

Learning Ethics in a Pluralistic Society

“No ideas but in things as named, in the names of things; that is to say, in words.”

-Lorine Niedecker

“Every day, men and women, conversing, beholding and beholden.”

-Ralph Waldo Emerson

Richard Kyte

Teaching ethics is always challenging, and it is especially challenging in a pluralistic society. One reason is that the participants in an ethical dispute frequently have different fundamental interests and perspectives, and they may not be fully aware of the extent to which they have, or share, or fail to share certain interests. It is a difficult task simply to sort out the various interests, both conscious and subconscious, that participants in a dispute bring to a table. And, partly because that is such a difficult task, we tend to forget that there are other causes of ethical disagreement, and that one particularly troublesome cause is the different level of commitment people may have to using words to settle ethical disputes in the first place.

Let's go back to the beginning—or not at the beginning precisely, for there are many sorts of beginnings, and beginnings of beginnings. Let's begin at the beginning of conscience. That is, at the place we humans first learn to use language to settle disputes over possession of property: at the playground.

Child A, Anna, is sitting in the sandbox. It is not an ordinary sandbox; it is, in fact, the proverbial sandbox, and Anna is busy building a sandcastle (which, to any neutral observer, looks just like a pile of sand) using a plastic bucket and shovel. Child B, Bobby, toddles over to the sandbox, intending to build his own sandcastle, and picks up the plastic shovel, which is lying next to Anna. Anna, with acute peripheral vision, notices the retreating shovel, and snatches it back before Bobby gets a firm grip. Bobby, frustrated in his attempt to possess the shovel, reaches across Anna's sandcastle for the bucket. Anna whacks him on the head with the shovel. Bobby squeals. This all occurs in the few seconds it takes Ms. Zelda, the always affable preschool teacher and moral development coach, to walk five steps from the slide to the sandbox. Bending down to meet Anna's eyes, she says, “Anna, you can't hit people. If you don't want Bobby to use your shovel, say ‘Bobby, you can't use that right now. I'm using it.’” And then, turning to Bobby, she says patiently, “Bobby, you can't just take the shovel away like that. If you want to use something that Anna's using, say ‘Anna, may I please use this?’”

A year later, after Anna and Bobby have repeated this lesson in interactions with many different children approximately 730 times, Ms. Zelda will no longer have to tell them just what to say. Instead, she will notice a conflict arising and say, “Anna, Bobby, use your words.”

Our playground parable describes the learning of what G. E. M. Anscombe has described as “stopping modals,” a set of linguistic practices using terms such as can't, don't, shouldn't, etc., through which the notions of rules, rights and promises are formed. When Ms. Zelda says to Anna, “you can't hit Bobby,” she is giving the sense in which she can't hit, because, of course, in another sense, she can hit him, as she has just demonstrated. In learning this particular use of the term “can't,” Anna is learning something about what it means to be in possession of something, what it means to be in relation to another person, and the kinds of necessity imposed by those relationships. As Anna and Bobby learn the sense of these stopping modals, the words alone come to have the function of stopping or preventing certain types of actions.

Anscombe used the idea of stopping modals to respond to a difficulty encountered in Hume's writings regarding the artificiality of promising. Hume claimed that promises are not naturally intelligible, in other words, that there is no necessity attaching to promises prior to the human practice of promising. The necessity to keep a promise is not grounded, according to Hume, in some sort of obligation that promising is a response to. Rather, the necessity to keep a promise is created by the act of promising. Anscombe agreed that Hume's central insight regarding promising (and by extension, the sort of necessity that attaches to any claim of justice) was correct:

promises (and claims of justice) are not naturally intelligible. And yet Hume's description of the conventionality of promising does not do justice to justice. Simply to point out that the moral necessity is created by our linguistic practices suggests but does not entail that we could create a radically different set of basic ethical obligations. The particular forms that moral necessity take are created by our linguistic practices, but that does not mean we are able to conceive of that necessity in any other way.

Notice what is going on here. The linguistic practices that create the sort of necessity in which justice consists are not engaged in solely in order to permit people to avoid conflicts about property. Rather, the idea of property itself is created along with the idea that there are rules that apply to it. We could say: the very notion of property carries a sort of necessity along with it. And the same goes for a person.

Think for a moment of the rules of chess. The rules of chess are not created in order that people may be able to play chess together without conflict; without the rules, there would not be the game of chess at all. The game and the rules go together, and the rules describe the sort of necessity that playing the game involves. Just so, the particular forms that justice takes are not rules for getting along with people, they are descriptions of the sort of necessity at work in our actual dealings with people; they are thus created by the ways in which we actually interact with people; we might even say, part of our very notion of what a person is.

