behaviour, the empirical and meta-empirical 'ground', if any, of the distinction between right and wrong behaviour, but also to see whether the conclusions thus drawn can serve as objective norms for practical conduct.

The importance of ethics is obvious. From as far back in history as we can tell, man has always sought to know how to lead a 'good' life and to draw up rules of



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conduct. Thinkers of all cultures tried to explain in what this 'good' life consisted and, especially, why precisely it was 'good'. It is not so much that traditional moral values are questioned (e.g. the 'just' war, inviolability of life in cases of the hopelessly suffering and of unwanted pregnancies, sexual intercourse only between the legally married, indissolubility of marriage, etc.), but, more radically still, that the very 'meaningfulness' of an unchanging and universally valid morality is brought into question. The causes of this modern questioning are hard to pin down. Certainly the spread of education, advances in science and technology, problems arising from modern way of living like the ever-increasing urbanization, easier communication media, faster means of travel whereby people of one culture come in closer contact with people of another culture, etc are some of the causes.

But if, as we have already implied, moral thinking is intimately linked with philosophical thinking in general, it might very well be that these causes, whatever they might be, are to be sought for on a deeper human level. Human person, perhaps, is not so much asking about the morality of this or that human act, but, more deeply still, about himself: the meaning of his life, the direction of human history, the significance of the human world he lives in, the ambit of his knowledge and the possibility of his ever getting an answer to the questions he asks. Ethics, of course, cannot dream of suggesting answers to such radical questions. But it might well prove to be a 'way of approach' to questions which lie beyond its own field of enquiry.

2.2 THE CHALLENGE OF SITUATION ETHICS

Situation ethics is the kind of approach to morality we might expect from an existentialist, who tends to reject the very idea of human nature – or any nature or “essence”, for that matter. Joseph Fletcher, the former dean of St. Paul’s Cathedral, Cincinnati and professor of Social Ethics, Episcopal Theology School, Cambridge, Massachusetts, USA, published his classical Situation Ethics in 1961. At the onset, he presents his view as the golden mean between the two reprehensible extremes of legalism and antinomianism. Unlike the latter, he assures us, “The situationist enters into every decision-making situation armed with the ethical maxims of his community and its heritage.” There is no question of throwing out all laws, rules and commandments. However, he “treats them with respect as illuminators of his problems” but is prepared to “compromise them or set them aside in the situation if love seems better served by doing so”. Now that last phrase serves to characterize what makes Fletcher describe as “Christian” his whole approach to morality. Fletcher even takes a swipe at “Kant’s legalism,” which produced universal laws like “a lie is always wrong’. He asks, “But what if you have to tell a lie to keep a promised secret?” and answers, “May be you lie and, if so, good for you if you follow love’s lead.”

When we adopt a critical approach, we cannot but record our dissatisfaction as regards the carelessness with which Fletcher defines his position. If Aristotle and anyone who hold some sort of “natural law” morality are to be counted among the situationists, that grouping has been emptied of almost all precise meaning. The only ones excluded from that nomenclature would be the extreme legalist and antinomians, and would they be so numerous and so influential to warrant the setting up of whole “new morality”? Just about any system of

deontological ethics that is open to prudence and casuistry is already sufficient to respond to the difficulty. And when Fletcher pens something to the effect that, "Situation ethics goes part of the way with natural law, accepting reason as the instrument of judgment, while rejecting the notion that the good is 'given in the nature of things, objectively,'" one cannot help wondering whether he had really understood natural law and objective morality properly, at all.

Fletcher has, to say the least, a rather legalistic definition of love. So long as an act is done "selflessly" without the agent seeking any clearly manifest material gain, it is a moral act. Even the sickest of mentally deranged acts could also be roped in as ethically laudable if they were done without any demonstrably material profit being sought in the process. But if love is selflessness, before we can assess its rightness or wrongness, shouldn't we first enquire into the nature of the self? Besides, as one might well ask, why should love be the norm of morality and not hate? Ultimately one can only answer that question by saying that love enhances one's personhood, one's "human nature adequately considered." It makes one more fully human, more fully alive. And hate does not do that. This obliges us to recognize a more basic and deeper norm 'love in itself.'

To give Fletcher his due, one has to admit that he does give the impression that he has done some critical reflection on love and its authentic meaning, even if it wouldn't stand up to anything like a deeper metaphysical query. He trots out some fancy terminology from Tillich to this end: Using terms made popular by Tillich and others, we may say that situationalism is a method that proceeds, so to speak, from (1) its one and only law, *agape* (love), to (2) the *sophia* (wisdom), containing many "general rules" of more or less reliability, to (3) the *kairos* (moment of decision, the fullness of time) in which the responsible self in the situation decides whether the *sophia* can serve there or not. Whence he goes on to make a highly simplistic summary of how the rival ethicists proceed: "Legalists make an idol of *sophia*, antinomians repudiate it, and situationists *use* it."

Finally, Fletcher, taking his cue from Socrates to the effect that the unexamined life is not worth living, suggests that "unexamined ethical maxims are not worth living by." and then he unleashes a salvo on the maxim that "*The end does not justify the means.*" On the contrary, he asks, "If the end does not justify the means, what does?" And he answers, "Obviously, 'Nothing.'" Whence his another proposition of situation ethics, "Only the end justifies the means; nothing else." In the light of the preceding, this boils down to say that anything done out of love (the means) is thereby justified or made morally good. He is careful to quickly add, "Not any old end will justify any old means" only love would do the job. And then he tops it off with another chilling remark, "Being pragmatic, the situationist always asks the price and supposes that in theory and practice everything has its price. *Everything*, please note. Even for a 'pearl of great price' whatever it is – might be sold for love's sake if the situation calls for it." This kind of remark is chilling because it can be used to justify the suicide bomber who blows himself up with a host of innocent civilians – and, as we have seen, Fletcher actually does that.

Even if we don't fully endorse Fletcher and his brand of situation ethics, is there something we can learn from what he has tried to tell us? He is reminding us of a timeless and oft-forgotten maxim: unless an action, however good in itself, is done with

the motive of sincere love, it has no real ethical value, whatsoever.



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Check Your Progress II

Note: Use the space provided for your answer

- 1) Define Ethics and its importance.

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- 2) Illustrate Joseph Fletcher's Situation Ethics.

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2.3 CULTURAL AND ETHICAL SUBJECTIVISM

There is a quite understandable objection that any kind of ethical system based on human nature (however adequately considered.) has to face and that stems from the undeniable fact of cultural relativism. In one culture polygamy is viewed as right and moral; in another it is roundly condemned; not too long ago certain tribes in the South Sea Islands considered the painless killing off of ones parents a filial duty, most of us would be horrified at the very idea. Sometimes within the same country or culture, there are splits: Some Indians disapprove of the remarriage of widows, others have no problem with it; People across the globe are radically divided on the morality of birth control and divorce. Now, if there were some kind of common human nature upon which all moral laws are based, how do we explain these wide divergences – even contradictions?

Furthermore, studies in anthropology and sociology have led us to accept cultural relativism: there is no one culture which can be seen as superior to others, we are told. Each culture makes sense, is sufficient unto it-self within its own religious and philosophical presuppositions. It would be grossly unfair for one culture to arrogate to it-self the right to stand on judgment on another one. And even if one were to claim that he/she is not critiquing an alien culture from his/her cultural standpoint, but from the fancied “neutral ground” of “common human nature”, isn't that, to say the least, rather naive? For he/she would be, in effect, advocating an understanding of human nature mediated by the “pre-understanding of his/her own culture, however subjectively convinced he/she may be that strict detachment is being observed. And, in any case, in the practical order of things, it would end up by the economically and politically dominant culture foisting itself upon all weaker ones, obliterating all “native” or “local “ cultures and “little traditions” in one vast process of cultural domination? In fact, isn't this

what “globalization” amounts to and haven't we all been most vocal in finding



Let us begin our response to these very pertinent questions with one important introductory remark. Many of the people who are up in arms at any mention of a common natural law confuse it with the rigid formalism of the Kantian “categorical imperative.” Nothing could be more wrong. The categorical imperative of Kantian morality could not but enjoin strict and absolute submission, without any possibility of the least exception. To make matters worse, they had to be motivated by a purely internal drive – not out of love for anyone or anything external to the agent, not even love of one’s country, God, family or friends: it had to be nothing but “duty for duty’s sake”. All this is enough to make any self-respecting antinomian see red, to say the least.

Kant was determined that his system of ethics have an autonomous source. Basing mortal conduct on external grounds – the will, of God (Occam) or of positive law (Durkheim) would be to ask for trouble. An atheist would be deprived of any moral foundation and positive law would scarcely help matters: it is susceptible to so many variants, often on the basis of vested interests and corruption, that it would afford, at best, a very shaky moral set-up. On the other hand, Kant’s agnostic epistemology, influenced by Hume, rendered it quite impossible to take the “natural law,” based on human nature, as the norm of morality. As the first Critique had argued, we cannot know the ‘thing-in-itself’ (the *noumenon*) and human nature is one of those things, precisely. The only solution was for him to ground it among those a priori practical principle built into our very mental makeup, parallel to those speculative principles that *The Critique of pure Reason* has uncovered. These a priori synthetic judgments were endowed with the qualities of strict universality and absolute necessity. One could as much expect exceptions to moral laws as one could require, say, the Principle of Identity or Contradiction to allow for contravention on the basis of special circumstances.

But, if one were not to go along with Hume and Kant and accept that not only is there a common human nature in which we all participate, but can discern what basically constitutes it, the problem is dispersed at once. In the first place, this doesn’t open the door to all manner of cultural exploitation and foisting questionable pre-understandings and perceptions onto recalcitrant people and their cultures. The basic make-up of all humans or “common human nature” would comprise the following data: we are embodied beings with a capacity to transcend space and time, are social by nature, rooted in a world and have some sort of relatedness to the ultimate: only that and nothing more. No host of uncritical “commonness” are being smuggled in as a kind of packaged deal, forcing people to accept certain attitudes to people, places, things and even God as constituting our “common human nature”.

Furthermore, sense perception is a necessary constituent of human nature and this, in itself, opens the door to certain relativism – perceptual relativism. Now this opens the door to a whole range of divergences within and between cultures. For if all people are seeing, hearing, smelling and tasting the same objects, they are not necessarily apprehending them in the same way. There is the possibility of “acquitted tastes” and some people acquire them, while others don’t. Accepting a common human nature does not oblige us to subscribe to a single, common view of things, as rigid and unchanging as the Kantian categorical imperatives. Inasmuch as much of culture is built on sense perception there is plenty of scope for a certain cultural relativism.

Introduction to Ethics

However, not all cultural differences can be reduced to the mere relativity of our perception of things. Sometimes it stems from a broader and wider interpretation of whole complexes of interrelated experiences. A particular local, regional or even national custom or rite may imply a judgment that people of a particular gender, ethnic or religious background are either non-persons or rather inferior versions of the species. As a result, they are disqualified from enjoying certain privileges and rights that another dominant group claims exclusively for it. In cases, such as these, where a clear ethical bias is manifest, one has every right to challenge and critique the culture concerned. Cultural divergences, based on a questionable hermeneutics and implying arrant discrimination against certain people cannot justify itself on the grounds of cultural difference.

2.4 MORRIS GINSBERG'S "ON THE DIVERSITY OF MORALS"

Professor of Sociology at the University of London from 1929-1954, just one year before his retirement, Ginsberg delivered the Huxley Memorial lecture on the phenomenon of apparent ethical relativism that anthropologists and sociologists were unearthing in cross cultural studies. It would be pertinent to quote in anticipation, the conclusion he arrives at, after a long and patient scrutiny of the facts. Amidst variations moral codes everywhere exhibit striking similarities in essentials. There are no societies without rules of conduct, backed by the general approval of the members. There are none which do not regard that which contributes to the needs and survival of the group as good, none which do not condemn conduct interfering with the satisfaction of common needs and threatening the stability of social relations. As Ginsberg sums it up insightfully, "It might be argued that the diversity of moral judgments affords no more proof of their subjectivity than the diversity of judgments regarding matters of fact throws any doubt on the possibility of valid scientific judgments about them"

He then goes on to detail six different contexts wherein a certain variation in moral practices may be noted between and within certain nations and cultures. In sum, they are as follows: (1) Variations in the view as to whom moral rules were held to be applicable. (2) Variations arising due to differences of opinion as to the non-moral qualities of certain acts and their consequences. (3) Variations arising from the fact that the same act appears to be seen differently in different situations and contexts. (4) Variations arising due to a difference of emphasis on different elements comprising moral life. (5) Variations arising from the possibility of alternative ways of satisfying primary needs. (6) Variations due to differences of moral insight and general level of development, ethical as well as intellectual.

The range of persons to whom moral rules are held to be applicable: Anthropologists like Taylor recognize a certain "natural solidarity," comprising a measure of mutual forbearance, helpfulness and trust as constitutive of all societies. Everyone felt somehow bound to his or her neighbour by certain societal bonds of shared care and responsibility. However, there was a divergence of view as to who really were ones neighbours. Initially, and quite understandably, "neighbour" was rather narrowly understood to be only those of one's own family, tribe or clan and very often it was only the males who, in the full sense, were considered moral persons to whom societal norms in all fullness had to be applied.

However, what constitutes one's "neighbourness" is not a particular set of racial

features or one's sex but "human nature adequately considered" and so moral laws have to be applied to all persons, irrespective of their age, sex, social status or nationality. No law was understood as discriminating against one's neighbour: there was only a mistaken perception as to what the term meant. It could well be that vested interests made use of this confusion to justify their breaking of promises and agreements to colonised natives. After all, if the natives had no souls, then they were mere sub-humans and the ethical prescriptions didn't apply in their case.

Differences arising from the growth of knowledge concerning certain acts: This is perhaps best exemplified with the medical discovery, in fairly recent times, of the role played by microbes in generating disease. This has given us new responsibilities as regards cleanliness and hygiene: hospital staff may be guilty of criminal neglect if they are careless in these areas nowadays something totally unheard of in ancient period. Again, it was only in the eighteenth century that people desisted from torturing and burning to death alleged "witches." At that time, such people were seen as being guilty of heinous crimes and, due to their pernicious influence or occult powers could cause serious bodily harm to peoples, bring about natural disasters and jeopardize not only their own salvation, but of others as well. As Lecky, remarks "granted these propositions, there was no moral difficulty in drawing the conclusion that... [They]...should be put to death." Happily, we live in more enlightened times and developments in psychology and sociology have helped us recognize the folly and error underlying such views.

The same act is seen differently in different contexts/cultures: Divergences, here, are very often the result of ethical laws and principles being couched in a very brief formula. As a result, the passage of time or a wholly new set of circumstances in a different climate or culture yield examples of "differences" in ethical behavior as regards the "same" act when, on closer study, we realize that these are totally different ones altogether. What constitutes "usury" in one place may not be so in another, depending on the standard of living. A simplistic condemnation of "aggression" may only apparently be broken in the case of a pre-emptive strike where one nation attacks another because it has reasonable grounds to believe that the other is planning a full scale invasion. In a society where there is no established system of properly conducted law courts, self-redress may be a legitimate option, whereas it would be condemnable wherever there is a working network of judiciary procedures.

Variations due to differences of emphases in moral responsibility: Even if there is a universal agreement that we should do what is right and spurn all that is evil, there may be differences of view as to what is the ultimate reason we should do so: it may mean, as Ginsberg summarizes it, "Because it is the will of God and that will may be considered inscrutable; or it may mean because of the love of God, or because of the love of men, not so much because they are worthy of it, but because they are the objects of divine love and enabled by the Incarnation; or again for prudential reasons because it would lead to beatitude in this or another world." Sometimes, a particular stress may lead to a certain imbalance if there is no critical reflection accompanying the trend. Irrational feelings of love and devotion may land one in the extremes of fanaticism. An over-stress on faith may lead to a neglect of justice. Self-discipline may wind up in repulsive forms of masochism. It is not so much ethical relativism that is to be blamed for all these oddities, but a lack of the cultivation of a spirit of self-criticism and recta ratio.



Introduction to Ethics

Variations due to different ways of fulfilling basic needs: This arises when people, though they may be in agreement as to what constitutes the most basic needs of humans (“first order values”), different societies and cultures seek to fulfill them by alternative ways (“second order values”). For instance, most communities favour the monogamous marriage and the sex-rules associated with it: the association of sex with enduring companionship, the fusing of sex with tenderness, the enhancement of the parental relationship through shared interest in the upbringing and love of children, providing security to children by the experience of parent’s love for them and for each other and so on. These are all “first order values” and all cultures recognize these. However, they may seek different ways to realize these ways other than monogamous marriage and its customary practices. Thus, in Bantu society (in Africa), physical attraction, affection and companionship usually follow quite different channels. Instead of seeking these within the context of monogamy, “quite different channels” are followed for each of the above-mentioned “second order values”, “a man desiring his wife, loving his sister and seeking companionship among his male relatives and friends.” This is where there is ample scope for dialogue and exchange, where people of different cultures can challenge each others’ presuppositions and customs, seeking how to more fully and deeply realize the basic goals (“first order values”) that they all respect. In our more enlightened times of freedom of enquiry and dialogue, when we have come to realize that no culture is perfect and infallible and that we have a lot to learn even from those we don’t quite agree with, such exchanges can prove beneficial to all the parties concerned and no one will come away from serious and sincere sharing with quite the same convictions and presuppositions with which he or she entered into it.

Divergences due to the particular level of mental development: The development of mental, and therefore, moral acumen may be gauged, Ginsberg says, from five perspectives: (a) The degree of universalism that a moral system envisages: this is a matter of assessing whether the moral code stops with the confines of the family, tribe or clan or whether it goes on to include rules governing how one should deal with the larger family, embracing people of all nations, ethnic groups, cultures and religions and making no discrimination according to sex, age or religion; (b) The range or comprehensiveness of experience embodied in the particular moral code: obviously the moral code of a small group that takes out a kind of nomadic existence by hunting and gathering will be very sensitive to issues linked with rather limited way of life, but it will be lacking as to guidelines for business, economic and inter religious relationships; (c) The extent to which the underlying moral codes and principles that are the basis of any moral system are brought to light and scrutinized as to how justified they are and whether they have been made to fit together coherently and harmoniously; (d) The extent to which there is a separation of moral codes from law and from religion: this is important because if no clear demarcation is made, the principles of the dominant religion will be taken as the basis of law and morality and this will imply scant respect, if any, for people who don’t subscribe to the doctrines of the dominant religion: obviously, there should be left scope for individual decision in certain matters and the law should not employ its machinery to oblige everyone to act as if he or she was not in full accord with the teachings of a given religion; (e) The extent to which moral systems permit, even encourage, self-criticism and self-direction: a system which assumes that even adults are too immature to make their own religious and moral decisions and refuse to tolerate even the mildest

form of dissent, even when presented non-violently is certainly inferior to one that assures for a public debate on complex issues and in the light of contemporary development in the social sciences.

2.5 LET US SUM UP

We have exposed the main challenges to Ethics arising from Situation Ethics, Subjectivism and the divergence of morals. In our conclusion, we would like to emphasise that we should not commit the mistake to the effect that the more technologically developed and industrially refined a culture is, the more enlightened it will be, in the sense of the five norms outlined above by Ginsberg. Nor should we assume that access to the media and information technology would necessarily create a society made of people who are more critical and less likely to be led astray by unscrupulous demagogues and clever dicks who're hell bent on making a fast buck for themselves at whatever cost to other people, the environment and the future generations. Globalization, today, is proceeding along very unethical lines and has been elaborated by a culture that prides itself on being a model for all the world, one whose very pretensions to democracy and family values cloud well be questioned.

It is by what Pannikar calls a “diatopical” exchange – a dialogue between cultures – that societies can learn from one another, challenge each other and grow together, without being obliged to model themselves on one allegedly “higher” level of intellectual development. Some cultures may have a lot to offer others from one angle while they need to learn from others as regards another aspect. Paolo Freire, for instance, opined that third world cultures should learn from the technological development of the west but, in their turn, have a lot to offer the latter from the way they have learnt to preserve family values and a less destructive way of relating to nature. In all this, it is human nature adequately considered that is to be repeatedly brought into the area of discussion, sharing and debate whenever we feel decisions and judgments have to be made.

Check Your Progress III

Note: Use the space provided for your answer

- 1) Mention the six contexts of Ginsberg’s Diversity of Morals.

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- 2) What is diatopical exchange of Pannikar?

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2.6 KEY WORDS

- Situation Ethics** : Is the kind of approach to morality we might expect from an existentialist, who tends to reject the very idea of human nature or any nature or essence.
- Perceptual Relativism** : sense perception a necessary constituent of human nature, this in itself opens the door to certain relativism.
- Kairos** : moment of decision, the fullness of time.
- Masochism** : the enjoyment of something that most people would find unpleasant or painful.

2.7 FURTHER READINGS AND REFERENCES

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UNIT 3 ETHICS IN HISTORY OF INDIAN PHILOSOPHY

Contents

- 3.0 Objectives
- 3.1 Introduction
- 3.2 Sources of Moral Ideals in India
- 3.3 Ethics: Its Meaning in Indian Tradition
- 3.4 Ethics in Vedic Period
- 3.5 Ethics in *Dharmasastras* and *Itihasas*
- 3.6 Way of Righteousness in the Gita
- 3.7 Ethical Concepts of Hindu Tradition
- 3.8 Ethics in Buddhism
- 3.9 Jaina Ethics
- 3.10 Let us Sum up
- 3.11 Key Words
- 3.12 Further Readings and References

3.0 OBJECTIVES

- To give the students of philosophy general glimpse of ethics in Indian tradition;
- To enable them understand the ethical consciousness of India; and
- To enumerate various ethical concepts of different Indian philosophical and religious traditions.

3.1 INTRODUCTION

Moral consciousness is an undeniable fact of human experience. The moral sensibility is something essential for the peaceful society and the work. Even gods are believed to incarnate to restore righteousness and peace in the society. Down through the centuries, many religious teachers, and philosophers were interested in the rational ground of morality. The caste duties of the Hindus prescribed in the *Dharmasastras* are well articulated commands, which are meant to regulate the life of the community. Ethics as a speculative science is based on the foundations of the moral behavior of man, but a substantial portion of the moral codes are based on religious beliefs, social customs and traditions. When we take the Indian ethics too the morality is very much based on certain beliefs, customs and traditions of Indian religions.

It is true that the foundations of Indian ethics can be sought in the metaphysical and the theological beliefs in the form of worship, prayers and in the form of ideals and principles that directed man's life in the society. When we speak of Indian ethics, we cannot deny the intimate relationship that prevails between ethics and Hindu or any other religion. Ethics and religion are so closely related



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and whatever may be the religion, it contains within itself some system of morality for the guidance of its followers. And thus Indian ethics is the indispensable part of Hindu religion and other religions of Indian origin. Indian ethical ideals and principles are very much found in the Vedas and in other Indian literatures and in other teachings of the Indian religions.

Like religion and art, morality also is an institution of life for anyone to adopt in his life. By this institution of morality one's actions from the moral point of view might be branded as good or bad, right or wrong, praiseworthy or blameful etc. And again by morality one may be entitled to judge others' action as good or bad, right or wrong. In this sense morality can be regarded as a particular way of looking at issues of character and conduct. It is in this sense of morality, that we talk of human beings as moral agents but not of animals, we also talk of moral concepts, laws and principles etc for a morally good or morally right life.

Morality means conscious living within the frame of certain principles of conduct laid down by those regarded as authorities. So in general morality as an institution of life consists in the awareness of an important distinction between what is and what ought to be. So men should live not merely in the light of what is but also what ought to be. Specifically speaking morality is the awareness of a living based on a distinction between our animal demands and the demands of the higher faculties of human life, which make the human distinct from the animals.

Since the ancestors of Hindus in India were spiritual in nature they fixed their attention on a life beyond death. They regarded the human soul (inner being) as an eternal entity co-existing with the Supreme Being. They believed that every human soul goes to the round of births, rebirths and reaps the fruits of actions. When a soul comes to be associated with the gross material body, it is bound to perform certain deeds and in conformity with laws divine, reaps the fruits thereof. The belief is that, if good deeds are performed, happiness results and if evil deeds are performed, misery falls to the lot of the doer. The human soul never dies; it can never remain without doing 'actions' and can never claim exemptions from reaping the fruits of its deeds. It reaps as it sows. Any man ultimately looks for happiness which is the fruit of *Karma* and so he should necessarily know what is good and what is bad. Every law giver and every thinker of India in ancient period felt, the supreme necessity of framing certain rules of conduct and of presenting the ultimate end to which all the life of a human being is to be directed in this lesson on Indian ethics we will be dealing with the Hindu ethics, some ethical notions of Buddhism and Jainism.

3.2 SOURCES OF MORAL IDEALS IN INDIA

Any human being in the society is called to live and lead a moral life. To lead a moral life, he needs certain guidelines and principles of morality to do certain deeds and to abstain from certain deeds. What is the primary source of morality in India? The answer could be the authority of the Scriptures especially that of the Vedas, after the Vedas, the authority of the *Smrtis* is accepted. So Vedas (*Srutis*) and the *Smrtis* (*Dharmasastras* of Manu) taken together, have been regarded as the source of morality. Of these two (Vedas and *Smrtis*), the Vedas are regarded as superior. In the event of a conflict between the two, the verdict of the Vedas prevails. Besides *Srutis*, *Smrtis* and practices of good people conscience and reason also play a role in the matters of morality. The inner conscience also

is the source and test of morality. This means that even the desire arising out of right will or determination may serve as a source or guide to morality. Right will is to be identified and decided. In recent times, especially; in the thoughts of Gandhi, and Aurobindo, conscience has been accorded a very important place as giving the final verdict regarding questions of morality and immorality.

The very concept of Indian morality is both authority based and social reasoning. Both in Buddhism and Jainism reason has been given a prestigious place. In Jainism right faith is given the first place among the three jewels. One is advised to use his reason in ascertaining the validity and worth of the precepts before following them. In Buddhism too the use of personal reason is neither disallowed nor despised. The four noble truths are to be followed but even then Buddha says wherever there is disagreement, questions can be asked for removing doubts. In modern Hindu thought, reason is given better place, especially in the ideas of Vivekananda and Gandhi. For them reason is not the source of moral ideas, but yet they believe in the role of reason in the matters of morality. Hence, the primary role is given to Vedas and Smritis as the fundamental source of morality in Indian tradition, but besides them, all the above mentioned sources also played their roles in deciding the question of morality and immorality in Indian tradition.

3.3 ETHICS: ITS MEANING IN INDIAN TRADITION

The Indian term for morality and ethics is 'dharma'. *Dharma* comes from the root 'dhr', which means to hold together. And thus the function of *dharma* is to hold the human society together for its stability and growth. Right conduct is essential if the human society is to survive. The *dharma* in Hinduism is co-extensive with morality. *Dharma* in the Vedas refers to the highest truth and power and it is very much understood as the performance of Vedic sacrifices and other rituals in the Vedas and *Dharmasastras*. So *Dharma* is understood in Vedas as duty par-excellence. *Dharma* is also generally understood as the duties of humans according to one's own caste and stage of life (*Varnashrama Dharma*). And thus many Hindu thinkers say if one does his duty; he will achieve either heaven or a better birth in the next life or even prosperity here and now. Thus the Hindu concept of *dharma* has been recognized by its very close association with ritualistic and caste-oriented duties. And the purely moral sense of duty is overshadowed. But yet the Hindu thinkers advocate and recommend the practice of moral virtues and moral norms, which make a man as man. These moral virtues are called *Sadharana Dharma* or universal duties. Hence the term *dharma* in Hinduism has two connotations 1) performance of ritual sacrifices and duties according to one's own caste and the second is the practice of moral virtues and norms. So when we speak of *dharma* as morality, it includes all the duties one ought to perform and all the virtues he ought to practice to attain *moksha* or liberation.

3.4 ETHICS IN VEDIC PERIOD

When we speak of Indian ethics, its early beginnings have to be traced from the Vedas, particularly the Rig Veda. One of the central ethical concepts of the Rig Veda is 'rta', a conception of unifying order or moral law, pervading all things. The concept 'rta' has given rise to two other important concepts, the concept of *Dharma* and the concept of *Karma*. The concept *Dharma* has got so different



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and divergent meanings, but generally it is known as duty. The concept *Karma* signifies that there is a uniform moral law, governing the actions of man and the rewards and the punishments appropriate to their actions. 'Rta' is the foundation of these two concepts. The more important and essential element in the Vedic ethics is that of love and worship offered to the gods in complete submission. Moral order or law is reflected in the right performance of sacrifices and so one who performs these sacrifices and the ceremonial duties laid down in the scriptures, would achieve the goal of eternal happiness in heaven. So the ethics of the Vedic Hindus is primarily a god-oriented ethics.

The highest goal of life for the Upanishads is no longer happiness as in the Rig Veda, but liberation from bondage to the transitory existence and the re-attainment of the inner essence of the soul. The Upanishadic ethics is primarily atman-centric and intellectualistic. The Upanishads declare that the Vedic sacrifices are totally irrelevant for the realization of *moksa*. And so man is constantly exhorted to seek his individual liberation and not worry about other social, moral obligation. This kind of philosophical individualism definitely undermines the values of social morality. For the Upanishads, the identification and the realization of the self with Brahman is very important. In this metaphysical realm only we can speak of Upanishadic ethics. The oldest Upanishads say that the perfect sage is a saint who burns evil away and he is free from evil. So it is in the avoidance of evil, we can see the clear moral teaching in the Upanishads. Katha Upanishad declares in 1,2,24 that he who is always impure is born again and again that he fails to reach the highest goal. Good conduct is very much necessary for the attainment of man's metaphysical good (identification of the self with Brahman). And man who is wise is morally a good man whose nature approximates to the divine model (Kat.Up 1, 2, 24, Ch.Up 8, 6, 1). So the Upanishads are clear in saying that the man who has wisdom does not sin. He ceases to do evil and through his wisdom he annuls the evil of his former life.

3.5 ETHICS IN *DHARMASASTRAS* AND *ITIHASAS*

The institutes of Manu and other *Dharmasastras* are the main source books of both Hindu ritualism and social morality. The Upanishads emphasized the liberation of the individual, but the *Manusmrti* subordinated individuality to social structures. Though individual, one belongs to a family and a sub-caste and he is always taken care by the family in which he is, and so the Hindu social morality is relativistic on several counts. Man's duties are accepted to be relative to time (*Yuga*) and place (*Desa*). The duties of a person are also strictly relative to his *Varna* (class) and the stage of Life (*Asrama*). Manu has decreed certain virtues as universal. They are, contentment (*dhairya*), forgiveness (*kshama*), self-control (*dhama*), non-stealing (*asteya*), cleanliness (*sauca*), coercion of the senses (*indriya nigraha*), wisdom (*dhi*), knowledge of the Supreme Atman (*vidhya*), truthfulness (*sathya*) and abstention from anger (*akrodha*) (VI: 91-92). These virtues are common, universal *dharma* (*Sadharana Dharma*), which can be called morality. Thus the *Dharmasastras*, Epics and the *Puranas* have their own specific goal but they seem to share more or less a common 'ethos' from the point of ethics.

3.6 WAY OF RIGHTEOUSNESS IN THE GITA

The realization of the Supreme Reality through a life of righteous actions is the central well-knit theme of all the eighteen chapters of the Gita. Actions are to be performed with the realization of *Brahmajnana*. To attain the *Brahmajnana* one is advised to make a diligent search through devotion, renunciation and self-surrender. From attachment desire springs from desire wrath arises, from wrath comes infatuation, from infatuation loss of memory and mind and finally from loss of mind he perishes. So liberation from all kinds of bondages is possible only by the realization of the Brahman or surrender unto the Lord and vice versa, the realization of the Brahman is only through the liberation from all kinds of bondages. Actions are to be performed without any attachment to the fruit of the actions. This is one of the means of attaining *Brahmajnana*. Thus Gita emphasizes both on *Karma Yoga* and *Gnana Yoga* for the attainment of the Supreme Bliss, but yet *Karma Yoga* is superior to *Gnana Yoga*. Here *Karma Yoga* simply means a mode of realizing the Brahman through devotional meditation on the name of God, and the practice of one's own duties without any attachment. One will be blessed with *Brahmayoga*, which will lead him not only to moral success but also to the infinite spiritual joy and peace.

There is another way promoted by the Gita to attain the ultimate realization in life and liberation from the cycle of births and deaths, which is known as *Karma Yoga* (Path of activity). The *Gita* has described this way as the method of disinterested action (*NishkamaKarma*). To attain *moksa* one has to be freed from the bondage to one's own actions. So the Gita suggests the golden rule that actions should be done with the spirit of non-attachment to their fruits. Both the epics, *itihasas* have a bundle of ethical and moral codes and injunctions. The practical guidelines of the essential ethical ideals and thoughts of Hindu tradition.

Check Your Progress I

Note: Use the space for your answers

- 1) What are sources of ethics and their ideals in Indian tradition?

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- 2) Explain the ethics of Gita.

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3.7 ETHICAL CONCEPTS OF HINDU TRADITION

Doctrine of *Karma*

The doctrine of *Karma* states that whatever a man suffers or enjoys is the fruit of his own deed, a harvest sprung from his own actions, good or bad committed in his previous life. *Karma* is of four categories: 1) *Sanchita Karma*, which means the accumulated past actions 2) *Prarabdha Karma*, which means the part of *Sanchita Karma*, this results in the present birth itself. This is also called pre-destination 3) *Kriyamana Karma*, which means present willful actions or free will 4) *Agami Karma*, which means the immediate results caused by our present actions. *Karma* simply means action. And this *Karma* must remind us that what is called the consequence of an action is really not a separate thing but it is a part of the action and it cannot be divided from it. The consequence is the part of the action, which belongs to the future but yet the part is done in the present. Whatever a man sows he shall reap.

Transmigration of Soul

The doctrine of *Karma* and transmigration of soul are so closely bound up together. After the death of the body the life of the individual is continued in another body and so on in indefinite series. According to this theory, the soul though pure and blessed in itself, gets entangled in the *Samsara* (cycle of birth and rebirth). It is because of the *Karma* it passes through innumerable births (transmigration) before it regains its original state.

Supreme Goals (*Purusharthas*)

The dominant interest of the Indian thought is in the highest value of human life. There are four values, which give meaning to human life. They are called *Purusharthas*. They are as following 1) *Dharma* 2) *Artha* 3) *Kama* 4) *moksa*. *Dharma* is usually distinguished into *sadharana dharma* and *varnashrama dharma*. *sadharana dharma* refers to the duties of the universal scope and validity. There are ten cardinal virtues known as *sadharana dharma* according to Manu, endurance, patience, self-control, integrity, purity, and restraint of senses, wisdom, learning, and truth, absence of anger or non-violence. The *varnasrama dharma* refers to the duties of persons according to the castes and the stages of life. Thus '*dharma*' is considered to be a means value for attaining personality integration in the spiritual level or liberation.

The term '*artha*' generally indicates the attainment of riches and worldly prosperity, advantage, profit and wealth. *Kama* is a comprehensive term, which includes all desires: desires ranging from the cravings of the flesh and the yearnings of the spirit. In Hindu thought there is always a clear emphasis on the enjoyment of secular pleasures along with the emphasis on the realization of spiritual values. The uniqueness of the concept of *kama* and enjoyment in the Hindu ethics is that all of them were to be related to the spiritual goal of human existence and so the Indian ethics insisted on a regulated enjoyment. In every school of philosophy in India the first three *Purusharthas* are treated as the instrumental values, which directly or indirectly promote the *Parama Purusharthas* - the highest values of human life namely *moksa*. *moksa* is also known as by other names such as *mukti*, *apavarya*, *kaivalya* and *nirvana*. This liberation is intimately bound up with the *Karma* *samsara*, the doctrine of

Svadharm

By this term we mean each individual has to grow to his best according to his own *dharma*, that is to say the principle of individual growth is called *Svadharm*. *Svadharm* is in relation to an individual's temperament and stage and duties in life, based on *varna* and *asrama*. It is made in terms of three *gunas*, the *sattva* (purity), *rajas* (virility), and '*tamas*' (darkness). These three qualities are found in each individual in varying proportions and thus this varying proportion of qualities is regarded as the basis of different types of actions and of four castes. The concept of *Svadharm* is very much based on these three classifications and it is well promoted by Indian ethical code that if the society is to function smoothly there should certainly be a hierarchical arrangement of functions and duties in it.

Varnadharm

In Hindu ethics, we find *varnasrama dharma* as a social stratification, based on above said *gunas*, profession and birth. Although theoretically it is justified to have such a classification of people in the name of their propensity and quality they possess in terms of their attitude, caste system in Indian ethics remains an issue. It has been very much practiced and all ethical principles and codes are based on it. By way of profession one's caste is determined in some ways, both in theory and in practice. This looks somehow fine and rationally justified. Yet social mobility in the ladder of categories of people is not very much practical and it is not ensured. Even if a person develops *sattva guna* and becomes a teacher of scriptures, he / she cannot become a 'Brahmin' for the very reason that he was not born a Brahmin. Although theoretically Hindu ethics preaches it, social mobility in such practice remains only an utopia. One's birth, *jati* determines everything in caste systems. A Sudra is denied of the right of undertaking purificatory rite in the form of investiture of sacred thread (Upanayana), which is supposed to give a man his second birth. He is not allowed to perform Vedic sacrifices or read or listen to the Vedas. Severest punishments were prescribed and carried out, if a Sudra even dared to recite or had a chance to hear the Vedas. A Brahmin unconditionally deserved the greatest honour and all kinds of gifts. He could not be given any corporeal punishment. He was exempt from the state taxes. The severest punishments were prescribed for the offender of a Brahmin. Hence, Hindu ethics regarding *varnadharm* is still a contested and controversial moral and social code.

Stages of Life (Ashrama Dharma)

According to Hindu thought the life was divided into four stages or *Ashramas*: that of the *Brahmacari* (Studenthood), the student who is bound to celibacy. The second stage is *Grihastha* (the householder), and the third is *Vanaprastha* (the forest dweller) and the last is the *Sannyasin* (the mendicant). A man should pass through these stages regularly and no man should enter any stage prematurely. A man after having studied the Vedas or two Vedas or even one Veda, in due order, without breaking celibacy must enter into the householder order. And when the householder sees wrinkles in his skin and whiteness in his hair and sees his grand son, only then he must retire to the forest. After having passed the third portion of life in the forests and having abandoned attachments, the man wanders as an ascetic, which is the fourth portion of life. This succession is regarded as so important for the due development of the *Jivatma*, and the proper ordering of the society.

Hindu Rites - Samskaras

Sacrifices form the central theme of the Brahmanical religion and philosophy. The sacrifices not only please gods but also feed them. Through them the sins are also atoned. The important Vedic sacrifices are the Srauta sacrifices and the Grihya rituals. Besides all these rituals there are many personal or family sacraments known as Samskaras. These Samskaras are religious acts of purification and they are the ceremonies for sanctifying the body, mind and intellect of the individual, so that the person may become a full-pledged member of the community. For the performance of these sacraments, “*samkalpa*” or the mental attitude is the most important condition. The most important Samskaras are 1) *Garbhadhanam* or conception, *Pumsavanam*: (Ensuring a male offspring), *Simanthonnayanam* (Parting of the hair), *Jata-Karmam* (Birth-Ceremony), *Namakaranam* or naming ceremony, *Nishkramanam*: taking the child out of the house so that it may see the sun, *Annaprasnam*: the first feeding of the child with solid food (rice) in the sixth month, *Chudakaranam*: the rite of tonsure ceremony, *Karnavedham*: Piercing of earlobes, *Vidhyarambam* (beginning of knowledge), *Upanayanam* (Initiation by a teacher), *Samavarthanam*, *Vivaha* (Marriage), *Antyesti* or Funeral Rights

Check Your Progress II

Note: Use the space for your answers

- 1) What are Hindu ethical ideals in Indian tradition?

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- 2) Write about your personal learning in this unit on Hindu Ethics.

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3.8 ETHICS IN BUDDHISM

The Buddha thought ten meritorious deeds for us to perform in order to gain a happy and peaceful life as well as to develop knowledge and understanding. The ten meritorious deeds are: 1. Charity 2. Morality 3. Mental Culture 4. Reverence or respect 5. Service in helping others 6. Sharing merits with others 7. Rejoicing in the merits of others 8. Preaching and teaching the *Dhamma* 9. Listening to *Dhamma* 10. Straightening one’s views. Moral conduct benefits all Beings with whom one comes into contact. Mental culture brings peace to others and inspires them to practice *Dhamma*. Reverence gives rise to harmony in society. Service

improves the lives of others. Sharing merits with others shows that one is concerned about others' welfare. Rejoicing in other's merits encourages others to perform more merits. Teaching, listening to the *Dhamma* is important factor for happiness for both the teacher and the listener. Straightening one's views enables a person to show to others the beauty of *Dhamma*.

There are ten demeritorious deeds from which the Buddhist are advised to keep away. These deeds are rooted in greed, hatred, and delusion and they will bring suffering to others. These ten deeds are divided into three sets: 1. Actions of the Body 2. Verbal Actions 3. Actions of the Mind. Bodily actions are killing of living beings, stealing, and unlawful sexual intercourse. 2. Four verbal actions are: Lying, Slander, Harsh Speech, and Meaningless Talk. 3. The other three actions of the mind are: Covetousness or being desirous especially of things belonging to others, ill-will, wrong views.

Buddhist morality judges an action good or bad basing on the intention or motivation from which it originates. If a person performs an action out of greed, hatred, delusion, his action is considered to be bad. On the other hand, if he performs an action out of love, charity and wisdom, his action is good. Love, charity and wisdom are known as the "the three Good Roots." Here the word 'root' refers to the intention from which that action originates.