Let's consider, for a moment, the types of ethical conflicts that members of a community may face in their dealings with one another. There are first, conflicts that arise from competing interests (Type 1). A power company may want to create a waste site for toxic ash for its energy plant in a valley near a trout stream. The members of a local conservation group may not want a toxic waste site next to a stream that they have been restoring for years through fundraising and volunteer hours. Secondly, there are conflicts that arise over different sorts of commitments to using words to settle disputes (Type 2). The members of the conservation group may try to engage the power company in a town hall meeting to discuss their proposal. The power company may think it will only weaken their position if they engage in dialogue with opponents of the proposal. They own the property where the proposed waste site will be located; they can do what they want with it. Thirdly, conflicts may arise over the kinds of justifications that may be employed to resolve conflicts of interest (Type 3). The power company may insist that they are following all the relevant laws and are therefore acting justly. The conservation members may respond that the proposed waste site could do great harm to the local ecology and that the laws should be changed to prevent that harm.

When disputes arise in a community, it is the first sort of conflict that gets most of the attention. In fact, insofar as most people engage in the third type of conflict, their choice of justification is largely determined by their interest in the situation. After all, most people will readily change their reasoning to suit their interests, but not vice-versa. Despite this fact, nearly all classroom instruction in ethics, at both high school and college levels, focus heavily on the third type of conflict. The result is a simplification of the nature of ethical conflict, a tendency to go straight from the fact of competing interests to the question of what concepts to use to resolve the conflict, without really addressing the capacity of people to be engaged by moral discussion in the first place.

If we don't acknowledge the significance of gaining a commitment to using moral language to resolve disputes, we risk relegating all use of moral concepts to irrelevancy. One way of relegating to irrelevancy is claiming that disputes are the result of cultural differences, and therefore irresolvable with the concepts shared in common by members of a community. Another way of relegating to irrelevancy is to assert that one side or the other of a dispute is simply unwilling (rather than incapable) of consenting to moral claims. In either case, the likely result of a serious conflict is schism or violence.

Let's turn to a famous historical event in order to see how these three types of conflict play out in relation to one another.

In a well-known passage from his *History of the Peloponnesian War*, Thucydides describes a debate between some Athenian representatives and the leaders of the small island of Melos that took place in 416 BC. The Athenians were trying to persuade Melos to join their alliance in their war against Sparta, an alliance which, in effect, would have put the island of Melos under the rule of Athens. Melos historically had been allied with Sparta, but so far remained neutral in this war, and they had enjoyed self-rule for 700 years.

The Melians argued that it would be contrary to justice to force them to accept Athenian rule; the Athenians replied that justice was irrelevant, that "decisions about justice are made in human discussions only when both sides are under equal compulsion; but when one side is stronger, it gets as much as it can, and the weak must

accept that” (para 89). After debating the issue for some time and failing to persuade the Melians to surrender, the Athenians laid siege to the island, killed all the adult males and took the women and children as slaves.

This is a compelling passage to read in a college-level ethics course, because it brings to the fore the question that is on the minds (albeit on the back of the minds) of many of the students in such a course: why engage in moral argumentation at all? What is the point of it?

It is also a disconcerting passage because it doesn’t give us an answer to that question—or, at least, it doesn’t give us the sort of answer we would like. The painful truth is that there doesn’t seem to be anything the Melians could have said to convince the Athenians that they were acting unjustly and that therefore they must not use force to compel the Melians to join the alliance.

Let’s look at the Melians’ attempts to persuade the Athenians.

- 1) (para 90) The Melians respond to the Athenians’ claim that justice is irrelevant in this situation and that the only relevant principle is self-interest by arguing in the following way: Justice is in everyone’s interest, and since it is a natural law that everyone acts in his or her own interest, the Athenians must act according to justice. Thus, the Melians argue that there is a “rule which is good for all: that a plea for justice and fairness should do some good for a man who has fallen into danger . . . And this rule concerns you no less than us: if you ever stumble, you might receive a terrible punishment and be an example to others.” In paragraphs 91 and 95 the Athenians reply that they are more concerned that their other subjects would perceive them as weak if they were to let Melos keep its independence, so it is in their self-interest to force the Melians into the alliance. The Athenian reply points out a problem with all such attempts to derive justice from rational self-interest: if justice is what you seek in order to get something else that you want, there is always a possibility that you can get what you want without justice.
- 2) (para 104) The Melians try another line: “The gods are on our side, because we stand innocent against men who are unjust.” (In short, there is a sort of magic power—fortune or luck—which protects those who are in the right.) The Athenians reply: “the favor of the gods should be as much on our side as yours . . . Nature always compels gods (we believe) and men (we are certain) to rule over anyone they can control. We did not make this law, and we were not the first to follow it; but we will take it as we found it and leave it to posterity forever, because we know that you would do the same if you had our power, and so would anyone else” (para 105).