In Buddhism a person's first duty is to cleanse him of the mental defilements of greed, hatred and ignorance. The reason for doing this cleansing is not because of fear or desire to please some Divine beings. If this is so, that would mean that the person is still lacking in wisdom. He is only acting out of fear like the little child who is afraid of being punished for being naughty. A Buddhist should act out of understanding and wisdom. He performs good actions because he realizes that by so doing he develops his moral strength, which provides foundation for spiritual growth, leading to liberation.

Five precepts

Telling about ten meritorious and ten evil actions, the Buddhism invites the lay Buddhists to adopt five precepts voluntarily to follow in order to live together in civilized communities with mutual trust and respect. Following these five precepts helps the lay Buddhist to make a spiritual journey towards liberation. These five precepts are purely voluntary ones. A good Buddhist should remind himself to follow the five precepts daily they are as follows, I take the training rule to refrain from Killing living creatures, Taking which is not given, Sexual misconduct, False speech, and Taking intoxicating drugs and liquor. The precepts are the basic practice in Buddhism. They are also an indispensable basis for people who wish to cultivate their minds. Without some basic moral code, the power of meditation can often be applied for some wrong and selfish motive. These five refrains is called as *Pancasila*

Kindness and charity

The Lord Buddha proposes Universal Love or "*Metta*". By this, Lord Buddha invites one to cultivate a boundless heart towards all beings. Speaking about charity Buddha says that the essence of true charity is to give something without expecting anything in return for the gift. A charitable person should not make other people feel indebted to him or use charity as a way of exercising control

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over them. He should not even expect others to be grateful. The act of true charity leaves both the giver and the recipient free. A real charity must proceed from the whole person as an act of his body, heart and mind. It should not be an act of generosity but it should be a “Dana” when a person performs “Dana”, he gives as a means of cultivating charity as a virtue. It reduces one’s craving and his selfishness.

Love for Animals

The Buddhists are encouraged to extend love for all living beings without restricting only to Human beings. Since every living being has a right to exist so it is not right for us to take away the life of any living being. It is unfair for us to deprive their living rights. If we believe that animals were created by someone for men, it would follow that men were also created for animals since some animals do eat human flesh. Buddhism says the destruction of any creature represents a disturbance of the universal order. Man’s cruelty towards animals is another expression of his uncontrolled greed. Our own existence on this earth may not be guaranteed if we do not take stern measures for the survival of other creatures.

3.9 JAINA ETHICS

Like Buddhism, Jainism also rejects Vedic ceremonialism and sacrificialism and also it takes ahimsa to be the most important ethical virtue and consequently denounces the Vedic sacrifices. In the observance of ahimsa, Jainism rather surpasses even Buddhism. In the observance of ascetic rituals also, Jainism goes further than Buddhism especially in the case of monks. The *pancamahavrtas* and *triratnas* form the ethics of Jaina tradition. Right knowledge, right faith and right conduct are known as *Triratnas* – or the three gems of Jainism. Right knowledge is the detailed cognition of the real nature of ego and non-ego, which is free from doubt, error uncertainty etc. It can be obtained only by studying carefully the teachings of the omniscient *Tirthankaras* or teachers who have already obtained liberation and therefore are fit to lead others out of bondage.

Then that preliminary faith should be supported by right knowledge again for having right faith based on general acquaintance (*samyag- darsana*) in support of right knowledge. Right faith does not imply that one must blindly follow the *Tirthankaras*. But one must have the right attitude of respect towards truth. Further by studying the teachings of the *Tirthankaras* one can strengthen his belief. But these two are rendered useless unless they are followed by rigorous practice. Right conduct is the third indispensable (*samyag-caritra*) condition of liberation. It is this that enables one to stop the influx of new karmas and also to eradicate old ones. It consists in the control of passions, senses, thought, speech etc. Right conduct is therefore described as refraining from what is harmful and doing what is good. Right conduct enables man to liberate himself from bondage. The Jaina prescription for right conduct: One must follow the five great vows namely the *panca-maha-vrata* for the perfection of right conduct. They are *Ahimsa*, *Sathyam*, *Asteyam*, *Brahmacaryam* and *Aparigraha*. *Ahimsa* denotes abstinence from all injuries to life – either *trasa* or *sthavara*. *Satyam* is abstinence from falsehood. It is speaking what is true, good and pleasant. *Asteyam* refers to abstinence from stealing. *Brahmacaryam* pertains to abstinence from sensual

and casual pleasures. One must refrain himself from *karma* of any form altogether

either in speech talk or action. *Aparigraha*: By this what is meant here is that abstinence from all kinds of attachments. It lies in giving up attachment for the objects of five senses.

Check Your Progress III

Note: Use the space provided for your answers.

1) What do you understand about the uniqueness of Buddhist morality?

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2) Explain about the sources and foundation of Jaina Ethics

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3.10 LET US SUM UP

We come to know that the Indian religion, philosophy and morality are so integrally related and it is impossible to understand morality without a proper understanding of the religious and philosophical traditions in India. Ethics in India is a complex and multi-faceted one, being constituted of divergent and several religious and philosophical traditions. This diversity of metaphysical beliefs and valuational attitudes is reflected in Indian morality, which is diverse and multi-faceted as the rest of the Indian culture. But however we must not have any impression that there is neither any specific world view or ethos nor any definite moral code, which can be called Indian as such. Indian tradition has been receptive to new ideas and values but yet it has been choosing certain ideas to be incorporated in its religio-moral thought.

Hinduism also accepted the fact that man's *dharma* comprising of all his duties and virtues, changes with the changing times. Hindu religio-culture is very composite, so we need to choose those aspects of Hindu-religio culture, which are most in harmony with our modern values and we also need to frankly reject other ideals, which are not in harmony with modern values. From all these that we saw above, we can conclude this lesson on Buddhists ethics basing our concentration on the urgent call of Buddhism to the modern world today. Buddhism calls for tolerance in the world today so that peaceful co-existence among the people can be possible. The Buddha's advice is, "Let us live happily not hating those who hate us. Let us live free from hatred among those who hate us. Let us live happily and be free from ailment. Let us live happily and be free



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from greed among those who are greedy (*Dhammapada* 197-200). Buddha says, “If a person foolishly does the wrong, I will return to him the protection of my boundless love. The more evil that comes from him the more good will go from me. I will always give of only the fragrance of goodness.

3.11 KEY WORDS

Pancasila : Buddhist five precepts of refrain from Killing living creatures, Taking which is not given, Sexual misconduct, False speech, and Taking intoxicating drugs and liquor.

Dharma : Generally as righteousness and ethics

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UNIT 4 ETHICS IN THE HISTORY OF WESTERN PHILOSOPHY

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4.0 OBJECTIVES

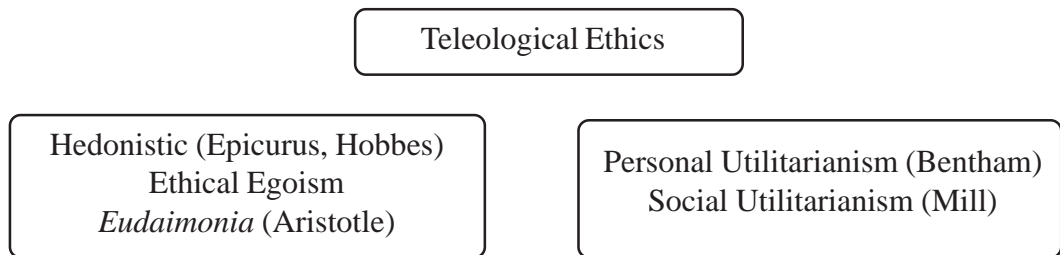
As Sir David Ross points out, in a classical work *Foundations of Ethics*, written over sixty years ago, there are, broadly speaking, two approaches to ethics. This is better known as the distinction between deontological and teleological ethics. The Greek word for an ‘end’, in the sense of a goal to be achieved, is *telos*. Hence, ‘teleological’ ethics comprises all those kinds of ethics which see the criterion of morality in terms of whether an action fulfills the overall total end of human life in general and of moral activity in particular. The word ‘deontological’ was coined by the British moralist, Jeremy Bentham (1748-1832), from the Greek word, *deon*, literally, that which is binding. Deontological ethics views the morally good in terms of doing ones duty. Deontology would be the science of moral duties. We shall see that these two approaches differ more in emphasis than anything else; they are not mutually exclusive water-tight compartments.

4.1 INTRODUCTION

Let us start with teleological approach. Ever since Aristotle, practically the entire Western tradition of philosophizing has accepted his contention that the ultimate human end is “happiness.” Now this could be understood as either exclusively, or with a strong stress on, individual or private happiness. This, in turn, can be understood in two further ways: as pleasure (but not in the narrow, crude sense that the term usually implies), in which case we have the school hedonistic ethics; or it can be seen as self-realization and this is the *eudaimonic* approach. The other alternative is to see happiness more from the standpoint of others, of the community. Thus the utilitarian ethics may once again be looked at from a personal



or a social dimension. Summarizing all this in a convenient diagram, we can represent it thus



Deontological approach comprises a rather heterogeneous group of people whose sole title in common is that they look upon moral actions from the point of view of “duty” or “obligation”. In other words, it is the morally “right”, rather than the morally “good” which is their concern. The key question for them, then, is why the morally “right” should be so, in other words, what makes “duty” a “duty”? Some of the prominent philosophers of deontology are Ockham, Durkhiem, Kant and Aquinas

4.2 EPICURUS (CIRCA IV CENTURY BCE)

Epicurus sought to eliminate all unpleasant feelings like fear and anxiety from the contemporary psyche and promote emotions of well being, harmony and pleasure. Not surprisingly, he summoned his followers to meet in a beautiful garden (Epicureanism is, thus, sometimes called, the Philosophy of the Garden) and seek after pleasure. This was not the base ‘wine-women-and-song’ kind of thing that the English word ‘Epicurean’ now implies, but the appreciation of the nobler and higher refinements of life, such as friendship, art, music, and the like. Moreover, he stressed the quest, not for the fleeting, transitory thing, but that pleasure which might last for a life-time. In other words, absence of pain and serenity of mind (Greek, *atarxia*), rather than pleasure- gratification was his aim. Now *atarxia* was to be sought, first of all, by removal of all false fears, such as the fear of death and the fear of the gods. Such fears, like all vices, were “not conducive” to *atarxia*. Indeed, he saw the highest virtue of all to be *phronesis*, discernment, the ability to size up and estimate the quality and lastingness of pleasure and pain enshrined in various possible actions, so as to maintain a life in the best possible state of *atarxia*. What is relevant for us is Epicurus’ insight is that the criterion of morality is conduciveness to our human final end.

4.3 ARISTOTLE (IV CENTURY BCE)

Aristotle’s ethics begins with the observation that all beings seek their perfection. Humans are no exception to this universal principle and, indeed, ‘happiness’ is really to be founded in the attainment of human perfection or self realization. He then goes on to distinguish between two kinds of human actions that can help us attain authentic happiness and these are the moral and intellectual virtues. Virtue is defined as a habitual state or disposition of the soul and Aristotle is well-known for his dictum that virtue is golden mean between two extremes: thus courage is the mid-point between the “vice of excess” of foolhardiness and the “vice of the minimal,” cowardice. He gives pride of place and space to the five intellectual virtues: practical knowledge (*techne*), prudence (*phronesis*)

rationation or the ability to make arguments and proofs thanks to logic (*episteme*)

intuitive insight (*nous*) and wisdom (*sophia*), the highest and noblest of them all. It is wisdom which enables us to attain the true happiness which is our last end. It is clear that his is a teleological ethics par excellence: the guiding motive in it all is not law or obligation, but what is conducive to one's end. In other words, for Aristotle, moral rightness or wrongness is seen more in terms of the "good" consciously intended by the human agent. Thus, moral badness is linked to ignorance in the sense that no one seeks evil knowingly and willingly, as such.

4.4 THOMAS AQUINAS (1224-1274)

Thomas Aquinas was arguably the greatest catholic luminary of the middle ages. This Dominican monk, basing his moral philosophy on the teleological *eudaimonia* of Aristotle stressed God as the ultimate end or "supreme good" of humans (as, indeed, of all beings). His Christian convictions, however, led him to aver that only with the help of God's grace – a free, supernatural gift – could we attain our fullest encounter with our last end, in the next life. God has a plan for all creation – not a kind of fatalistically predetermined one, but rather a vision of creative development, enshrined in the dynamism of every being and directing it to its full flowering. In other words, God's eternal law for all beings is manifest in the natural law, inbuilt into their own natures or essences. This "natural law" is accessible to humans partly through revelation and partly through human reason.

The norm of morality for Aquinas, then, is ultimately God's eternal law or "eternal reason", but more proximately it is "human reason" which can work out its implications by critically reflecting on what the "natural law" entails. That which is in conformity with the demands of the natural law, as discovered partly by the right use of human reason, is morally good; that which is not, is morally bad. Obviously, for Aquinas, the norm of morality ("natural law") is intrinsic to the human act and not an extrinsic command or anything else outside of it.

Aquinas, inspired by Aristotle, distinguished between "speculative" and "practical" reason: the former had to do with theoretical knowledge, the latter with issues of a more practical import (action, more precisely, moral conduct). Furthermore, each of these could be subdivided into a more discursive or argumentative part (ratio, rationality) and a more intuitive aspect (*intellectus*). The intuitive part of speculative reason furnishes ratio with those basic "first principles" it calls upon to carry out its reasoning process (e.g. the principle of identity and contradiction). These "truths" are self-evident and do not require any "proof": indeed, as first principles, they cannot be proved but are the implicit propositions of all argumentation and proof used by ratio. In the same way, there are also some "self-evident" first principles of practical reason, called *synderesis*, such as, "Do good and avoid evil". Aquinas calls them the "first principles of the natural law". The above mentioned example is, of course, relevant to morals. But *synderesis* also has its bearing in other spheres of activity. Aquinas adds some illustrations. For instance, there are those which we humans share with all beings: the principle of self-preservation is one such. Then there are those we share with animals – procreation or reproduction is one of the most important of these. Then there are those which are proper to humans alone: besides the moral one quoted above, there are also similar obligations such as the need to live in society and to get to know about God. These, as we shall see, should not be identified with what we call "conscience".

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From these “first principles” which, generally speaking are universal and unchanging, we derive “secondary and more specific ones” which, though also of universal and unchanging import, at least theoretically, are susceptible to change or adaptation in particular concrete cases. Thus, the secondary principle which directs one to always tell the truth and never utter falsehood may be relaxed when an unjust aggressor asks one to tell him where his father is hiding. This is, furthermore, how Aquinas explains how there appears to be variance among the moral practices of people. It is due to wrong argumentation from the first principles: thus, unknown to certain people, they accepted some perversions and corrupt practices as ethically sound. Finally we cannot omit mention of Aquinas’ rather thorough treatment of the virtues, among which we must draw attention to prudence, which safeguards Thomistic ethics from the pitfalls of legalism and inflexibility.

4.5 WILLIAM OF OCKHAM (1290-1349)

This medieval Franciscan friar, an inveterate enemy of Thomism, is the person mainly responsible for having established a deep rooted empirical trend into British philosophy, a heritage that would be called upon and developed by Locke, Berkeley and Hume some five hundred years later. As a counterblast to the intellectualism of Aquinas, he championed voluntarism: Ockham appears to be concerned with upholding God’s freedom and omnipotence (as he understood it) at all costs. Thus he refused to recognize the wrongness of human acts as stemming from any inherent quality in themselves, but wholly and entirely from the free decision of God, whose omnipotence was absolute, being restricted only by what would be logically contradictory.

But Ockham seems to confuse the whole issue by giving a place to both God’s ordered power as well as right reason. The former refers to God’s free decision, whereby he has established the actual moral order, opting to make certain actions right and other wrong. He would hardly make a general change in this matter. All this seems to conflict with his other notion which says that a morally good act should also be in conformity with the “right reason.” Indeed, he goes along with the common medieval assumption that a person is obliged to follow what, according to his sincere conviction, is in conformity with it, even if he were in error. But this last idea seems to do more credit to Ockham’s head than his heart. For if he thereby opened up the possibility for a person who does not accept divine revelation (how else, except through divine revelation could we come to know what is right and what is wrong, since God freely decides this), yet there seems to be a certain contradiction here: if “right reason” can somehow account for moral rightness, then it is not quite dependent exclusively on God’s free choice.

4.6 THOMAS HOBBS (1588-1679)

In his classic book *Leviathan* named after the gigantic monster mentioned in the book of Genesis and which was his image of the all powerful state, Hobbes gave us his description of “man in the free state of nature”, that is, before humans banded together to set up social structures and institutions. In a word, life was sheer hell in those times: man behaved unto man like a ferocious wild beast (*homo homini lupus*). Indeed that is why humans established the state: its primary

aim was to prevent, by sheer superior brute force, humans from attacking each other, expropriating each others' property and tearing each other to shreds. The price each had to pay to attain this measure of peace and order was the sacrifice some of his freedom and his natural desire to possess everything for himself. Like Epicurus, Hobbes was a hedonist: pleasure was the motivating principle for him too. It was the naturally human desire for pleasure (in the form of peace, harmony and a longer life) that led him to set up the state. The state, then, enacted various laws to make humans behave in accordance with the laws of nature. Civil law would codify them in more precise and relevant forms proper to each nation. The state would need to be invested with all power and authority so that none would dare to challenge it. Then only would it be able to curb the natural urge of humans to rape, loot and tyrannize. Power is thus a necessary constituent of law. In effect, for Hobbes, actions are bad because they are forbidden, not the other way round. The source of moral rightness or wrongness, the criterion of morality, is what is the law says, whether it be divine law or positive (civil) law. The ethical teachings of Hobbes have been qualified in various ways. Some call it "Ethical Egoism" in as much as it is based on the allegedly natural and reasonable human urge to seek pleasure and self-preservation. Others prefer to dub it "Social Utilitarianism" because it grounds law on the desire of humans to live in peace and harmony with each other. A third view is that it is a kind of "Moral Positivism" because it posits divine power (or God's will) as the ultimate ground of moral good, as the sole criterion of morality.

4.7 JEREMY BENTHAM (1748-1832)

Bentham saw the ethical issue from a more individualistic point of view. His argument was that, since society is made up of individuals, it would be quite in order to view the whole subject from the perspective of individual utility-seeking as the basis of ethics. A "good" law, for Bentham, is one in which "utility" is effected resulting in pleasure or happiness to the party whose interest is concerned. Drawing apparently on Hobbes, he takes it as a clear datum that the seeking of pleasure and the avoidance of pain are the chief human motives in decision making. Yet, he emphasizes, he is not speaking merely of sensual pleasure but also that which arises from intellectual study and benevolent.

Most human beings, however, do not know precisely how to apply this standard in daily life, especially when it is a matter of making an option between multiple choices. To this end he offers "a felicific calculus" as a guideline for the common man in his decision making process. First of all, he observes, it would seem reasonable that one should choose that action which would bring about the greatest amount of pleasure for the greatest number of persons for the longest stretch of time. He then proposes seven norms to help one in making such a measurement. It is all a matter of focusing on the pleasure concerned and checking out its intensity, duration, certainty, nearness, fecundity (its capacity to include other pleasurable sensations), purity (its freedom from any admixture of unpleasant sensations) and inclusiveness (the number of people affected by it). Bentham widened the meaning of pleasure to involve certain altruistic and "unselfish" elements. Be that as it may, the stress he put on the quantitative dimension of pleasure almost "begs for a misunderstanding".

4.8 IMMANUEL KANT (1724-1804)

The “sage of Konigsberg” was to have a major impact on the development of contemporary western thought. The second volume of his famous philosophical trilogy of the “critiques” was devoted to new and revolutionary insights into ethics. Right at the onset of his critique of practical reason he rejects all such system that is based on a “heteronomous” source, that is, on some principle or norm outside the human person. Were we to maintain such a point of view, he tells us, in effect, if a person had to reject that norm, and then there would be no basis helping him or her to be a moral person. Thus, he begins by noting that in us there are not only some a-priory (hence universal and necessary) principles of speculative knowledge in us, but similar principles of practical knowledge. In as much as these are a-priory, they constitute an internal norm of morality in man: “autonomous principles.”

For Kant, the only thing that can be called “good” without qualification is a “good will” – all other “goods,” such as health, wealth and long life can be used for bad ends: they are only relatively “good”. Now, what precisely is a “good will”? A will which acts for the sake of duty alone (and no other motive) is a good will. This is perhaps Kant’s way of telling us that a “good will” does not act out of self-interest. Be that as it may, the kind of language he used has given his doctrine a very “rigorist” appearance. This “duty” is rooted in the moral law itself, which, in turn, is manifest moral consciousness (a-prior synthetic practical judgments). Now, “universality” is the very form of the moral law – so, once again, a certain rigidity is to be expected of its “categorical” demands: allowing the possibility of exceptions would do violence to this “universal” form of the normal law. The first general formulation of the basic categorical imperative is, for Kant, “I must act such that my way of acting could become a universal procedure.” There are other formulations popularized by Kant, especially “Never treat a person merely as a means,” but they always enshrine some kind of universality as constitutive of its very form. He derived three “postulates” from the undeniable fact of the categorical imperative: human freedom, the immortality of the soul and the existence of God. This is no contradiction of what he had maintained in the earlier Critique: there he held that one cannot prove these truths from pure reason, whereas in the second critique he says that practical reason can and must postulate.

4.9 JOHN STUART MILL (1806-1873)

Author of a treatise entitled, *Utilitarianism*, Mill was even more direct and explicit than Bentham in holding that “utility” or “the greatest happiness principle” should be “the foundation of morals”. However he seemed to widen his criterion to involve not just “the happiness of mankind, but “rather, of all sentient beings”.

But he went on to add further refinement and precision to Bentham’s initial approach. First, he stressed that there is also a qualitative difference between pleasures, and not just a quantitative one. Next, he suggested that what the individual seeks is not his personal or private happiness but the common happiness of all. He even endeavors to give a rational basis to the pleasure principle by appealing to “the conscientious feelings of mankind”, that is, the fact that

Check Your Progress I

Note: Use the space provided for your answer

- 1) What is the common principle in Epicurus', Thomas Hobbes' and Jeremy Bentham's philosophy?

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- 2) Briefly explain Aristotle's views on virtues.

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- 3) What are the seven norms proposed by Bentham for the measurement of pleasure?

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4.10 EMILE DURKHEIM (1858-1917):

A French positivist, whose thinking was affected by the rise of the natural sciences, he is also hailed as the father of Sociology. One of his key writings is the *Elementary Forms of Religious Experience*, in which he attempted to give a materialist (positivist) explanation even for religion. From his study of Totemism, which he held to be the originary form of all religions, he concluded that “the gods” were nothing more than the tribal society conceived symbolically. From this he concluded that religious rites, worship and dogma were nothing but various ways and means to make people accept and submit themselves to the laws and customs of their closed tribal group. This same approach he also employed to morality, too. Moral laws, then, are nothing but positive laws enacted by a given society to ensure its stability and preservation. In other words, the norm of morality is plainly and simply concrete positive law. It would be more accurate to call it sociological positivism as it is grounded on human social, rather than individual or private, law.



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Durkhiem has well brought out the link between human social consciousness and moral development. However he is loath to admit – against the views of even some of his later disciples – that there seems to be a common underlying structure, some kind of common principles at work everywhere, that is, the basis of the admitted diversity of moral set-ups. Again if morality is primarily a matter of “following the crowd,” how do we account for the emergence of radical thinkers who openly and daringly rejected and challenged the existing mores of a given society?

Check Your Progress II

Note: Use the space provided for your answer

- 1) Brief Durkheim’s materialist explanation of religion.

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- 2) Explain Kant’s views on moral obligation.

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- 3) Explain Thomas Aquinas’ views of moral philosophy.

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4.11 LET US SUM UP

It is quite common to find ethics defined, as Paul W. Taylor does, in an excellent introduction to this discipline: “Ethics may be defined as philosophical inquiry into the nature and grounds of morality”. We do not, however, find this approach very illuminating for, as we have seen, “morals” is nothing but the Latin equivalent of the more Greek term, “Ethics”. If we try to avoid this “*idem per idem*” repetitive definition by saying it studies “the goodness or badness” or “the rightness or wrongness” of human actions, this does not get us much further because, as we have equally seen, terms like “good” or “bad”, “right” or “wrong” are susceptible to many understandings and so possible confusions are not quite dispelled. That



is why we try to make clear in precisely what sense that they result in someone being better personal all-round (and not just in some restricted sphere – a good singer, or student, or tennis player).so our definition of ethics would run something as follows: Ethics is a branch of philosophy which studies human actions from the point of view of their enabling a person to become more fully human, more fully alive. We can therefore say that ethics is that branch of philosophy which studies what makes a person truly liberated.

Now, any worthwhile discussion of ethics, sooner or later, confronts us with the phrase “human acts”. We should pause for a moment to underline the meaning and significance of what these words imply. They are actually the legacy of old scholastic thought and still relevant today. We must need to distinguish between what could be called “acts of humans” and “human acts” (the Latin maintains the word play more neatly: *actus humanus* and *actus hominis*). A human act is an act put forward by a person acting in full capacity as human, i.e. out of full awareness and freedom – after all knowledge and free choice are what characterize humans as humans. Only when someone does something knowingly and freely can he/she be held accountable for that act and accordingly, be praised or blamed for it. If someone were, unknowingly, to drink a cup of poisoned tea, no one could accuse him or her of attempted suicide. One might say that what he or she had done was “objectively” a suicidal act (i.e. of itself it would bring about the person’s death or serious illness, if medical intervention were not sought immediately), but “subjectively” he or she could not be blamed for the act. This example should also make us realize that we cannot behave as if only “subjective morality” were important, since that is the area where praise or blame (“moral accountability”) comes in. if the action were “objectively wrong” in itself it would have some bad effects on the agent – psychologically and physiologically – even if he or she did not do it “full knowledge and full consent,” to use the time honoured formula. Ethics, then, is more concerned with actions done as a result of knowledge and free choice: only such actions make us better or worse persons all-round. Acts of humans, that is, actions done unintentionally, unknowingly (including doing an “objectively” wrong action while not knowing such an act is wrong) would not affect one all-round as a person.

4.12 KEY WORDS

- Teleology** : *telos* is a Greek word for ‘end’, in the sense of a goal to be achieved. So teleology means the study of end.
- Deontology** : means the science of moral duties

4.13 FURTHER READINGS AND REFERENCES

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UNIT 1 HUMAN VALUES

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- 1.3 Subjectivism of Mackie
- 1.4 Cultural Relativism
- 1.5 Rational Constructivism
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1.0 OBJECTIVES

This unit aims at introducing the students to the understanding of moral values and to the contemporary debates of objective and anti-objective schools on the metaphysical aspects of ethics. The debate is mainly centered on the question if values are objective or determined by subjective factors like culture and society. While presenting the different views, this unit adopts a critical attitude to these schools and points out the lacunae in their arguments.

1.1 INTRODUCTION

The question that we will pose now is to know if there are objective moral values. Those who say 'yes' are moral objectivists. Those who say 'no' are the anti-objectivists or subjectivists. But what do we understand by "objective" values? In order to understand this, it is useful to make a distinction, concerning values, between the *model of perception* and the *model of the taste*. According to the model of perception defended by the objectivists, something is desired or approved, because it has a value. There are things in the world which have values and it is of this fact that we desire them. According to the model of taste upheld the subjectivists is the good, a thing has a value because it is desired. "It is desire that gives foundation to value". Indeed, the partisans of these two models agree on the fact that there is a logical equivalence between desires and values: it is commonsense to say that we prefer good to evil, that we do not like that which has a negative but like that which has a positive value. If something is desired, it has a positive value for the one who desires it and if something has a positive value; it is desired by the one who apprehends it. It would then be conceptually inconsistent to say that one desires something that has a negative value. (To the idea that some people can wish evil deliberately, it is always possible to answer that those people attribute a positive value to evil and for them, evil is good). If one admits this equivalence between desire and value, then the task is to know



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which of the two is most fundamental. For the partisans of the model of perception, value is more fundamental than desire, while for the partisans of the model taste, desire is more fundamental than value. It is to be noted that desire should not be understood in a very narrow sense of the term, but it should be understood largely so as to include preference, approval, appreciation, emotion, etc. The idea is that we have a *pro-attitude* in relation to something if and only if we attribute a positive value to it.

Let us then try to define objective value: A value is objective if it is more fundamental than the pro-attitudes in relation to it, i.e., if it exists independently of our desires, preferences, emotions etc. *A moral objectivist adopts the model of perception.* In this sense, a moral objectivist is a moral realist. One is objectivist or realist about a thing, if he/she accepts that a thing exists independently of our mind, the way in which we represent it or desire it. (This thesis has to be distinguished from a more extensive thesis called cognitivism which upholds that the evaluative statements have values of truth : This is more extensive, for it includes certain versions of relativism upholding that all evaluative statements are either true or false (Mackie). Objectivism implies cognitivism, but not the other way). (We will thus hold here moral objectivism and moral realism as synonymous). (It is useful to adopt a narrow definition of objectivism: A value is objective not because it is independent of *all* attitudes in relation to it, but *only* of pro-attitudes. Thus, a value that would depend on our beliefs, but not on our desires could be considered as objective in a limited sense of the term.) *On the contrary, the anti-objectivists support a model of the taste:* values do not exist independently of our attitudes of desires, preferences, approvals, etc. Had we no desires, there would be no values. If we consider the distinction between the noun “value” and the verb “to value”, we can say that the objectivists think that the noun comes first (it is because *X* has a value that we value it), whereas the subjectivists think that the verb comes first (it is because we value *X* that it has a value).

Anti-objectivist approach to ethics denies that there are objective values or norms. We tend to think that infanticide is bad placing it on equal parlance with “snow is white”. This is precisely what the anti-objectivists reject: not that they hold infanticide as good. For them, infanticide *in itself* is neither good; it is not independent of our pro-attitudes. Anti-objectivism adopts a position which may be called relativism, in a large sense of the term. Relativism is a thesis which holds that values depend on individual or collective attitude towards them. We have already seen that values are often classified into three types: epistemic values (true, false), aesthetic values (beautiful, ugly) and ethical values (good, bad). There are also three corresponding types of relativism. Epistemic relativism holds that the claim of truth value of statements depend on individuals or group. Aesthetic relativism holds that what is beautiful or ugly depends on people or cultures. Moral relativism, which is of interest to us here, supports that what is good or badly depends on individuals or cultural groups.

1.2 SIMPLE SUBJECTIVISM

Simple subjectivism claims that all moral statements are true. Truth is what I approve of. It is a relativist position which means what I hold is true for me and what you hold is true for you. It differs from person to person, so it is called

modal of taste. They accept both the ontological version and semantic version. *Ontological version* means that no objective value can exist independent of the subject – this version is also known as Metaphysical version. For e.g.: when I say smoking is bad, it depends on me (subject). *Semantic version* means that we give meaning to every truth claim. Each statement made by each person is true according to each one. According to them no statement is false because truth is relative. This is called infallibility. Therefore all moral statements are true.

Subjectivism goes against contextual sensibility. For instance let us imagine Ram and Sharma are walking the river side, suddenly a boy fell into the river and was drowning seeing this Sharma asked Ram to jump into the river and save him but Ram does not know swimming so he refused to jump into the river and save the boy. In this case, from the subjectivist position if we look at what Ram did was right, because he thought that if he jumps in he will also lose his life for he does not know swimming. But at the same time he is ignoring the objective value that life is precious.

Subjectivists claim that all moral statements made by all are true, so they respect the difference of opinion among the statements that in turn becomes an objective value. There is a possibility of contradiction in this school of thought, for each one claim that what he holds on to is true according to him. There is *no line of demarcation* in simple subjectivism. But in general what you like may or may not be good. For example: you may like smoking but smoking is bad to health. There are *intrapersonal conflicts* that are ideas change over a period of time, what I hold on to be true at present need not remain true at all times. Preferences are subjected to change and in this change of preference there is a claim of objective value. Subjectivists hold that no objective value can exist independent of the subject, but then there is an objective value exists independent of the subject. If there is no objective value how can one say that the present preference is better than the past. For example: once I thought that Marshall was bad but now I changed my opinion about him and realized that he is a good fellow. *Interpersonal conflicts*: since everyone has his/her own opinion on every matter, there arises conflicts between two or more persons in their view of claims on a specific matter, but which is true we do not know unless there is an objective value, which subjectivists reject to be independent of the subject. These *moral conflicts (intrapersonal and interpersonal) cannot be solved* if we look at the problem from the subjective point of view, because they claim that there are no objective value existing independent of the subject but there are objective values existing independent of the subject. Therefore there is an *impossibility of the moral dissent*.

1.3 SUBJECTIVISM OF MACKIE

Mackie accepts the ontological version that no objective value can exist independent of the subject, but he rejects the semantic version of subjectivism and so all moral statements are false. There is no objectivity existing but every time we make a statement we are pretending or claiming to have objectivity in all our statements when there is no objectivity in all our claims. This argument is called argument from queerness; that is consciousness does not exist, but when we speak about consciousness we speak as though it really exists, there is no way in which we can prove it. When we say that a table exists one can prove it, for one can see it, touch it but we cannot see or touch consciousness.



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Every value should lead one to action. Moral judgments are good that give reason for actions. If moral judgments are good that give reason for actions then moral judgments should give categorical (there should not be any conditions like if's and but's) reason. But the problem with this is that there are no categorical reasons. Therefore all moral judgments are necessarily false.

What then is of interest in Mackie's theory compared to simple subjectivism? Firstly, it is closer to common sense than is simple subjectivism: We have observed that there are some reasons to think that common sense tends towards objectivism in terms of values (descriptive form of evaluative statements, common beliefs in a *good* response to moral dilemmas). Simple subjectivism has to attribute to common sense a thesis which is not its own.

Does Mackie's theory of the error address the problems of infallibility and the impossibility of moral conflict? With regard to infallibility, Mackie's idea is that in matters of morality, far from being right, we are always mistaken. But does this change in approach lead us to any gain? We would probably like to accept that while we can be right sometimes, we can be wrong at other times, for if we are always mistaken, we would never have any means of making intra-subjective or inter-subjective evaluations: the judgments of Martin Luther King are as false as those of Caligula. That is not different from simple subjectivism. With regard to the impossibility of moral conflict, Mackie's theory does make an attempt to resolve: in so far as our judgments claim to speak about the external objective things, two judgments made on a same thing can be contradictory. In the case of simple subjectivism, we do not even claim to speak about the same thing, therefore dissension is impossible. But in the case of Mackie's theory of error, we do claim to speak about the same thing, Barack Obama, Bush and myself, when we discuss partial abortion, dissension *is* possible. But it is not that one of us is right, but both are wrong. However, the objection that we cannot account for inter-subjective or intra-subjective comparisons still remains. Such comparisons cannot be founded.

1.4 CULTURAL RELATIVISM

This school of thought on one hand accepts both the ontological and semantic version and says that all moral statements are true. On the other hand they accept the ontological version and reject the semantic version and say that all moral statements are false. Therefore all moral statements may be true or false. This school takes a relativist position in which each group claims what they hold is true according to them.

Since they claim the subjectivist position they also have the same advantages of the subjectivism that is respect for difference in cultural context. Since there are diversities of culture there is respect for difference that brings out the notion of tolerance. But indirectly they are holding on to objectivity. There are diversities of moral norms and practices according to different cultures which are fundamental and derived. If so there are no objective values. Therefore cultural relativism is true. These diversities and differences are out of superficial beliefs but everywhere in all most all the cultures the same objective values exist. The same objective value can be executed in different ways in different cultures. For example, in one of the African countries, Fathers of the families are killed when they are in their 50's or 60's. They believe that if their fathers die early with good

health, and when they are reborn, they will be healthy. So as a sign of more love and respect towards to their fathers, they kill them early that before they become attacked by the diseases of the old age. But for the people of the other cultures, when they look at this kind of above mentioned practice, they will see it as an act of asininity (foolishness). In all the cultures we have great respect for our parents but we show it to them in different ways. Therefore whatever people of all the culture do is right according to them but they act on a particular objective value indirectly. Here the tolerance as an objective value is held by all the cultures. Moreover, each individual is a member of various groups at the same time like cultural, ethnic, linguistic, and religious and so on. The values that exist in each of these groups can conflict with each other. It is up to each individual's choice to resolve the conflicts.

1.5 RATIONAL CONSTRUCTIVISM

According to this school of thought moral truths do exist in so far as they are constructed. They do not exist if you do not construct it. We can construct moral truths through rational agreement. Something is morally good because we agree through reason. This can be questioned saying who decides something as morally good or what is rational or non-rational? The answer is that there is an ideal observer who does not exist but an imaginative figure. This ideal observer is well informed and impartial.

There is no special faculty except reason that you can make comparative judgments. For example: Adolf Hitler's action is wrong and Martin Luther King's action is right. Whatever is decided is coherent (rational).

Check Your Progress I

Note: Use the space provided for your answer

1) Define Simple subjectivism.

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2) What is meant by Ontological version of subjectivism?

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Ethical Foundations

3) What are the intrapersonal and interpersonal conflicts in Simple subjectivism? Can it be resolved? Why?

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4) What does Mackie object against the simple subjectivists? Or State theory of Error.

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5) Clarify the position that cultural relativists hold.

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6) What is the fallacy of argument?

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7) What is 'Rational Constructivism'?

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1.6 EMOTIVISM OF AYER

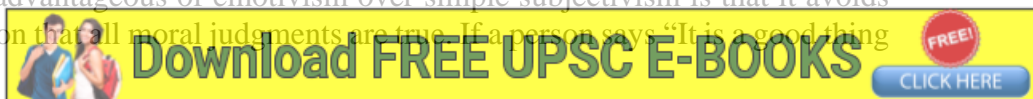
The argument of Ayer in favor of Emotivism is related to its adhesion to logical positivism, an influential philosophical current at the beginning of the century which sought to apply in philosophy the same methods as in science. The logical positivists proposed the principle known as “verifiability criterion of meaning” to test if a claim is cognitively meaningful (in the sense of being true or false): A claim is cognitively meaningful if and only if it is either *analytic* (true because of logical connections and the meaning of the terms) or *empirically verifiable* (some conceivable set of experiences could test whether it was true or false).

An analytic statement is one that is true because of logical connections and the meaning of terms. An example would be “All bachelors are single”. We know that this is true, not by doing an empirical investigation, but by understanding the terms and logical connections. Since “bachelor” means “single man”, the statement means “All single men are single”. Ayer recognizes that analytic statements don’t have to be empirically verifiable in order to make truth claims. For a statement to be empirically verifiable, some possible observations must be able to make it highly probable. Ayer’s famous example was “there are mountains on the other side of the moon”. Even though during the life time of Ayer, this statement could not be tested, it was still was in principle verifiable, since descriptions of possible observations made the statement probable. The positivists thought that “God exists”, for example, fails the test since it is neither analytic nor empirically verifiable. So they thought that “God exists” is neither true nor false; it lacks cognitive meaning and has only emotive meaning. So they called “God” a pseudo-concept. This view was popular once, but it is no longer popular today partly because this view itself is neither analytic nor empirically verifiable, so is meaningless on its own terms.

Ayer’s logical positivism implies that moral judgments are cognitively meaningful if and only if they are either *analytic* or *empirically verifiable*. Ayer was sure that moral judgments are not analytic. Following Moore, he also rejects naturalistic definitions (for example, “good” = “approved by the society”) because they conflict with how we use language (for example, in ordinary speech it is not contradictory to say “some things approved by the society are not good”). Naturalistic definitions fail also because they try to define an emotive term (like “good”) using non-emotive terms (like “approved by the society”). It follows that moral judgments are not cognitively meaningful; they only have emotive meaning. Ethical truths are impossible. Emotivism is a form of non-cognitivism, the view that there are no moral truths.

Ayer reasoned this way: Truth claims (except for analytic ones) must be empirically verifiable. But moral judgments are not empirically verifiable since “good” is not definable in empirical terms. And moral judgments are not analytic (since they are not true by definition). Since moral statements are neither empirical nor analytical, moral statements are neither true nor false. It follows that moral judgments are not truth claims. But then they must be emotive. Ayer thus concludes that moral judgments are neither true nor false, but are merely expressions of feelings. “X is good” means something like “Hurrah for X.”

What is advantageous of emotivism over simple subjectivism is that it avoids affirmation that all moral judgments are true. If a person says “It is a good thing



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to kill homosexuals and gypsies”, subjectivist must show that it is a true judgment (since the statement itself only expresses a particular attitude of this person). For Ayer, on the contrary, this statement is not true. But the problem is that it is not false either. Still worse is that we cannot favor the champions of human rights over this person. Comparative moral judgments remain impossible. As in the case of Mackie’s theory of the error, we are left to wonder if there is any progress at all in Ayer’s emotive theory.

Another objection to emotivism consists in calling into question the first premise of its argument: the positivist premise according to which a true or false statement is either empirical or analytical. The problem is that this first premise seems to refute itself: this premise itself, as we have just shown above, is neither analytical nor empirically verifiable. Generally, those who hold that “Any thesis must be verifiable by experience” rally up against the objection that this thesis itself is not verifiable. The majority of the logical positivists reformulated their thesis when they noticed this contradiction.

The third objection is that not all moral statements can be translated into emotive expressions. “Do what is good” does not correspond to “Do what is hurrah.”, nor can “Hurrah for good people.” be rendered as “Hurrah for hurrah people.” We do not see how emotivism can account for the difference between moral statements and moral imperatives. The fourth difficulty is that we do not seem to be speaking of our emotions when we make moral judgments.

In conclusion, we can say that the sophisticated developments of Ayer, while helping us to avoid certain difficulties imbedded in simple subjectivism, run into the same basic problems. The common problem is to account for *comparative* moral judgments, which would presuppose that some moral judgments are more correct than others. If all moral judgments are equally true (simple subjectivism), equally false (theory of the error), neither true nor false (emotivism), claiming that some moral judgments are truer than others will necessarily be false.

1.7 REALISM

Let us recall that there are two models: model of taste and model of perception. According to the former, values are derived from the desire of the subject (individual). Therefore desire comes first and then values proceed from it. This is also known as subjectivism. According to the latter, values exist first and something is desired based on the values. This is also known as objectivism. According to Realism, objective values really exist and they are not creation of individuals as subjectivists claim to be. They exist independent of the subject.

Realism is confronted with different challenges. According to Mackie there is no objective value exist independent of the subject, but the subject is necessary to internalize these values and to produce norms. Here he challenges the objectivists claim that objective value can exist independent of the subject. What is the faculty through which you can see the objective value if it exists independently, how can you know them without the subjects.

David Hume an empiricist talks about two faculties that are desire and reason. Desire is something that ought to be. It is about your desire of what should be an ideal thing. It cannot be judged as true. Reason describes what is of the case.

Reason can be further divided into beliefs and facts. Beliefs can be said true or false with what is the fact. Faculty of reason involves beliefs and facts. Reason is given priority than desire. This faculty of reason represents the world as it is, with the help of reason we can make judgments whether something is true or false. Reason is extrinsically related to action and conforms to the society. Here the self gets adjusted to the world. Faculty of desire involves desire and passions. It represents the world as it should be. It cannot make judgments that can be said true or false. It is intrinsically related to the action and conforms to the individual. Here the world gets adjusted to the self. Here David Hume holds that moral convictions resulting from values are motivating factors that lead us to an action (moral internalism). Moral beliefs are not the motivating factors for action. Moral convictions cannot be beliefs but objectivism claims that convictions belong to beliefs (moral value). Therefore moral objectivism is false.

Logical problem in objectivism is that there is no necessary connection between reason to desire and values to norms. This connection cannot be possible. For instance, from the fact that society is unequal we cannot say that the society must be unequal.

1.8 INTUITIONISM

Intuitionism is like mathematical truth, that only by a matured mind it can be known. The argument from intuition holds that happiness is a fundamental or intrinsic value that cannot be known except through intuition. It cannot be explained in other values.

Intuition is non-natural. Why so? It is because “good” cannot be reduced to natural properties. For example, subjectivists claim that good is what I approve of and the constructivists would claim that good is what is agreed upon rationally and cultural relativists would hold that good is what the group approves of. Here good can be reduced to natural properties. But for Thomas Moore good is something that which cannot be reduced into natural properties. In his opinion good is non-natural and it cannot be defined. It is a primitive and a simple concept. If at all it has to be defined, it can be defined only in analytical properties. For example, bachelors are unmarried. The predicate is already contained in the subject.

There are two types of reduction: conceptual and metaphysical. Conceptual reduction is what it signifies. For example, a doctor means somebody at service, but in reality it is not necessary that they should be at service all the time. Metaphysical reduction deals with what it is. For example, Prathap is my cousin, water is H₂O. When I say “good,” it cannot be metaphysical but conceptual. Good does not contain the value in its very being. Not all metaphysical things can be explained in analytical properties. In the example given to the metaphysical reduction, cousin is not contained in the being of Prathap, but in the example of conceptual reduction the predicate is already contained in the subject, so it is analytical properties. So only through analytical properties (in relation to the other) good can be defined.

Check Your Progress II

Note: Use the space provided for your answer

1) State Moore's position on Non-Naturalism.

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2) What is Logical Positivism?

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3) Clarify the stand point of Realism.

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4) What is the psychological challenge by David Hume?

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5) What is Non-natural? How can it be defined?

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6) What is the argument from intuition?

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1.9 LET US SUM UP

Each one of these theses has an advantage which is also the principal difficulty of the other. The advantage of objectivism is that it makes it possible to make judgments owing to the fact that as regards morals, one is right or wrong. It is a point to which we seem to hold when it comes to morals and is in agreement with some of our intuitions of common sense. We do ask ourselves what our moral decisions should be in such and such situation. We wonder if we should lie or not in a given situation, what should we do with our money, time, life etc. By raising these questions, we assume that they have answers. If we hesitate between two actions and wonder which one is morally better to choose, we presume that one of them is indeed morally better than the other. This means that we generally tend to think that there are actions that are *objectively* better than others. Retrospectively, we often wonder “did I make the right choice?” Lastly, we sometimes discuss ethical issues with others with the presumption that we are right. We seek to convince others by rational means with the assumption that our opinions are good. Therefore, in a general way, we suppose that in matters of ethics, we can be right or wrong. Moral objectivism thus makes it possible to account for our actions: we are right when our evaluative judgments are true, and they are true when they correspond to objective values. In other words, moral objectivists can apply to ethics the same criteria of objectivity as scientists who apply it in science: Our statements are true by virtue of objective facts of the world. Just as the statement “it rains” is true if and only if it rains, the statement “it is bad to lie” is true if and only if it is in fact, bad to lie. The objectivists argue the value judgments, as we have seen, are expressed not in imperative form like in normative judgments, but in indicative form. The evaluative statements have a classical descriptive form. “Romeo is generous” or “Othello is rancorous”, have the same form as “Julie is blond” or “the earth is round”. Apparently these are statements that describe the factual state of affairs, which can be true or false. The fact that the evaluative statements seem to aspire for truth, there is a reason in favor of objectivism.

Inversely, the anti-objectivists do not find sufficient grounds to explain why in matter of ethics, some can be right while others are wrong. For them, ethics is a matter of taste, of appreciation, and as goes the proverb “taste and colors are of personal preference”. Ethics, therefore, is not an affair of beliefs, of true or false, but an affair of desire: things have values or not depending on if we like them or not. And our desires and preferences are beyond dispute: they are neither true nor false. There is no such thing as a “false desire” or a “false” preference, because we cannot evaluate desires with the all of values in the world. In more of the time,



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it can even be necessary, we desire what do not exist. Desire is on the same equal footing as truth. If ethics is all about all our desires, how do we account for moral judgments which presuppose that we can either be right or be wrong?

But anti-objectivists argue from the practical aspect of ethics. An essential aspect of ethics is that our morals convictions make impact on our actions. Ethics is not purely a theoretical activity disconnected from action. What we believe to be morally good or bad determines (at least partly) what we are willing to do. Ethics is not purely contemplative, if so we would be satisfied only to know what true values are. It intends to have a practical impact. However, *objectivists precisely seem to reduce ethics to an enterprise of knowledge by neglecting its practical aspect*. While insisting on beliefs over desires, on truth over action, on the world as it is over the world as it should be, objectivists make of ethics a purely contemplative discipline. As opposed to this, the anti-objectivists, while insisting on the role of individual preferences and desires in matters of ethics, help us connect better our preferences to actions and better understand why ethics leads us to act in one way rather than another way. Ethics is not a subject matter of contemplation, but of action. If there are objective values, we can at best contemplate them. The contrary, that is, to proceed to values from our desires enables us to explain the motivating nature of the latter.

To resume, if objectivism can well explain the possibility of error in ethics, it cannot sufficiently explain the relation between morals and actions. On the contrary, the anti-objectivists explain this relation better, but do not sound convincing when it comes to the discussion of if one can be right or wrong in ethical issues. Ethics is related both to truth and to action. We would like to be able to hold on to both ends of the string. But apparently, insisting on truth leads to the loss of its relation to action and it is also true of the opposite. This tension constitutes a constant background of our presentation of debates between objectivists and anti-objectivists. This debate, in the last analysis, concerns meta-ethics. Our preoccupation is not to know what true values are, but to know if objective values exist (whatever these values may be). If we succeed to defend the existence of objective moral values, then we can wonder which values are objective. In other words, the meta-ethical objectivism seems to be a necessary precondition to the study of normative ethics: if there are no objective values, it is useless to ask if abortion is good or bad.

1.10 KEY WORDS

- Truisms** : a statement that is clearly true and does not therefore add anything interesting or important to a discussion.
- Intrinsic** : belonging to or part of the real nature of something or somebody.
- Extrinsic** : not belonging naturally to somebody or something; coming from or existing outside somebody or something rather than within them.
- Consequentialism** : school of thought that gives importance to judgment on actions of a person and not to the person. Action is judged not the person.

Cognitivism : represents schools of thought which say whether all moral judgments or statements are true or false.

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UNIT 2 HUMAN VIRTUES

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- 2.0 Objectives
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- 2.2 Aristotle and His Concept of *Eudaimonia*
- 2.3 Virtues and Actions
- 2.4 Evaluating Virtue Ethics
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2.0 OBJECTIVES

The Theory of morality which makes virtues the central concern is called virtue ethics. We shall explore the chief ideas of virtue ethics especially in the philosophy of the ancient Greek philosopher Aristotle and the contemporary western philosopher MacIntyre. We shall also engage in discussion with regard to virtues from the point of the view of the Asian religious traditions, notably Confucianism, Buddhism and Taoism. In this unit, we seek to specify some major criticisms against virtue ethics.

2.1 INTRODUCTION

Among the major currents that now dominate moral philosophy, virtue ethics counterbalances the influence of Kantianism. While the Kantian ethics attempts to relativize the ethical importance of happiness, virtue ethics rejects the Enlightenment project that founds morality on reason and brings to the forefront the question of happiness and that of nature. By what logic is this shift made possible and how does it reconcile altruism inherent in Kant's ethics of duty with more personal research of our own happiness?

In the legacy of Kant, one cannot define morality from within the framework of happiness because that would make desire to be the foundation of the moral will and desire by definition varies from individual to individual. If everyone is in search of one's own happiness, the very content of one's happiness is strictly personal: This would sacrifice any attempt to conceive a universal moral law. In order to prevent moral conscience from relativism in the pursuit of goals, Kant opposed the pursuit of happiness by consciousness of duty enabled through the categorical imperative, as a universal obligation. Yet in recent decades we are witnessing in ethics, a resurgence of the need for happiness, not as the maximization of pleasure as in the case of utilitarianism, but as the perfection of

one's own existence. This idea through reinstated by some contemporary writers such as Alasdair MacIntyre (*After Virtue*) or as Elizabeth Anscombe (*The Modern Moral Philosophy*), is as old as the Greek thinkers like Aristotle. Virtue – in the Aristotelian sense of the term – is a form of excellence in the realization of one's being.

Thus virtue ethics as one of the major approaches in normative ethics is in contrast both to the approach which emphasizes duties (deontology) and to that which emphasizes the consequences of actions (consequentialism). Suppose someone in need should be helped, an utilitarian will point to the fact that the consequences of doing so will maximize one's well-being, a deontologist will emphasize the fact that, in doing so the agent will be acting in accordance with a moral rule such as "Do unto others as you would like others do to you" and a virtue ethicist will underscore that helping that person would be benevolent and therefore virtuous.

2.2 ARISTOTLE AND HIS CONCEPT OF EUDAIMONIA

Aristotle is one of the founders of the Virtue Ethics in Greece. He says that the human person is a rational animal. Human person has got the ability to reason out which serves as the essential characteristics and functions of the human being. This essential characteristic of being rational leads to achieve a particular goal or end which Aristotle calls virtue. This position is called as the 'Teleological Position'. Action oriented life is based on an assumption what do you want to do? But virtuous life presupposes the question 'what do you want to be?' or 'what kind of person you are aspiring to be. For example, a good carpenter aims at the virtue that is a good sense of aesthetics.

"*Eudaimonia*" is an Aristotelian term loosely and inadequately translated as happiness. It is not what we think of in an ordinary way. *Eudaimonia* means the flourishing of human life. Aristotle recognizes that actions are not pointless because they have a purpose. Every action aims at some good. For example, the doctor's vaccination of the baby aims at the baby's health. Furthermore, some actions are done for their own sake (*ends* in themselves) and some other actions are done for the sake of some other end (*means* to other ends). Aristotle claims that all actions that are ends in themselves also contribute to a wider end, an end that is the greatest good of all. That good is *eudaimonia*. In other words, *eudaimonia* is happiness, contentment, and fulfilment; it's the name of the best kind of life, which is an end in itself and a means to live and fare well. In his opinion virtuous thinking of human being leads to a good action that further cultivates good habits. These habits develop virtuous characters that lead to the final goal that is *eudaimonia* (happiness).

Virtues are of two types. They are intellectual virtues and moral virtues. Intellectual virtues are that which can be taught and learnt. Prudence is one such virtue. We can easily learn from others as to how to be prudent. Moral virtues can be achieved by repeatedly doing an action that becomes a habit. These cultivated habits lead to achieve the ultimate happiness. Aristotle also says that virtue is a golden mean, that which lies in the middle of the two extremes. For example, courage as a moral virtue lies between the two extremes namely cowardice and fool-hardiness.



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Four important virtues, according to Aristotle, are Wisdom, Prudence, Temperance and Fortitude (courage).

All virtue ethicists are indebted to Aristotle in some way. Almost all of them give importance to the character of a person rather than compliance with certain norms of right behaviour. This does not mean that they ignore moral obligations; rather they affirm the primacy of virtues because according to them moral obligations can only be derived from virtues. Hence the virtue ethicists do not primarily concern themselves with questions like if lying is wrong; they would rather seek to address if lying in a particular situation is detrimental to the honesty of the person. It becomes clear then that the virtue ethicists consider that mere adherence to moral precepts does not satisfactorily respond to challenges in leading a moral life. A full-blown ethics should take into account many factors such as motives and intentions, which are largely neglected by the duty-based ethics. Kant's 'duty for duty's sake' offers no place for motives. In other words, we do not act out of loyalty or honesty. It may be the duty of a son to take care of his ailing mother, but if he does without being motivated by love, his moral life seems incomplete. Hence moral virtues alone can ensure human flourishing.

2.3 VIRTUES AND ACTIONS

How virtues are related to actions? Are they related at all? How does an adherent of virtue ethics judge his/her own actions and those of others to be right or wrong? If someone tells a lie to avoid paying a debt, an adherent of virtue ethics instead of taking recourse to the moral norm "do not lie," would judge the action of lying as wrong based on the virtue of honesty, for lying lacks the virtue of honesty. And honesty for a virtue ethicist is integral to human flourishing. The virtue ethicist has been cultivating the virtue of honest over the years, not only in the case of lying but also in other actions. Thus acting honestly is part of his/her very person and his/her actions reflect his/her virtuous character. In other words, his/her actions naturally flow from what kind of person he/she is rather than from adhering to specific moral norms.

Virtue ethicists develop virtues not only because it leads them to happiness but also it enables human flourishing in general. Hence they evaluate their actions not only in the light of results they produce for them but also for others. Similarly they judge not only their actions but also those of others to see if those actions lead to human flourishing. Thus the guidance they seek in living out a moral life is not so much from the clearly laid out norms as from virtues that promote human flourishing. Not moral norms but persons who lead virtuous life become moral ideal. As the philosopher Louis Pojman says, they look for moral ideals in persons without focusing on abstract reasons.

2.4 EVALUATING VIRTUE ETHICS

As we have noted earlier, virtue ethics offers a better motive for the action one does than the duty-based ethics. Saving a life of someone only out of the sense of duty seems to lack a better motivation like compassion and kindness, which can be expected only from a person who has developed these virtues in him/her. It is also important to note that duty-based ethics somehow neglects some of the essential aspects of moral life, namely the emphasis of being a good person

While there are such positive aspects in virtue ethics, which is not accounted by duty ethics, there are also some limitations in virtue ethics. The critics of Virtue Ethics specify at least three difficulties with regard to this ethical approach. First of all, they lack moral principles and ethics without specific principles cannot guide us in deciding the moral choice of an action. For example, when someone steals money, what would be a morally right act in dealing with that person? Virtue Ethics at best can tell us that we have to follow the model of virtuous persons. It does not specify or give guiding principles as to what virtuous persons would do exactly in that situation. The problem with virtue ethics, as is pointed by many philosophers is that it presents its argument in a circular way: the action if a virtuous person is right and the right action is the one done by virtuous person. If we need to avoid this circularity, we need other guiding principles which go beyond virtue ethics.

Secondly, there is a lack of moral judgment in virtue ethics. A person may be virtuous but he/she may still not be able to distinguish right action from wrong action especially if he/she is not knowledgeable in a particular field. For example a virtuous person who is a neophyte as far as scientific developments are concerned will not be able to say if stem cell research can be permitted or forbidden. In other words, the rightness or wrongness of an action does not fully depend on the virtuous character of a person. There are moral standards that are independent of the character of a person to judge the moral rightness or wrongness of an action.

Thirdly, there can be situations in which virtues enter into conflict with one another. For example if a person comes across a dilemma situation of his/her friend brought to trial and he/she is a witness. If the person tells the truth, which means he/she is dishonest, his/her friend will end up in prison for a few years. If the person wants to save his/her friend to show loyalty to his/her friendship, he/she will necessarily tell lie which implies that he/she is dishonest. Which of these two virtues honesty and loyalty, is to be pursued in this situation? Virtue ethics does not seem to provide us a satisfactory answer. This is true of all such dilemma situations. What does virtue ethics have to say about dilemmas – cases in which different virtues conflict? Justice prompts us to kill the person who is a reckless murderer, but love forbids it. Honesty demands that truth be told even if hurts, while compassion might suggest lying. What shall we do? Of course, the same kinds of dilemmas are generated by conflicts between the rules of the duty-based ethics. Deontology and virtue ethics share the conflict problem. The proponents of the duty-based ethics suggest that such conflicts between norms of duty can be resolved by determining the prominence of one norm over another. This, however, does not seem to be possible in virtue ethics unless otherwise there are other guiding principles to ascertain as to which virtues are more important than other virtues.

2.5 DEONTOLOGY VERSUS VIRTUE ETHICS

Virtue ethics is “concerned with Being rather than Doing,” It is “agent-centred rather than act-centred.” Critics maintained that it was unable to provide action-guidance and hence, rather than being a normative rival to utilitarian and deontological ethics, it could claim to be no more than a valuable supplement to them.



Ethical Foundations

Immanuel Kant, in his duty-based ethics emphasizes on doing the duty for the sake of duty, which is also the stand of all other deontologists in general. For example, if a wife falls sick, it is obviously the duty of her husband to take care of her. Duty-based ethics does not give any motivation other than duty. Virtue ethics offer us virtues like loyalty, compassion, love and the like as motivations to do one's duty in an effective way. Good virtues motivate us to do our duties.

Sometimes this duty-based ethics goes against common sense. For example, during the war time thousands and thousands of innocents like women and children are brutally killed by the army. But army men follow the duty-based ethics, so they simply kill the innocent in order to execute their plan that which is part of duty as army men. Virtue ethics, however, has inspired many thinkers to give the right place to principles without making them absolute. As William Frankena notes rightly, "principles without traits [virtues] are impotent and traits without principles are blind."

Check Your Progress I

Note: Use the space provided for your answer

- 1) State the process by which the teleological position achieved from the view of Aristotle.

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- 2) What does the virtue ethics emphasize: action or person? Give reasons.

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- 3) Explain in brief what is meant by the term '*Eudaimonia*'?

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4) What are the types of virtues?

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5) Give valuable explanations to the following statement- 'Virtue lies in the middle' or State what is meant by 'Golden Mean'.

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7) What are the disadvantages of Virtue Ethics?

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2.6 ETHICS OF CARE

Ethics of Care is a very powerful and influential version of virtue ethics though some might consider it to be an independent moral theory in its own right. Developed mainly by feminist thinkers like the woman psychologist Carol Gilligan, this account of virtue ethics dwells chiefly on the different ways in which men and women think of moral problems. According to Gilligan, men make moral decisions on the basis of rights and justice while women make moral decision on the basis of caring and feeling for others and their view-points. According the approach of men towards moral issues can be termed 'ethics of justice' while that of women can be called 'ethics of care.' Thus the ethics of care emphasizes close personal relationships and moral virtues such as compassion and sympathy. It calls for a change in our perception of morality and of virtues, laying greater emphasis on virtues exemplified by women, such as taking care of others, patience, the ability to nurture, self-sacrifice, etc. It is not clear if we can maintain that women and men adopt different approaches to virtues. Be that as it may, there must be place for care in virtue ethics along with other virtues such as justice and honesty.

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2.7 MACINTYRE: RELATIVITY OF VIRTUES

In the contemporary era, Alasdair MacIntyre is a major figure in the recent revival of interest in virtue ethics and also the ethics of care, which gives importance to the body with regard to the conduct of human beings. In his *Dependent Rational Animals: Why Human Beings Need the Virtues?* (1999), he affirms that morality cannot be thought outside of biology in so far as human person is an embodied being and not just pure rational mind as is presented within the framework of dualistic philosophy. He says that virtues change according to the context. In the period of Homer, physical strength was considered to be the virtue. In the period of Athens (Socrates and Aristotle), moral integrity was considered as a virtue, whereas during the Middle Ages when Christianity thrived, spiritual strength was considered to be the virtue. MacIntyre took a relativist stand that virtues are relative that is to say that the virtues differ in different contexts. He concludes that these differences can be attributed to different practices that generate different conceptions of virtues. Each account of virtue requires a prior account of social and moral features in order to be understood. Thus, in order to understand Homeric virtue we need to look its social role in Greek society. Virtues, then, are exercised within practices and social forms of activity that are coherent and seek to realize goods internal to the activity. Virtues enable us to achieve these goods. There is an end (*telos*) that transcends all particular practices and it constitutes the good of a whole human life.

Thus MacIntyre's approach to ethics is more in terms of understanding moral decisions than finding an absolute rule for choosing how to behave in any similar case. It is relativistic in terms of morality, and believes it useless to try to determine absolute rules of conduct, either through Kantian categorical imperative or utilitarian calculus of utility maximization and welfare.

2.8 VIRTUES IN ASIAN RELIGIONS

Confucianism: While Aristotle emphasises nurturing virtues through habitual ways of behaviour by individuals, Confucius holds that the humaneness (*jen* or *ren* which can also be translated as kind-heartedness or benevolence) is derived from the web of social relationship. Hence leading a virtuous life does not consist so much in living accordance to one's inner nature, as was thought by Aristotle, but meeting the requirement of relationship in which we find ourselves. We are not isolated individuals but part of the social network. Hence the most basic of all virtues is "humaneness." All other virtues such as righteousness and faithfulness flow naturally from humaneness. For example, in the relationship of citizen and ruler, the prime virtue is righteousness and in friendship, it is faithfulness. Be it righteousness or faithfulness, all virtues are associated to the greatest virtue of humanity, that is, humaneness. Thus Confucius brings in the social character of human person which allows for a harmonious society.

Buddhism: Both Aristotle and Confucius give importance to the human person, be it individually or collectively in their frame of virtue ethics, Buddhism adopts completely a different approach, for the concept of 'self' as a substance does not fall in line with the main teachings of Buddhism. Human is made up of five *skandas* which are on changing. There is no permanent 'self.' The imagined

entity called self only leads to desire and attachment, which in turn further lead

to suffering. So virtues are neither self-actualizing as in the case of Aristotle, nor society-centred as in the case of Confucius. Instead it consists in freeing ‘oneself’ and ‘others’ from suffering. If desire is the cause of suffering, then the virtues that would free us from suffering would be tranquillity and non-attachment. In order to arrive at these virtues, we should be truthful both in thought and speech.

Taoism: Taoism takes its inspiration from Buddhism with regard to the idea of flux and non-permanence. To be virtuous would then mean that going with the flow just like water in a stream, analogy given by Tao Te Ching. The flow of water is not an image of the weak but of the strong because its flow cannot be resisted. A true Taoist must let him/her go along the currents, taking control of one’s senses, body and mind. This is possible only through selfless, spontaneous, simple and serene life.

Check Your Progress II

Note: Use the space provided for your answer

- 1) What are the virtues that men and women possess according to Carol Gilligan?

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- 2) State MacIntyre’s Relativist position on virtue and cultural contexts.

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- 3) Explain the basic difference of Confucians, Buddhists and Taoists from the stand of Aristotle on Virtues.

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2.9 LET US SUM UP

The basic contention of virtue ethics is that moral actions are derived from virtues. Aristotle, the main proponent of virtue ethics from the western tradition hold that the greatest good of human life is *eudaimonia*, human flourishing and to achieve this, we should cultivate virtues. And a virtue is a golden mean between two extremes. The resurgence of virtue ethics in the contemporary era through eminent thinkers like MacIntyre points out to the lack in duty-based ethics, thus insisting that ethics involves not merely actions impelled by duty but also motives and intentions. While Aristotle's virtue ethics rests on human individual, virtue ethics as developed by some Asian religions emphasize social relationship and non-attachment. Whatever be the pitfalls of virtue ethics, it remains relevant and forms part of ethical theories.

2.10 KEY WORDS

- Eudaimonia** : term introduced by Aristotle that is translated as happiness. The term means to flourish is the aim of human person.
- Deontology** : a school of thought which holds on to the view that rules/norms are more important than values.
- Teleology** : the theory that events and developments are meant to achieve a purpose and happen because of that. *Telos* means end.

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UNIT 3 HUMAN RIGHTS

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3.0 OBJECTIVES

We shall seek to understand the important aspects of rights in this unit, first by briefly expounding the different foundations of human rights, then by giving a brief account of the historical development of human rights. We shall also critically evaluate human rights. Special attention is given to the right to life as this unfolds the relation between ethics and human rights in general

3.1 INTRODUCTION

A simple working definition of a “right” is that it is a well-founded claim. Historically various bases or foundations have been put forward to ground different rights. We will need to critically assess these in a moment. For instance, the British empiricist John Locke (1632-1704) who inspired the writing of both the American and the Indian Constitutions, recognized that the free gifts of Nature (land, forests, the water in lakes and rivers, fresh air, the flowers and fruits that grew wildly) belong to no one but if you “mixed your labour” with any of them, you acquired a “right to private property” of them. The water in the stream belongs to everyone, but the water that I went and fetched in my bucket belongs to me. The trees in the forest are anyone’s, but the one I cut down is mine. So too as regards the fruit and flowers that I have carefully picked. Fair enough. But, what if I put my labour to erecting a fence around a whole lake? Does that entitle me to private ownership of this entire “free gift of Nature,” such that I can reserve its watery wealth all to myself or, perhaps, charge a fee to anyone who wants to draw a bucket from it? Marxists as we know have no problems with private ownership of “consumer goods,” that is, goods that we use or “consume” directly – a computer, bicycle, food, a house, clothes and so on. But they are firmly opposed to private ownership of producer goods, that is, goods that are used to produce other goods – factories, fuel, tools, agricultural land and so on. Not everyone would go along with them, in some virulent anti-capitalists. Some “rights,” such as the right to life, liberty and free speech are allegedly rooted in our very human nature and so are “inalienable” (no one can deprive us of them). How many are these and which ones are they? Has the State the right to curtail them, in emergencies, for a limited period? And has the State the right to execute



capital punishment; if so, on what grounds? These are but some of the issues we have to come to grips with in this chapter.

3.2 RIGHTS

As different rights may lay claim to different foundations, it might be worthwhile to classify them according to these sources, to avoid confusion and misunderstanding. Now, perhaps the most important basic distinction we can make is between positive and natural rights and their corresponding duties.

A “natural right” as the very term indicates, is one that is founded on our very human nature, adequately understood. For instance, the very fact that we are embodied beings, lays upon us the duty to take reasonable care of our bodies. Whence arises the fundamental human right to food, clothing and shelter. We have a right to adequate supplies of these, along with the proper means to obtain them (the right to a decent job and a living wage). Of course, this means that we should make proper use of our human qualities of intelligence and freedom and not overindulge any of our appetites, such that we ruin our health in the process. This also means that we recognize that other persons have an equal right to such goods and we may not go on an unbridled spree of “having more,” amassing private supplies of the above-mentioned necessities such that other persons are deprived of their possibility of access to them. “Positive rights,” on the other hand, are those granted us by virtue of law. Thus, the laws of the State lay down who has the right to vote (usually a citizen of either sex, who has passed the legal age of eighteen).

Now, inasmuch as an authentic “natural right” is rooted in my human nature, no individual or organization can take it away from us: “natural rights” are thus “inalienable.” Our various Constitutions actually do not “grant” us these rights; at best, they merely recognize and guarantee them. A particular State may refuse to acknowledge a particular “natural right,” in which case it would be acting beyond its proper power. It may legally prevent a person from exercising his or her human rights, but it can’t really *remove* one’s claim to them. Few, however, would deny the State right to suspend in an emergency, certain “natural rights” of the citizens, *temporarily* for the common good. Thus, during a flood or in the aftermath of an earthquake, the State may request private agencies to transport food and medicine to the affected areas or to rush the injured to hospital. Some amount of freedom of speech may be curtailed in times of war lest enemy agents have easy access to information that would jeopardize the security of the nation and its citizens.

3.3 DEVELOPMENT OF HUMAN RIGHTS

The initial points of rights were mainly freedom, security, property and resistance to oppression (statement of 1789), which are inspired by liberalism and are considered as rights to be protected against the state. Later versions add the concerns of dignity and wellbeing (education, health, etc.), which, inspired by socialism in a broad sense, are considered as rights to be guaranteed.

The first generation of human rights is that of civil and political rights. These are rights of the individual to confront the state if it acts contrary to the political

freedom of the citizens. Historically, these rights already in the embryonic British customary constitution developed in the late eighteenth century and were recognized during the American Revolution (1787) and the French Revolution (1789). These rights include civil liberties which guarantees freedom to the individual to do anything in so far as it does not harm others, right to life, prohibition of slavery, prohibition of torture and inhuman, prohibition of arbitrary detention, freedom of marriage and of parentage, and right to private property (considered by the Declaration of 1789 as a natural and inalienable right of human person, Articles 2 and 17). Political rights include the right to vote, the right of resistance to oppression, the right of peaceful assembly including freedom of religion.

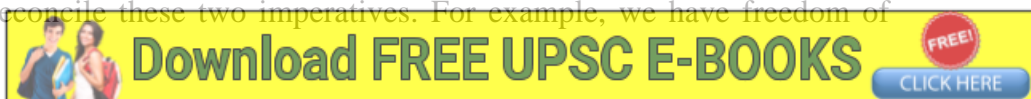
The second-generation rights are rights that require government intervention to be implemented. The individual, unlike in the case of resistance, is here able to require the State to take some action. The State must guarantee some rights to its citizens in return for abandonment of a part of their freedom. They are called social rights because they result from the experience of social struggles.

Historically, most of these rights have been recognized in the aftermath of the Second World War. Nevertheless, the right to work and to social protection was claimed at the outset of the French Revolution of 1789 and enrolled in the law of March 19, 1793, which states that every human person is entitled to his/her livelihood through work if he/she is capable to work or through free relief if he/she is unable to work. The care of providing for the subsistence of the poor is a national duty. Similarly, Article 21 of the Declaration of Human Rights and Citizen of 1793 affirms that the State owes subsistence to unfortunate citizens, either by providing labour or providing the means of existence for those who are unable to work. There is some conflict between the rights to be safeguarded against the state and the rights to be guaranteed by the state. This is because of the opposition between two conceptions of human rights: liberal and socialist.

The Universal Declaration of Human Rights (1948), which upholds rights such as right to social security (article 22), right to work (article 23) and right to education (article 26), is accompanied by two United Nations International pacts on civil and political (first generation) and on Economic, Social and Cultural Rights (second generation) (December 16, 1966). Both pacts have rarely been signed together; the countries of the West Block signed the first more willingly while those in Eastern bloc signed the second.

The human rights of the third generation revolve around the fundamental principle of equality and non-discrimination. Some of the major concerns are the environmental law, considerations of bioethics, right to development, and the right to peace. Some like Emmanuel Kobra Quashigah speak of a fourth generation of rights that would be global, so all actors in society would benefit from implementing these rights. However, the content of these rights is not clear. They contain certain rights of the third like environmental law and bioethics. However there is a shift from freedom to substantive equality.

The source of law in the field of human rights is the existence of the individual, while the source of law in democracies, by definition derives from the general will. When these two sources of law conflict, society must find a balance and a way to reconcile these two imperatives. For example, we have freedom of



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expression, but the criminal law prohibits insulting a neighbour, and we have the fundamental right to marry, but civil law prohibits marriage between brothers and sisters in many countries. The laws in these examples provided do not violate human rights but this raises the difficult question of what “acceptable” limits that the law may impose on human rights in a democratic society governed by the right.

It is possible that democracy can come into conflict with human rights. The democratic principle makes legitimate a priori any determination made in the popular will, and recognizes no higher authority than the rule of the people. Accordingly, there is no universally accepted philosophical, political or legal solution as satisfactory if the majority of people, directly or through officers democratically elected, would support a policy contrary to human rights. A democratic state can violate human rights. To avoid this, it is generally accepted that they must limit the sovereignty of the people by independent safeguards, a role often taken by the courts (at national level, by constitutional judges or Supreme Courts.

Check Your Progress I

Note: Use the space provided for your answer

1) Define Rights.

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2) Explain Natural Rights and positive Rights.

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3.4 A CRITICAL LOOK AT SOME SPECIFIC “HUMAN RIGHTS”

It is necessary for us to take a closer look at certain basic human rights that touch upon issues that are very much “in the news” or part and parcel of our everyday experience. Let us critically assess their meaning and foundation.

The Right to Private Property: Private property – even of producer goods is a natural human right, but it should not be forgotten that “the free gifts of nature” also have a social function. This is because this right is rooted in our very human nature as well as in the very make-up of the commodities concerned, in addition.




Private property is an inalienable human right because in as much as we are embodied beings, we need a certain supply of material goods to provide for our growth, health and well being as well as that of our family members. This would include a reasonable right to “store up” for future plans and emergencies. By that same token, we also have a right to a reasonable amount of entertainment, rest and leisure for the purpose of recreation after hard work. We need to literally “re-create” ourselves, our energies and strength so as to be able to work more efficiently and productively in the future. Now, as scientific progress is made and lifestyles change, we may make legitimate demands for more sophisticated forms of amusement as well as more efficient labour-saving devices. All this is quite well ordered and constitutes part of human duty towards human inherent embodied nature.

On the other hand, the very nature of material goods cries out for some free and intelligent being to take possession of them, take care of them and help them develop more fully and freely. About the only things that we need and that we can find “ready-made” in the pure state of nature are fruit, vegetables, air and water. For the rest, we need to plough, water, harvest, to weave and tailor, to graze and so on before we can avail ourselves of the “consumer goods” we need. A measure of research and development must also be undertaken to improve the quality and quantity of these necessities: they won’t simply develop themselves, collaborate and make scientific breakthroughs by “natural selection” and similar processes. Yes, the very nature of material things themselves requires that some free and intelligent agents help them to develop and come to their full flowering.

Of course, collective farms and State-ownership of industries can assure us of all these: there is no absolute need for private ownership, especially of “producer goods.” Very true, but history and very recent human experience gives us cause to hesitate. Recent facts have shown that humans do not take care of or manage efficiently that which does not directly belong to them. Life behind the former Soviet Union or in strict Communist China, before the “opening up” seems to bear this out. And don’t we in India repeatedly clamour for bringing back into the public sector many State-run industries – the electric supply, for instance – to rescue them from the morass of inefficiency and sub-standard quality in which they have become mired? It would seem that such enterprises thrive best when they are privately owned and directed, when they can face the challenge of competition by developing quality control, efficiency in management, research into better methods of production and so on. Admittedly, all this is motivated not so much by the desire to provide better goods and services but to ensure bigger profits. However, good business acumen recognizes that the two are inseparably connected. It would seem that a blanket ban on all private ownership of producer goods and to advocate only state ownership in this regard would be as disastrous as the reverse. Nor is this the conclusion of those who indulge in “armchair philosophizing,” rather is it borne out by those who have a nose for the facts, especially good business sense.

Of course, it is also an undeniable element of human experience that it is quite possible to “go overboard” with the burgeoning consumer mentality that suffocates and stifles us. The promise of consumerism – as heralded by globalization – assures us that “having more, producing more, hoarding more” is the answer to the deep-seated human quest for happiness. Happiness is a measure of having more (power and things), we are told. If one is not yet truly happy, it is due to the

A yellow banner with a red circle containing the word 'FREE!' and a blue button with the text 'CLICK HERE'. To the left, there is a small image of two people. The main text of the banner reads 'Download FREE UPSC E-BOOKS' in large, bold, green letters. Above this text, in smaller yellow text, it says 'more (power and things), we are told. If one is not yet truly happy, it is due to the'.

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simple fact that he or she does not yet have enough. The purpose of human life and development is not to be more (human) but to have more. Hence, Ayn Rand and those of her like would see sharing as an anti-value and all appeals to rights and duties, to love and concern for the poor as merely “subjective,” foolish preying upon the heart and trying to make a “whim” into a universal norm. If “having more” is to be the ultimate goal of human life, it would make absolutely no sense to share, for that would involve having less. But what if the authentic goal of human life was to “be more” and “having more” a mere means to this? Wouldn’t that change the whole perspective? Sometimes we would “be more” by “having less” (sharing), thus enhancing our social being as a reasonable respite from the wanton and unceasing rape of nature, bequeathing insoluble problems for future generations? And wouldn’t this not only dehumanize millions yet unborn, but our very selves too, for it is harming society and nature, both of which are necessary for our growth?

3.5 THE RIGHT TO LIFE

This is perhaps the most basic of all fundamental rights, in the sense that if one were to deny it, all the others would have no meaning. Aquinas included it among the most basic practical first principles with which human beings are endowed: indeed, as the natural urge for self-preservation, it is one of those metaphysical drives which we share with all beings. In as much as human life is, in a special way something that stems from God’s personal creative act, it is something sacred and no one, for any purpose whatsoever can, therefore arrogate to himself or herself the right to directly destroy an innocent human being. Even an atheist would have good reason to respect this right, for it is the basis of all the others and without it the rest would become derisory.

This does not mean that one cannot strike back, even kill, an unjust aggressor. The legitimate defence of individual persons as well as of societies, would allow one the right to do so. Thomas Aquinas justifies this on the grounds of the Principle of Double Effect. As he puts it in the book *Summa*, “The act of self-defence can have a double effect: the preservation of one’s own life and the killing of the aggressor. The one is intended, the other is not.” However, it stands to reason that if one were to use against a malicious assailant more violence than is necessary, this could hardly be justified as Aquinas reiterates. If a human person, in self-defence, uses more than necessary violence, it will be unlawful: whereas if he repels force with moderation, his defence will be lawful, nor is it necessary for salvation that a man omit the act of moderate self-defence to avoid killing the other man, since one is bound to take more care of one’s own life than that of others.

Helder Camara teaches us, in his *Spiral of Violence*, to be wary of the definitely biased understanding of the term that vested interests and the powers project. We must recognize three distinct types of violence: structural violence, the violence that is constituted by unjust social or other structures (e.g. the caste system, various forms of apartheid and discrimination) which effectively debar persons of a particular sex, ethnic origin etc. from the enjoyment of certain fundamental human rights. Insurrectional violence occurs when oppressed people, unable to bear the injustices let loose on them by the bullying tyrannical powers that be, strike back desperately in rioting and other forms of civil unrest.

Repressive violence takes place when the State calls in crack troops, maybe

even helicopter gunships, to rain down ruthless firebombs and bullets on the revolting peasantry or slum-dwellers, whose make-shaft weapons and rag-tag “army” are no match for them. Eventually this latter form of violence sets up even worse and more inhuman structures to keep the people in control. A time is reached when the latter can “take it no more” and the weary round starts all over again. Thus, there is a cycle of continually escalating violence.

The significant thing is, as Helder Camara, the prophetic pastor of Recife points out, only the second instance is qualified as “violence”: the first and third are described as “public order” and “restoring the public order”, respectively. This is yet another example of how the dominant class rules over every aspect of life – including deciding how key words in the vocabulary are to be defined and used invariably, in a way that justifies the status quo and those who wield the reins of power in any given society.

In today’s warped set-up, where violence is frequently the first reaction to an unwelcome development (college students – even school kids – attacking professors or teachers who didn’t give them a good mark, or stabbing former partners who had “ditched them”), we cannot praise too highly those who call for reconciliation, dialogue and healing. Catholic church in its document on *The Church in the Modern World* concurs, “We cannot fail to praise those who renounce violence in the vindication of their rights and who resort to methods of defence which are otherwise available to weaker parties, too”. However, a small provision is added: “injury to the rights and duties of others or of the community itself” is to be avoided. However, this should not necessarily oblige us to go along with the great votary of ahimsa, Mahatma Gandhi, when he teaches that, “Every murder or other injury no matter for what cause, committed against another, is a crime against humanity.” Aquinas and other authoritative thinkers would have another view. Paolo Freire would also differ with Gandhi on this matter, though not all would approve of his reasoning, all the way. The violence of the oppressed in certain cases, though they may seem “as violent as the initial violence of the oppressor” is of a qualitatively different stamp. That of the oppressor is universally dehumanizing: it reduces both its victims as well as its perpetrators (though for different reasons) to a sub-human conditional man. The violence of the oppressor “prevents the oppressed from being fully human”; that of the oppressed “prevents the oppressor from dehumanizing himself” (the oppressor is almost invariably a male). In as much as the oppressed uses violence because of its desire “to pursue the right to be human” and, in “fighting to be human, takes away the oppressor’s power to dominate,” it thereby rescues him from the dehumanizing act of degrading both himself and the other, it cannot be put on the same level as oppressive violence.