The problem for the Melians is that they believe they are engaged in a Type 3 conflict, a conflict over which type of justification is appropriate in a situation like this. They seem to believe (or at least wish to believe) that motivation stems from such justifications. If they could just find the “right argument” they could stop the Athenians from attacking. They are led into this self-deception by the Athenians’ willingness to talk. But the Athenians are willing to talk not because they find talk morally persuasive, they are willing to talk because they think it might save them time, money, and lives. The Athenians believe their dispute to be a simple conflict over interests (Type 1). Simone Weil observes that the Athenians, while doing something horrible, are at least intellectually honest. She also observes that there are no other examples in recorded history of an invading army not claiming that its cause was just.

While there is perhaps nothing that the Melians could say to dissuade the Athenians from invading their island, there is something we could say about the nature of the dispute they were engaged in. We could say that the sort of conflict between the Melians and Athenians is Type 2. The Melians believe that they and the Athenians share a basic commitment to justice and that the challenge before them is to discover the terms by which they can make that commitment persuasive enough to cause the Athenians to forgo their claim upon the island. But the Athenians have no such basic commitment to justice. And, lacking that basic commitment, there are no morally persuasive words for the Melians to discover.

What, then, can be said in a situation where the parties involved do not share a basic commitment to justice? To help us understand this, let’s look at another famous example, the Parable of the Good Samaritan. (I am indebted to an article by Peter Winch for the interpretation of this parable.)

A lawyer once came forward to test [Jesus] by asking: “Teacher, what must I do to inherit eternal life?” Jesus said, “What is written in the law? What is your reading of it?” He replied, “Love the Lord your God with all your

heart, and with all your soul, with all your strength, and with all your mind; and your neighbour as yourself.” “That is the right answer,” said Jesus: “do that and you will have life.”

Wanting to justify his question, he asked, “But who is my neighbor?” (NEB, Luke 10:25-29)

Notice that the lawyer is asking for a definition (as lawyers tend to do). That is, he wants the rule to be clarified by means of an objective definition of “neighbor,” something that can be understood regardless of one’s attitude towards neighbors. But Jesus does not provide a definition; instead he tells a story. Why? Presumably, because a definition of a sort that the lawyer wants could not be understood, because the very act of giving a definition draws our attention away from what can give us a real understanding of what it means to be a neighbor to someone. (We could say, following Levinas, that a definition would take our attention away from the face of the neighbor; it would, so to speak, efface the neighbor and make a stranger of him.)

Jesus proceeds to tell the story of the Good Samaritan and then asks: “Which of these three, do you think, was neighbor to the man who fell into the hands of the robbers?” Winch suggests that in this context the question, “Who is my neighbor?” becomes “What is it to see someone as my neighbor?” Just so, the question, “What is justice?” becomes “What is it to be just to someone?” Understood in this way, we can see that justice is not naturally intelligible, for there is no independently intelligible way of understanding what justice is. No way, that is, of understanding justice in terms of laws that do not take into account our actual practices and commitments, including the actual reactions we have in coming face to face with others. No way for the Melians to convince the Athenians to refrain from doing something that they are not already committed to refrain from doing by the very prospect of the Melians’ suffering. Justice, in light of this interpretation of the parable, requires developing a certain attitude toward people—an attitude that consists in recognizing and responding to people in ways that are regarded as necessary. As Peter Winch puts it, “I do not seek others’ consent as a condition of getting something else; it is, on the contrary, the main thing I seek So I attend to what others are saying [but] I do not attend to them for anything at all; my attention is an expression of my attempt to understand.”

Finally, there is a sense in which justice can be said to be naturally intelligible—not because the necessity contained in the notion of justice can be derived from something other than our linguistic practices but because those practices themselves are learned in a way that depends upon certain responses being natural to human beings. One of the facts of human nature is that human beings are capable of developing learned responses to situations. Specifically, justice can be established because of the fact that human beings typically respond to linguistic practices involving the use of stopping modals in such a way as to acquire the concepts of rules, rights, and promises. They thereby acquire the concept of a person as that to which certain things cannot be done and to or for whom other things must be done. Of course, the type of necessity contained in the notion of justice is not a form of necessity expressed by the psychological laws themselves—the laws merely describe how the necessity is generated. So, justice cannot be found in nature, specifically in human nature; that is, we cannot locate justice in the psychological, social, or material needs of human beings. But we can find, in an account of human learning, the basic conditions of the establishment of justice.

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