After all, the real subject of political power is the people who, in effect delegate some of this power (e.g. to provide basic necessities, security and so on) – either tacitly or by election – to their representatives and the functionaries they employ for this purpose. Now, if and when these representatives prove themselves unworthy or incapable of fulfilling this commission, the people obviously have the right to depose them and replace them with others whom they find fit. Now this is normally done in and through the election process however, other efficacious means could be established, with the consent of the people and enshrined in the National Constitution and it should be carried out by due process of the law.

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However, when there is a Government, so entrenched in its power that no legal means can oust it (as the military regime of Myanmar), assuredly the people would have the right to violent revolution to achieve its legitimate aim. Even Aquinas grants that. Furthermore, he even goes on to say that when such times of civil revolt, unrest and dissension arise, “it is the tyrant” (or the tyrannical government) “that is more guilty of sedition,” for it is the real party who “fosters discord and dissension among the people in order to lord it over them more securely”. Salvino Azzopardi lists the five conditions under which Scholastic tradition permits an oppressed people to revolt. They are as follows: the abuse of power is really excessive and habitual, all peaceful means have been employed in vain (e.g. passive resistance, active, but not violent protests, etc.), no more violence than is necessary, no harm is done to innocent third parties (e.g. loss of their lives, their property, etc.), and no greater evil is foreseen to ensue.

However, with all respect to the Scholastic tradition, we may wonder how useful such stipulations can be to would-be revolutionary leaders in a concrete situation, apart from very general guidelines. How does one go about trying to fulfil these requirements in a practical way? For instance, how does one restrain the use of violence? Perhaps it is not an impossible task, but it is too complex an issue to be written off with the trite recommendation that it be taken care of. Then, how does one determine who is an “innocent third party” in cases of large-scale structural injustice? And just how would one provide practical safeguards against the suffering of the innocent, even if one *could* identify them? And what is the criterion to decide, not just that the abuse of power has been “excessive and habitual,” but that *all* peaceful means have actually been employed? And suppose one is reasonably certain that the Government is a kind of “wild repressive steamroller that would show no respect for peaceful protesters. In that case, could one proceed directly to the use of violence? How does one arrive at the assurance that no greater evil would result from the uprising?

In most cases, whether the people revolt or not, depends on how widespread and horrendous is the oppression they are facing. Eventually, when they are convinced that “they cannot take it anymore”, that all reasonable bounds have been crossed, they make some desperate resolve to the effect that it would be better to go down fighting rather than die by degrees amidst the humiliation of their women and children? For the most part, they are well aware that they have no chance – underfed, untrained and poorly equipped against a few well-fed, well-trained and well-armed regulars. Jaya Prakash Narayan, the former firebrand revolutionary, who was eventually converted to non-violence, confides to us that it was more for pragmatic reasons (will it work?) than for moral ones (is it right?) that he abandoned the path of popular violence and insurrection.

Check Your Progress II

Note: Use the space provided for your answer

- 1) Explain Right to Life.

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2) Briefly write on Private Property.

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3.6 LET US SUM UP

Human rights are the inalienable rights of all human beings, whatever be their nationality, place of residence, sex, ethnic or national origin, color, religion, language or any other condition. We all have the right to exercise our rights without discrimination and on an equal footing. These rights are interrelated, interdependent and indivisible. The universal human rights are often expressed and guaranteed by law, in the form of treaties, customary international law, general principles and other sources of international law. International law on Human Rights states that governments are obliged to act in a certain way or refrain from certain acts to promote and protect human rights and fundamental freedoms of individuals or groups.

Human rights are inalienable. They can not be revoked except in specific circumstances and in accordance with a specific procedure. The right to liberty may, for example, be limited if a court finds the person guilty of a crime. All human rights are indivisible, whether civil or political, including the right to life, equality before the law and freedom of expression, economic, social and cultural rights as the right to work, social security and education, or collective rights as the right to development and self-determination, are indivisible, interrelated and interdependent. The improvement of one right facilitates advancement of others. Similarly, deprivation of rights has a negative effect on others. The non-discrimination is a universal principle in international law of human rights. The principle exists in all the major treaties on human rights and serves as a central theme of certain international conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

3.7 KEY WORDS

- Embodied** : to express or represent an idea or a quality.
- Dehumanize** : to make somebody lose their human qualities, such as kindness, pity, etc.
- Scholastic** : connected with schools of education, mainly based on religious principles and writings.



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UNIT 4 HUMAN DUTIES

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- 4.2 Deontology
- 4.3 Different Types of Norms
- 4.4 Distinction between Values and Norms
- 4.5 Ross and Prima Facie Duties
- 4.6 John Rawl's Theory of Justice
- 4.7 Let Us Sum up
- 4.8 Key Words
- 4.9 Further Readings and References

4.0 OBJECTIVES

In this unit, we shall focus on the moral importance of duties. In order to do so, we shall briefly study the ethical theory called deontology which gives importance to norms over values in matters of Ethics because norms are directly related to duties than values are. A brief discussion on different types of norms and the relatedness to norms and values is undertaken in order show how understanding of norms are linked to duty-based ethics. Finally, we shall study the Prima Facie duties of Ross and the Theory of Justice according to Rawls, both upholding human duty to commit to some ethical principles.

4.1 INTRODUCTION

The word duty is etymologically traceable to the Latin word, *debitum*, a debt, that which is owed to another. Duty is thus the obvious correlative of right. If I have a well-founded claim (right), then others are morally bound to at least not hinder me from having access to it. On the other hand, as a member of the human community, I find myself side by side, shoulder to shoulder and cheek by jowl with other persons who – if the right we are concerned with is genuinely rooted in human nature – may also claim the same right. Now, this would lay on us the “duty” to respect their rights too. Each of us has certain duties to oneself, to other persons, to nature (the environment) and to God, all in which are firmly rooted in our common human nature.

4.2 DEONTOLOGY

It is common to say that the scope of ethics is to tell us what is to be done or not to be done, of obligation and of prohibition. The term of deontology comes from the Greek *deon*, meaning duty or obligation. Whereas values are expressed as evaluative statements in the indicative, norms are expressed as prescription such as “do this” or prohibition in the imperative: “Do not steal”. It is necessary to distinguish various types of norms.



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The most well-known deontological ethics are religious laws, which set out a code of rules that must be followed. Put simply, deontology is about following the rules. The most influential philosophical deontological ethics are those of Immanuel Kant. Kant doesn't ground morality in God's will, or in the seemingly arbitrary moral codes of particular cultures. Morality is grounded in reason itself, and the demands of morality can be discovered through rational reflection. Reason enables us to be free from self-imposed immaturity. The principle of duty forces us to be willing to do something and impulses the autonomous will. There is an autonomous will that is intrinsic value. This intrinsic value proceeds from the principle of duty. That I have a duty towards something alone activates me towards that autonomous will, that is, in the case of a mother and a child, be a good mother is a principle of duty that is intrinsically self-imposed that leads to the autonomous will to be loving and caring. Autonomous will is dependent on the rules.

Norms are given as imperatives – categorical and hypothetical imperatives. While speaking about reason in the sense of duty Kant introduces the notion of good will. Nothing can possibly be conceived in the world, or even out of it, which can be called good, without qualification, except a good will. Intelligence, judgments and other talents of the mind, however they may be named, or courage, perseverance, as qualities of temperament, are undoubtedly good and desirable in many aspects; but these gifts of nature may also become extremely bad and mischievous if the will which is to make use of them, and which, therefore, constitutes what is called character, is not good. Reason is imparted to us as a practical faculty, that is, as one which is to have influence on the will. We have to then develop the notion of will which deserves to be highly esteemed for itself and is good without a view to anything further, a notion which exists already in the sound natural understanding, requiring rather to be cleared up than to be taught, and which in estimating the value of our actions always takes the first place and constitutes the condition of all the rest. In order to do this we will take the notion of duty, which includes that of a good will, although implying certain subjective restrictions and hindrances.

To secure one's own happiness is a duty, at least indirectly, for discontent with one's condition, under a pressure of many anxieties and amidst unsatisfied wants, might easily become a great temptation to transgression of duty. But here again, without looking to duty, all human persons have already the strongest and the most inclination to happiness, because it is just in this idea that inclinations are combined in one total. If the general desire for happiness did not influence one's will, and supposing that in one's particular case was not a necessary element in this calculation, there yet remains in this, as in all other cases, this law, namely, that one should promote one's happiness not from inclination but from duty, and by this would one's conduct first acquire true moral truth.

4.3 DIFFERENT TYPES OF NORMS

Just as there are positive, negative, and neutral values, there are obligatory, prohibitive and permissive norms. An obligatory action is one which obliges us to do: it is an *obligation*. An action is prohibited or proscribed if we should not do it. An action is permissible if it is neither obligatory nor prohibited: it is allowed to do it. In English there are two adjectives to express the obligatory or

prohibitive character of actions: *right* and *wrong* (to be distinguished from the adjectives *good* and *bad* which express values): an action is right if it is in conformity with the obligation and wrong if it is not in conformity with it or violates a prohibition.

Just as there are ethical values and non-ethical values, there are ethical norms and non-ethical norms. Thus “do not suck your thumb,” “keep left when you drive” are respectively prohibitive and prescriptive statements in imperative form expressing norms but not *de facto* ethical. Here again, the distinction between ethical and non-ethical norms is not obvious to demarcate. What is essential is to retain that not all norms are *senso stricto* ethical.

A *fundamental* ethical norm is one that is not derived from any other, but from which other norms can be derived. For example, “it is bad to divert funds,” depends on a more fundamental norm according to which “it is bad to steal” (which itself can be derived from yet another norm more fundamental to this). On the basis of an ethical value according to which it is bad to steal and of a non-ethical proposition, according to which diverting funds is a form of stealing, it can be concluded that it is bad to divert funds. Similarly, on the basis of a value according to which it is forbidden to kill, other norms of the same type can be inferred: “it is forbidden to decapitate others,” “to dissolve him/her in the acid,” etc. It is to be remarked that to derive an ethical value from a more fundamental ethical value, it is necessary to integrate into reasoning a *non-ethical* proposition whose gravity would depend on a particular context. Thus to infer “it is forbidden to dissolve others in the acid” from a more fundamental normal “it is forbidden to kill others”, it is necessary to add a non-ethical proposition, namely “to dissolve others in the acid amounts to kill them”. This may seem trivial, but by a stretch of imagination, it is not difficult to conceive a passionate scientist inventing a means of surviving dissolution: in such a context, the prohibition to kill others does not imply the prohibition to dissolve them in the acid.

Check Your Progress I

Note: Use the space provided for your answer

1) What is Duty?

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2) Explain Deontology of Kant and its implications.

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4.4 DISTINCTION BETWEEN VALUES AND NORMS

It seems *prima facie* that norms flow from values: what is to be done comes from what is good. If we have values, then we have norms. For example, if we can make an evaluative statement “it is good to help the most deprived”, then naturally follows the prescriptive statement “we should help the most deprived”. Conversely, it seems that if we should not do something, the necessary implication would be that this something is bad: “It is forbidden to lie” would imply that lying is bad. This can suggest that in the last analysis there is equivalence between values and norms: an action is good if and only if it should be done. If such is the case, why do we distinguish values from norms? Do we need really both two concepts? Are they not two ways of expressing the same idea? This is not as simple as it may appear at least for three reasons if not more.

Firstly, all evaluative statements are not related to actions, whereas all normative statements are related to actions. Only actions are prohibited or obligated. We cannot prohibit the Mount Everest, nor can we prohibit suffering, but on the contrary we can be stupefied at the sight of the former and we can deplore the latter. The applicability of values is broader than that of norms. There is thus a vital distinction between the two. How can we pass from values to ethical norms? If an action is good, then it should be done, but if a state of affairs or an agent is good, then what is to be done? For example, what should be done once we know that happiness is good? There is a consequentialist response according to which our moral action should be such that it paves way to the maximum of intrinsic values. Accordingly, consequentialism is an ethical theory which enables us to establish a link between axiology and deontology. For consequentialist philosophers, if a state of affairs *S* is good, then it follows that we ought to promote *S*, simply in virtue of the meanings of these two words: ‘good’ and ought are logically related (McGinn considers it a fallacy). We find then equivalence between values and norms: *x* has a positive *value* if it *must* to be promoted, and *x must* to be promoted if it has a positive *value*. However, consequentialism has been disputed (That being said, certain philosophers hold this version of consequentialism as a common sense thesis accepted by everyone). In addition to this, even if there is a reciprocal implication between values and norms, that does not justify their identification: once again, a statement that something is beautiful in no way expresses an obligation.

Secondly, certain non-ethical factors prevent us from drawing norms from values. “It is good to clean the floor” implies that “it is an obligation to clean the floor,” but only if it is possible to do so. Such a possibility depends on certain conditions like if there is a vacuum cleaner, if the agent in question has the physical abilities to do it, etc. The idea that the ability to carry out an action is a necessary condition to the obligation of that action can be justified as follows: there is a close connection between concepts of duty and fault: not to achieve one’s duty is to expose oneself to blames, legitimate reproaches, reprimands, punishments or remorse. However we cannot reproach someone not to have done something that is not within his ability. Nor can we reproach him/her for an action which he/she could not but do. If we must act, then not to act implies being exposed to reproaches (duty to blame). We are exposed to reproaches only if had the ability

and still did not do it (blame to ability). Therefore, we are obliged only if we

have the ability to act (duty to ability). It then follows that norms are not directly derived from values: we *should* do what is good in so far as we *can* do it. Equivalence between norms and values is therefore objectionable.

It is clear enough that a genuine destitute, one who has been unjustly refused opportunities for a decent job and a living wage – for himself/herself and the family – must be provided for, as per the demands of strict justice, not “benevolent charity” and if we know of such a person – whether that person comes to us begging or not, we have a duty and obligation to provide for him or her from our resources, obviously as long as we and our family members are not grossly incapacitated by that. Indeed, we should ally with some service group that reaches out to such unprivileged people. Our real responsibility is to help such persons find some means of employment so that, as a responsible human beings endowed with human dignity, they would be able to provide for themselves and their families by their own independent efforts.

4.5 ROSS AND PRIMA FACIE DUTIES

Several values can enter in conflict. D. Ross thus admits three intrinsic values (the fact of admitting several intrinsic values is called pluralism): virtue, knowledge, and pleasure. But he also admits seven duties *prima facie*: fidelity (hold your promises), reparation (repair the evil you have done to others), gratitude (return the goodness you have got from others), justice (changes the distributions of pleasure and happiness which do not go with the merit), generosity (make good out of others), self-improvement (improves your virtues and your knowledge), no ill will (do not do evil to others). Three values, seven duties: there is no direct and immediate correlation between the two. Mulligan in his book *From Appropriate Emotion to Value* mentions three other reasons in order not to confuse norms and values on the basis of the differences between normative statements and axiological statements. 1. There are comparative expressions for values (“better than,” “worse than”, but no comparative expression for norms. 2. There is a distinction between determinable axiological predicates (good, bad) and determinate axiological predicates (courageous, cowardly), but no such distinction exists in normative expressions. 3. Determinate properties imply determinate natural properties: Thus, to be courageous would imply to be put into test by fear and to surmount it. Normative properties do not seem to imply natural properties (except that “ought” implies can). Normative properties are only indirectly related to natural properties and this relation is mediated through axiological properties.

The reason for which equivalence is objectionable here is that since several values are allowed (pluralism), they can, in certain circumstances, enter in conflict with one another. Thus, it can be necessary to lie to avoid the death of somebody. If so, then one cannot derive the normative statement “it is forbidden to lie” directly from the evaluative statement “it is bad lie”: A third statement has to be added, “on condition that no other value is injured.” In short, there are at least three obstacles to the derivation of norms from values: 1. Values are related only to actions, 2. A good action is obligatory only if it is possible and 3. An action having a positive value is obligatory only if it does not have any other negative value. Thus the implication of values in norms does not seem to be convincing. However it seems reasonable to say that ethical values are more fundamental

Ethical Foundations

than ethical norms: It is necessary to promote X because X is good. The opposite seems absurd: It is not X is good because it is necessary to promote X . Therefore intuitively there is a priority of axiology over deontology, even if one cannot necessarily deduce deontology only from axiology. This thesis of the priority of values over the standards has sometimes been disputed, for example, by Kant and by other philosophers known as prescriptivists. This thesis, however, was clearly defended by Max Scheler, in opposition to Kant, the former reproaching the latter for having reversed this order of priority: “anything of positive value ought to be, and anything of negative value ought not to be. The interconnection set up in these axioms is not reciprocal but *unilateral*: every *ought* has its *foundation in values*, but values are *not* founded in the ideal ought.”

The distinction between values and norms that we have just presented allows us to understand why we can define ethics neither as a discipline dealing with values, nor as a discipline dealing with norms for duties. This is because on the one hand, ethics is related to both values and norms, so we cannot restrict it to a simple theory of values or of norms and on the other hand, there are some values (“Julie is pretty”, “This melody is superb”) and some norms (“Do not suck your thumb”) which are not ethical. In short, ethics is not limited only to a study of what one must do, and in some cases what one must do does not concern ethics. Nor can it be resumed as a study of values since ethic is partly related to norms and not all values are of ethical significance.

4.6 JOHN RAWLS’ THEORY OF JUSTICE

John Rawls is an American philosopher. He raises the question, what is the principle of justice? Principle of justice is that which brings satisfaction to all both in quality and quantity and so it is not challenged. For instance, the grading system of examination brings out this principle of justice. It brings satisfaction to all the students. Each one is rewarded based on his or her hard work. In some tradition this kind of principle exists but is not accepted because the tradition itself is unjust. An example for such an unjust society is the one where the principle of slavery is dominant. By principle, a slave should go back to his owner and serve him till the end of his life. In India too we have caste system where certain people are considered as low caste servants of the society and are obliged to perform all menial jobs.

Rawls says that we have to possess a new method besides these two positions. He brings in a novel idea that is based on self-interest and rationality. We are not sufficiently enlightened because of the influence of the society, so we are restricted. All traditions are potentially unjust in some way or the other; we live under the veil of ignorance. The more you are out of ignorance the more the principle of selection will come closer to justice.

How to be enlightened out of ignorance? The general facts of human nature, for example, nobody wants to be abused or insulted. It is a fair procedure so the principle is fair; no person wants to be a part of a handicapped group because we want to be on the safer side. Principle is that every generation should have equal resources in order to bring justice to all.

Two general principles of justice of Rawls:

- 1) Principle of equal liberty: each person should have equal right to everything. Egalitarianism where equality is practised to the full extent.
- 2) Principle of difference: here the greatest benefit to the least advantaged section. For example, reservations for the deprived sections of the society.

Both these principles seem to be contradicting but they are related. Though the first principle allows everyone to get involved in all fields, the second principle helps the less privileged to compete equally with the more privileged because the former lack the resources to achieve what they want, while the latter have the means and resources in plenty. This second principle is called positive discrimination and this type of justice is called distributive justice as different from the retributive justice.

Check Your Progress II

Note: Use the space provided for your answer

- 1) Explain fundamental norms and Derived norms.

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- 2) Explain John Rawls Theory of Justice.

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4.7 LET US SUM UP

The “ought” represents a fundamental experience of moral conscience. This is the principle that guides human behavior. Duty is an imperative: “one ought to do what is to be done.” This reflects the absolute form of the imperative of morality. Taken in this sense, duty is synonymous to moral obligation. However, this obligation is distinct from strict necessity, because what is obliged can be done or not.

In his famous “Foundations of the Metaphysics of Morals” (1785), Kant tries to show that duty, far from being born out of experience, is an ideal of pure reason and an a-priori value. Indeed, experience as such does not provide universal and necessary norms. If we were to base morality on experience and facts from within a particular cultural group, it would not be valid for all rational beings. But for Kant a categorical imperative is such that it is valid for all human beings. Kant



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thus makes a distinction between categorical imperative hypothetical imperative. The moral sense of duty is a categorical imperative, that is, it is not dependent on any “ifs” and “buts” unlike the hypothetical imperative, an action is to be done to achieve an end: “if you want to get this, do that.” The categorical imperatives are given in the form of norms. Hence Kant and other deontologists give priority to norms over values. This is why Ross speaks of prima facie duties and Rawls speaks of justice as an imperative.

4.8 KEY WORDS

- Deontology** : a school which holds that rules or norms are more important than values.
- Axiology** : school of thought which says that values are more important than rules or norms.
- Imperatives** : a thing that is very important and needs immediate attention or action.
- Autonomous will** : means a self-imposed freedom, that is a intrinsic value and which prompts one to act.

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UNIT 1 INTERNATIONAL ETHICS

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- 1.0 Objectives
- 1.1 Introduction
- 1.2 International Spaces over Time
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1.0 OBJECTIVES

In reading and studying this you will be able to achieve following objectives:

- to have a better understanding of international ethics;
- to define international ethics;
- to analyse international cases and issues using the international ethics ideas presented here;
- to develop your own philosophy of international ethics by discussing the various issues briefly outlined here;
- to contribute to the building up of international community and good international relations between people of different countries; and
- to know and identify the approaches taken by different authors when they discuss international issues, the strengths and weaknesses of those approaches and the fruitfulness of a particular approach.

1.1 INTRODUCTION

International ethics refers to the good that international interactions, exchanges, relations



Applied Ethics

harmed by unfriendly, hostile, uncooperative behaviours. Aware that the harms that one country can do to another and to the international space and relations, international ethics offers insights into how nations and other entities treat other nations and its people. International ethics is a good which can be harmed and also knowledge of international ethics provides us with insights to assess the good and harms, the rights and wrongs, which can occur in the international space. For example, the UN has been promoting various principles of friendly and cooperative and peace related humanitarian international actions by all the member countries. This community of nations which stands to respect other nations and their interests, is itself harmed by the dominant nations willing to impose their interests and will on other poorer nations and poorer nations unwilling to cooperate without being treated as equals. Various agencies of the UN by their presence and action in various countries, promote certain universal principles that transcend the boundaries of individual nations and the ethical principles pursued by individual nations. International ethic is not simply an ethic of some dominant country, it is not simply an ethic of a powerful country having obligations towards others because of the power they have over others.

International ethics may be fruitfully defined as that which enables one to participate more actively in shaping and building good international community. The vision of international community that every country has and reality of an international community provides us with food for thought on what ought to be the nature and purpose of investing in international relations to build an international community. The challenges of international conflicts have to be addressed with courage to embark upon studying what international community promotes and builds, whether perpetual peace and justice provide the much needed foundation on the basis of which it can thrive and flourish. What would be necessary for the existence of such an international community of peace and justice between nations and people?

1.2 INTERNATIONAL SPACES OVER TIME

Nations and multinational organizations were the first ones to cross the boundaries of national domestic spheres to trade or interact with other nations and organizations. Every nation had its own focus, as nations adopted the production methods, technologies, political systems and legal systems from other nations, similar problems began to appear in almost every country. These were not regarded as shared problems that required joint action by all those affected by it. Each country was largely responsible for problems occurring within it guided and directed by its own governments, culture, politics, legal systems, institutions, etc. But overtime today we see more and more interconnectedness between people and nations, we see greater interdependence and greater shared responsibilities which have emerged and their number has increased and which call on nations and other multinational organizations having presence in more than one country to act jointly. In many spheres international joint action becomes necessary. International ethics may be seen as responding to this need for international action. International ethics guides international relations and resolution of international conflicts. International ethics guides the international environmental effort to fight against ozone depletion, global warming, etc which are common shared problems and which require actions from many nations who

are major contributors to forces generating such problems.



International spaces have been filled with governmental organizations and non-governmental organizations having ownership and /or control over issues and aspects that are central to life. There have been democratic governmental organizations and non-democratic governmental organizations interacting and operating in that space. There have been for profit business corporations (MNCs, TNCs, etc) and not-for-profit non-governmental organizations operating in the international space.

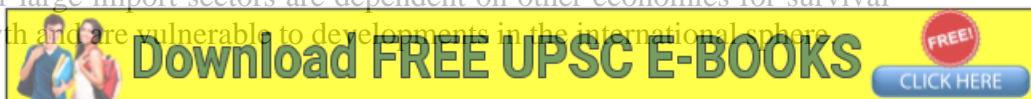
International spaces are filled with goods and services that are global commons, global public goods and services, collective goods and services that are owned or controlled by more than one individual organization, that are central to human life. These spaces are low on individual collective power over nature and the social world, but are high on coalition (of) collective powers. Who is excluded from the international space and who is included in the international space and the reasons and rationality of those exclusions and /or inclusions have a bearing on the expanding nature of the international space and the quality of international relations existing and those continue to be built in it.

Recognizing the power that human collectives have over nature and economic and social goods and services in the international spaces, it is easier to see how different organizations may be working at counter purposes, and / or competitive purposes. It is also easy to see how and why harms may be done by one against another and without any hope of international justice except those which are accepted as human rights. Many issues which have deep ethical implications are present in international spaces that we create or in which we participate in many different ways. International spheres / relations can easily thrive in a global system renewed constantly by greater levels of and sensitivity to international ethics.

1.3 SIZE OF THE NATION AND THE ECONOMY

The size of the nation in terms of population appears less of an influencing factor as the population is contained by migration policies inhibiting or prohibiting international movements in search of economic opportunities. This may be challenged in the future years. Nations with older generations and less younger generations will experience an imbalance of the need for labour. So also nations with younger generations and less older generations will also experience an imbalance. International policies favour movement of talented and highly capable populations. Countries gain an advantage in inviting them and having them as part of their populations. Various levels of cultural exchanges also take place as people carry their culture with them and learn other people's language and culture as well. International understanding develops and grows. People move across national boundaries and their international overseas interaction and experience provides a dimension to international relations guided by international ethics.

The size of the economy is even more influential driver of international influence and relations. As international trade increases this sphere of international relations grows, interdependence increases, institutions that facilitate this growth and maturity provide the international ethical guidance necessary for growth and maturity of international relations. Particularly nations which have large export sectors or large import sectors are dependent on other economies for survival and growth and are vulnerable to developments in the international sphere.



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For example, in August 2010, the Press was full of news about China becoming the second largest economy overtaking the Japanese economy which becomes the third largest. The USA remains by far the single largest economy, but it is already feeling the heat of Chinese military might and is revising its international strategy. The rise of China was only a matter of time, but the size of its economy may not mean much for some time as China has large inequalities in incomes. The Chinese influence in the global economy and in international relations between nations will be on the rise and will find its rightful place in time as it competes with the USA for supremacy. Chinese economy is about four times larger than that of India and has been growing at a faster pace than India's. In international relations China is more influential than India and China will likely to continue to lead India well into most of the 21st century.

China is a very distant second place economic and military might to USA, a superpower no doubt with the highest population on earth. India not even in the top 20 countries yet, and its economic size is less than that of a state like California, in USA, is likely to overtake China in about 2040 as the most populated country and possibly also likely to compete for third place in economic strength by then. It is likely that USA will do everything in its power to see that China does not come near to its strength while pursuing friendly relations and cooperative relations with China. China is also likely to do everything in its power to see that India does not come near to its strength while pursuing more friendly and cooperative relations with India than they were possible until recently. There are other countries such as Brazil, South Africa, Russia, etc. who are also growing economies having credible influence on world affairs. A combination of countries like the BRIC is expected to outgrow the size of the developed countries by the 2050. It is likely that we see more changes in the world order. If the international ethics pursued by dominant nations so far continues to hold or gets imposed then we would likely to see new superpowers overshadowing and overtaking the influence of existing ones. If this is not to happen, then there will be "new ethics" projects floated by various interested parties and groups. It is good to have an idea of the entire ethics project that underlies various offerings of international ethics pursuits. The size of the economy and the size of the international exchanges (trade and other interactions) define the space for international relations. Something which is good for two or more countries increases their strategic interdependence on each other, and strengthens them against outside competitive challenges and threats.

1.4 COMPETITION BETWEEN NATIONS

Nations compete in the international space and national advantages are the drivers of the space of international ethics and what happens to it. National disadvantages will work against the expanded role of that nation, while national advantages are likely to facilitate its expansion. It is easier to grasp the international problems and the ethical issues associated with international problems when keeping the picture of various nations competing with one another for (natural) resources, competing for markets, competing for investments, competing for talents, competing for technology and education. Even competition for health and related services is not far behind. Nations have been ranked on the basis of how competitive they are and how they are enhancing their competitive edge for the long term future. Nations that do not show potential for competitiveness appear

Dominant nations, their strategies appear to be the ones that are meeting any kind of success. Other nations are not so fortunate. The measure of success of a nation in international and global space is indicated by several indices such as “the freedom index”, “human development index”, “happiness index”, “the human capital index”, “the natural capital index”, “the standard of living index” etc. These aspects along with other indices such as “poverty index”, “the inequality index”, “sustainability index” etc., give a fairly good idea of competitiveness of a country compared to others. The wide differences between nations are causes for concern and it is also a driver as nations take actions domestic and international actions which are aimed at achieving improved ranking and positions compared to others. Nevertheless competition is everywhere and nations have begun to learn from each other and are competing to be better nations with better governments.

1.5 COMPETING FOR ECOLOGICAL SYSTEM ADVANTAGES

The impact of human activity primarily in terms of how they live and what economic activities they carry out in nature have been critically assessed by scientific establishments and which have been incorporated into national and international action and policy. Mitigating the effects of environmental and economic changes is necessary due to such impacts of human activity. Nations are competing for ecological system advantages by doing what they believe will help the environment to preserve its natural capacity and vitality and which will secure for nations an ecological and economic advantage.

Philosophical reflection on the natural environment has truly become international and global along with its counter parts the social, cultural, economic and political philosophical reflection. Various insights are available from each of these fields for critical reflection on what harms human beings are doing through the activities they carry out, through various operations and the consequences of such activities.

Almost every nation has made vision plans for long term future envisaging the changes necessary say for 2020 or say for 2050 or say for 2100 etc which have domestic and international implications and effects. That is governments have learnt to project what the countries stand for and what the countries aim to achieve in the future in the international arena which go well beyond their terms in office. Such measures of “good will” are to be examined for what they are. International ethics has this task to accomplish. Are such vision plans which have serious implications and effects for life on this planet earth normative in any sense and what is the normative structure that follows and emerges from them? All such vision plans by various countries are drivers of international and global ethics, they are fundamental claims and promises which are meant to be realized and fulfilled.

Economic and social advantages are sought in terms of social equity within and between generations within a nation and across international boundaries. Ecological systems concerns offer advantages to various nations for their social and human wellbeing. Environmental or Ecological ethics claims that the only way humanity can survive is by having a new concept of eco-system ethics



Check Your Progress I

Note: Use the space provided for your answers.

- 1) Explain the insights of realism, idealism, constructivism, and cosmopolitanism

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- 2) How do you understand International Law?

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1.6 INTERDEPENDENCE, COOPERATION AND COLLABORATION

In the shadows of dominant countries, other nations have evolved certain international cooperation and collaboration agreements for a variety of reasons. We are used to seeing one country (a super power) having a dominant role in international relations between nations. International cooperation and collaboration are a measure of countries interdependence with other nations. Such international cooperation provides a measure of international order between them.

It is simpler to conceive of international ethics in the context of cooperation and collaboration as these are based on recognition of their mutual interests in each other. What one country has done to the people of another country, what one group has done to another group provides the general field for international ethics. There may be several fields in which international cooperation has worked well and thus provides the basis for further cooperation and collaboration. Turning hostile relations and atmosphere of distrust between nations and their establishments can be turned into cooperation which can ensure some level of international peace between people. Interdependence between nations through cooperation and collaboration, can provide the basis for a “law of peace” to be established for relations between people. International relations can be guided by the law of peace.

1.7 DIPLOMATIC RELATIONS AND UNDERSTANDING

A small piece of every nation is in every other nation through its diplomatic relations and its people follow the domestic laws of the country in which it is



present. Diplomatic initiatives are always available for nations to resolve their differences and come to agreements that ensure peace and security and also to further their rights and interests and to share duties and responsibilities. The movement of people can be facilitated by the diplomatic presence and provides another driver for international relations and international ethics which guides it. Each country may have its own interests in another country and or in promoting ties with other countries. In each country recognizing the other, there is the “international law of peace”, even though it may not resolve all conflicts between nations. A rule of reason can prevail under such circumstances.

1.8 DEFENCE AND MILITARY ENTERPRISE

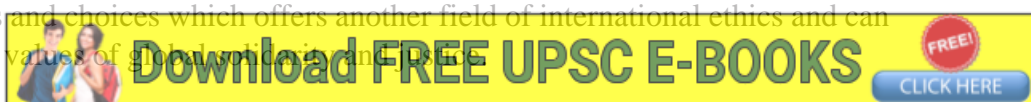
Every country may be seen as using the power it has to achieve its global interests. International ethics can also be regarded as the use of power by one country against another country to achieve its global goals and protecting its national interests. When aggressively pursued it may lead to certain conflicts. Military involvement and military strengths, strategies and calculations may drive in part international presence, international relations, and influence international ethics through its (propaganda) media.

International conflict and wars are still a possibility and it may even be influenced by the defence related establishments which have international reach and influence. Countries choosing to live side by side by the “law of war” cannot easily be persuaded to give up war or preparations for long term uncertain wars. International conventions on “international law of war” may be binding only when international community scrutinizes and insists on it. For example, the recent news flash about “China-Pakistan Nuclear Deal” provides a competitive nuclear flash point counter to “USA-India Nuclear Deal” making the region more vulnerable to military presence in the Himalayas or border regions, and thus putting a counter weight to world peace and security and international relations.

1.9 THE POVERTY AND WEALTH OF NATIONS

Nations in search of having more wealth, have to reckon with poverty which hinders them from being active and responsible international actors involved and participating in emerging international issues. Poverty may be a domestic issue, but casts a deep shadow over what a country can do internationally or how inviting a country is for the rest of the world. Reduction in poverty would be welcomed internationally. “International law of justice” may be invoked to have nations pledge to reduce and remove poverty wherever it is found, through responsible joint actions. The UN framework on Millennium Development Goals calls on nations to reduce poverty to half by 2015 and continue to reduce poverty around the world. Recognizing that the poor of world have a share in the world in which they live and that they have a share in the domestic and international economic and social development is an important aspect of our increasingly global world.

Poverty measures, poverty indices, are available to guide policy. What happens to the world’s poor is certainly a driver of international ethics. Several international NGOs operating in this field to remove poverty have frameworks for making decisions and choices which offers another field of international ethics and can drive the



Applied Ethics

In international ethics one would like to see richer nations helping poorer nations. One would also like to see relations between them be transformed into win-win relations for both and more beneficial to least advantaged nations.

1.10 THE INEQUALITY OF NATIONS

There are various dimensions that one can compare nations and their strengths, the wellbeing of their population etc. We are in an unequal world and facts point out to a world growing in inequalities. Inequalities point to certain conflicts which may be domestic in origin or international, but they are indicators of disturbing trends. In an unequal world, expectations of equity, international equity are high. In other words, demands of justice may require that we prefer a more equitable world to a less equitable world brought about by international action. It would possibly imply that any international action must aim at benefiting the least advantaged nations more than that would be expected for a most advantaged nation. Otherwise, it would appear there would not be an incentive for less advantaged or least advantaged nations to participate in international actions. In cases of such failures, only those international actions which are powered by dominant nations will be carried through creating and endorsing a more divided world with even a greater possibility of future conflict. International ethics has to guide and deal with how international power is used (or else it is likely to be abused). International inequalities imply that some nations have international power while others do not have. There may have been even historical injustices involved in the rise and fall of nations and their international power. It is important to see international ethical sensitivities harnessing international power for international growth and development, peace and security etc

1.11 FREEDOM OF SPEECH

Freedom of speech involves religion or world religions, the world press or international press and media, the education sectors, the cultural expressions, exchanges and products. Religions are influential actors in international relations and international peace and security. The international press provides scrutiny though it may also need to scrutinize its ways gathering and spreading “news”, interpreting it to propagate its own agendas and selling of its own ideas. The international press is an actor and can blow the whistle on nations and their covert or overt activities, revealing uncomfortable or unpalatable truths to the international publics. Scrutiny of international relations, international power etc are welcome and may be guided by rules of international media ethics which would be part of international ethics as well. The cultural exchanges provide a mutual appreciation of different culture and cultural differences and a welcome richness of diversity and social inclusion rather than the rampant social exclusion and discrimination. The education sectors provide the foundation for true sustainable societies and a better world for everyone. The future of the world is driven by what happens to the education sector which spans internationally as people move to countries to gain access to education they desire for their future well being.

1.12 FREEDOM OF INFORMATION

Another driver for international ethics and international actions or actions with international implications and impacts is the international global flow of

information. Underlying such actions and activities are the issues of technology, particularly information technology and to what use information and information technology is put internationally and nationally by individuals and countries. Information can confer advantages, so various international gatekeepers can control the flow of information and thus the advantages or disadvantages or create destruction of informational advantages. Information technologies and their use also may be directed by ideas of international ethics.

Information technologies not only regulate the availability and flow of information, they also make it easier for nations and people to communicate conveniently, easily, without any government or individuals interfering in their “private” conversations. Of course this may threaten some as it is possible to carry out “suspicious activity” from the supposedly safe borders of another country against some other country. Information technology has blessings and also dangers for any country because any country and individual can be reached potentially from anywhere and anytime. To what use such power is put is not entirely determined by national domains. If nations can use their power so also individuals can use technology against certain countries and states to counter such powers. Such games may be going on which are harmful. Information has “flat” world to deal with, as is well explained by “the world is flat”. The ethics of this “flat” world is also a driver of the international ethics and international and global developments.

1.13 SCIENTIFIC RESEARCH AGENDAS AND PROJECTS

Science has been a driver of international and global developments. Every country has its community of scientific advisers to offer best science advice to their governments and these are in constant international and global contact with their counterparts in exchanging ideas and scientific research trends and information that could be strategically employed. International ethics may be influenced and driven by developments in the scientific research fields. Different research fields have different contexts and so research ethics may be more contextual and international ethics then follows various contextual offerings and multidimensional. This is not just a matter of its scope but also of the very nature of international ethics that it is constantly challenged by international and global research in various contexts.

Our scientists in every field have made critical progress in scientific discoveries and through filtered policies both domestic and international and through educational interchange and exchange, some benefits are offered to humanity as a whole. But scientific theories are still being fundamentally challenged and new (revolutionary) theories that have ripple effect internationally and globally drive scientific progress and educational progress in every country. International ethics may have also a lot to do with new and current “epistemologies” that are bound to shape the thinking of present and future generations. The question of discovery of “scientific truths” or “scientific laws” may be also a matter influenced in some respects by ideas on international ethics.

1.14 POWER AND INTERNATIONAL ETHICS

At various times the world attention, gets itself focused on the most powerful nation, both domestically and internationally, a nation that is willing to impose its powerful will on the world, taking into task any nation that challenged its authority and its interests. Many wars and conflicts are indeed triggered by the unilateral moves of dominant nations against other nations that threatened its global interests. What powerful nations have done to other nations cannot be forgotten. International ethics is influenced by various philosophies of international and national power and how this power is played out.

There are beliefs in some quarters that power does not follow any rules and this reasoning (thought faulty) is extended to apply to international spaces and relations. In its so called “anarchy” nature, this belief in power, particularly power not following any rules tilts the global balance in favour of powerful nations and entities and is unfavourable to less powerful nations and entities. What prevails is simply the anarchy of a dominant power imposing its will at will on other nations and entities. Under such assumptions, naturally, justice follows national boundaries without any space for international or global justice.

In contrast to “anarchy” nature of power, that is, power which does not follow any rules, we can have alternative belief that, yes there is international power, but that power follows certain rules which provide an international order which is qualitatively different from the previous case of anarchy. Power that follows rules of international order is better than power that does not. Some philosophical questions may still be raised: Why power and why follow rules if one has power. International humility and patience are indeed rare, true. But the question can still be asked regarding the dynamism of (dominant state) power.

1.15 PHILOSOPHY OF INTERNATIONAL ETHICS

Realism focuses on a single reality, international power. It is the power that one nation has to influence another nation directing and shaping its destiny in the direction it desires namely into a kind of tacit servitude of serving and protecting its interests at the cost of the other. In the international realm, realism holds that the only thing that really matters is power – what power a country has. Nothing else matters – morality, ethics, law, and political systems, legal systems, cultural systems – are all irrelevant. The argument appears to be that in international sphere human nature is such that no one can be trusted each seeks to dominate the other. Either one country will dominate the other or the other will try to dominate the first, so it is better to be the dominating or dominant country. The realist approach to international sphere or international relations is simply to deny any role for common or shared ethics, and create an ethically neutral zone or an ethics free zone which can be filled by the power of one who is dominant.

Obviously others will perceive realist conception of international space, international relations based solely on the principle of power as quite unjust. There is nothing in realist conception or in realism that prevents someone from making an ethical assessment of the power motivation and the dominant actions of the dominant country and be able to withstand such pressure and claim it to be unethical or unjust. For many people, the attempt to control other people and direct their

destinies in the international sphere is repugnant and demoralizing. The old saying may be invoked implicitly, that power corrupts and that absolute power corrupts absolutely. When power is the sole basis of international relations and international action, assessments will be coloured by such perceptions.

Realism conceives the international sphere as a space where “anarchy” prevails and there are no rules. Why would anyone follow rules made externally or made by another? What binding power those rules have that are not made internally? Is a country free if it follows the rules made by another? This claim that there are no binding rules in the international sphere that international relations are committed to follow appears questionable. What if there were agreements between international parties, would those agreements be binding and if so would the rules on the basis of which such agreements made appear to hold. As a test case, consider “human rights” or “human dignity”. Do these rules hold in the international sphere and in international relations? Who will enforce them if they hold? Who will hold another accountable for their violations? Thus in realist conceptions, if power is the only thing that works in international relations, then human rights violations or human dignity violations will continue to occur and there will be no one to stop them except a power greater than itself. Thus the realist position or realism tends towards a preference for war as the ultimate way to resolve international conflicts to bring about international order by imposing the order of the winners of the conflict. Realism sentiments within Nations may make it rational to pursue power, create power distance and dominance over its neighbours and at the same time seek to balance power by aligning sufficient number of states for a country to counter the power influence of those nations opposed or against it. In this way realism, in thought, word and deed, creates and spawns a world fundamentally divided into two. There will be no unipolar world for sure, the fact that one exists after the collapse of the Soviet Union is only a temporary phase, somewhat illusory. The world soon responds by restoring and creating balance of power. What exists, through the realist conception is only a multiplicity of different bipolar worlds and their coalitions. Such a world where balancing power exists certainly will not rule out world wars or wars in general.

Pursuing realism and realist policies will be detrimental to our common world with its common vision of a humane future for everyone. Realism is incapable of enabling such an achievement. Realism as a field is necessary ingredient for creation of a superpower and a relative independence or servitude as the case may be for others in relation to it. Since currently only one country still retains the status of a superpower, and others are expected to follow its lead, the silent dreams of many others to be superpowers of the 21st century are just fantasy illusions. The power flows have rules. Realism contradicts in so far as it conceives of power in terms of “anarchy”, without any rules. Philosophy hopefully uncovers and lays bare the rules that power follows to exert its control and its direction.

Realism is a theory of balance of power that maintains the power balance in the world. All we can expect is that the most powerful nation on earth will have no one to challenge its power and so there will be peace. This is just a conventional thinking. Deeper reality shows, its power is already being challenged, the name and form of war has changed, shadows overcast over many relations have not disappeared, they remain. There is no real peace.



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Realism does well in terms of trade as trade terms are set by the powerful against the weak to reflect the power imbalance and the power advantages. That's how the world works perhaps, but it is hardly a philosophy for what ought to be, it is hardly a philosophy of normative considerations. There will be some international sphere, limited and defined by trade relations and by wars. International ethics then, in so far realism is concerned is just the field of international trade wars and international war and peace and the necessity of having some kind of "international justice" dictated and dominated by the rule of the powerful, the dominant country in the relation.

Idealism and International Ethics

Idealism focuses on "common interests" between nations, and not necessarily at the power or power distance or at power balance. It seeks to build the international sphere on the basis of idealist values that are of common interests to nations participating in any international issues and problems. Idealism built on common interests appears to be stronger in power than unilateral power of realism and hence can have the potential to replace realism in thought, word and deed and as a philosophical thought. Idealism has the potential to create more lasting hopes of peace and of a growing international sphere where mutual interests and common concerns are addressed more earnestly in the true spirit of pursuing what can be regarded as human purposes of human flourishing. Thus the rise of idealism holds out a promise, even though conflicts remain.

Idealism points to trade interests between nations as common interests and as platforms to build better, growing and mutually beneficial international relations. The rise of international and global market place and the growing interdependence between nations are shown to be aiding and being supported by idealism. Human beings and humanity as a whole is capable of displaying high levels of idealism. In idealism, the international system, international order and the international sphere follow rules, laws and institutions. In idealism, thus ethics, morality, laws, legal systems, international institutions all have a central place. Thus idealism contrasts sharply with realism which emphasized only power. The world becomes less dramatic and less dangerous, even though conflicts are far from removed.

International treaties, the UN organizations and the system, have a central role and supports idealism and idealist thinking endorses it. These provide international ethics guidance, even though it is voluntary, it has rational force of assent and appeal to conscience to be accepted and guided by it. All different institutions of the UN may not have the same force, but in their respective contexts, the values and beliefs expressed and communicated do hold respect.

Idealism may hold out the "olive branch", a symbol of the covenant between God and Man by offering the best humanity has to offer collectively for the world and for the future of the world for its future generations. Idealism is a movement towards peace and peace initiatives and strategies, as opposed to outright power play in wars or through wars. International sphere includes more than power and politics. It challenges the dominant views of realism which holds that war is a necessary consequence or necessary evil too easily justifiable by the powerful. Idealism does not rule out the possibility of war, but holds out an "olive branch" to those who can see reason and faith.

Constructivism and International Ethics

Constructivism focuses on things like foreign policy, diplomatic initiatives, etc to shape international relations and the international sphere where a country has credible influence. In these things the focus is on domestic politics and how it shapes foreign policy with what goals in mind. It is more pragmatic with domestic political regimes as seats of international action and initiators of international action and its implementation. Every nation and every state create a sense of national identity in various ways and nurture it through historical and cultural celebrations and means. Thus national identity is constructed and it in turn is said to influence the way the nations interact. Basically constructivism allows for influence of national identities and its constructions on the international sphere. A flavour or dimension is added through identity politics into international sphere and relations. International sphere can also be a place where various identities can melt into more humane understanding between people in and through the 'give and take' of identity respects and exchanges.

Constructivism shows that nations resist any threat to their identities, nationalism, national sovereignty that are perceived. They need not be real at all. This works against attempts to make the world a better place or to change world systems or world order. All such attempts by other nations, however rational they may be, will be resisted if national identity is not respected. All desires to transform the world by any nation are sacrificed at the altar of identity, politics, and constructivism of other nations. Constructivism gives more power to individual nations through its focus on national identity (rather than national interest), which is politically a more powerful instrument to having less to do with other nations in the international sphere than with what furthers and promotes its own identity. In the 21st century there is rise of identity politics and political power arising out of it harnessed by interested parties for their own advantage. What happens in the international sphere and international relations is far from certain.

National identities based on religious domains span across countries and will be able to define international relations. Religious "fault lines" of conflict may open up and trigger problems not only in the international sphere but within a nation itself as a result. It will spread the fire of violence and anger rather than the sparks of peace and humane relations. Identity tensions will be strongly felt and whatever feeds identity tensions and forms them is far from allowing people to be truly free and open in shaping the one world destiny of all of human kind. We may be unconsciously constructively pursuing the "Huntington Dream" of an international conflict based on the identity politics of world religions. Cultural identities may not all be good, but they are to be respected even when critically assessed for their role in shaping international spaces, international sphere and international freedoms.

Cosmopolitanism and International Ethics

Cosmopolitanism shares something in common with idealism, namely, do the right thing. The right thing to be done is to behave as you would want others to behave. Behave in ways that you think others should behave. It focuses on how we interact in a global community. What is relevant is the global community since we interact with people in other countries. It holds that since we interact with other countries, we have a moral duty to treat people of that country morally as moral people. Hence the prescription in cosmopolitanism is to "do the right



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thing”. Cosmopolitanism thus empowers international ethics and the development of “global values and ethics” fully.

Cosmopolitanism argues for following morally lawful behaviour. Where rules and laws do not exist, it would require that we come together and negotiate the rules and laws that are ethical to follow and follow them in our relations with people of other countries and in our interactions with people of other countries. Cosmopolitanism is able to welcome people of all origins and identities without any discrimination or treatment of them as means to some ends. It will give importance to people, their freedom and rights rather than sovereignty of nation states. Some may even use it to argue for a world government which overrides national interests and boundaries. It is certainly capable of universality in thought, word and deed, although we may not yet see the development of such possibilities today.

Cosmopolitanism focuses on the international community as having an important and in some cases decisive role on determining what a country or nation should or should not do morally. Such developments may be resisted by nations who feel they are at the receiving end of world opinion or world politics and which prefer their national identity and sovereignty sentiments.

Constrained Choices and International Ethics

International ethics guides our choices in the international sphere, but evidently our choices are constrained rather than free. The choices may be constrained by the necessity of pleasing the domestic political support and widening the support for the ruling party or coalition. The choices may be constrained by the identity politics. The choices may be constrained by power equations and balances. Many practical constraints may also be present, surely economic constraints and national interest constraint will not be missing when choices have to be made. Some have argued for preference given for national interests when it is a choice of national interests versus global interests. It means that governments are expected to value the welfare of their citizens more than that of others. While accepting in general that a country’s goals must be defended as morally right thing to do, a country’s goals and interests are several and may be in conflict within themselves without any clarity and more confusion that the general acceptance that it is moral to defend a country’s goals becomes meaningless. It has no normative force.

It is no doubt that morality implies choice between two or more alternative states of action. It is sometimes argued that if the practical necessities or constraints are such that they concern the survival or extinction of a state or its identity, any such constraints make morality or ethics, or law or political systems, irrelevant. Obviously as in the case of realism, that is the premise of a threat experienced by a power from another stronger or super power. In the end, ethics and morality considered as constraints or as practical constraints really means that ethics and ethical goals and objectives are not pursued to start with. The objective is something else. In such cases agreeing to such international ethics is to begin with a failure. Ethics must reflect as a central concern to be pursued as a basis for all other international action.

Equality of Life and International Ethics

Every life may be considered as having equal moral weight. In this belief, valid if one holds such beliefs, it is the global interest that count as much as domestic interests. No preference is given by governments or by anybody else to the welfare of citizens of that country. There are no differentiating factors recognized by such governments that distinguish between the welfare of its citizens and those belonging to another country. Everyone has equal rights. Everyone is treated equally in equal respects. In such cases and in the context of such beliefs of equality of life, it becomes meaningful to make sacrifices for others. People rarely sacrifice themselves for their own near and dear ones. But people sacrificing themselves for others in the international space are truly worthy examples of human greatness and the greatness to which human spirit can rise.

Respect for life of the unborn in the international sphere implies that countries do not push their own agendas under the guise of controlling rising populations in their own and other countries. Respect for life should guide international ethics, in thought, word and deed. When that day comes when we respect the right to life of the unborn, it will be truly a day of universal peace. If you have to make decision about which world you want to live in, without knowing what position you will be in, you would choose a world that protects the weakest of the weak, the least advantaged. Such a world is full of meaning of life and in such a world equality of life will be an accepted principle. Such a world would accord the unborn right to life, in the principle of equality of all life.

Economic, Social and Environmental Frameworks and International Ethics

Though context may differ, there are a number of frameworks available for making decisions concerning international actions which have economic, social, and environmental consequences and impacts over future generations. There is a gap between any system of global and international values and international ethics on the ground, because of the widening gap in ground realities between nations and international organizations due to levels of difficult conflict. The frameworks are evolved to provide a way out of the conflict and they are useful to deal with a number of conflicting ideas on international ethics.

The framework provided under UN by its various UN agencies, for example, the framework of Universal Declaration of Human Rights, the framework of Universal Declaration of Human Genome and Human Rights, the various international declarations and conventions do provide the necessary framework for cooperative and collaborative international action necessary to solve international problems. Essentially universal value based frameworks are most helpful as they provide space for all participants to make their representation and contribution. There are several global institutions concerned with the global economic order, others with the global information order, still others with the global environmental regimes or order, etc. Each of them offers frameworks within which its members are expected to make their choices and decisions and those choices are respected and supported by virtue of the frameworks agreed upon.

Check Your Progress II

Note: Use the space provided for your answers.

- 1) Analyse the relation between peace and justice.

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- 2) What are the Environmental concerns of the nations today?

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1.16 LET US SUM UP

The study of international ethics makes clear the normative structures, the approaches, and the frameworks available for making decisions and choices ethically in the international and global sphere. These help resolve some of the major international problems, issues, and provide insight into international conflicts. There is much understanding of “international crises”, “shared problems” requiring international cooperation and joint action. The technical details of securing international cooperation are also available though not included in this paper. Our world is so much better if we have a growing international community of persons. International ethics directs us in the direction of building an international community in which every other community can actively and fruitfully participate and flourish. International regimes may be assessed and evaluated in terms of the international ethics they employ in solving international problems. In a way international ethics will continue to evolve and there will likely to be more narratives added to the story of international ethics.

1.17 KEY WORDS

- Human Rights** : Universal understanding of every human being having fundamentally certain rights.
- International Law** : The legislative regulation applicable for all the nations of the world.

1.18 FURTHER READINGS AND REFERENCES

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UNIT 2 BIOETHICS

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- 2.0 Objectives
- 2.1 Introduction
- 2.2 Moral pluralism
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- 2.4 Core and Other Ethical Considerations Respect for Persons
- 2.5 Minimizing Harms While Maximizing Benefits
- 2.6 Let us sum up
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- 2.8 Further Readings and References

2.0 OBJECTIVES

Students will

- Understand that ethical inquiry uses a set of concepts and skills aimed at analyzing challenging situations and making decisions about the best course of action;
- Distinguish ethical questions from scientific and legal questions and from questions of personal preference, custom, or habit;
- Apply important ethical considerations, such as respect for persons, minimizing harms while maximizing benefits, and fairness, in analysing bioethical problems; and
- Recognize that while there can usually be several answers or approaches to an ethical question, it is important to present a strong, well-reasoned argument for one's position.
- Ethics seeks to determine what a person should do, or the best course of action, and provides reasons why. It also helps people decide how to behave and treat one another, and what kinds of communities would be good to live in.

2.1 INTRODUCTION

Ethics is the activity of deciding what one should do, as an individual and a member of a community. Members of a democratic society must offer each other reasons that show why one way of dealing with a problem is better than another. Ethics is the activity of offering reasons to support a decision about what one should do. Bioethics is a subfield of ethics that explores ethical questions related to the life sciences. Bioethical analysis helps people make decisions about their behavior and about policy questions that governments, organizations, and communities must face when they consider how best to use new biomedical knowledge and innovations.

Since the 1970s, the field of bioethics has grown considerably. While it is true that bioethics today includes medical ethics issues, its originality lies in the fact that it goes much further than the various professional codes of ethics concerned. It entails reflection on societal changes and even on global balances brought about by scientific and technological developments. To the already difficult question posed by life sciences – How far can we go? – other queries must be added concerning the relationship between ethics, science and freedom.

The word ‘bioethics’ is the intersection of ethical issues and life sciences. In tandem, the investigations of biology, scientific technology and ethical issues combine to form a new science called ‘bioethics’. For this multidisciplinary science, Van Rensselaer Potter in 1971 coined the term ‘bioethics’ stating that it is ‘biology combined with diverse humanistic knowledge forging a science that sets a system of medical and environmental priorities for acceptable survival.’

Bioethics is considered useful in promoting critical thinking. It allows greater accessibility to the content through connectivity rather than stand-alone units. It engages the content and process of real-life situations (present and future) where decisions have real consequences, seldom with risk-free outcomes. Finally, it promotes a focusing framework that places the biology in a fully integrated form. Faced with new ethical challenges emerging as a result of technological developments in modern medicine, bioethics seeks ways in which people in societies can work together under the provision of medical care and research. The field is supposed to provide an insight into the issues of moral community, and into how society understands political authority and its appropriate exercise. Bioethics also involves social philosophy because the basic concepts of health care (concepts like ‘health’ and ‘disease’) are socially constructed categories.

Finally, bioethics connection to social philosophy is cemented by the fact that central questions in clinical medicine – questions concerning the allocation of resources, for instance – are those of social philosophy and ethics. Thomas Kuhn has tried to sketch a different, deeper and richer conception of bioethics that can emerge from a historical analysis. The moral world of medicine sketched here is one of continual debate, of reformers and reactionaries, of revolutions and reactions, of progress and regress. It is a world that philosophers have played a pivotal role in shaping, and that they can shape best if they understand the historical contexts in which their ideas have proven influential and successful. Bioethics is a multidisciplinary field which emerged to address the normative ethical issues in medical practice, research and policy. However, it can be stipulated that bioethics is distinct from traditional ‘medical ethics’ which was primarily concerned with the conduct of physicians. The emergence of bioethics, as distinct from traditional medical ethics, was due in part to medical advances and the realization of the important roles of non-physicians in the ethical choices present in medicine. The ethics of the guild was no longer adequate to address the ethical questions involved in medical practice and research. For example, industrialized and developing countries which pursue globalization and privatization of their economies can view the contemporary questions concerning managed care as one instance of controversy about the authority of health care resources and patient care. However, these questions raise, in turn, more fundamental questions about how medicine and health are understood within a society.

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Bioethics is a complex and potentially revealing subject for empirical investigation. Discussions of bioethics can sometimes make it seem as if there was no ethical reflection before the emergence of the field. As a social movement, bioethics developed in the mid-twentieth century as a critical discourse, a response to felt inhumanities in the system of health care and biomedical research. As a response to specific abuses, bioethics has remained practice oriented; society expects bioethics to solve or at least ameliorate visible problems. But Callahan asserts that bioethics is 'less wayward and more establishmentarian', and finds that four developments were important: the opening up of once-closed professions to public scrutiny, which happened strikingly with medicine; a fresh burst of liberal individualism, putting autonomy at the top of the moral mountain; the brilliant array of technological developments in biomedicine, ranging from the pill and safe abortions to control the beginning of life to dialysis and organ transplantation to hold off the end of life; and the renewed interest within philosophy and theology in normative ethics, pushing to one side the positivism and cultural relativism that seemed for a time in the 1940s and 1950s to have spelled the end of ethics as a useful venture.

Check Your Progress I

Note: Use the space provided for your answer.

1) What are the advantages of Bioethics?

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2) Explain some contributions made by Bioethics to medicine.

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2.2 MORAL PLURALISM

While the emergence of medical knowledge and technology was essential for the development of bioethics, it does not by itself explain the emergence of the field. To understand other elements that contributed to the field's emergence, it is important to recall that traditional medical ethics had relied on two sources of moral guidance. One was the tradition of professional physician's ethics, the other was the teachings of the theological ethics. Furthermore, there have been extensive theological reflections on ethics and medicine in many religious traditions. In the past there has been no shortage of ethical reflections regarding medicine. This being the case, one might ask why there was a need to develop



this new area of ethical reflection that has been named bioethics. Why not rely on the various traditions of medical ethics that already existed?

The claim is that traditional medical ethics is really 'physician ethics' and that bioethics emerged as a result of the recognition that there are other people besides physicians who are involved in medical decision making. This means that the field of bioethics emerged as a response to social dimensions of medicine and health care. Why were these sources no longer able to guide medicine once it reached its modern scientific phase? To understand why neither of these sources is sufficient for contemporary medicine, one must take into account the phenomenon of 'moral pluralism', according to which people not only hold different moral values, views on topics (e.g. abortion), but work out different moral frameworks and with different moral methodologies.

As it has been mentioned traditional medical ethics had been focused on physician ethics. The development of scientific medicine gave patients so-called choices and options concerning courses of treatments to be pursued or refused. If a physician and patient share the same moral value and way of thinking, such choices may not be all that problematic. However, when patients and physicians hold different views, the understanding of medical ethics must not be seen as reflecting the judgment of the physician alone. Determining what is in the patient's best interest cannot be done solely by the physician. The physician may speak in the medically best interests of the patient, but not necessarily the overall best interests of the patient. To make judgment concerning the patient's best interests, the patient needs to be involved. Furthermore, in secular societies there are likely to be different religious views that shape people's judgments about what is morally appropriate. This is why procedures like informed consent have come to play such a central role in both clinical and research ethics, such procedures allow people to exercise judgment about what is in their best interest.

2.3 SOCIAL DIMENSIONS

Bioethics has emerged as a result of several developments and complexity in medicine and society; two in particular stand out. First, the development of medical knowledge and technology created 'choices' in medical care. Second, the moral pluralism and multi-culturalism in societies led to the existence of different moral voices and views. This, in turn, meant that there would be differing views on appropriate medical care. Bioethics arose as a way to help people from different moral views navigate these choices and cooperate together. The field provides a window into the social and cultural settings of medical practices and as such provides a way to understand a society. It can help a society or culture examine basic questions of health, disease, sickness and death. It can also enlighten the way a society thinks about moral authority and how it is exercised. There are other reasons beyond those that emerge when one considers the development of bioethics as a research field, to conceive bioethics as a form of social philosophy. One such additional reason is the nature of medicine itself. That is why physicians and health care workers apply scientific and medical knowledge that has been discovered in the laboratory. There is little, if any, acknowledgement that science, especially medical science, is not value-free. Medical science is embedded in values of the society or culture. The scientific norms of medicine, such as health and disease, are often influenced by the social

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and moral values involved in their specification. If medicine is a social construction, then bioethics should be thought of as a form of social philosophy.

The term 'social construction' has multiple meanings and should be used with caution; philosopher Ian Hacking has pointed out that the term suffers from over use and is incoherent. Given the ambiguity and confusion surrounding the term, one might ask what value it will have for understanding medicine. The term 'social construction' is helpful because it recognizes that the practice and goals of medicine are contextualized and specified by the society's values. The specification of meaning of key medical concepts like 'health' disease, and 'standard of care' is socially influenced by many instances. While there are universal elements in medicine, such as healing and health, there are many local elements involved in specification of universals. It is in this sense that one can speak of medicine as social construction. How one can understand and practice medicine will depend largely on what one assumes about the nature of medicine and the nature of knowledge. There is a common perception that medicine is applied science and that philosophy of medicine is about models of explanations.

However, to think of medicine as a science, or as a scientific one, needs the articulation of the assumptions that one holds about the different models of science. Medical knowledge is scientific in that it is statistically based, empirical, verifiable and generalized. A scientific model alone, however, does not capture our experience or expectations about medical practice, for such a model does not appreciate sufficiently how medicine acts as a social structure and set of practices within a given society. The relationship between the values of a society and its medical practices can be discerned by examining how the concepts of medicine such as the concept of disease, are specified in that society.

2.4 CORE AND OTHER ETHICAL CONSIDERATIONS RESPECT FOR PERSONS

Respect for persons means not treating someone as a means to an end or goal. For example, even if one person's organs could help five people live, it would be an ethical violation of respect for persons to kill that one person and distribute the organs to save the five who need them. Respect for persons is also often a matter of not interfering with a person's ability to make and carry out decisions. In some cases, it is also a matter of enabling a person to make choices or supporting them in the choices they make. Respect means more than just listening to another person; it means hearing and attempting to understand what other people are trying to say. It also means not belittling or making fun of thoughts or feelings or perspectives that other people hold.

2.5 MINIMIZING HARMS WHILE MAXIMIZING BENEFITS

This core ethical consideration focuses on trying to promote positive consequences by balancing harms (or burdens) and benefits. In doing so, one must consider which actions would do the least harm and provide the most benefit. This emphasis is central to the ethical approach known as *utilitarianism*. The root word in utilitarianism is *utility*, which refers to the positive uses (benefits or utilities) that will come about as a consequence of choosing one path over another. Harms

and benefits come in a variety of types, including physical, emotional, economic, and social, to name a few. Utilitarians consider all types of harms and benefits in their ethical deliberations. “First of all, do no harm” is a familiar expression of minimizing harms when practicing medicine. Even if physicians cannot help a patient directly, they should try to avoid actions that cause harm. “Do no harm” is sometimes referred to as *non maleficence*. A closely related concept, *beneficence* (“Do good”), stresses acting in the best interest of others and being of benefit to them.

Check Your Progress II

Note: Use the space provided for your answer

1) Explain the phenomenon of ‘moral pluralism’

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2) Explain the term ‘social construction’

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3) What is utilitarianism?

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2.6 LET US SUM UP

Talking about bioethics in today’s world seems an illusion... a fairy tale or at least, a matter that is drawn up from the imaginaries of the different disciplines or knowledge. A theoretical and practical reality imposed every day that should be nurtured as a discipline or set of knowledge related to life and health but at the same time, as a series of rules and ethical commitments of citizens which lead to the control and supervision of human behavior. From them, personal autonomy and human rights such as life are not injured by anyone who inhabits this planet.



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The concept of quality of life can never be a measure to judge and compare the value of life in anyway. This comparison could bring errors ignoring the values lies on which human life is based upon. Because of this very reason, judging and ranking the value of life becomes an utopian idea. This attempt to compare the value of life would eventually discriminate people who have lost intellectual ability, people who are considered to be useless or people who seem to not have ability to enjoy their lives. It is pretty obvious that when people make ethical decisions guided by the utility and pleasure or when the meaning of life cannot be found in painful situations, or consider life as meaningless and full of suffering, or people when do not contribute to society they would consider the ending life as justifiable.

2.7 KEY WORDS

- Social construction** : The term ‘social construction’ has multiple meanings and should be used with caution; philosopher Ian Hacking has pointed out that the term suffers from overuse and is incoherent. The term ‘social construction’ is helpful because it recognizes that the practice and goals of medicine are contextualized and specified by the society’s values.
- Moral pluralism** : The phenomenon of ‘moral pluralism’, according to which people not only hold different moral values, views on topics (e.g. abortion), but work out different moral frameworks and with different moral methodologies.
- Global ethics** : “Global ethics,” a discipline representing a link between biology, ecology, medicine and human values in order to attain the survival of both human beings and other animal species.

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UNIT 3 ENVIRONMENTAL ETHICS

Contents

- 3.0 Objectives
- 3.1 Introduction
- 3.2 Environmental Ethics: Meaning
- 3.3 The Modern Construction of Environmental Ethics
- 3.4 Environmental Ethics and Sustainable Development
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- 3.6 Ecosystems: The Land Ethic
- 3.7 Environmental Ethics: Descriptive, Normative and Critical
- 3.8 Environmental Ethics: Why and How?
- 3.9 Let us Sum up
- 3.10 Key Words
- 3.11 Further Readings and References

3.0 OBJECTIVES

One of the main objectives of studying the Environmental Ethics is to know in depth that our existence is impossible if the nature does not exist. There is a flow of energy that seeps out from us to the environment and vice versa. This energy form a connecting link between us and the nature which is indispensable. Study of the environment and all its components is nothing but the relationship that we humans share with the nature. So I would say that by studying Environmental Ethics we establish a link, a relationship with the nature and our concern for the environment becomes stronger. Thus we are urged to do something that would stop the exploitation of the environment.

Environmental ethics has been described as having a conscience or moral that reflects one's commitment and responsibility toward the environment as well as present and future generations of people. In essence it refers to human societies living in harmony with the natural world on which they depend for survival and well being. Human beings are a part of the society and so are the other living beings. When we talk about the philosophical principle that guides our life, we often ignore the fact that even plants and animals are a part of our lives. They are an integral part of the environment and hence have a right to be considered a part of the human life.

3.1 INTRODUCTION

Adjusting the relationship between humans and nature is one of the most fundamental issues we face and must deal with today. With the increasing deterioration of ecological systems on which human beings rely and the aggravation of the environmental crisis, human beings have realized that we cannot rely on economic and judicial methods alone to solve the problems of environmental pollution and ecological imbalances; we must also appeal to human

beings' limitless internal ethical resources. Only after we have adopted an appropriate attitude towards nature and have established a new ethical relationship between human beings and nature will we be able to love and respect nature automatically as well as conscientiously; and only with the guidance of such love and respect can we successfully deal with the issues of environmental pollution and ecological imbalances.

3.2 ENVIRONMENTAL ETHICS: MEANING

Environmental ethics is a new sub-discipline of philosophy that deals with the ethical problems surrounding environmental protection. It aims to provide ethical justification and moral motivation for the cause of global environmental protection. There are several distinctive features of environmental ethics that deserve our attention.

First, environmental ethics is extended. Traditional ethics mainly concerns intra-human duties, especially duties among contemporaries. Environmental ethics extends the scope of ethical concerns beyond one's community and nation to include not only all people everywhere, but also animals and the whole of nature – the biosphere – both now and beyond the imminent future to include future generations. Second, environmental ethics is interdisciplinary. There are many overlapping concerns and areas of consensus among environmental ethics, environmental politics, environmental economics, environmental sciences and environmental literature, for example. The distinctive perspectives and methodologies of these disciplines provide important inspiration for environmental ethics, and environmental ethics offers value foundations for these disciplines. They reinforce, influence and support each other.

Third, environmental ethics is plural. From the moment it was born, environmental ethics has been an area in which different ideas and perspectives compete with each other. Anthropocentrism, animal liberation/rights theory, biocentrism and ecocentrism all provide unique and, in some sense, reasonable ethical justifications for environmental protection. Their approaches are different, but their goals are by and large the same, and they have reached this consensus: it is everyone's duty to protect the environment. The basic ideas of environmental ethics also find support from, and are embodied in, various well-established cultural traditions. The pluralism of theories and multicultural perspectives is critical for environmental ethics to retain its vitality. Fourth, environmental ethics is global. Ecological crisis is a global issue. Environmental pollution does not respect national boundaries. No country can deal with this issue alone. To cope with the global environmental crisis, human beings must reach some value consensus and cooperate with each other at the personal, national, regional, multinational and global levels. Global environmental protection depends on global governance. An environmental ethic is, therefore, typically a global ethic with a global perspective.

Fifth, environmental ethics is revolutionary. At the level of ideas, environmental ethics challenges the dominant and deep-rooted anthropocentrism of modern mainstream ethics and extends the object of our duty to future generations and non-human beings. At the practical level, environmental ethics forcefully critiques the materialism, hedonism and consumerism accompanying modern capitalism, and calls instead for a 'green lifestyle' that is harmonious with nature. It searches



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for an economic arrangement that is sensitive to Earth's limits and to concerns for quality of life. In the political arena, it advocates a more equitable international economic and political order that is based on the principles of democracy, global justice and universal human rights. It argues for pacifism and against an arms race. In short, as the theoretical representation of a newly emerging moral idea and value orientation, environmental ethics is the fullest extension of human ethics. It calls on us to think and act locally as well as globally. It calls for a new, deeper moral consciousness.

3.3 THE MODERN CONSTRUCTION OF ENVIRONMENTAL ETHICS

We are cutting down forests for making our homes. We are continuing with an excessive consumption of natural resources. Their excessive use is resulting in their depletion, risking the life of our future generations. Is this ethical? This is the issue that environmental ethics takes up. Scientists like Rachel Carson and the environmentalists who led philosophers to consider the philosophical aspect of environmental problems, pioneered in the development of environmental ethics as a branch of environmental philosophy.

The Earth Day celebration of 1970 was also one of the factors, which led to the development of environmental ethics as a separate field of study. Today, environmental ethics is one of the major concerns of mankind. When industrial processes lead to destruction of resources, is it not the industry's responsibility to restore the depleted resources? Moreover, can a restored environment make up for the originally natural one? Mining processes hamper the ecology of certain areas; they may result in the disruption of plant and animal life in those areas. Slash and burn techniques are used for clearing the land for agriculture.

Most of the human activities lead to environmental pollution. The overly increasing human population is increasing the human demand for resources like food and shelter. As the population is exceeding the carrying capacity of our planet, natural environments are being used for human inhabitation. Thus human beings are disturbing the balance in the nature. The harm we, as human beings, are causing to the nature, is coming back to us by resulting in a polluted environment. The depletion of natural resources is endangering our future generations. The imbalance in nature that we have caused is going to disrupt our life as well. But environmental ethics brings about the fact that all the life forms on Earth have a right to live. By destroying the nature, we are depriving these life forms of their right to live. We are going against the true ethical and moral values by disturbing the balance in nature. We are being unethical in treating the plant and animal life forms, which co-exist in society.

Human beings have certain duties towards their fellow beings. On similar lines, we have a set of duties towards our environment. Environmental ethics says that we should base our behavior on a set of ethical values that guide our approach towards the other living beings in nature. Environmental ethics is about including the rights of non-human animals in our ethical and moral values. Even if the human race is considered the primary concern of society, animals and plants are in no way less important. They have a right to get their fair share of existence. We, the human beings, along with the other forms of life make up our society.

We all are a part of the food chain and thus closely associated with each other. We, together form our environment. The environment is not the property of the humans alone. Humans exist because of all other non- living elements of the environment. Therefore conservation of natural resources is not only the need of the day or time but also our prime duty.

Does the Earth exist for the benefit of humanity alone? Do humans have any ethical obligations with respect to the natural world? Have we the right to take all the Earth's resources for our own use? Do we have a responsibility to be good stewards over the Earth? Do other species have an intrinsic right to exist? Do trees have legal standing? What do various religions have to say about humanity's relationship to the rest of the living world? These are some of the questions addressed in the study of environmental ethics.

Check Your Progress I

Note: Use the space provided for your answer

1) What is Environmental Ethics?

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2) What are the distinctive features of environmental ethics?

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3) What is green life style?

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3.4 ENVIRONMENTAL ETHICS AND SUSTAINABLE DEVELOPMENT

Although there is disagreement over the meaning of sustainable development, most countries have accepted sustainable development as their basic policy. The overlapping areas of consensus between sustainable development and



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environmental ethics are obvious: the need for environmental justice among the present generation (especially to eliminate absolute poverty), the need to care for future generations and the need to live harmoniously with nature. Only once human society gets on track with regard to achieving sustainable development can we deal successfully with the challenges of global warming, diminishing biodiversity and world hunger.

3.5 ENVIRONMENTALISM AND PACIFISM

The last thing human beings should do is expend huge amounts of resources on studying and making weapons of mass destruction. Environmental security, does not come from hegemonic militant power, but from a just and peaceful international order. As war is a massive violation of humans' right to life, and causes massive destruction of the environment, avoidance of war should be the primary concern of environmental ethics. Democratic countries should apply their domestic political principles to relations with other countries and allow themselves to be subject to the authority of the UN. The policy that might is right, which prevailed in colonial times, must be condemned and abandoned. The UN and its Member States must aim to construct and strengthen the international legal and judicial system and to arbitrate any disputes among its Member States through this system to avoid military conflict. Only a peaceful international order can foster co-operation among countries in dealing with the global environmental crisis. The close connection between environmental protection and peace must be recognized. All countries have a responsibility to spend more money on environmental programmes rather than on military programmes.

3.6 ECOSYSTEMS: THE LAND ETHIC

Aldo Leopold, a forester-ecologist, wildlife manager, professor, conservationist, author, and prophet of environmental ethics, claimed, famously: *A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.* 'That land is a community is the basic concept of ecology, but that land is to be loved and respected is an extension of ethics' (Leopold 1969: 224-5, viii-ix). In a holistic ethic, this ecosystemic level in which all organisms are embedded also counts morally-in some respects more than any of the component organisms, because the systemic processes have generated, continue to support, and integrate tens of thousands of member organisms. The appropriate unit for moral concern is the fundamental unit of development and survival. That, we were just saying, is species lines. But a species is what it is where it is, encircled by an ecology.

A land ethic might seem a naturalistic ethic, but people are living on this land, and so nature and culture soon mix. Trying to map the human environments, we are valuing three main territories: the urban, the rural and the wild - all three of which are necessary if we are to be three-dimensional persons. Nature is much present in the hybrid habitats of rural landscapes; we need an ethic for agro-ecosystems. Wildlife can extensively remain on landscapes put to multiple use; and so we need an ethic of wildlife management. We need an ethic for forests and farmlands, for the countryside. Nature is present in, and a support of, our

cities as well. A land ethic changes the role of *Homo sapiens* from conqueror of

the land-community to plain member and citizen of it. It implies respect for his fellow members, and also respect for the community as such". Nature means everything in our environment - the soil, the climate, and all living things.

Is Christianity to blame for the destruction of the natural environment? How do different religions approach our relationship with the natural world? The world was not created solely for man's use, but exists apart from humans, complete in its own right. "A numerous class of men are painfully astonished whenever they find anything, living or dead, in all God's universe, which they cannot eat or render in some way what they call useful to themselves".

Environmental ethics is also concerned with the issue of responsible personal conduct with respect to natural landscapes, resources, species, and non-human organisms. Conduct with respect to persons is, of course, the direct concern of moral philosophy as such. "Moral responsibility" normally implies knowledge, capacity, choice, and value significance. That is to say, if a person is morally responsible to do something, then he (a) knows of this requirement, (b) is capable of performing it, (c) can freely choose whether or not to do it, and (d) the performance thereof affects the welfare and/or liberty of other beings. Because one's response to these requirements reflects upon his value as a person, we say that this response has "moral significance. We know that we can cause massive and permanent damage to natural landscapes, resources and ecosystems. Not only do we know that we can cause these insults, we also know how we can cause them, and how we can prevent or remedy them. Knowing all this exacts a moral obligation to act with care, foresight and, at times, with forbearance and constraint. In our dealings with the natural environment, we are, in short, called upon to reflect, act, or perhaps to refrain from acting, in a manner which testifies to our worth as persons and as a culture — in a word, to respond morally. One of the most serious problems with the environmental movement today is that its moral position is badly articulated and defended — it is more "felt" than thought through.

Check Your Progress II

Note: Use the space provided for your answer

1) What is sustainable development?

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2) How do we foster pacifism?

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3) Explain Land ethics.

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3.7 ENVIRONMENTAL ETHICS: DESCRIPTIVE, NORMATIVE AND CRITICAL

Moral philosophers have found it useful to distinguish three “levels” of study in their discipline. The first “level,” “descriptive ethics,” consists of accounts of what people and/or their cultures do, in fact, value. Imagine, for example, a hypothetical public opinion survey reporting that 55% of Californians favor extraordinary and costly measures to protect and preserve their northern forests, that 30% oppose such measures, and that 15% are undecided. Since the survey reports the moral opinions of the sample population without offering a moral judgment of these beliefs, the poll is an exercise in descriptive ethics. Similarly, an anthropological report that such and such a tribe values head hunting describes the values of that tribe. Descriptive ethics, then, can be regarded as a specialized type of social science.

The second level, normative ethics (also called “prescriptive ethics”) deals with moral issues in the conventional sense of that term — that is, with questions of right or wrong, duties and rights, justice and injustice, virtue and wickedness, and so forth. On this level of ethical discourse, judgments are made and defended concerning the moral value of acts, motives and policies, or of the persons or communities responsible for these acts, motives or policies. Also, in particular cases, recommendations are made as to the morally “best” course of action or conduct. Thus a normative response to the hypothetical poll on the Northland forests might be “how dreadful that our fellow citizens should care so little about their biotic legacy.” Or, on the other hand, “I am glad to see that our citizens are at last coming to their moral senses and recognizing that human beings are more important than a bunch of trees.” Similarly, one might normatively condemn the practice of head hunting accurately described by the anthropologist.

The philosopher, accustomed as he is to “ask the next question,” is not content simply to hear a normative opinion. He insists upon a clear and precise statement of the meanings of the concepts employed in the opinion. When the philosopher seeks to clarify the meaning of normative terms or to examine the structure, grounds and justification of normative arguments, he is engaging in the activity of critical ethics, or “metaethics.” He is thus, in a sense, an intellectual spectator of the normative judgment. It is the task of the critical moral philosopher to take account of the logic, language and methodology of normative discourse and argument. Thus, if a moralist condemns capital punishment as “unjust” or head hunting as “barbaric,” the meta-ethical philosopher will ask the meaning of “justice” and “barbarism” in these contexts. He will also inquire as to the nature and soundness of the arguments offered in defense of these normative (i.e., moral)

A failure to discriminate among these levels of ethical inquiry can lead to considerable confusion and error. For instance, a failure to distinguish between descriptive and normative ethics can draw one into a naive cultural relativism or even a subjective relativism. Failure to distinguish normative ethics from critical ethics can lead to hasty moral conclusions. For example, if we affirm (metaethically) that future generations can meaningfully be said to “have rights,” it does not follow that they (normatively) have a right to share the company of snail darters or to find the Boundary Waters Canoe Area in a natural state. Furthermore, if someone (normatively) argues that dumping nuclear wastes in the ocean is “inherently unjust,” we should neither accept nor reject his claim until we have (metaethically) determined what he means by “inherently unjust” and have examined the structure of his argument and the premises and point of view from which it is argued.

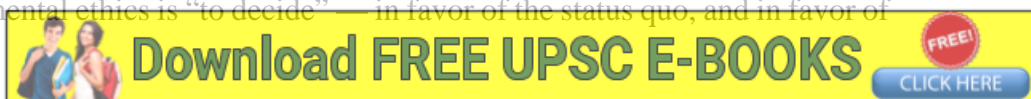
Let us now apply these three levels of ethical inquiry to environmental ethics. First, descriptive environmental ethics is not a significant problem in environmental ethics for the simple reason that, strictly speaking, “descriptive ethics” isn’t really a part of moral philosophy at all. Rather, because it is “descriptive,” it is really a type of social science. If we ask “what do ‘the American people’ think of their national parks? Do they believe the parks to be ‘valuable’? Worth the cost of their preservation?” If we judge the environmental values of most Americans to be “deplorable” (a normative judgment) and thus feel moved to “do something about it,” we might attempt to change these attitudes. And so we would enter the fields of environmental education and moral education. And what teaching methods most effectively produce the attitude we approve of?

Normative ethics deals directly with the “nerve” of morality; namely, the question “what should we do?” or example, such issues as: What is the optimum use of this canyon, or forest, or desert? How should we treat this natural area? Use it up? Protect it? Preserve it intact? What “good” is a “useless” endangered species? How much effort and cost should we devote to protecting it? What damage to the environment and what risk to future generations is acceptable in return for the development of synthetic fuels and nuclear power?

Critical ethics (“metaethics”) is concerned with the meanings of ethical concepts and with the justification of normative claims. Thus environmental metaethics brings to policy and legislative debate such questions as these: Upon what unstated moral assumptions are these contending positions based (e.g., the positions of the “developer” and the “preservationist”)? We are now prepared to clarify a crucial distinction: “Environmental Ethics” is to be identified in this Introduction, as a metaethical term designating any ethical position that expresses a viewpoint concerning man’s responsibility to nature. “Ecological morality,” on the other hand, identifies the particular normative environmental ethics of such writers as Aldo Leopold, who view man as a part of the natural community with duties of respect and forbearance toward that community.

3.8 ENVIRONMENTAL ETHICS: WHY AND WHY NOW?

Why? Because we can’t sit this one out. “Not to decide” about issues of environmental ethics is “to decide” — in favor of the status quo, and in favor of



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“business as usual.” But our poor, battered, plundered and polluted planet can not long endure a continuation of “business as usual.” We have, in the past couple of centuries, achieved a cleverness that has far overshot our wisdom. The explosive growth of scientific knowledge, followed shortly by a parallel growth in technical ingenuity, has created an “explosive growth” in moral problems — some unprecedented in human history.

Ethics is a very ancient human preoccupation (older, perhaps, than philosophy itself). And yet, environmental ethics is very new. In view of the recent dramatic growth in knowledge and technology, it is not difficult to see why this is so. Ethics deals with the realm of imaginable human conduct that falls between the impossible and the inevitable — that is, within the area of human capacity and choice. And now, even within our own lifetime (and ever more so with each year), we have acquired capabilities and thus face choices that have never been faced before in the course of human history — indeed, we now face many capabilities and choices never contemplated or even imagined before. These include choices of birth, life, and death for our species and others; choices that are rapidly changing the living landscape forever.

When the ecosystem was not understood, or even recognized or appreciated as a system; when the earth and its wilderness were believed to be too vast to be damaged by voluntary human choice; at such a time, there was no environmental ethics. But in our own time we have revalidated the myth of Genesis, for in our own time, with knowledge has come power, and with both knowledge and power, we have lost our innocence. This knowledge and this power are due, of course, to the scientific revolution. And therein resides a puzzle and a paradox: The scientists, steadfastly and correctly, claim that their content and methodology are “value neutral.” In the narrow sense, they are right. As methodology, science is properly value-free and should be value-free (an evaluative reflection, you will notice). But this “properly value-free” methodology has opened up a bewildering array of capacities and choices to us evaluating creatures. And we are not equipped with the ethical insights and the moral restraints that are necessary to deal wisely and appropriately with these choices. Yet the choices are before us and we can not evade them. “Not to decide is to decide.”

The issues of environmental ethics are momentous, live and forced (to borrow William James’ terms); that is to say, these issues involve moral choices of enormous importance that we can make and, even more, that we must make. Our moral responsibility to nature and to the future is of unprecedented significance and urgency, and it is a responsibility that we can not escape. In our heretofore careless and capricious hands lies the fate of our natural environment, our brother species, and the generations that will succeed us. Therein lies our inalienable, dreadful challenge — and our awesome responsibility.

Check Your Progress III

Note: Use the space provided for your answer.

- 1) Distinguish three “levels of environmental ethics.

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2) What is “Ecological morality”?

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3) Why has environmental ethics become an important issue of human concern?

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3.9 LET US SUM UP

Environmental ethics is theory and practice about appropriate concern for, values in, and duties regarding the natural world. By classical accounts, ethics is people relating to people in justice and love. Environmental ethics starts with human concerns for a quality environment, and some think this shapes the ethic from start to finish. Others hold that, beyond inter-human concerns, values are at stake when humans relate to animals, plants, species and ecosystems.

Humans deliberately and extensively rebuild the spontaneous natural environment and make the rural and urban environments in which they reside. We care about the quality of life in these hybrids of nature and culture. Ethics arises to protect various goods within our cultures: this, historically, has been its principal arena. As philosophers frequently model this, ethics is a feature of the human social contract. People arrange a society where they and the others with whom they live do not (or ought not) lie, steal, kill. This is right, and one reason it is right is that people must co-operate to survive; and the more they reliably co-operate the more they flourish. One way of envisioning this is the so-called original position, where one enters into contract, figuring out what is best for a person on average, oblivious to the specific circumstances of one’s time and place. This is where a sense of universality, or at least pan-culturalism, in morality has a plausible rational basis.

The four most critical issues that humans currently face are peace, population, development and environment. All are interrelated. Human desires for maximum development drive population increases, escalate exploitation of the environment and fuel the forces of war. Those who exploit persons will typically exploit nature as readily - animals, plants, species, ecosystems and the Earth itself. Eco-feminists have found this to be especially true where both women and nature are together exploited. The interests of environmental ethics done from perspectives of political ecology, sustainable development, bioregionalism, ecojustice, from an



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ethics of stewardship, or human virtues in caring, or a sense of place -all these tend to be humanistic and to recognize that nature and culture have entwined destinies.

3.10 KEY WORDS

Environmental Ethics : New sub-discipline of philosophy that deals with the ethical problems surrounding environmental protection. It aims to provide ethical justification and moral motivation for the cause of global environmental protection.

Pacifism : Peaceful international order to foster cooperation among countries in dealing with the global environmental crisis.

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UNIT 4 MEDIA ETHICS

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4.0 OBJECTIVES

The unit highlights the nature, role and important aspects Media Ethics. Before that one should know the nature and the role of Media Ethics. Hence this chapter with varied sections on Media Ethics aims to bring out this aspect.

4.1 INTRODUCTION

The opinions, attitude, and conduct of persons depend upon the information available to them and upon the images and feeling tones impressed upon them. Most of our knowledge of contemporary events comes to us from the newspaper, the radio, television and movies. Our emotions and attitudes also are formed to large extent by the media. Those who control our means of mass communication not only report current events and history of the world help to make history. We cannot think correctly and clearly about either domestic or world affairs unless we obtain accurate information. If the sources and the channels of information are tainted or distorted, all people are in a serious danger of being led astray. The democratic way of life depends upon the existence of free agencies of mass media, as the public is kept informed and alert.

Media ethics is concerned about the question of what is right or wrong, good or bad, acceptable or unacceptable about the means and ways that the media collects and presents information and news. It is also about the normative and prescriptive nature of guiding and controlling the practical aspect of media with ethical principles. Relevance of these principles are always discussed, at times contested also by journalists and audiences depending on the specific situations and context. The impact that media has on the audience is always comes under the purview of media ethics. (Melisande 2009)

4.2 CODE OF ETHICS FOR MEDIA

The importance and inevitability of media is expressed in the following saying, “If journalism at one time seemed to be an appendix to culture, today, by contrast, culture finds itself at the mercy of journalism. It is part of a world dominated by journalism. The mass media decide who will be known and to what degree and according to which interpretation.” (Milan Kundera 1984) Media is that influential that it is not exaggeration to say that journalists make daily decisions for people. There is always a tension between the public’s right to know the truth and an individual’s claim to privacy. Those decisions are grounded in ethical decision-making tools that may include a formal Code of Ethics. Media ethics tries to prevent any monopoly over information diffusion; upholds pluralism instead of the uniform gloss over media content that is typically brought on by authoritarian regimes; maintains objectivity by providing different sides of an issue, which empowers audiences to formulate their own judgments and increases levels of truthfulness in reporting. (Melisande 2009)

The following codes are formulated to regularise the media in general.

Responsibility: The right of a newspaper to attract and hold readers is restricted by nothing but considerations of public welfare. A journalist who uses his power for any selfish or otherwise unworthy motive is not trustworthy. We shall elaborate on this elsewhere. **Freedom of the Press:** Freedom of the press is guarded as a vital right of media. It is the unquestionable right to discuss whatever is not explicitly forbidden by law including the wisdom of any restrictive statute. **Independence:** Freedom from all obligations except that of fidelity to the public interest is vital. **Sincerity, Truthfulness, Accuracy:** These enable media have a good rapport with the reader. **Impartiality:** news reports and expression of opinion are expected to be free from bias of any kind. **Fairplay:** question of private rights and public interest distinguished from public curiosity, is discussed in fairplay of the media. We would further the discussion on it in the later section. Secondly, it is the privilege as well as the duty, of media to make prompt and complete correction of its own serious mistakes of fact.

4.3 BEING ETHICAL IN PRINT MEDIA

The daily print media is the basic means for the day-by-day dissemination of the news. It is the gate way of elaborate information of the world and its events. It has greater influence on the society. It furnishes news or information regarding the events of the contemporary world, with an interpretation and comments upon these events. Newspapers can ‘head-line’ some items of news or opinions and make them seem very important, and they can suppress items or omit them entirely. They advertise for business and other establishments, acting as a sales medium. They furnish entertainment of various types, from comic strips to puzzles. They provide miscellaneous information which it is difficult to classify under any of the above headings. The ethical training of the correspondents, reporters and the editors tells upon the type of presentation in a particular media. The vision, viewpoint and ideology - be it social, economic and political - of a specific media guides their way of presentation. They are the inarticulate major premises that necessarily colour the reports they make. Much news is gathered and dispatched by great news-gathering agencies, or press associations.

Print media is under severe criticism from time to time. Three major criticisms are usually levelled against the newspaper today. They are as follows: It is said that the press, while claiming to be an objective agent for the dissemination of news, is in reality a group of business corporations run in the interest of profits for the owners or the stockholders. Due to this business link with mere profit motive, print media is subject to financial pressure and is controlled by a small group. Eventually it tries to serve their social, political and economic interests. It is claimed that newspapers are subject to additional pressure from major advertisers. In order to please the advertiser owing to huge revenue from them, most of the times, print media may indulge in distortion and improper slanting of the news. Most newspapers are frankly partisan in politics. When economic issues are involved, newspapers with few exceptions serve the interests of the dominant groups.

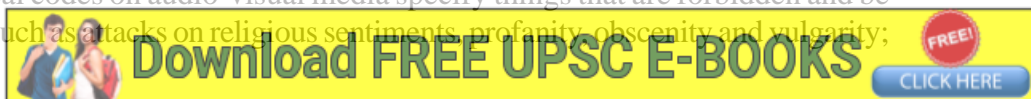
Media ethics demands social responsibility with public interest. In the words of Owens-Ibie serving the public interest would mean “the mass media are expected to inform the citizenry of what goes on in the government, which, in a way, keeps rulers in check. Also, the media should be reporting on and promoting discussion of ideas, opinions and truths toward the end of social refinement; acting as a nation’s ‘bulletin board’ for information and mirroring the society and its peoples just the way they are, thus exposing the heroes and the villains.” (Owens-Ibie, 1994)

In order to regularise the print media towards serving the larger interest of people rather than few influential and powerful groups, certain ethical guidelines are emphasized. Legislative action is suggested to check the monopoly in the handling the information. As individuals, we should widen our range or variety of reading and check items or articles that arouse our suspicion. Both public and private bureaus of information and investigation should be developed and supported. We might establish a few endowed newspapers on a non-profit basis, with different sections of the paper assigned to different interest groups.

4.4 ETHICAL NORMS FOR AUDIO-VISUAL MEDIA

Broadcasting is comparatively a recent phenomenon in the modern world. The development of radio and television has been rapid and has gained tremendous power. Listening and seeing are the important aspects of society. Certain ethical issues are raised in broadcasting. The power of owing number of stations and the authority to give them licences to do so remain with the state. This limit and control of broadcasting sometimes become a coercive and manipulative by certain group of people who are favored with the privilege of using the available air waves or channels. The regulative code is that it has with the responsibility for the common good of all. News reporting also is ethically expected to be factual and objective. Programs relating to controversial public issues are needed to give fair representation to both sides of issues beyond certain bias and particular standpoint. Children’s programs are to be educative rather than mere entertaining. The pedagogical input reflects basic human values like respect for parents, law and order, clean living, high morals, fair play and ethically right behavior.

The ethical codes on audio-visual media specify things that are forbidden and be avoided such as attacks on religious sentiments, profanity, obscenity and vulgarity;



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material of an extreme nature which might create undesirable emotional reaction among people. The advertising of hard liquor, fortune telling, occultism must be avoided. Since much discussion has centered on the subject of crime, violence and sex in broadcasts, it is interesting to note what the codes emphasize in the fields. The radio code says that broadcasters should avoid technique and methods of crime presented in such manner as to encourage imitation or to make the commitment of crime attractive. The television code urges respect for the sanctity of marriage and shows concern that illicit sex relations are not treated as commendable.

In a section headed 'Responsibility toward children' the television code says: "The education of children involves giving them a sense of the world at large. Crime, violence and sex are a part of the world. They will be called up to meet and a certain amount of proper presentation of such is helpful in orienting the child to his social responsibility". However, violence and illicit sex shall not be presented in attractive manner, not to an extent that it may make a child to believe that they play a greater part in life than they do. They should not be presented without indications of the resultant retribution and punishment. The television code points out that television makes available the finest programs of Information, Education, Culture and Entertainment. It is a valuable means of augmenting the educational and cultural influences of Schools, Institutions of higher learning devoted to education and culture. Whether we agree or not programs of excellence in these areas are commendable. On the other hand, one such study on these programmes has indicated that some parents complain of 'too much violence' and a lack of educational and religious programs. The study found that children's programme are of full violence either directly or indirectly. Some educators have warned the possible dangers to health, character and education which may result if a child spends two or more hours a day in watching Television. Others think that these dangers have been exaggerated and blame the parents, who indirectly encourage their children watching television as it keeps the children busy and "out of trouble".

Efforts to regulate radio broadcasting have been undertaken by the government. Broadcasting stations are licensed to serve the public and not for the purpose of furthering the private or group interest of individuals. Benefits derived by advertisers were to be incidental and entirely secondary. The broadcasting system was to be a kind of community mouthpiece for keeping the people informed, stimulating discussion and presenting music, drama and athletics for the entertainment of the public. The ethical standards of the radio and television industries appear to be the generally accepted standards of society. The industry tries to follow the law of the land. A certain amount of idealism is offset by the drive for profits and the desire to do the things which lead in this direction regardless of public welfare.

Concept of public interest is in the heart of media ethics and highlights the crucial role of communications sector in shaping the formation of public opinion and civil society movements. In short, field of communications is a determinant factor in framing the path of society's development. (Melisande 2009)

4.5 FREEDOM OF PRESS AND RIGHT OF PRIVACY

Many journalists believe, as witnessed particularly in India during the last couple of years, that the public's right to know and the need to expose vice and corruption are superior to all other concerns. Most of the time it turns out to be focusing more on privacy of people which is turned out to be 'newsworthy' item in their media career. People in public life are vulnerable when their private lives become a spotlight for the media. The growth in mass media size, profile and influence together with technological change or otherwise called 'information revolution,' made the privacy of people so fragile. Privacy is one of the fundamental freedoms of people and it is essential to liberty and human dignity. Media justifies such interference in privacy of people arguing that it is in the public interest. Privacy is not just a concern over personal information and the dangers of 'surveillance society.' It is more than the mere maintenance of one's 'data protection,' or confidentiality of any information.

In using the personal information of people and facts about events in an individual's life media has a greater responsibility. Even though there are strangely few odd persons who try to seek a high profile and public recognition, to further their own interests or some cause or philosophy they support through publicly going with personal details. The balance between individual's right to privacy and public's right to know, is often unsteady. Ethical issues and choices arise out of it. The public's right to know is one of the guiding principles of journalists. They believe strongly that if officials are allowed to act in secrecy, miscarriages of justice and corruption may result. Is it an unobstructed right to know everything? Is the public's right to know always in 'the public interest'? Do journalists understand 'the public interest' to mean the public 'good', in the classic sense, or the public's curiosity? If we assume the public is always curious about the private details of other's lives (or pictures of their experiences), does that make it right to 'print everything you know'? Is the public always curious or are they often offended by the information or photographs put before them, and are the media therefore out of step with the very audience they claim to serve? These are the serious concerns in media ethics. Simple check before a journalist when deciding whether to print or broadcast a piece of information or a picture: Is it true? Is it fair? And is it necessary? (Gail Hulnick "Defining the Line Between the Public's Right to Know and the Individual's Right to Privacy")

4.6 REMEDIAL MEASURES FOR MALADIES IN MASS MEDIA

The maladies in mass media are problematic as they affect entire society directly and indirectly. For example, certain advertisements on tobacco-related materials are undoubtedly detrimental to the healthy life of people, particularly younger generation who are future pillars of the nation. The avoidance of this type of advertisement in Radio, Television and Newspaper is recommended. In smoking it is wrongly projected that freshness comes after having that smoke. When such ideology is inflicted on the minds of people, they are made to believe. Avoiding such advertisement would enable us to take care of people in any society. The mass media has an obligation to the society to show right things, right thought, right guidelines, and right information.



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Where ever the suppression of fact is necessary, the mass media has a duty to do it immediately. For instance reporting of sensitive communal riots and tensions might be suppressed if it would accelerate further riots and tensions in other parts of the world. Suppression of personal misbehaviour of particular individual, for which one is duly punished, is recommended with exaggerating it to be the important news item. Reporting the individual's wrong doing as belong to particular community, state, religion, or country, is unwarranted. Equality before law guarantees that wrong doer will be punished without any discrimination or preference.

Whenever an exaggeration of fact is necessary, the mass media has to do it for the welfare of people. It might alert people and enable them to protect them as early as possible. For example, news about the death of 1000 persons in road accident duet to violation of wearing helmet could possibly be exaggerated so as to create awareness among people to protect themselves. It depends upon the context that the mass media has to work carefully without any delay.

4.7 SOCIAL RESPONSIBILITY AND THE MEDIA

Media ethics is given a broader concept of social responsibility. In presenting the facts and news around the globe, the Media is expected to have certain responsibility inherent within or imposed upon, namely responsibility towards the society to which it serves. The question of social responsibility comes to be highlighted whenever there are certain controversies that are reported without foreseeing the consequences that would follow. Every one is entitled to have information. When the information is passed on media personnel have their own perspective to present. In certain cases, the presentation of certain facts may have negative impact. Hence, there comes the question of social responsibility. Defining social responsibility and regulating the aspects of it are to be careful figured out. One may talk of theoretical grounding of the concept of social responsibility. Yet the concrete reality of practical journalism may have particular difficulties in the applications of these theoretical values. To bring about a more comprehensive understanding of social responsibility is a challenging task. Formulation of media laws are to be effective and should have a potential to result in improving the role of media. (Melisande 2009)

Accountability in the media is often defined in terms of producing records like evidence to support what has been reported. The journalist is accountable in the sense he or she is held liable for the consequences of the reporting. The liability is both in ethical and legal in nature. Responsibility for the act of reporting is on the journalist.

There is a distinction between accountability and responsibility, "Whereas accountability often is referred to as the manifestation of claims to responsibility, the latter is the acknowledged obligation for action or behavior within frameworks of roles and morals" (Plaisance, 2000). Responsibility is in this sense the obligation for proper custody, care and safekeeping of one's audience. In social responsibility the interest of the society is given a top priority. From the Commission on the Freedom of the Press or the Hutchins Commission the following five guidelines are briefly given for A Free and Responsible Press. These principles, though valid, are lacking in precision.

- a truthful, comprehensive, and intelligent account of the day's events in a context which gives them meaning;
- a forum for the exchange of comment and criticism;
- the projection of a representative picture of the constituent groups in the society;
- the presentation and clarification of the goals and values of the society;
- full access to the day's intelligence.

Social responsibility is an obligation of the media to provide trustworthy and relevant news and information as well as opportunities for diverse voices to be heard in the public arena.

It is to see that all sides are fairly presented and that the public has enough information to decide. (Siebert et al. *Social Responsibility Theory*, 1956)

4.8 ETHICS IN PRODUCING AND SCREENING OF MOVIES

Like the newspaper, the radio and television, the movies also have great power in society, especially in India. It has an impact of good or evil in the individual lives of persons, in social relationships and in the relations between nations. Numerous studies have indicated the great influence of movies, especially upon the thinking and conduct of youth. These pictures serve to set the pattern for mannerisms, styles, fashions, for ways of courtship and lovemaking and for personal adornment. They stimulate emotions and allow them to be in fantasy and in daydreaming as well as to indulge in overt behavior. They help to create ideas of right and wrong and to mould desires and ambitions. During the early development of the movie industry, there were some scandals within the industry and considerable criticism of the type of pictures shown. This led to the emergence of censorship. The censorship legislation has a set of codes for movies with production code for distributors and producers. While a producer cannot be compelled to produce pictures in accordance with the code regulations, the code has had a beneficial effect.

In some of the larger cities the censorship boards have each year eliminated from the films brought before them several thousand scenes which they considered detrimental. Censorship as imposing certain legislative codes of conduct and screening has a clear foundation on ethical principles. It ultimately brings in improvements and high-quality films. Even though it may be argued that censorship curtails the freedom of speech, the effective use of it has shown desired results in film industry. Prohibition of obscene, lewd, and filthy scenes and forbidding the importation of any film that is immoral or obscene have done good to the society. Motion pictures are included in the list of articles that may be prohibited on the grounds of immorality or indecency from the channels of interstate commerce or circulation through the mails. The fairly widespread criticism naturally has been a matter of concern to the motion-picture industry. Besides, making some amendments in its code and adopting "an advertising code," the industry has taken steps to clean house from within and to enforce the provisions of the code. Now many theatres will not show a film unless it has been given the seal of approval of the censor board. The code of the industry



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states, No picture shall be produced which will lower the moral standards of those who see it. Hence the sympathy of the audience shall never be thrown to the side of crime, wrongdoing, evil, or sin. Correct standards of life, subject only to the requirements of drama and entertainment, shall be presented. Law, natural or human shall not be ridiculed, nor shall sympathy be created for its violation.

4.9 MEDIA ETHICS: PRACTICAL APPLICATIONS AND SOLUTIONS

Habermas' theories of communicative action and discourse ethics have indirect impact in media ethics. Ethics in the public space is discussed here. Habermas reminds us of the urgent need to protect and insulate the public discourse and its dialectics. Discourse is always collaborative or collective and bears an impact upon the receiving of a piece of communication. The author of any discourse is made responsible for its impact. Habermas' discourse ethics in Moral Consciousness and Communicative Action provide a convenient framework for making this point: he borrows the universalisation principle from Kant's moral theory, extending the notion of categorical imperative to include all those affected by a norm as its participants (Hoenisch, 2000). Any communication involves both the listener and the speaker. The journalist who is communicating is intrinsically linked to his listeners. The fundamental principle of media's obligation to fulfill public interest is this relationship.

Everyone in this world is born to live comfortable life. When basic comforts are deprived people tend to forget the ethical codes and conduct in life. It would also never mean that poor are unethical. To live peacefully the basic amenities must be fulfilled. Similarly living a good life needs to be ethical by all means. Speaking of mass media one can vouch that it has done a good service so far to the people. No doubt, we have been benefited by them. It serves as a powerful tool in keeping up the democratic spirit.

Crimes against the Law: These shall never be presented in such a way as to throw sympathy with the crime as against law and justice or to inspire others with a desire for imitation.

- 1) Murder
 - a) The technique of murder must be presented in a way that will not inspire imitation.
 - b) Brutal killings are not to be presented in detail.
 - c) Revenge in modern times shall not be justified.
- 2) Methods of crime should not be explicitly presented.
- 3) Illegal drug traffic must never be presented.

Sex: The sanctity of the institution of marriage and the home shall be upheld. Pictures shall not infer that low forms of sex relationship are the accepted or common thing. Adultery and Illicit Sex, sometimes necessary plot material, must not be explicitly treated or justified, or presented attractively.

Scenes of Passion: These should not be introduced except where they are definitely essential to the plot. Excessive and lustful kissing, embraces, suggestive posture and gestures are not to be shown. In general, passion should be treated in such manner as not to stimulate the lower and baser emotions.

Vulgarity: The treatment of low, disgusting, unpleasant, though not necessarily evil subjects should be guided always by the dictates of good taste and a proper regard for the sensibilities of the audience.

Obscenity: Obscenity in word, gesture, reference, song, joke, or by suggestion (even when likely to be understood only by part of the audience) is forbidden.

Profanity: Pointed profanity and every other profane or vulgar expression, however used, is forbidden.

The code itself is a fairly commendable statement of objectives. Unfortunately, it has not been effectively implemented or enforced. It has been used at times, furthermore, to bar criticism of our social order, as well as to curb the indecent. Motion pictures are controlled by a huge industry which has money-making as its chief aim. With near-monopolistic control by a few companies, free competition has been definitely limited. In recent years the government has forced the separation of theatre ownership from production and distribution and has prohibited “block booking”, “blind selling,” and various monopolistic tactics. Film may now be individually rented. Thus exhibitors cannot legally be forced to accept or to choose. Higher standards of motion-picture entertainment may be brought about by increased public demand. In this connection, as with broadcasting, we might encourage more critical reviews and use of film Estimate Service. Today there are a number of excellent Estimate Services carried by several magazines which give reviews and estimates of films and enable one to pick what he wishes to see. We might also empower the State Department to preview films to be shipped abroad and to prohibit shipment if the picture misrepresents the country or is likely to undermine good will and stir up resentment toward us.

A study of the choice of people of various ages led to the conclusion that the recipe for a “good movie” was “a lot of action with some plot and not too much love”. Pictures not considered suitable were those, in which glorification of war, mediocrity, over sentimentality, uncalled-for drinking, unnecessary brutality or killing, passionate love scenes, undue sympathy for immoral or criminal behaviour, superficiality. The motion-picture industry can be a great force for raising standards and for lowering them. There is a moral obligation upon everyone to see that the films to which they and their dependents are exposed are elevating, not degrading.

4.10 LET US SUM UP

The goods and services distributed by mass media, are probably the most important consumer commodities purchased in the contemporary world. The emotional and mental aspirations are satisfied and fed with these information. Media power to determine what the people read, hear and see or what they want or should have, must not be left entirely to the judgment of a small group of men with a large financial interest in the decision. It has to be ethical oriented. Only by



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freedom and conflict of ideas can truth in the long run be found. Unless the press, the broadcasting stations, and motion pictures are free channels for information and discussion, there can be little freedom of thought or of expression. Discourse in the public space is fed with facts and news by mass media.

In our discussion of the newspaper, radio and television broadcasting and the movies, we have made some specific suggestions for possible improvement with ethical principles. In the long run, however, the solution may rest with the education, the public schools, the colleges and the Universities. They can help to raise a new generation of young people with higher ethical codes, tastes and expectations. The public must be taught to be discerning and critical of what it reads, hears and sees. Respect for the privacy of individuals, even of those of public figures, is to be upheld with due honour. Privacy could never be tampered in terms of public curiosity which might turn out to be an excuse for mass media to cross their limits. Media ethics regulates life, events and their reporting. The role of mass media could never be undermined as it becomes so essential in contemporary world to bring about healthier society, Nation, Country and the World.

4.11 KEY WORDS

Public interest : dissemination of information about events and news in the world is done with the motive and interest of people who have right to know. It is to be always distinguished from public curiosity to know everything, even sometime private life of persons.

Social responsibility : obligation of mass media to people it serves.

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UNIT 1 NATURAL MORAL LAW

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1.0 OBJECTIVES

In this unit, we shall focus our attention on moral consciousness, the residue of the natural moral law, and the data of moral consciousness. As part of our discussion we shall present the contrary views to the natural moral law especially those of Sartre. In the end we shall discuss the relationship between human order and the moral order.

1.1 INTRODUCTION

Often moral consciousness and moral experience are used in a synonymous sense. But we prefer to distinguish between consciousness and 'experience'. 'Experience' is whatever affects us in general (from Latin '*experiri*'). This can be an emotion (like love or hatred), active or passive (like love for a person or love of a person). We can speak of growth in knowledge as an experience ("noetic experience"). No matter what the source is, whether external or purely internal, it leaves its imprint on human person. Various experiences add up to human person's total experience of himself as a human person and form his human personality. But human person is not always aware of what has so affected him/her in the past or even is affecting him/her in the present. Some long-forgotten experience, now buried in the 'unconscious' (e.g. his/her upbringing by loving or unloving parents during the first few years of his childhood), may be affecting him and his behaviour here and now without his being aware of it. More generally still, human person is not always aware of what he really is, of his talents and capabilities, of the potentialities of his mind, heart and will. It is only when he becomes so aware that we can speak of consciousness.

It might very well be that 'human consciousness' is never total. (One could perhaps say that it can be so in the highest stages of 'mystical' experience.) In any case, it can progressively develop. And it can do so by study, reflection and 'meditation'. This process of development (or of 'interiorization') can be facilitated by such people as the psychologist, the philosopher, if need be the psychotherapist, and, above all the spiritual master.

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Now, though human consciousness, or 'self-consciousness' is an integral whole, we can – for purpose of study – distinguish in it different components. We are not referring here to those levels of the human psyche as described for example by Freud or Jung (the 'Superego', the 'Ego', the 'ID' and, according to the latter, the 'collective unconscious'). We are more simply referring to 'fields' of human consciousness, like the noetic consciousness, the aesthetic consciousness, moral consciousness etc. We can distinguish one such field from another, and characterize each one of them, by their formal object. Hence, we could say that the formal object of noetic experience is 'truth,' of aesthetic consciousness 'beauty' and that of moral consciousness 'rectitude' (or 'the right,' 'the right thing to do').

Such concepts as 'truth,' 'beauty' and 'rectitude' are pregnant words. They contain in themselves a wealth of meaning. And it is only by calm reflection that one can sort these out. And it is what we are going to attempt to do now – to sort out the wealth of meaning contained in the concept of moral rectitude. Or better still, we are going to try to bring out to our fuller awareness the elements or data of our moral experience. This passage from experience to consciousness is a kind of transit from the implicit to the explicit, from the non-thematic to the thematic, or simply, forms the dimly and vaguely felt to the clearly and plainly apprehended.

At this stage of our reflection, we shall content ourselves with simply listing these data of moral consciousness. We shall pass some general remark where it seems useful, reserving for later – in our second section – a full philosophical inquisition on their meaning and implications. To distinguish what is purely 'subjective' to each one of us from what can be said to belong 'objectively' to every (normal) human person, we shall have to constantly take into consideration the experience of other human persons as far as we can gauge it both from our study of history and especially from our knowledge of other people in our everyday contact with them.

1.2 THE DATA OF MORAL CONSCIOUSNESS

Surely the most immediate datum is that there are certain actions which are 'good' and which one may do, and certain actions which are 'bad' and which, therefore, one may not do. To put it simpler, some actions are allowed, some not. The more immediate or 'primary' the datum is, the more, it needs explanation. What is 'primary' here is not what these actions are, but the fact of this distinction. We learn from our own experience and that of others, that human persons can sincerely differ as to what actions are 'good' or 'bad'.

What we are saying here corresponds to the scholastic tenet that "the good is to be done and evil to be avoided" is the first immediately known principle of practical reason. We shall explain later what 'practical reason' is. However we would like to point out here that, according to us, in the most immediate datum of moral consciousness, the 'good' (as well as 'evil') are always concretized in certain 'good actions' (or 'evil actions'). 'Good' and 'evil' in amount of reflection on one's moral experience.

Again, nothing is said about how one comes to the awareness of such a distinction (e.g. parental influence, education, etc.) and therefore whether it is philosophically to be retained or rejected. This we shall have to examine later. But the fact that

human person, from time immemorial (as far as we have records to judge by), in

all the different cultures, has made it – and especially that such a distinction cannot be denied without self-contradiction – proves that it is an ineradicable datum of moral consciousness.

Among ‘good actions,’ some should be done (absolutely brooking no excuse), others should be done only conditionally (depending on certain circumstances of person, time and place) and still others are left to be done optionally (but which may still deserve the highest praise if done). Conversely, among ‘bad actions,’ some should be avoided absolutely, others conditionally. Here again, nothing is said what these actions are even though actions in moral consciousness are always ‘concretized in its most immediate apprehension. What one is made aware of is this ‘feeling’ of ‘should’ – implying a sense of obligation, of constraint, which is imposed as it were, on us whether we like it or not. However, this sense of constraint is very much unlike that of physical force or psychological compulsion. It leaves us completely free whether to comply or not. This feeling of moral freedom we now accept at its face value.

The ‘sense of the absolute should’ is not something of our own making, left to our own subjective choice. Unlike in other cases where we can freely ‘oblige’ ourselves (e.g. when we give a solemn promise), here we find ourselves ‘obligated’ before any decision of ours. And if this ‘absolute should’ is not purely subjective, it is somehow ‘objective’. This datum is intimately linked with the former. It simply brings out the ‘objectivity’ of the sense of moral obligation.

No less clearly I feel that this sense of absolute should apply not only to me, but to every human person. If I understand that such and such an action is an absolute should’ for me, it is an ‘absolute should’ for anyone who understands it the same as I do. In other words, this ‘absolute should’ imposes itself not only on me but on every human person, universally. Remember that we are not saying which actions in the concrete every human person understand to be universally obligatory. But this sense of the ‘universality’ of the ‘absolute should’ is ‘given’ in the moral consciousness as clearly as its ‘objectivity’. Indeed, they are as immediate as the sense of the ‘absolute should’ itself; two of its essential aspects, so to say.

Another datum of moral consciousness is that what is ‘right’ should be done because it is right. In other words, the ‘right’ imposes itself on me as its own ultimate end. This needs some explanation. It is immediately clear that if I do what is in itself right but out of a bad motive, I am not really doing what is ‘right’. But this is not the point. Even if the motive is not bad (e.g. religious motive), unless I, reflective or not, understand that so to act out of this motive I to act rightly, I am not acting rightly. Hence no matter how many motives I may have for my action (immediate, mediate motives), unless my ultimate motive is right, my action is radically vitiated.

One of the most immediate data of moral consciousness is the sense of ‘satisfaction’ when one does what one thinks to be right and the sense of ‘guilt’ when one does what one thinks to be ‘wrong’. And this independently of, indeed often in spite of whether other people praise or blame one. And, conversely, I find myself approving and praise others for doing what I think is right, and condemning and blaming them for doing what I think is wrong. In the light of modern psychology, much can and has to be said about this sense of ‘guilt’. We



shall have to discuss it later. But notice that what is more important here is not so much this sense of ‘guilt’ but this passing of value judgments on my actions as well as on those of others, and consequently on myself as well as on others. But if we take this datum to its face – value, we find ourselves holding ourselves and others responsible for the actions we and others perform.

1.3 THE FOUNDATION OF THE MORAL ORDER

We have spoken of a ‘moral ideal’ as an ideal human behaviour’ as human behaviour as it should be’. A ‘moral ideal’ is a ‘moral value’. We have pointed out, however, that in the language of the philosophy of values, ‘value’, unlike the more generic ‘good’, is something specific and concrete and that is why it is generally used in the plural. And this not only to distinguish between ‘infra-moral’ and ‘moral’ values, but also to specify ‘moral values’ among themselves. And in fact, human ‘behaviour’ is made up of specific actions. And it is actions which are primarily judged morally good or bad. A ‘good’ human person is a way whose actions are good. A morally ‘good’ feeling, habit, virtue, intention, motive, wish, etc. is said to be ‘good’ with reference to a corresponding action or actions. Hence, we can speak of ‘moral values’. By ‘moral order’ we simply mean the ‘totality of moral values.’ Now, the question which we are here asking ourselves is this: does each can, in fact and by right, create his own moral values (idealize for himself what his human behaviour should be), or does he, in fact and by right, does so on the basis of some reality? In other words, we are asking whether there is some reality which in fact and by right serves human person as basis, or foundation, for his moral values.

This question is indeed a pregnant one – for it contains within itself many other questions. Two questions are explicit: the question of fact (whether there is in fact such a foundation, whether human person does in fact, consciously or unconsciously, build his moral values on it), and the question of ‘right’ (whether there should be such a reality, whether human person should build his moral values on it). But other questions are implicit (e.g. if there is such a foundation, is it the same foundation for all men at all times? Even if human person were to build his moral values on this foundation, how is he to know that such and such is a ‘moral value’ in the first place?). For purpose of study and philosophical reflection, we have carefully to distinguish one question from another. If the implicit questions are perhaps more immediately practical, we have first to find an answer to what may seem more theoretical questions. It is the ‘theory’ which determines the ‘practical’.

Our study of human person, culled both from our own observation and from a study of ethnology, sociology, history, psychology, etc. may lead us to think that there is, at least in fact, no such foundation for moral values. Human person is, and always has been, creating his own moral values. What one could say is that he is only ‘conditioned’ in doing so by the mentality of the group he lives in, by contemporary social mores and customs, by his religious culture, etc. the ‘ideal human behaviour’ of a human person belonging to a head – hunting tribe is to kill as many of his enemies as possible and thus to collect as many skulls as possible.

However, the divergence and variability of moral values, at different times and places, is irrelevant to the question we are raising here. It will be relevant later.

For this divergence and variability of moral values may be based on the same foundation – if such a foundation exists. We know by experience that two diametrically opposed moral actions (one which we consider ‘good’ and the other ‘bad’) could be motivated by the same motive, for example. Because I love my mother who is in agonizing pain and for whom doctors have given up hope, I may want, certainly to diminish her pain but to prolong her life as much as possible; another motivated by the same love, may decide to allow doctors to practice euthanasia on her. Now, if the same motive – which is a subjective intention - can serve as basis for different human actions, is there a same foundation – an objective reality – which does in fact serve as a basis, or foundation, for moral values irrespective of their divergence and variability? This is the question we are asking here.

Check Your Progress I

Note: Use the space provided for your answer

1) What do you understand by ‘the Absolute Should’?

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2) How do I understand moral ideal is a moral value?

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1.4 EXISTENTIALIST HUMANISM

Jean Paul Sartre is the philosopher who has perhaps best succeeded to give expression to a certain way of feeling and thinking with regard to the question we have raised. Surely the way he articulates the problem and the philosophical terminology are peculiarly his, but the problem itself is human and the solution a common one. This is why we have chosen to speak of him in a particular way. In his best-known book *Being and Nothingness*, Sartre devotes only three out of seven hundred pages to the moral question. The book, as is clear from the title, is concerned with ontology. His moral theory is summarily presented in a little, but no less well-known book *Is Existentialism a Humanism?* and his various plays. However, as is always the case with moral philosophers, his moral stance depends on his ontological one. For Sartre there is and cannot be an objective foundation for moral values. This objective foundation could only be a ‘realism of essences’ created by God. But God does not exist. Existentialism (understand atheistic existentialism) “is not so atheistic that it wears itself out showing that God does



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not exist”, but taking the non-existence of God for granted, it tries to draw all possible conclusions from a logically coherent atheism.

If there are no pre-existing essences on which to build a moral order and no pre-existing norms according to which human person can pass moral judgment he/she is free, and left on his/her own to create his/her own moral values. It is not that Sartre does not acknowledge a certain universal form of Ethics, which permits him to pass both a logical and moral judgment on himself and on others, but that this universal form is based on human freedom itself. But what counts is the element of invention and the knowing whether the invention that has been done has been done in the name of freedom. Like the artist with no re-existing norms to tell him what and how to create aesthetic values, human person must invent his own moral values. A person who fails to recognize his freedom and always bring excuses for his behaviour (psychological, religious, social, etc.), Sartre calls such a person a *salaud* (a bastard)

Sartre defends his moral stance against the accusation that it is inhuman. For Sartre his existentialism is indeed humanism in the sense that it alone can promote the dignity of human person which consists precisely in human freedom. And human person is responsible to others in that when he acknowledges and chooses freedom he is by that very fact acknowledging and choosing freedom for others. Having no god whom to obey (“it is a pity that God does not exist”, he writes) and no ready – made rules of conduct to go by indeed condemned to be free human person finds himself alone jettisoned in the world a useless passion in an absurd world but it is precisely this anguish which is at the root of that existential despair when he comes to choose freedom for himself and others and thus to become human person.

Human person as a conscience being is different from a thing in that he is free. A thing (which Sartre calls the *en-soi*, in-itself) is static, fixed, opaque to itself determined and therefore definable. Human person (the *pour-soi* for itself) is dynamic always in the making transparent undetermined and therefore indefinable. If human person had his essence already pre-fabricated for him he would be a thing and his human dignity would be done away with. But his essence is what he himself makes of his existence in freedom. That is why for Sartre, existence precedes his essence. And this is possible because in human person there is a gap (*faille*) between the in-itself and the *for-itself* which permits human person to be what he is not and not to be what he is. This explains human consciousness. And incidentally that is why for Sartre the very notions of God contradictory. For, God, if he existed, would have to be both and at the same time an ‘in-itself’ (to the extent that he would have to be the full plenitude of being and therefore admitting of no becoming) and a ‘for-itself’ (to the extent that he would to be consciousness of himself and free). There is a certain internal consistency in Sartre’s philosophy. And as we have seen his ethical position is logically dependent on his general ontology. Hence a serious evaluation of his ethical position is not possible without an evaluation of his ontology particularly of his atheism. But this is not only out of place here but excluded by the very method we have preferred to follow in not assuming for methodological purposes the existence of God.

We have seen that Sartre does base a certain universal form of Ethics on human freedom. Human freedom is for him the foundation of the moral order for which

we are seeking. And for Sartre when you say human freedom you are simply saying human person. Can one draw the conclusion then, yes in the sense just explained not in the sense that Sartre refuses to define human person. If human person is freedom he/she is what he/she makes himself or herself. And again Sartre refuses to determine for human person what his moral values – and hence the moral order – is or should be. These are left to each human person's invention provided he invents in freedom.

Now we remark that apart from the fact that his ethical theory if pushed to its practical consequences should logically end up in moral anarchy – something which probable neither Sartre himself nor surely any right thinking person would condone – his refusal to define human person somehow or other in terms of what he shares with other men reflects a philosophically untenable nominalism. It is true the traditional term nature of human person or that of human person's essence is redolent of certain staticism, whereas what Sartre tries to insist upon is human person's dynamism. But this is a clear instance where an emphasis on one polarity of reality unchecked and not counter balanced by an equal emphasis on its opposite polarity leads to logical absurdities. What is however a precious insight is the fact that any moral values are based founded on human person himself. We reject Sartre's exclusively individualistic outlook on human person. So we raise the question what is men?

1.5 THE HUMAN ORDER AND THE MORAL ORDER

In our analysis of the immediate data of the moral consciousness we repeatedly drew attention to the fact that we were not referring to any particular and concrete human good or bad action. Now however if we reflect on what actions we and people in general consider to be morally good or bad we notice that by far the greater number are actions which have something to do directly or indirectly with men's relations among themselves. This is amply confirmed by historical ethnological sociological studies.

There are indeed certain actions which have nothing to do at least at first sight with human persons' relations among themselves and which we call good or bad implying awareness that they should be performed or avoided. And in this sense they too can be considered moral actions. These action have got to do either with human person's relation to God (or an Absolute no matter how religiously conceived) or with human person's relation to himself/herself or finally with human person's relation to the infra-human world (animals). With regard to actions expressive of human person's relation to God we shall consider them as forming a special category by themselves. In the terminology of the philosophy of values these express religious values which are different from (and according to believers superior to) moral values so for the moment we leave them out of consideration. We shall return later to then and examine their connection if any with the latter.

With regard to actions expressive of human person's relation to the infra-human world it is true that kindness to animals for example can be looked at as a morally right quality even a virtue and its opposite cruelty to them a morally wrong one. Similarly with 'sexual bestiality', etc. but this moral qualification of 'right' or



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'wrong' as applied to these actions or attitudes is only applied in this way in an analogous sense. Love, strictly speaking, exists only between humans. When I say I love my dog, I am using the word 'love' only analogically. Similarly with my other attitudes towards the animals results from the awareness that if the same behaviour is directed towards animals, shows some traits of human person's character (which is morally qualifiable). With regard to actions expressive of human person's relation to himself (e.g. self-mutilation, suicide, drunkenness, sexual self-abuse), we notice, first of all, that they are more difficult to qualify as 'good' or 'bad' than the actions which are more clearly concerned with one's relations to others. (An often given answer given by those who see "nothing wrong" in such actions is that no harm is done to anybody except, perhaps, to him who performs them. This answer in itself is significant). Secondly, if one succeeds to show that these actions too are at least indirectly related to one's relations to others (e.g. in the case of drunkenness, a drunkard may cause great financial difficulties, unhappiness and disruption to the family), it immediately becomes clear why such actions are morally qualifiable. Thirdly, a human person's relation to himself – which strictly speaking, is no 'relation' at all – can be better understood, as we hope to show, in the light of his relationship to others.

Now, what is human person? We do not mean here to make savant dissertations on human person. We simply want to put into relief one or two aspects of human person, which are very important for our ethical reflexion. 'It is certainly true that human person is an individual', that is a single, particular human being. An individual person, though logically a member of the 'species' (the human species), does not exist as a 'part' of a 'whole'. He exists in his own right. This does not afford us much difficulty to understand. But what is not immediately clear and hence somewhat more difficult to understand – is the fact that man is a 'person'. The English dictionary which gives the meaning of 'person' as 'an individual human being' thus making no difference between 'an individual human' and a 'person' is of no help here. What we mean by 'person' is human as essentially related to other human beings. The word 'essentially' is the key word. This 'relation to other men' (that is his personhood) forms an integral part of his essence, of his nature as a human being. And the more he becomes aware of his personhood and the more he lives accordingly, the more he becomes aware of himself as a human person and the more he lives as a human person.

Human person's 'personhood' is his 'social dimension' a dimension which is not superimposed on human person's already constituted being as a human person, but which is a dimension constitutive of his human being as such. It is not merely that human person needs others to be born, to develop physically, intellectually and to live a happy and useful life, but that he needs the recognition by others as a fellow human, as a 'person' therefore and not as an 'object' to be made use of by other men, to attain consciousness of himself as a human person. This is no modern discovery. The aristotelico-Thomistic doctrine has insisted all along that 'human person is a social animal'. If there is anything 'new' is the emphasis and centrality given it by modern psychology, the behavioural sciences, sociology and the personalistic philosophy.

It is this human inter-relatedness which we are here calling the 'human order'. It is not just the juxtaposition of human individuals as if these were self-enclosed individual monads, nor is it the conscious and deliberate choice of certain number

other human person. And from what we have already said, it is clear that this human inter-relatedness is the basis or foundation of human person's primary rights as a human person, namely to be recognized as a human person (and not as a 'thing'), as a 'subject' (and not as an 'object'). And rights of course correspond to duties. It is true, one could still ask why others should recognize him as a human person, or in other words, why is there a moral obligation for them to do so. And conversely, why one should recognize others as men, why is there a moral obligation for him to do so. If one were able to answer this question, one would be basing this foundation, so to say, on a deeper foundation. But is this question answerable?

What this question ultimately boils down to- in the light of what we have said – is why should I recognize myself as a human person? Such a question shows that the questioner, if he is seriously asking it, needs more the psychotherapist than the philosopher to answer and handle him. This recognition – in its double movement: of myself as a human person by others and of others as human persons by me – is surely basic to those 'human goods' (in modern language 'human rights') which, according to Saint Thomas, are self-evidently so, intuitively apprehended and cannot be deleted from the human heart.

Of course, no believer in God, as the ultimate and absolute 'foundation' of 'whatever is', would consider the ultimate and absolute foundation of the moral order to be anything but God. Saint Thomas too has his own way of expressing this. But the method of enquiry which we have been following necessitates the postponement of this question. However, to leave this question open, we shall content ourselves with saying that human inter-relatedness is at least the immediate ontological foundation of the moral order.

Our position corresponds to the scholastic one that this immediate ontological foundation is 'human nature adequately considered' (that is, considered in its totality, in the totality of its relationships). Surely, there is a strong divergence of opinion among scholastics themselves about some of its implications. We prefer to express ourselves the way we are, however, arises from our desire to avoid the 'staticist' connotations of the word 'nature' and above all to give primary importance, given our method of enquiry, to men's essential inter-relationship. Our way of expressing ourselves is more consonant with existentialistic and personalistic philosophy where such phrases as 'inter-personal relationships', 'inter-subjectivity', 'reciprocity of human consciences' and the like, are very commonly used.

Check Your Progress II

Note: Use the space provided for your answer

- 1) "Human person must invent his own values" – explain with Sartre's idea.

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2) For Sartre, why does existence precede essence?
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3) Explain the idea of human freedom for Sartre.
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4) What is human order?
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1.7 LET US SUM UP

We have underlined our observation that the more human person becomes aware of his 'personhood' (his essential relatedness to others) and the more he lives accordingly (the practical living out of this awareness of his), the more he becomes aware of himself as a human person and therefore the more he lives as a human person. We have tried to show that this is the ontological (the objectively real) foundation of the moral obligation to 'recognize' the other as another fellow human, as another 'subject', as another 'person' the same as I demand the other to do with me. We can express all this in terms of love. 'Love', however, is a 'charged' word (especially because it is emotionally involving word). But what we mean here by love is precisely this recognizing and treating the other as a 'subject' (and not as an 'object') as a 'person' (and not as a 'thing') having the same rights as a human person as I do have. To put it differently, love is to see in the other another 'I' and to do to him what I want him to do to me.

1.8 KEY WORDS

En-soi : A thing (which Sartre calls the *en-soi*, in-itself) is static, fixed, opaque to itself determined and therefore definable.



- Pour-soi** : A human person (the *pour-soi* for itself) is dynamic always in the making transparent undetermined and therefore indefinable.
- Personhood** : is human person's social dimension, a dimension which is not superimposed on human person's already constituted being as a human person, but which is a dimension constitutive of his human being as such.

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UNIT 2 DEONTOLOGY AND MORAL RESPONSIBILITY

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- 2.0 Objectives
- 2.1 Introduction
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2.0 OBJECTIVES

In this unit, we shall study one of the important schools of Normative Ethics, namely deontology. Since Immanuel Kant was the major protagonist of this theory, we shall explain this theory as he has progressively developed starting the good will leading to Freedom and Responsibility through his categorical Imperative. We shall briefly dwell on the debate between determinism and indeterminism to show the relation between freedom and moral responsibility. Finally we shall discuss the relevance of Levinas' ethics in our discussion on responsibility.

2.1 INTRODUCTION

Immanuel Kant is a landmark in the history not only of Philosophy in general but also of Ethics in particular. He deserves a detailed study. Moral knowledge, Kant insists, is of what should be, and not of what is. Therefore, it does not depend, at least exclusively, on experience, but it must contain at least some a-priori elements. In fact, necessity and universality which are included in the moral precepts are marks of a-priority. The primary task of the moral philosopher, according to Kant, is to isolate these a-priori elements and to show how they originate in the practical reason (*Verstand*). This is the task Kant sets to himself as he has previously set himself the task to isolate the a-priori elements in theoretical knowledge and shown their origin in pure reason (*Vernunft*). By practical reason Kant understands pure reason itself but as directed not simply towards Knowledge but towards choice in accordance with moral law. (Sometimes Kant seems to identify it with the will; sometimes he distinguishes it from the latter. But, in any case, the will for Kant is not a blind force, but a rational power. The will chooses in accordance with known moral principles.)

It is important to understand what this set purpose of Kant is. Kant's intention is not to try and derive the whole moral law, in all its determinations, from the concept of practical reason. Kant does not even think that this could be done. In fact, he does not deny that in the moral judgment there are also included a-posteriori elements derived from experience. His intention is to discover in practical reason the nature of the moral obligation as such, that is the a-priori condition of every empirically given moral precept. He is concerned, therefore, with 'metaphysics of morals.' But he acknowledges the importance of what he calls 'anthropology' for an understanding of human nature and consequently for application of the general a-priori elements to particular concrete cases (this would be 'applied ethics'). Kant rejects all theories which try to find the ultimate basis of the moral law in human nature as such, or in any of its features, or in human life and society. For him, the ultimate basis of the moral law cannot be anything else but pure practical reason itself. Hence Kant's 'rationalism.'

2.2 GOOD WILL

He starts by analysing the idea of 'good will' – the only thing which we can call 'good' without qualification. In fact, it is the only thing which cannot really be misused and which is good in itself and not because of any beneficial results which may accrue from it. Now, Kant discovers that a 'good will' is a will which acts for the sake of duty alone. In other words a 'good' will acts not merely in accordance with, but out of 'reverence' for the moral law as such. A 'good will' does not act for self-interest or because it is impelled by some natural inclination, but it acts because duty (moral 'obligation') is duty. This 'rigorist' attitude of Kant is to be rightly understood. He does not mean to say that to act because of a legitimate self-interest is immoral. Nor does he undervalue good inclinations. On the contrary. What he does mean, however, is that the ultimate basis of the moral law as such – the source of the moral obligation – is the moral law itself. This is, according to Kant, the salient feature of moral consciousness.

2.3 CATEGORICAL IMPERATIVE

Now, since universality is the 'form' of the moral law, Kant proceeds to analyse what this universal form of the moral law is and to translate it into terms of the concrete moral life. In other words, he proceeds to try and formulate this universal form as a principle to serve as a criterion for the moral judgment. And Kant formulates it thus: "I am never to act otherwise so that I can also will that my maxim should become a universal law." Kant gives other formulations, but points out that all his different formulations are intended to bring this universal form of the moral law closer to intuition and therefore to feeling.

Kant calls this universal form of moral law the 'categorical imperative'. It is 'categorical' because it is distinguishable from the 'hypothetical' which lays down a condition upon one only if one wants to attain some end – whether this end is in fact sought by all, for example, happiness (and in this case, the hypothetical is 'assertoric'), or sought only by an individual, for example, wealthy (and in this case, the hypothetical is "problematic") it is 'imperative' because it necessitates or obliges unconditionally the will (while leaving it physically free).

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When Kant comes to prove the existence of such a 'categorical imperative' he remarks that if it does exist, there must be a 'synthetic a-priori' connection between the concept of the will of rational being as such and the categorical imperative. It must be 'synthetic' in the sense that it cannot be deduced from a mere analysis of the terms, and 'a-priori' in the sense that it cannot be derived from experience either. Here, Kant's line of thought is not easy to follow. But what he seems to drive at is to show that the only possible ground of the categorical imperative must be an end which is absolute and not relative (therefore valid for all humans) and posited by reason alone and not by subjective desire (which can give rise only to the 'hypothetical'). Now this end can only be human person as such. A person, therefore, is an end in oneself and the only possible ground for the categorical imperative.

Hence another formulation of the universal form of the moral law would be this: "So act as to treat humanity, whether in your own person or in that of any other, always and at the same time as an end and never merely as means." Notice the word 'merely.' Kant is aware that we cannot help making use of the services of other men and therefore using them as means to some extent. This leads Kant to posit human person (or the practical reason) as the source of the moral law. Human person's will is autonomous in the sense that it gives itself the moral law which it obeys. It is not at the mercy of desires and inclinations forming part of a causally determined series.

2.4 FREEDOM AS ONE OF THE THREE POSTULATES

Kant turns to the question as to how this practical synthetic a-priori imperative is possible. Kant finds it possible in the ideal of freedom. We must remember that in the critique of Pure Reason, Kant had tried to show that freedom cannot be proved: it can only be said to be negatively possible in the sense that it does not involve a logical contradiction. But here, in the Critique of Practical Reason, Kant arrives at positing assumption of freedom is a practical; necessity for the moral agent. Freedom is a 'condition of possibility' of the categorical imperative. Even though freedom cannot be 'theoretically proved', this practical assumption is for Kant sufficient for concrete moral action and for Ethics.

But this means too that, according to Kant, human person does not belong only to the 'phenomenal world', the world of determined causality, but also to the 'noumenal world'. For Kant the 'supreme good' is virtue that is the making of one's will accord perfectly with the moral law. Still, virtue is not the totality of human's actual desire. Human person also desires happiness. So the 'supreme good' must contain two features: virtue and happiness. Here again the connection between the two must be synthetic and a-priori. But Kant observes that empirical experience does not warrant the connection between virtue and happiness. This leads Kant to posit two other postulates: the immortality of the soul and the existence of God.

It is to be well understood, however, that for Kant the acceptance of the three postulates is not simply pragmatically useful. On the contrary, he goes as far as to maintain that this knowledge of the practical reason regarding the super-sensible compels theoretical reason to admit the objects of the postulates, leads it to think

of them by means of the ‘categories’ and to give the ‘ideas’ (which in the first Critique are merely ‘regulative’) a definite form and shape. So, starting from moral consciousness, Kant establishes a ‘metaphysics of morals’ which finally leads to Religion that is to ‘the recognition of all duties as divine commands Not as arbitrary commands, contingent in themselves, imposed on human person as if it were by an alien will, but as “essential laws of every free will in itself”. Still, these essential laws must be looked on, according to Kant, as commands of the Supreme Being, because it is only from a morally perfect and at the same time all-powerful will – and on our part, only from acting in harmony with this will – that we can hope to obtain the highest good which the moral law enjoins us to make the supreme object of our endeavour.

There is no need for us to speak any further about Kant’s ideas about Religion. But, for completeness’ sake, we add a few remarks. Kant tries to interpret Religion ‘within the bounds of pure reason’. For him, religion consists in leading a moral life. He understands the Christian Dogmas in the light of his moral philosophy. (He has interesting things to say. For example, ‘original sin’ is understood as the fundamental propensity to act out of self-love.) Similarly, he looks at the Church as an approximation to an ideal spiritual union among human persons leading a life of virtue and of moral service to God. In his last book, published posthumously; Kant is inclined to the idea that awareness of our moral freedom and of our moral obligation is an awareness of the Divine Presence.

Kant’s Moral Philosophy is often labelled as formalistic, abstract, a-prioristic, rationalistic. But a painstaking study of Kant will show that these terms are highly misleading. Such study is indeed rewarding. Perhaps no philosopher has brought out, better than he, the nature of the moral obligation (its formal element), its independence of empirical experience (its a-priori character) and its foundation in reason (its rational aspect). One must not criticize him for what he left undeveloped but which he admitted (e.g. our having to take into account an empirical experience of human nature to apply the universal categorical imperative to concrete situations)

Check Your Progress I

Note: Use the space provided for your answer

1) What is ‘good will’ according to Kant?

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2) Why does Kant call the moral law as the ‘Categorical Imperative’?

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3) According to Kant, Is the practical synthetic a-priori imperative possible?

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2.5 HUMAN FREEDOM AND MORAL RESPONSIBILITY

One of ‘immediate data’ of moral consciousness is the sense of ‘satisfaction’ or ‘guilt’. We find ourselves holding ourselves and other responsible for our and their actions. Now, when we hold ourselves or others morally responsible for our or their actions, we assume that the action was done knowingly and willing in other words freely. We can hardly hold somebody responsible for his action, unless his action was done freely. The idea of responsibility would seem then to connote and presuppose that of freedom.

The question whether or not, and human person is free is not ethical question. Still, since this question is, obviously, extremely pertinent to Ethics, and especially contemporary Ethics, we simply cannot overlook it. How is this question pertinent to Ethics? On the practical level, if it is proved that human person is not free, but that all his actions are determined by causes which are beyond his wilful control, then it would be pointless for one to ask what one should do on such and such an occasion: indeed all study of morality would be done away with. Even without going to such extremes, a human person who finds himself ‘compelled’ to perform certain actions which he/she thinks or is told that they are bad, may come to the conclusion, on learning that human actions are not free, either that his actions are after all not bad, or that there is nothing he/she can do about it. He/she is ‘made that way,’ it is therefore ‘natural’ for him/her to act the way he/she does, and there is nothing to worry about. Hence on this practical level, the question of human freedom has a philosophical relevance for the very meaningfulness of ethical theory depends on its answer.

It is mostly on the normative ethical level that the question of human freedom is asked. The question will then be this; is it morally justified to praise or blame, reward or punish somebody for his/her acts? The answer to this question does not depend, strictly speaking, on whether human actions are determined or undetermined but rather on the normative ethical theory one holds (‘teleological’ or ‘deontological’). On the meta-ethical level, the question of human freedom is still different. The question here will be this: Does the term ‘right’ logically connote ‘free’? Suppose a human person commits an act of murder, can I logically say that he/she has committed a ‘wrong’ action? If I cannot prove that his/her action was free or undetermined by other causes, and if (depending here on the meta-ethical theory I hold) ‘wrong’ does connote ‘free’, I simply cannot say that he has committed a ‘wrong’ action. So, we must squarely face the question: what

is the meaning of human (and Moral) freedom? Is human person morally free?



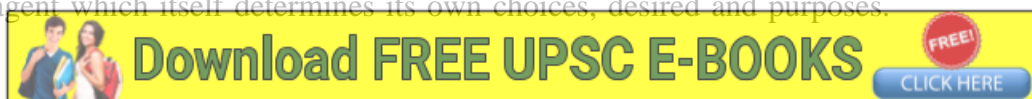
2.6 DETERMINISM VERSUS INDETERMINISM

Determinism is that philosophical theory which holds that everything and every event, and therefore too human person and his actions, are irresistibly caused by some other preceding thing or event (or sets of things or events). One is reminded of the theory of David Hume in this respect. But the discovery of the 'unconscious' and of its influence on the human conduct would seem to confirm the thesis of determinism. There would seem to be no reason to exclude human behaviour from the rigid determinism governing all physical reality. If it is so, one cannot speak of 'free' human actions and no one is justified in attributing responsibility to anyone for his actions. Two contemporary authors who hold such a deterministic position seem to be C. Darrow and P. Edwards. Other determinists, however, use the utilitarian view that is 'morally good. Accordingly it is that what is conducive to the greatest happiness of the greatest number. They maintain that even though reward or punishment for their actions will result, or tend to result in their own good or society as a whole. This is particularly the case for whom such blame or punishment is conceived in terms of a retributive justice.

Notice that determinism is not the same as fatalism. On the contrary, the theory of the former is incompatible with the theory of the latter. Whereas for determinism everything or event is explainable by preceding causes and therefore predictable, for fatalism nothing can be said to be the cause of anything else. Things and events just happen and are therefore unpredictable. There is a milder sort of determinism. Admitting the deterministic principle that everything or event necessarily has a cause, mitigated determinism asserts that as far as human actions are concerned, it is enough that this cause be internal to the subject (e.g. his/her beliefs, character, desires, and heredity) for them to be called free and responsible. Indeed only if actions are so internally determined by the subject, can they be called his/hers? If they were completely undermined, how could they be responsible? Not only then this kind of determinism is compatible with moral responsibility, but only it is.

Some authors would however not go as far as to say that if one's beliefs, character, etc. were different, one could have chosen to act on a different way than one did. For them such a question belongs to Metaphysics. But as Ethicists, they say that it is impossible to claim that one's choice of action in such and such a way is not determined by this internal cause. And this for the simple reason that all we know is that one has chosen to act in such a way and there is no way for us to know what would he have chosen to do had he been other than he in fact is. Attributing moral responsibility to human persons for their actions (and therefore praise or blame, reward or punishment) is morally justified in terms of 'consequential justice', namely the good educative, reformative preventive results ensuing from such an attribution.

Indeterminism (or as it is today called 'libertarianism') upholds the freedom of the human will against all kinds of determinism and rejects all kinds of 'causes,' external or internal, of human actions. A human person cannot be said to be responsible for his/her actions unless he/she not only could have done otherwise if he/she had chosen but also could have chosen otherwise. But indeterminism would mean her 'self-determination'. The self or the human person is a unique kind of agent which itself determines its own choices, desires and purposes.



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'Reasons' or 'motives' are to be distinguished from 'causes'. One can act for (or because of) a reason but not from causes. If it is objected that it is difficult to see how a motive can be translated into action, it is pointed out that non-human causation is no less 'mysterious' than human causation (which is 'immanent' as distinct from non-human or 'transit causation') Such a position is taken by all upholders of human freedom. We have seen how Kant 'postulated' human freedom of morality. But as far as we know, no philosopher has insisted on human freedom so much as Sartre among contemporary ethicists.

2.7 EXISTENTIAL SITUATION AND HUMAN FREEDOM

According to the existentialists, morality must be defined by each autonomous individual. The individual and the world are entirely without meaning, literally "absurd." Any meaning that gets into the world must be put in it by the individual, and that meaning or value will hold only for that individual. A person's world is what that person chooses it to be. Each individual lives in his/her own world and what one is what one chooses to be. Jean-Paul Sartre is the major protagonist of this view. Sartre holds that human person is condemned to be free. This is so because Sartre denies anything called human essence. If there is something of a human essence independent of what one makes out of one's own existence, it presupposes that there is someone transcendent called God who gives essence to the human person. But Sartre out-rightly rejects the existence of God and hence human person is condemned to be free. Thus the individual self must create his/her own value. Just as the world is defined by the choices regarding knowledge that an individual makes, so the individual must express his/her own preferences about things. In making choices, or defining values, the individual self becomes responsible for those choices. Hence responsibility becomes a hallmark of Sartrean philosophy. Anyone who fails to assume responsibility is, according to Sartre, in bad faith, that is to say, that the individual is being false to self. It is a breaking of one's personal law.

An Existentialist is not necessarily a non-conformist, but if an Existentialist conforms to the values of a group it will be because that person has freely chosen to do so - not because that person has been pressured to do so by the group. Individual choice and responsibility are thus primary concerns for the Existentialist. Existentialism is not necessarily a "selfish" type of philosophy. It is not so much concerned with one's own interests but rather with one's own conscience freely formed and assumes responsibility.

2.8 LEVINAS' PHILOSOPHY OF RESPONSIBILITY FOR THE OTHER

Levinas is a contemporary French Philosopher and a Jew by origin. He is known for his philosophy of the other and for making ethics as the first philosophy by critiquing ontology. In his masterpiece *Totality and Infinity* he holds that "the work of ontology consists in apprehending the individual not in its individuality but in its generality. The relation with the other is here accomplished through a third term [the concept] which I find in myself." We grasp the other, not as individual, but by classifying and categorizing him/her. In doing so, we miss the

Levinas calls into question Plato's doctrine of recollection because it does harm to the otherness of the other. According to his doctrine of recollection, to know is to recall what is already within the self. The "ideal of Socratic truth" implied by this is to remain within the concepts one already has. Levinas equally criticizes his professor Edmund Husserl for doing violence to the otherness of the other. Though Husserl does not recognize the other as an object, his doctrine of inter-subjective recognition falls within the traditional metaphysical framework. Through the inter-subjective recognition, I recognize the other as an embodied subject insofar as he/she is like me, that is, interprets a situation as I would and behaves accordingly. Thus, it is *in terms of my categories* that I accept that another person is also a subject. Hence Levinas affirms that philosophy has been egology because I know through concepts that I have generated by my activity of contrasting and comparing depriving the other of his/her deprived of its otherness. Levinas calls this totalization. The tie between war and totalization is evident. War "establishes an order from which no one can keep his distance; nothing henceforth is exterior. War does not manifest exteriority and the other as other." In a situation of war, we want to know everything and we can do this only through concepts that keep away the otherness of the other. We thus conceal the ethical relation to the other.

Levinas vehemently criticizes Heideggerian ontology, which subordinates the relationship with the Other to the relation with Being in general inevitably leading to imperialist domination and tyranny. The inner distance for Heidegger is caused by my being ahead of myself. For Levinas, however, its cause is the absenting other. For Heidegger, my futurity is grounded in my being ahead of myself in my projects and plans. For Levinas, the authentic future is what is not grasped, but rather constantly escapes the being present that we do grasp, we have to say that "the other is the future." For Heidegger, we are able to confront ourselves, because we are ahead of ourselves. We are there awaiting ourselves at our goals. Identity here is like Nietzsche's definition: we are over time the promises we make to ourselves and keep. For Levinas, it is the other who gives us the inner distance that allows us to confront ourselves. We are forced to regard ourselves from his perspective, his interpretation. He calls us to respond to him. In doing so, we achieve our self-identity.

For Heidegger, "the fear of dying is greater than that of being a murderer" (*"la crainte d'être assassin n'arrive pas à dépasser la crainte de mourir"*). It then follows that for Heidegger my obligations concern *my* being. My anxiety revolves around its loss. Given that my being is the locus of my obligations, there is nothing for which I would sacrifice my life. Therefore I cannot get out of egotism, that makes myself the primary focus of my concern. This egotism characterizes the whole of the West: We gain mastery through conceptual schemes, but lose the other and the ethical relation to the other.

For Heidegger, death, which is uniquely my own, individualizes me. For Levinas, it is my relation to the Other that individualizes me. I can be a for-itself only by responding to the Other in the uniqueness *occasioned by the Other*. The other who calls on me to respond places my "I in question." The face of the other calls me to be responsible for the other. The ambiguity of the face is that it both calls forth and tears itself away from presence and objectivity. The calling forth occurs in the fact that I can "see" the face of the Other. Synthesizing my experiences. I can describe and represent its physical features. The face, however, is not a

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catalogue of such features. Insofar as it is grasped as the face of another person, it is grasped as exceeding this. There is a certain absence or non-presence in my grasp of the other as other. The result is that the conscious subject liberates himself/herself from himself/herself. Another result is the awakening of the for-itself (l'éveil du pour-soi) by the non-absorbable otherness of the other. But one cannot be responsible, even self-responsible, without the other. This is why, Levinas in his another famous work *Ethics and Infinity* says, "Responsibility in fact is not a simple attribute of subjectivity, as if the latter already existed in itself, before the ethical relationship. Subjectivity is not for itself; it is, once again, initially for another." The fact that the *Dasein* (Self) is itself accounted for by ethics, by the relation to the other, ethics is prior to ontology.

Check Your Progress II

Note: Use the space provided for your answer

1) What is determinism?

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2) Give the importance of Freedom in Sartre's view

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2.9 LET US SUM UP

Deontology basically deals with our moral obligations. Moral obligation or human duty presupposes human freedom. Hence along with our discussion on categorical imperative of Kant, we have also brought into discussion the philosophical views of the existential thinkers regarding freedom especially those of the champion of freedom Jean-Paul Sartre. Such a freedom paves way to responsibility not only for oneself but also for the other as is conceived by Emmanuel Levinas.

2.10 KEY WORDS

Indeterminism : the philosophical theory that upholds the freedom of the human will and rejects all kinds of 'causes,' external or internal, of human actions.



- Categorical Imperative** : In the ethical system of Immanuel Kant, an unconditional moral law that applies to all rational beings and is independent of any personal motive or desire.
- Egology** : A term used by Levinas to denote the philosophy which privileges the self to the detriment of the otherness of the other.
- Deontology** : Ethical theory concerned with duties and rights.
- Postulate** : Something assumed without proof as being self-evident or generally accepted, especially when used as a basis for an argument.

Deontology and Moral Responsibility

2.11 FURTHER READINGS AND REFERENCES

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UNIT 3 DISCOURSE ETHICS

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- 3.0 Objectives
- 3.1 Introduction
- 3.2 Kantian Deontological Ethics
- 3.3 The General Features of Habermas' Discourse Ethics
- 3.4 The Rules of Argumentation
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- 3.7 Apel's Critique of Previous Moral Theories
- 3.8 Let us Sum up
- 3.9 Key Words
- 3.10 Further Readings and Reference

3.0 OBJECTIVES

Ethics is a general term for what is often described as the “science (study) of morality.” In Philosophy, ethical behaviour is that which is “good” or “right.” Assumptions about ethical underpinnings of human behaviour are reflected in every social science, including: anthropology because of the complexities involved in relating one culture to another, economics because of its role in the distribution of scarce resources, political science because of its role in allocating political power, sociology because of its roots in the dynamics of groups, law because of its role in codifying ethical constructs like mercy and punishment, criminology because of its role in rewarding ethical behaviour and discouraging unethical behaviour, and psychology because of its role in defining, understanding, and treating unethical behaviour. These disciplines pose the challenge of the quest for identity as well. The tendency of a pluralistic international society following the worldwide digital networking web culture is a reflection upon the consequences of the different possible interpretations of the interaction between the local and the global and the question of citizens' participation raise the need for deliberative democratic theory and discursive ethics. This is the core of discourse ethics which forms one of the divisions of ethics. Hence this unit aims at producing the discourse ethics which attempts to arrive at practical standards that tell us right from wrong and how to live moral lives. This may involve articulating the good habits that we should acquire, the duties that we should follow, or the consequences of our behaviour on others.

3.1 INTRODUCTION

Discourse ethics is a theory designed to establish the right, moral and political principle. The right principles are those that emerge by means of a certain process taking place under specified ideal *conditions*. The process in question is communication, i.e. exchange of information and opinion between people. The conditions are: 1) the parties should regard each other as equals; equal regard

should be given to the interests of all participants; 2) there should be an absence of direct constraint or force and of indirect, institutionalised or structural pressure; 3) the only admissible form of persuasion should be rational argument; 4) no assumptions should be immune to inquiry; 5) assumptions can be taken as accepted only if all the parties agree; 6) the communication should be open-ended in the sense that no authority could declare an issue settled for ever. The first of these conditions spells out a moral constraint, while the others spell out constraints of rationality. Actual communication is not ideal, but it is sometimes possible to envisage what the outcome would be if such conditions were fulfilled, wholly or approximately, and this makes it possible to understand what the right principles would be. It is sometimes called argumentation ethics, referring to a type of argument that attempts to establish normative or ethical truths by examining the presuppositions of discourse.

German philosophers Jürgen Habermas (1929-) and Karl-Otto Apel (1922-) are properly considered as the leading proponents of discourse ethics. Immanuel Kant's Deontological theory which emphasises on the universality of morality remains a prototype to Discourse Ethics. Habermas' discourse ethics is an attempt to explain the implications of communicative rationality in the sphere of moral insight and normative validity. It is a complex theoretical effort to reformulate the fundamental insights of Kantian deontological ethics in terms of the analysis of communicative structures. This means that it is an attempt to explain the universal and obligatory nature of morality by evoking the universal obligations of communicative rationality. It is also a cognitivist moral theory, which holds that justifying the validity of moral norms can be done in a manner analogous to the justification of facts. However, the entire project is undertaken as a rational reconstruction of moral insight. It claims only to reconstruct the implicit normative orientations that guide individuals and it claims to access these through an analysis of communication.

3.2 KANTIAN DEONTOLOGICAL ETHICS

Deontology is ethics of duty or the moral law of duty. It consists of a theory of duty and moral obligations. The term deontology finds its etymology in the Greek word "*Deon*", meaning 'duty,' or 'obligation,' or 'that which is necessary, hence moral necessity'. In moral philosophy, deontology is the view that morality either forbids or permits actions, which is done through moral norms. Simply put, the correctness of an action lies within itself, not in the consequences of the action. This lies in contrast with teleology. For example, a deontological moral theory might hold that character assassination is wrong and inhuman, even if it produces good consequences. According to this theory, some actions are morally obligatory irrespective of their consequences. Historically, the most influential deontological theory of morality was developed by the German philosopher Immanuel Kant (1724-1804). He did not agree with what he had heard of Utilitarianism and thought that morality rarely had anything to do with happiness. Kant holds that the moral life does not have any place for feeling, emotion or sentience. A moral life is rational life. He started by asking what it is that distinguishes a moral action from a non-moral action one. He concluded that a moral action is one which is done from a sense of duty, rather than following inclinations or doing what we want. Kant grants purity to only one feeling and that is faith in the moral law. But this is not actually emotion. He looks upon every emotion as



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immoral. He always begins with the assertion that humans are rational beings. People have 'Theoretical Reason' to enable them to perform complex cerebral tasks like mathematics and logic. They also have 'Practical Reason' to service their 'good will'. 'Good Will' is the motive that produces our determination to be good people and our practical reason helps us get there.

Duty

In Kant's opinion, moral law is a categorical imperative. There is no law or authority over it. A duty is always a duty, and duty is obligatory. It should be done any way. This is why he is often called a Deontologist or believer in duties. Duty is an ethical category denoting a special form of moral obligation. It is a kind of moral obligation applied to every individual. It is an *a priori* moral law. It is one's motivation. The moral law must be obeyed without consideration of ensuring consequences. According to Kant, doing our duty means always obeying certain compulsory moral laws or 'imperatives', even if these laws may often seem tiresome or inconvenient to us personally. Being good is hard. It usually involves an internal mental struggle between what our duty is and what we would really like to do. Kant implies that a naïve, rich young man who spontaneously gives money to beggars is not a moral person. Although the consequences of his instinctive generosity are obviously good for local beggars, he has no idea of what his moral duty is. He is like a child who accidentally makes the right move in volleyball. He has no inner understanding of the game's rules or purposes. Morality for Kant is a serious business. It involves choosing duties, not wants, motives and not consequences are the central distinguishing feature of a moral action. Morality is not about doing what comes naturally, but resisting what comes naturally.

Kant explains how we can find out what the compulsory moral rules are. We work them out, not by asking ourselves what we would like to do, but by using our reason. He asks us to imagine what would happen if we 'universalised' what we wanted to do, always making sure that we treated people as ends and never means. Say we wanted to steal. If everyone stole from everybody else all the time then not only would society collapse rather rapidly but, the concept of 'stealing' would itself enter a kind of illogical black hole. By using our reason and the 'Universability Test,' we have indirectly discovered a compulsory rule or categorical imperative: 'Don't be cruel'. That is why Kant's system calls for a reverence, a moral law with universal character. For him, a duty is an act of the will, a free and autonomous will which is not forced by external demands. For an act to be moral, it must be prompted by the autonomous will not by forces extraneous to it.

Categorical Imperative

Kant's deontology enlightens the concept of categorical imperative. It is a moral law that is unconditional or absolute for all agents, the validity or claim of which does not depend on any ulterior motive or end. "Thou shalt not lie," for example, is categorical as distinct from the hypothetical imperatives associated with desire, such as "Do not lie if you want to be popular." For Kant, the only thing that is unqualifiedly good in this world is a good-will, the will to follow the moral law regardless of profit or law to ourselves. For him, there is only one such categorical imperative, which he formulated in various ways. "Act only according to that

maxim by which you can at the same time will that it should become a universal

law”. It implies that what is right for one person becomes right for all and what is wrong for one is wrong for all. If you cannot universalise your action in order to make it right for all, then it is wrong for you too. The categorical imperative implied a duty as ‘act as if the maxim of thy action were to become by thy will a universal law or Nature.

The Categorical Imperative is a purely formal or logical statement and expresses the condition of the rationality of conduct rather than that of its morality, which is expressed in another Kantian formula: “So act as to treat humanity, whether in your own person or in another, always as an end, and never as only a means.” Man, as a moral being is an end in himself. He possesses the absolute dignity. Man must be treated as an end in himself and never as means. Because of his dignity and of his ability to participate in a kingdom of ends as a moral legislator, he establishes moral laws. Kingdom of ends implies that a person is dutiful not for material gain but for reverence for himself as a person, as a moral agent. This again brings us to the two fold notion of duty of man which consists in the perfection of oneself and in the perfection of another.

3.3 THE GENERAL FEATURES OF HABERMAS’ DISCOURSE ETHICS

Jürgen Habermas is a German philosopher, sociologist in the tradition of critical theory and pragmatism. For him, philosophy should seek to reveal the significance that can be found in everyday experience and articulate elements of universal significance in a way that is sensitive and open to the validation potential of empirical science. Rather than seek a post-metaphysical resolution to the modern conflict of ethical life and morality on its own, philosophy should rather act as a ‘stand-in’ for the empirical sciences and search for theories with “strong universalistic claims”. In recent years, he has engaged in a vigorous debate with French post-structuralists, e.g. Foucault and Lyotard arguing that their radical rejection of any notion of foundations destroys the very possibility of social critique. He holds that polycentric societies comprised of different ethical perspectives inevitably prompt disputes over societal norms. These disputes typify issues that bring forward what Habermas characterizes as distinctly ‘moral’ issues that require participants to enter a ‘post-conventional’ level of moral consciousness.

His writings since the late 1980s, e.g. *Moral Consciousness and Communicative Action* 1990, and *Justification and Application*, 1993, have elaborated and modified the theory of Discourse Ethics. Habermas takes the concepts of justice and of right and wrong action to be fundamental moral categories, and states that were not for the fact that ‘discourse ethics’ has become entrenched, he would prefer to call it a ‘discourse theory of morality’.

There are three general features of Habermas’ discourse ethics. They are namely:

- a) It is not concerned with questions of prudence or the good life but only with so-called questions of morality. The questions of morality are differentiated from the questions of prudence because they are answered from the standpoint of universalizability. The function of a discourse ethics is to justify norms that will determine the legitimate opportunities for the satisfactions of needs. Discourse ethics does, however, involve a moral-transformative



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process in which a participant's understanding of his needs is changed. It deals primarily with questions of institutional justice.

- b) It is a proceduralist ethics. It does not offer any substantive theory of goodness or principles of justice. Rather, it provides a procedure that ought to be followed in determining the validity of a norm. In other words, it tells us how the practical discourse which seeks to adjudicate between conflicting norms ought to be conducted. In this regard, it is important to understand that Habermas sees the principle of universalizability as a rule of argumentation that belongs to the logic of practical discourse which enables moral actors to generate rational consensus whenever the validity of a normative claim is in dispute.
- c) The discourse is actual not merely hypothetical. It is something that is carried out by real people.

In his early writings Habermas maintained that the validity of human discourse is governed by the particular kind of interests behind the validity claims. But later he began to place the validity of human discourse on the kind of action a discourse engenders. Here he distinguished between instrumental action or purposive rational action and communicative action. The former governs the empirical sciences. Its aim is to dominate the objects in the world including human persons. The later, on the other hand, is aimed at genuine communication in the social world leading to genuine social interaction promoting harmony and freedom in the society.

In Habermas' view, it was false communications or distortions in the communications that led to the subjugation of the majority of the people in the society by a few capitalists. His ambition, therefore, was to free the society from all kinds of distortions of communication and thus to create an ideal society where people could freely exchange their views without any danger of being dominated by anybody else. He calls it an ideal speech situation, which is characterised by the absence of any barrier which would obstruct a communicative exchange among the participants of a discourse. Here all participants in the discussion are considered dialogue partners of equal rights and opportunities without anybody trying to dominate or deceive any other. Such an ideal speech situation is created by ensuring the equality of all the partners in the dialogue. In the ideal speech situation conclusions will be arrived at by the force of the better argument alone. He admits that the ideal speech situation is not a realised one; it is only hoped a situation and only a possibility. But he argues that under certain favourable conditions such an ideal speech situation could be transformed into a reality. For Habermas, truth lies in the validity claims of a speech-act. Accordingly, a statement is true only if it gets the consent of all the others in the discussion. This is his consensus theory of truth, according to which truth of a discourse is determined by the consensus arrived at through the better argument among the dialogue partners. A true consensus formation is possible only in the context of an ideal speech situation with the help of the rules of argumentation.

Check Your Progress I

Note: Use the space provided for your answer

1) What are the ideal conditions for communication in Discourse Ethics.

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2) Explain Kantian Deontological Ethics.

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3.4 THE RULES OF ARGUMENTATION

Habermas claims in discourse ethics that “everyone who participates in the universal and necessary communicative presuppositions of argumentative speech, and who knows what it means to justify a norm of action, must assume the validity of a principle of universalizability.” He describes discourse in his “Legitimation Crisis” as that form of communication that is removed from contexts of experience and action and whose structure assures us: that the bracketed validity claims of assertions, recommendations, or warnings are the exclusive object of discussion, that participants, themes and contributions are not restricted except with reference to the goal of testing the validity claims in questions; that no force except of the better argument is exercised; and that, as a result, all motives except that of the cooperative search for truth are excluded.

The universal and necessary presuppositions of argumentation or discourse can be stated in terms of rules. These rules constitute discourse – that is to say, they determine just what it is for someone whose interests are possibly affected by the adoption of a certain norm to consent to it, without constraint and only through the force of the better argument. The first rule is simply that if one is a participant in communicative action, then one is under the obligation to provide a justification for the different sorts of claims one makes and to apply any norms one proposes equally to oneself as well as to others. This obligation is regarded as the minimal normative content inherent in communicative action.

The remaining rules result from reconstructing our intuition of what it would be like to resolve conflicting claims to normative rightness by the force of the better argument alone. This reconstruction is called the “ideal speech situation” and these rules provide the formal properties of a situation in which rationally motivated agreement could be reached. The rules are:

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- 1) everyone who is capable of speech and action ought to be allowed to participate in discourse:
- 2) everyone ought to be allowed to question any proposal
- 3) everyone ought to be allowed to introduce any proposal into discourse
- 4) everyone ought to be allowed to express his attitudes, wishes, and needs
- 5) no one ought to be hindered by compulsion – whether arising from inside the discourse or outside of it from making use of the moral claims implied by (a) – (d).

3.5 MORAL CONSCIOUSNESS AND DISCOURSE ETHICS

The objectives of Habermas, even in their most idealized forms, aim to reach no ‘ultimate truths’ but rather an ‘ultimate procedure’ through which moral truths applicable to specific historical circumstances and specific participants can be ascertained and justified. In addition, the role of philosophy within this limited ambit is to reveal and build upon the presuppositions inherent to everyday life. As such, philosophically grounded theories should be open to empirical and scientific validation and reflect. Another defining element of Habermas’ moral philosophy is its focus on language and communication and their relationship to action. Participants in a discourse rely on different socio-cognitive tools depending on what type of proposed action is being discussed and what perspective structure exists between participants. Action in this sense is meant in the broadest sense of anything requiring the coordinated input of participants. As participants mature they become engaged in increasingly complex conflicts related to action both requiring and prompting an expansion in their socio-cognitive inventory. The evolution of socio-cognitive inventory to meet these demands can be described through theories of moral development. Habermas builds off Kohlberg’s seminal analysis that distinguishes six stages of moral judgment which are further grouped into three levels of analysis:

Level A. pre-conventional level:

Stage 1. the stage of punishment and obedience

Stage 2. the stage of individual instrumental purpose and exchange

Level B. conventional level:

Stage 3. the stage of mutual interpersonal expectations, relationships, and conformity

Stage 4. the stage of social system and conscience maintenance

Level C. post-conventional and principled level:

Stage 5. the stage of prior rights and social contract or utility

Stage 6. the stage of universal ethical principles

There are two crucial elements in Kohlberg’s analysis for Habermas. The first is that it requires *learning*. The child or adolescent needs to rebuild the cognitive structures she had in earlier phases in order to meet the challenges of the next in

a consensual manner. In simple terms, each stage implies an appeal to ‘higher

ground' that requires a more advanced stage of moral reasoning. The second element is that the stages form a hierarchy within which "a higher stage dialectically sublate(s) (the cognitive structures) of the lower one, that is, the lower stage is replaced and at the same time preserved in a reorganized, more differentiated form."

Habermas then goes on to ground this *logic* in the evolution of speaker-hearer perspectives within the development of the child/adolescent. As children we define our interests in relation to the authority of others, but as we grow we begin to recognize other participants as possessing their own set of interests. As conflicts emerge we look to satisfy our own interests while strategically dealing with those of others. Eventually we begin to recognize our interactions with others as embedded within a larger social world in which certain social roles are accepted or rejected. We begin to internalize these roles and appeal to them when dealing with conflicting representations of norms. As we become increasingly aware of conflicts, we adapt our perspective to one that seeks to justify norms from principles that reach beyond our social world. Throughout this development, the language skills and forms of argument utilized increasingly rely on the implicit recognition of a 'third party' perspective among participants. Appeal to this 'third party' perspective becomes increasingly abstract as participants move from justifying action with relation to norms to justifying norms themselves. Each stage of development provides the cognitive tools with which participants can reach the next. What is 'just' at each point in this evolution, according to Habermas, "springs directly from the reorganization of the available socio-cognitive inventory, a reorganization that occurs with the *necessity of development logic*." As we move from normatively regulated action to discourse about norms we effect the moralization of our social worlds. This requires our form of social interaction to become increasingly abstract leading to the development of the "naturalistic core, so to speak, of moral consciousness."

Discourse ethics and Habermas' moral philosophy begin with certain intuitions experienced in everyday life related to the communicative use of language. Habermas then attempts to translate these 'presuppositions', through philosophy and the empirical sciences, into concrete motivations that can withstand contestation outside a specific form of ethical life. Habermas' views on moral consciousness and discourse ethics for clarity and for relation to the critique could be described in nutshell up in the following way:

- a) Discourse ethics has as its goal contingent solutions to moral conflict that are made valid by a 'universalist' procedure.
- b) This procedure is derived from the 'presuppositions' inherent to language aimed at communicative action – language that takes place always and everywhere through the fact of social relations.
- c) The appeal to impartial judgment that begins with the appeal to social norms implies a reciprocity in speaker-hearer perspectives that ultimately leads to the *principle of universalization* (U) as a basis for impartial judgment when dealing with contested norms.
- d) The critical advance (for discourse ethics) into 'post-conventional' thinking (the moralization or principled discussion of norms) relies on the logical development of the socio-cognitive inventory of a mature individual who has been socialized with a well-developed, partially internalized, moral



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- e) In order for a valid resolution to be located, each participant cannot rely on the authority derivative of a particular 'way-of-life'. Rather the participant must find reasons that can be supported by all. This necessarily requires a form of 'ideal role-taking' in order to reach consensus.

Check Your Progress II

Note: Use the space given for your answers.

- 1) What are the general features of Habermas' Discourse Theory of Morality?

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- 2) How Does Habermas explain Ideal Speech Situation?

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- 3) Describe Habermas' Views on Moral Consciousness and Discourse Ethics.

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3.6 KARL-OTTO APEL'S DISCOURSE ETHICS

Karl-Otto Apel is a German philosopher. The main direction of Apel's philosophical effort has been towards a modernised version of Kant's transcendental philosophy. He proposes to ground morality by starting from the fundamental fact of language, or more concretely, the language community, the community of communication and discourse. According to him, the forgetfulness of this linguistic fact has been the main shortcoming of all past philosophical moral theories, leading each one of them unwittingly to a sort of monological or introspective type of thought, oblivious of the implications of the communal language with which, and in which, they, however, all had to philosophize. As a result, they all ended up with a kind of particular morality limited by the confines

of their monological thinking.
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Taking due cognisance of this “linguistic turn” in the history of philosophy, Apel then starts from this linguistic fact, this community of language and discourse of which each human being is a member. Reflecting upon the transcendental conditions of possibility of this community of discourse, Apel finds the four universal validity claims that he borrows from J. Habermas:

- 1) meaning, that what is said makes sense,
- 2) truthfulness, that it is true
- 3) truth, that it is sincere (i.e. the speaker believes it to be true)
- 4) normative correctness, that it is communicated in a normatively correct way.

In other words, any person living in any community of language or discourse (and that would mean every human being) is inescapably governed by norms of meaning and truth and intersubjective validation. It is this fourth presupposition, the need to seek intersubjective validation or normative correctness that leads to the foundation of morality. It carries with it an implicit acknowledgment of the equality and autonomy of all interlocutors. More concretely, anyone who speaks or argues in principle seeks validation from the community, the community of persons. He cannot but take into consideration the views and positions of others in the community. And there is the foundation and ground of morality – respect of the community of persons — the transcendental condition of possibility of the community of language and discourse.

3.7 APEL’S CRITIQUE OF PREVIOUS MORAL THEORIES

On this important question regarding the ground or foundation of morality, Karl-Otto Apel feels that moral philosophy has failed, until now, to provide a satisfactory answer. The teleological theory, for example, as first proposed by Aristotle, fails to provide an adequate answer, because, according to Apel, *Telos* as conceived by Aristotle turns out to be the good or self-actualization of the individual or of a particular community, and not of the universal humanity. Hence, Aristotle eventually found it necessary to exclude from his work the slaves, and, also probably, the women and the non-Greeks. On the other hand, the deontological theory, as proposed by Kant, does not seem to make the grade either. According to Apel, Kant’s categorical imperative, which commands the individual to act only on that maxim through which he can at the same time will that it should become a universal law, turns out to be not universal enough after all. Too closely tied up with the conventions of his society and age, Kant ended up with a rather limited universality rule, as manifest in the examples he gave of the application of this rule. Contract and Convention theories of morality did not fare any better, since such attempts had difficulty showing why contracts and conventions should continue to be followed, especially in situations where the self-interest of the individual would seem to dictate that one should act otherwise.

In the contemporary situation, Apel points out that experimental science has succeeded in arrogating unto itself the whole notion of universality and objectivity. As a result, morality has come to be considered as purely idiosyncratic, a matter of personal opinion and feelings. Meanwhile, the world is becoming more and more of a global village, pressed to act more and more as one entity due to the

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emergence of such concerns as nuclear armaments, economic globalization, and ecological anomalies of world-wide repercussions. More than ever, there seems to be a need of founding a morality that would go beyond the confines of one's group or culture so as to embrace all of humanity.

In general, Apel says that the fundamental defect of all the past moral theories is that they have all been *monological*. In other words, they have all been the result of the ruminations of the individual, solitary thinker reflecting upon morality. They have all neglected to take cognizance of what is nonetheless an inescapable fact, namely, that their solitary reflections could only have taken place within the context of language and discourse, thus within the linguistic community. All our thoughts and reflections, even those of the solitary philosopher, can only occur in and through a communal language. Hence, all our thoughts and reflections are virtually, if not actually, dialogue and argumentation. It is this fundamental forgetfulness of the linguistic conditions of their philosophizing that, for Apel, is the root of the failure of all past moral theoreticians to provide adequate grounding for a universal morality. For Apel, then, it is only on condition that we start from this awareness of the linguistic condition of all our thoughts and meaningful actions that we may finally see the universal conditions and ground of all human theoretical and practical activities, and, thus, of morality.

3.8 LET US SUM UP

Discourse Ethics, proposed by Apel, is a moral theory that starts from the inescapable linguistic matrix or medium of all our thoughts, reasonings, argumentations and purposeful actions. Beginning from this all-embracing community of language and discourse, the ground of all human thinking and acting, discourse ethics proceeds to show the transcendental conditions of possibility of such a linguistic community. Eventually, it will be shown that among the presuppositions or transcendental conditions of possibility of this discursive, interacting community of language is the moral condition, in other words, the community of persons whose views and interests any responsible speaker or agent within the community will have to consider, and whose consent he will, in principle, have to seek. Furthermore, to the extent that this community of language is universal and unlimited (since the realm of meaning and truth immanent in language go beyond particular languages), then the transcendental conditions of possibility we derive would likewise be universal and unlimited. It is only by this manner of proceeding, according to Apel, that we may finally come to ground morality universally.

Having shown how the very participation in the community of discourse leads to the recognition of the ideal universal community of humankind (to whom any speaker or arguer is, in principle, committed to justify his claim or position), in other words, having shown how the very act of discourse and argumentation by way of transcendental reflection leads to the fundamental ground of ethics, Apel then goes on to show how transcendental reflection leads beyond the grounding or founding of ethics to the formulation of moral norms as further transcendental implications of discourse and argumentation.

Proceeding from the four universal validity claims, which have been shown to be the necessary transcendental conditions of all discourse and argumentation, more specifically, from the fourth validity claim, that of normative correctness,

Apel draws and formulates what he calls a transformed version of Kant's categorical imperative: Act only according to a maxim, of which you can in a thought experiment suppose that the consequences and side effects its general observance can be anticipated to have for the satisfaction of the interests of each individually affected could be accepted without coercion by all the affected in a real discourse; if it could be executed by all those affected.

Apel considers this rule a transformation of Kant's *categorical imperative* in the sense that it goes beyond Kant's principle of universality to the formulation of a criterion of maxims of action and the consequences thereof. Having seen from the transcendental reflection that the transcendental presupposition of the community of dialogue and communication is the whole community of persons, whose real interests any speaker or agent is committed to respect, then the fundamental norm of morality should be not merely the notion of universality as found in Kant, but the concrete universality representing all the true legitimate needs and interests of the community of persons, individually and severally.

Nevertheless, Apel points out that discourse ethics remains purely formal and procedural. In other words, the moral norm as formulated by discourse ethics proposes no substantive or specific claims as to what one must do. Rather, it states formally that whatever one does, he must see to it that the foreseeable consequences and side effects of his action does not violate the justified interests of the individuals to be affected by the action. Thus, discourse ethics would refrain from specifying any concrete action or substantive goal. It does not assign to the philosopher or to the moral agent the task of determining by himself what he thinks would comply with the norm. Instead, discourse ethics would require procedurally a real dialogue with the individuals concerned to determine what in effect would be in respect of their justified interests. Here we see then that the norm of morality is not the mere private, monological notion of universality, as in Kant, but the real interests of the individuals of the community (which community in principle is the unlimited community of communication and dialogue). Furthermore, the present world we live in, according to Apel, has become so complicated and so closely interconnected and interdependent, making it impossible for the philosopher or the moral agent, in many situations, to determine by himself without the aid of expert knowledge, the probable consequences and effects of contemplated actions.

Beyond the problem of the formal moral norm and the procedure of developing situational norms within the boundaries set by the fundamental ethical norm, Apel brings up the question that, in our contemporary world, very often, it is not a mere matter of application of a universal or fundamental moral norm to a concrete situation. Rather, it is more often the question of finding the point of insertion of morality in a world where our interlocutors may not necessarily go by the moral norm, but instead by pragmatic or strategic principles. In other words, they may not necessarily subscribe to the principle of the ethics or the moral norm as the criterion of the maxims of their way of thinking and acting. This problem becomes especially acute should one be acting not simply on his own, but if he were, for example, in charge of a whole group. He could, for example, be the leader or the representative of a labour group negotiating with the management of a company or, perhaps, the representative of a whole nation dealing with other nations.

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In such cases, Apel would first point out that we have to avoid, on the one hand, the position of naïve utopianism, and, on the other hand, the position of pure pragmatism or that of ‘amoral real politik’. Here, the task is to go beyond an ‘ethics of intention’ to an ‘ethics of responsibility’. What we have to consider is that, first, right now there is a real world of discourse or community of communication, which is our point of departure. It is not a perfect world out there, nor is it a purely chaotic or violent world either. The problem, then, is not that of a solitary moralist struggling against a whole evil world. In a sense, the whole of humanity, by way of collective responsibility, has achieved, at this point in our history, a certain level of decency and discourse. The present actual world is one where there is a certain level of discourse and ethical life prevailing, and sustained by all sorts of human achievements such as customs, system of laws, constitutional guarantees, and international treaties. Beyond, there is, of course, the ideal unlimited community of discourse or community, not as an existing substantive reality as it is in Plato, or as an inexorable necessary endpoint of history as it is in Hegel or in Marx, but as a necessary transcendental presupposition of the ongoing real community of discourse, as has been shown precisely by discourse ethics. The main point, then, is to recognize and to maintain this tension between the real ongoing discourse and the ideal community of discourse. To put it more concretely, what must be done first is we shall have to abide by the level of discourse existing at the moment, as provided for example by the legal system, the institutionalized negotiating or bargaining processes, and the recognized practices governing international relations. Second, there must be a constant effort to move closer and closer toward the level of the ideal community of communication. And, this is what distinguishes the moral negotiator or politician from a mere pragmatic operator.

The principle, therefore, is that on one hand, the present level of discourse governing human relations must be respected. Any action that would tend to regress toward a less discursive, more violent world would be wrong. On the other hand, there must be a constant progressive drive toward the ideal community of discourse and consensus. As Apel would put it, it seems to me that there resides in this demand the postulate of a necessary connection between the imperative to preserve the existence and dignity of the human being and the imperative of social emancipation commanding us to progress in the task of realizing the truth of humanity for all humans.

3.9 KEY WORDS

Discourse Ethics : It is a moral theory that starts from the inescapable linguistic matrix or medium of all our thoughts, reasonings, argumentations and purposeful actions

3.10 FURTHER READINGS AND REFERENCE

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UNIT 4 SOCIAL INSTITUTIONS

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4.0 OBJECTIVES

“Contemplating all the men of the world, who come together in society to work, struggle and better themselves, cannot but please you more than any other being” – Antonio Gramsci, in a letter from prison to his son Dleio. It is a fact that human person is not island and we are social and political creature in the words of Aristotle. One of the characters of human beings is ‘social,’ ‘relational’ and ‘cultural’ of his/her existence. At all levels (cosmic, social, religious, etc) we are related to things, persons and events outside us, and as we journey along the pathway of life, we let them contribute to the moulding of our being. Living in social groups is an essential characteristic of humans. It is the transcendental condition of humans that enables them to be related to others. Sociality and individuality are not opposite poles. They are necessarily related to each other. To be social one has to be individual and vice versa. An individual can stand face to face with one another and thus by standing they constitute a community or society. Society becomes a crowd/collectivity when everyone becomes no one. Sociality has to be gradually lived and developed. It is a constant ideal and real. This ideal has to be appropriated by existential struggling.

In order to have meaningful existence in the society, we have to have right knowledge of the society. The social institutions play important role in forming the society. They have a variety of significant customs and habits accumulated over a period of time. The social institutions provide certain enduring and accepted forms of procedure governing the relations between individuals and groups. Thus this Unit pictures the role of social institutions which give the habitual way of living together which has been sanctioned, systematized and established by the authorities. We must know that these institutions are the wheels on which human society marches on. In every society people create social institutions to meet their basic needs of survival. Hence a study of social institutions is important. A social institution is a stable cluster of norms, values, structures and roles. So we discuss various salient accounts of social institutions. Accounts emanating from sociological theory as well as philosophy are also mentioned in this unit. A teleological account of social institutions is presented. The normative character of social institutions is outlined in general terms. This normativity is multi-faceted.

For example, it includes the human goods realised by institutions as well as the rights and duties that attach to institutional roles. Finally we deal with the more specific normative issue of the justice of social institutions.

4.1 INTRODUCTION

The term “social institution” refers to complex social forms that reproduce themselves such as political institutions like, governments, state, the family, human languages, universities, hospitals, economic institutions like business corporations, and legal systems. Jonathan H. Turner, a professor of sociology at University of California defines it as “a complex of positions, roles, norms and values lodged in particular types of social structures and organising relatively stable patterns of human activity with respect to fundamental problems in producing life-sustaining resources, in reproducing individuals, and in sustaining viable societal structures within a given environment.” Again, Anthony Giddens, a British Sociologist who is renowned for his theory of structuralism, holds that “Institutions by definition are the more enduring features of social life.” He goes on to list as institutional orders, modes of discourse, political institutions, economic institutions and legal institutions. The contemporary philosopher of social science, a distinguished philosopher and psychologist from New Zealand Rom Harre follows the theoretical sociologists in offering this kind of definition: “An institution was defined as an interlocking double-structure of persons-as-role-holders or office-bearers and the like, and of social practices involving both expressive and practical aims and outcomes.”

Theory of social institutions is not concern of sociologists alone but it has philosophical interest as well. One important reason stems from the normative concerns of philosophers. For instance John Rawls (1921 – 2002) an American philosopher and a leading figure in moral and political philosophy has developed elaborate normative theories concerning the principles of justice that ought to govern social institutions. There are five major institutions that are conventionally identified. 1. Economic institutions which serve to produce and distribute goods and services, 2. Political institutions that regulate the use of and access of, power, 3. Stratification institutions determine the distribution of positions and resources, 4. Kinship institutions deal with marriage, the family and the socialization of the young, 5. Cultural institutions are concerned with religious, scientific and artistic activities.

4.2 ACCOUNTS OF SOCIAL INSTITUTIONS

Any account of social institutions must begin by informally marking off social institutions from other social forms. Unfortunately in ordinary language the terms “institutions” and “social institutions” are used to refer to a miscellany of social forms, including conventions, rituals, organisation and systems. Moreover, there are a variety of theoretical accounts of institutions, including sociological as well as philosophical ones. Indeed, many of these accounts of what are referred to as institutions are not accounts of the same phenomena; they are at best accounts of overlapping fields of social phenomena.

To start with, social institutions need to be distinguished from less complex social forms such as conventions, social norms, roles and rituals. The latter are



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among the constitutive elements of institutions. Social institutions also need to be distinguished from more complex and more complete social entities, such as societies or cultures, of which any given institution is typically a constitutive element. A society, for example, is more complete than an institution since a society – at least as traditionally understood – is more or less self-sufficient in terms of human resources, whereas an institution is not. Thus, arguably, for an entity to be a society it must sexually reproduce its membership, it must have its own structure, territory, culture, language and educational system, and it must provide for itself economically and – at least in principle – politically independence.

Social institutions are often organisations. Moreover, many institutions are *systems* of organisations. For example, capitalism is a particular kind of economic institution, and in modern times capitalism consists in large part in specific organisational forms—including multi-national corporations – organised into a system. Further, some institutions are *meta-institutions*; they are institutions that organise other institutions. For example, governments are meta-institutions. The institutional end or function of a government consists in large part in organising other institutions (both individually and collectively); thus governments regulate and coordinate economic systems, educational institutions, police and military organisations and so on largely by way of legislation.

Nevertheless, some institutions are not organisations, or systems of organisations, and do not require organisations. For example, the English language is an institution, but not an organisation. Moreover, it would be possible for a language to exist independently of any organisations specifically concerned with language. An institution that is not an organisation or system of organisations comprises a relatively specific type of agent-to-agent interactive activity, e.g. communication or economic exchange, that involves: (i) differentiated actions, e.g. communication involves speaking and hearing/understanding, economic exchange involves buying and selling, that are; (ii) performed repeatedly and by multiple agents; (iii) in compliance with a structured unitary system of conventions, e.g. linguistic conventions, monetary conventions, and social norms, e.g. truth-telling, property rights.

4.3 GENERAL PROPERTIES OF SOCIAL INSTITUTIONS

In our discussion on social institutions, there are four salient properties, namely, structure, function, culture and sanctions. Roughly speaking, an institution that is an organisation or system of organisations consists of an embodied structure of differentiated roles. These roles are defined in terms of tasks, and rules regulating the performance of those tasks. Moreover, there is a degree of interdependence between these roles, such that the performance of the constitutive tasks of one role cannot be undertaken, or cannot be undertaken except with great difficulty, unless the tasks constitutive of some other role or roles in the structure have been undertaken or are being undertaken. Further, these roles are often related to one another hierarchically, and hence involve different levels of status and degrees of authority. Finally, on teleological and functional accounts, these roles are related to one another in part in virtue of their contribution to the

end(s) or function(s) of the institution; and the realisation of these ends or function

normally involves interaction between the institutional actors in question and external non-institutional actors. The constitutive roles of an institution and their relations to one another can be referred to as the *structure* of the institution.

Note that on this conception of institutions as *embodied* structures of roles and associated rules, the nature of any institution at a given time will to some extent reflect the personal character of different role occupants, especially influential role occupants. Moreover, institutions in this sense are dynamic, evolving entities; as such, they have a history, the diachronic structure of a narrative and a partially open-ended future. Apart from the formal and usually explicitly stated, or defined, tasks and rules, there is an important implicit and informal dimension of an institution roughly describable as institutional *culture*. This notion comprises the informal attitudes, values, norms, and the ethos or “spirit” which pervades an institution. Culture in this sense determines much of the activity of the members of that institution, or at least the manner in which that activity is undertaken. There can be competing cultures within a single organisation; the culture comprised of attitudes and norms that are aligned to the formal and official complex of tasks and rules might compete with an informal and “unofficial” culture that is adhered to by a substantial sub-element of the organisation’s membership.

It is sometimes claimed that in addition to structure, function and culture, social institutions necessarily involve sanctions. It is uncontroversial that social institutions involve informal sanctions, such as moral disapproval following on non-conformity to institutional norms. However, some theorists argue that formal sanctions, such as punishment, are a necessary feature of institutions. Formal sanctions are certainly a feature of many institutions, notably legal systems; however, they do not seem to be a feature of all institutions. Consider, for example, an elaborate and longstanding system of informal economic exchange between members of different societies that have no common system of laws or enforced rules.

Check Your Progress I

Note: Use the space provided for your answer

1) How is Social Institution distinguished from Society?

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2) How are Social Institutions treated as Organisations and Institutions?

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3) What are the salient properties of Social Institutions?

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4.4 THE MAIN THEORETICAL ACCOUNTS OF SOCIAL INSTITUTIONS

Theoretical accounts of institutions identify institutions with relatively simple social forms especially conventions, social norms or rules. At one level this is merely a verbal dispute such simpler forms could simply be termed “institutions”. However, at another level the dispute is not merely verbal, since what we are calling “institutions” would on such a view consist simply of sets of conventions, social norms or rules. These accounts are called *atomistic* theories of institutions. Here the “atom” itself typically consists of the actions of individual human persons, e.g. conventions as regularities in action that solve coordination problems. The individual agents are not themselves defined in terms of institutional forms, such as institutional roles. Hence atomistic theories of institutions tend to go hand in glove with atomistic theories of all collective entities, e.g. a society consists of an aggregate of individual human persons. Moreover, atomistic theories tend to identify the individual agent as the locus of moral value. On this kind of view, social forms, including social institutions, have moral value only derivatively, i.e. only in so far as they contribute to the prior needs or other requirements of individual agents.

The regularities in action or rules made use of in such atomistic accounts of institutions cannot simply be individual regularities in action or individual rules for action; rather there must be interdependence of action such that, for example, agent *A* only performs action *x*, if other agents, *B* and *C* do likewise. Moreover, some account of the interdependence of action in question is called for, e.g. that it is not the sort of interdependence of action involved in conflict situations. By contrast with atomistic accounts of social institutions, *holistic* accounts stress the inter-relationships of institutions (structure) and their contribution to larger and more complete social complexes, especially societies. Thus according to Barry Barnes, “Functionalist theories in the social sciences seek to describe, to understand and in most cases to explain the orderliness and stability of entire social systems. In so far as they treat individuals, the treatment comes after and emerges from analysis of the system as a whole. Functionalist theories move from an understanding of the whole to an understanding of the parts of that whole, whereas individualism proceeds in the opposite direction.”

A system of moral is always the affair of a group and can operate only if the group protects them by its authority. It is made up of rules which govern individuals, which compel them to act in such and such a way, and which impose limits to their inclinations and forbid them to go beyond. Now there is only one

moral power - moral, and hence common to all - which stands above the individual



and which can legitimately make laws for him, and that is collective power. To the extent the individual is left to his own devices and freed from all social constraint, he is unfettered by all moral constraint. It is not possible for professional ethics to escape this fundamental condition of any system of morals. Since, then, the society as a whole feels no concern in professional ethics, it is imperative that there be special groups in the society, within which these morals may be evolved, and whose business it is to see that they are observed.

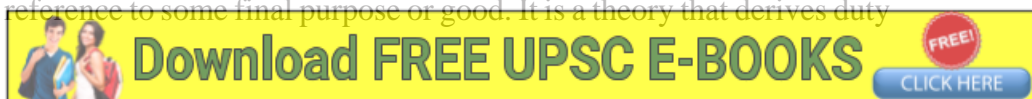
Holistic accounts of social institutions often invoke the terminology of internal and external relations. An internal relation is one that is definitive of, or in some way essential to, the entity it is a relation of; by contrast, external relations are not in this way essential. Thus being married to someone is an internal relation of spouses; if a man is a husband then necessarily he stands in the relation of being married to someone else. Likewise, if someone is a judge in a court of law then necessarily he stands in an adjudicative relationship to defendants. Evidently, many institutional roles are possessed of, and therefore in part defined by, their internal relations to other institutional roles.

Thus we have discussed atomistic and holistic accounts of social institutions. However, there is a third possibility, namely, *molecularist* accounts. Roughly speaking, a molecularist account of an institution would not seek to reduce the institution to simpler atomic forms, such as conventions; nor would it seek to define an institution in terms of its relationships with other institutions and its contribution to the larger societal whole. Rather, each institution would be analogous to a molecule; it would have constitutive elements (“atoms”) but also have its own structure and unity. Moreover, on this conception each social institution would have a degree of independence vis-à-vis other institutions and the society at large; on the other hand, the set of institutions might itself under certain conditions form a unitary system of sorts, e.g. a contemporary liberal democratic nation-state comprised of a number of semi-autonomous public and private institutions functioning in the context of the meta-institution of government.

We can find here that atomistic and holistic accounts of institutions have been presented and found to be problematic. Atomistic accounts focus on the elements of institutions, and thereby fail to provide an adequate account of the structure or “glue” that might transform a mere set of conventions or rules into an institution. Holistic accounts focus on the whole societies of which institutions are typically a part, and seek to explain the part in terms of the whole; in so doing they fail to offer an account of institutions that sufficiently respects their distinctive character and relative ontological independence of society conceived as a unitary whole. Let us now turn to an account of institutions that treats institutions, so to speak, on their own terms. The account in question is consistent with institutional molecularism, broadly conceived.

4.5 A TELEOLOGICAL ACCOUNT OF INSTITUTIONS

Teleology finds its etymology in the Greek word ‘telos’ which means “end” and *logos*, “science”. It refers to final purpose and as a theory it explains and justifies values in reference to some final purpose or good. It is a theory that derives duty



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or moral obligation from what is good or desirable as an end to be achieved. The central concept in the teleological account of social institutions is that of *joint action*. Joint actions consist of the intentional individual actions of a number of agents directed to the realisation of a collective end. A collective end is a species of individual end; it is an end possessed by each individual involved in the joint action. However it is an end, which is not realised by the action of any one of the individuals; the actions of all or most realise the end. Examples of joint action are two people lifting a table together, and two men jointly pushing a car.

Collective ends can be unconsciously pursued, and have not necessarily been at any time explicitly formulated in the minds of those pursuing them; collective ends can be *implicit* in the behaviour and attitudes of agents without ceasing to be ends as such. Further, in the case of a collective end pursued over a long period of time, e.g. by members of an institution over generations, the collective end can be *latent* at a specific point in time, i.e. it is not actually being pursued, explicitly or implicitly, at that point in time. However, it does not thereby cease to be an end of that institution—which is to say, of those persons—even at those times when it is not being pursued. Social norms are regularities that are also norms; agents believe that they have a duty to conform or that they otherwise *ought* to conform. Such norms include ones respecting and enforcing rights. Here the “ought” is not that of mere instrumental rationality; it is not simply a matter of believing that one ought to conform because it serves one’s purpose. Some conventions and most rules are also norms in this strong sense. For example, the convention and the law to drive on the left is a norm; people feel that they ought to conform. This strong sense of “ought” *includes*—but is not exhausted by—the so called *moral* “ought”.

Organisations consist of a formal *structure* of interlocking roles. These roles can be defined in terms of tasks, procedures and conventions. Moreover, unlike social groups, organisations are individuated by the kind of activity that they undertake, and also by their characteristic *ends*. So we have governments, universities, business corporations, armies, and so on. Perhaps governments have as an end or goal the ordering and leading of societies, universities the end of discovering and disseminating knowledge, and so on. Here it is important to reiterate that these ends are, firstly, collective ends and, secondly, often the latent and/or implicit (collective) ends of individual institutional actors.

A further defining feature of organisations is that organisational action typically consists in, what has elsewhere been termed, a *layered structure of joint actions*. One illustration of the notion of a layered structure of joint actions is an armed force fighting a battle. Suppose at an organisation level a number of “actions” are severally necessary and jointly sufficient to achieve some collective end. Thus the “actions” of the mortar squad destroying enemy gun emplacements, the flight of military planes providing air-cover and the infantry platoon taking and holding the ground might be severally necessary and jointly sufficient to achieve the collective end of defeating the enemy; as such these “actions” constitute a joint action. This can be consistently held while maintaining that organisations, as well as conventions, are a pervasive and necessary feature of human life, being indispensable instruments for realising collective ends. Collective ends are a species of individual ends; but merely being an end is in itself neither, say, morally good nor morally bad, any more than being an intention

It should also be noted that the social norms governing the roles and role structures of organisations are both formal and informal. If formal, then they are typically enshrined in explicit rules, regulations and laws, including laws of contract. For example, an employee not only believes that he ought to undertake certain tasks and not others, but these tasks are explicitly set forth in his contract of employment. As mentioned above, informal social norms to a greater or lesser extent comprise the *culture* of an organisation. Organisations with the above detailed normative dimension are *social institutions*. So institutions are often organisations, and many systems of organisations are also institutions. Teleological accounts can be either descriptive or normative. Slavery is a morally objectionable social institution mobilising physical force and ideology in the economic interests of the slave-owners at the expense of the human rights of the slaves; in the case of many such institutions the real end of the institution might need to be masked by the ideology, if the institution is to survive. Perhaps many asylums are likewise morally objectionable institutions. On a descriptive teleological account, such institutions will turn out to be institutions; their nature as institutions will not be denied. However, in the context of such a descriptive account of institutions the question of their morally objectionable institutional activities and ends will simply not arise. However, by the lights of a *normative* teleological account of social institutions, the end(s) of any given institution to be some social or human *good* and there ought to be moral constraints on institutional activities. Accordingly, on a normative teleological account a morally objectionable institution such as slavery will turn out to be defective *qua institution*. Nevertheless, on the normative account such morally objectionable collectivities are institutions; the normative teleological account needs to be consistent with the descriptive teleological account.

Check Your Progress II

Note: Use the space provided for your answer

1) How do atomistic theories explain social institutions?

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2) How do holistic and molecularist accounts stress on the role of Social Institutions?

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3) What is The central concept in the teleological account of social institutions?
4) What is the nature-teleological accounts of social institutions?

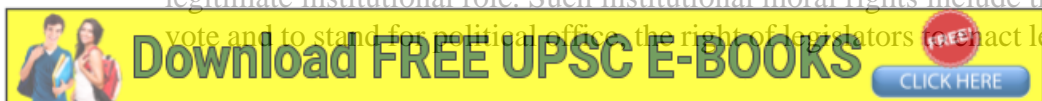

4.6 NORMATIVE CHARACTER OF SOCIAL INSTITUTIONS

Normative theory involves arriving at moral standards that regulate right and wrong conduct. In a sense, it is a search for an ideal litmus test of proper behaviour. The Golden Rule is an example of a normative theory that establishes a *single principle* against which we judge all actions. Other normative theories focus on a set of foundational principles, or a set of good character traits. Normative theories seek to provide action-guides; procedures for answering the practical question (What ought I to do?). The key assumption in normative theory is that there is only *one* ultimate criterion of moral conduct, whether it is a single rule or a set of principles.

Social institutions have a multi-faceted normative dimension. Moral categories that are deeply implicated in various social institutions include human rights and duties, contract based rights and obligations and rights and duties derived from the production and consumption of collective goods. Take police institutions. Police are typically engaged in protecting someone from being deprived of their human right to life or liberty, or their institutional right to property. Moreover, a distinctive feature of policing is the use, or threatened use, of coercive force. Here the institution of the police is different from other institutions that are either not principally concerned with protecting moral rights, or that do not necessarily rely on coercion in the service of moral rights.

There is relationship between social institutions and human rights. However, there are a range of moral rights that might be termed “institutional moral rights”. These are moral rights that depend in part on rights generating properties possessed by human beings qua human beings, but also in part on membership of a community or of a morally legitimate institution, or occupancy of a morally legitimate institutional role. Such institutional moral rights include the right to

vote and to stand for political office, the right of legislators to enact legislation,

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of judges to make binding judgments, of police to arrest offenders, and of patients to sue doctors for negligence. Here we need to distinguish between: (a) institutional rights that embody human rights in institutional settings, and therefore depend in part on rights generating properties that human beings possess as human beings (these are institutional *moral* rights), and; (b) institutional rights that do not embody human rights in institutional settings. The right to vote and the right to stand for office embody the human right to autonomy in the institutional setting of the state; hence to make a law to exclude certain people from having a vote or standing for office is to violate a moral right. But the right to make the next move in a game of chess, but not three spaces side wards, is entirely dependent on the rules of chess; if the rules had been different, e.g. each player must make two consecutive moves or pawns can move side wards, then the rights that players have would be entirely different. In other words these rights that chess players have are *mere* institutional rights; they depend entirely on the rules of the “institution” of the game of chess. Likewise, parking rights, such as reserved spaces and one hour parking spaces in universities are *mere* institutional rights, as opposed to institutional *moral* rights.

Let us now focus on institutional moral rights. There are at least two species of institutional (moral) rights. There are individual institutional (moral) rights and there are *joint* moral rights. Joint moral rights are moral rights that attach to individual persons, but do so jointly. For example, in the context of some institution of property rights the joint owners of a piece of land might have a joint right to exclude would-be trespassers. Having explored in general terms the normative character of social institutions let us now turn in the final section of this entry to a more specific normative aspect of institutions, namely their conformity or lack of it with principles of distributive justice.

4.7 SOCIAL INSTITUTIONS AND DISTRIBUTIVE JUSTICE

Justice is an important aspect of many, if not all, social institutions. Market economies, salary and wage structures, and tax systems, judicial systems, prisons, and so on are all in part to be evaluated in terms of their compliance with principles of justice. Here it is important to distinguish the concept of justice from, on the one hand, the related concept of a right—especially a human right—and from goods, such as well-being and utility, on the other hand. Self-evidently, well-being is not the same thing as justice. However, there is a tendency to conflate justice and rights. Nevertheless, arguably the concepts are distinct; or at least justice in a narrow relational sense should be distinguished from the concept of a right. Genocide, for example, is a violation of human rights—specifically, the right to life—but it is not necessarily, or at least principally, an act of injustice in a relational sense. A person’s rights can be violated, irrespective of whether or not another - or indeed everyone - has suffered a rights violation. However, injustice in the relational sense entails unfairness as between persons or groups; injustice in this sense consists in the fact that someone has suffered or benefited but others have not. Although the concept of a right and the concept of justice are distinct, violations of rights are typically acts of injustice (and vice-versa).

Moreover, the concept of justice is itself multi-dimensional. Penal justice (sometimes referred to as retributive justice), for example, concerns the



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punishment of offenders for their legal and/or moral offences, and is to be distinguished from distributive justice. Thus it is a principle of penal justice, but not distributive justice, that the guilty be punished and the innocent go free. Distributive justice is essentially a relational phenomenon to do with the comparative distribution of benefits and burdens as between individuals or groups, including the distribution of rights and duties but not restricted to the distribution of rights and duties, e.g. the injustice of excluding blacks (but not whites) from voting in elections to determine the national government in apartheid South Africa or of lower wages being paid to women than those paid to men for the same work.

Distributive justice is an important aspect of most, if not all, social institutions; the role occupants of most institutions are the recipients and providers of benefits, e.g. wages, consumer products, and the bearers of burdens, e.g. allocated tasks and, accordingly, are subject to principles of distributive justice. Moreover, arguably some institutions, perhaps governments, have as one of their defining ends or functions, to ensure conformity to principles of distributive justice in the wider society. However, distributive justice does not appear to be a *defining* feature, end or function of *all* social institutions. Communication systems, such as human languages, are arguably defined in part in terms of the end of truth, but not in terms of justice; hence, a communicative system would cease to be a communication system if its participants never attempted to communicate the truth, but not if its participants failed to respect principles of distributive justice, e.g. in terms of the number of occasions on which particular speakers were allowed to speak.

In conclusion, a final point about liberal democratic governments and distributive justice. There is at least one important and uncontroversial principle of distributive justice that arises in the context of collective enterprises (joint action); namely that, other things being equal, the benefits produced by joint actions should flow back to those who performed the joint action. Let us assume that inevitably citizens of a given polity participate in collective enterprises; whereas this is not necessarily the case for individuals who are not citizens of the same polity. (In the contemporary globalising world this assumption is increasingly implausible; but let us grant it for the sake of argument.) Surely this principle of distributive justice, if any, should be enforced by governments in relation to their own citizens but not in relation to non-citizens. Perhaps, at any rate, one key test of this proposition is whether or not individuals would be morally entitled to enforce such a principle of distributive justice in the absence of government. If the answer is in the affirmative, i.e. individuals have a “natural” right to enforce this principle of distributive justice, then presumably governments have a right to enforce it; after all, as we have seen above, according to liberal democratic theory individuals relinquish to government whatever pre-existing moral rights to enforcement they might have had.

What if the answer to our question is in the negative; does it follow that the government has no moral right to enforce this principle of distributive justice? Not necessarily. For one thing enforcement of such a principle of distributive justice is not necessarily the violation of a human right; if it were, this would be a moral constraint on governmental action in this regard. For another thing, in the context of a liberal democratic state citizens can make legitimate joint

decisions—via their representative governments—that are simply unavailable

to them when they are functioning as lone individuals; and one of these joint decisions might well be to enforce such a principle of distributive justice in their society on the grounds that it is a weighty moral principle the enforcement of which is morally required.

Now consider—as is in fact the case—a world in which many joint economic enterprises are in fact trans-societal, e.g. a multi-national corporation. Naturally, the citizens of different societies (polities)—or at least their representative governments—might also make a joint decision to (jointly) enforce this principle of distributive justice in relation to trans-societal joint economic enterprises involving citizens from both polities, e.g. wages in a poor society would need to reflect the contribution of the wage-earner to the overall benefits produced by the multi-national corporation. And if the citizens are committed on moral grounds to the enforcement of this principle of distributive justice in relation to *intra*-societal economic interactions, it is difficult to see why they should not be likewise committed to it in *trans*-societal economic interactions.

Check Your Progress III

Note: Use the space provided for your answer

1) What are the Multidimensional aspects of Justice?

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2) How does Distributive Justice play a role in Social Institutions?

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4.9 LET US SUM UP

In this unit gave the formation of social institutions through various philosophical theories and their implications in the ethical field.

4.10 KEY WORDS

Teleology : It means end and refers to final purpose and as a theory explains values in reference to some final purpose.

Social Institution : They are simple social forms, conventions and rules, in addition to structure, function and culture of



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4.9 FURTHER READINGS AND REFERENCES

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