
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.

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 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 (*faillie*) 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 withal 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 actions 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 them 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 '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 of men choosing to live together in essential dependence of human person on 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.

1.9 FURTHER READINGS AND REFERENCES

Dewan, Lawrence. "St. Thomas, Our Natural Lights, and the Moral Order." *Angelicum* 67. (1990): 285–308.

Donagan, Alan. "The Scholastic Theory of Moral Law in the Modern World." In *Aquinas*, ed. A. Kenny, 328–29. Notre Dame: University of Notre Dame Press, 1969.

Haakonssen, Knud. *Natural Law and Moral Philosophy: From Grotius to the Scottish Enlightenment*. Cambridge: Cambridge University Press, 1996.

MacIntyre, Alasdair. "How Can We Learn What *Veritatis Splendor* Has to Teach." *Thomist* 58, no. 2 (1994): 171–94.

UNIT 2 DEONTOLOGY AND MORAL RESPONSIBILITY

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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).

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 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, desired and purposes. '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 ethical relation, whose focus is the individual.

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 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.

2.11 FURTHER READINGS AND REFERENCES

Darwell, Stephen. Ed. *Deontology*. Oxford: Blackwell, 2002.

Kant, Immanuel. *Grounding for the Metaphysics of Morals* translated by James W. Ellington Hackett, 1993.

Levinas, Emmanuel. *Totality and Infinity: An Essay on Exteriority*. Translated by Alphonso Lingis. Pittsburg: Duquesne University Press, 1969.

Levinas, Emmanuel. *Ethics and Infinity*. Translated by Richard A. Cohen. Pittsburg: Duquesne University Press, 1985.

UNIT 3 DISCOURSE ETHICS

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- 3.1 Introduction
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- 3.4 The Rules of Argumentation
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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 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's 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 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.

2) Explain Kantian Deontological Ethics.

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:

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 within a (at least partially) rationalized life world.
- 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

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.

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 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.

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

3.11. FURTHER READINGS AND REFERENCE

Blackburn, Simor. *Ethics: A Very Short Introduction*. New Delhi: Oxford University Press, 2006.

Finnis, John. *Fundamentals of Ethics*. Oxford: Clarendon Press, 1983.

Apel, Karl Otto, *Towards a Transformation of Philosophy*, trans. Glyn Adey and David Frisby (London: Routledge & Kegan Paul, 1980)

Apel, Karl Otto, *Karl-Otto Apel: Selected Essays*, Vol. II, *Ethics and the Theory of Rationality*, edited and introduced by Eduardo Mendieta (New Jersey: Humanities Press, 1996)

Grayeff, Felix, *A Short Treatise an Ethics* (London: Duckworth, 1980)

- Habermas, Jürgen, *The Theory of Communicative Action*, Vol. 1. trans. Thomas McCarthy (Boston: Beacon Press, 1984)
- Habermas, Jürgen, *Legitimation Crisis*, trans. Thomas McCarthy (London: Heinemann, 1976)
- Habermas, Jürgen, *Moral Consciousness and Communicative Action* (Cambridge, MIT Press, 1990)
- Jones, W. T., *Approaches to Ethics* (New York: McGraw Hill Book Company, 1977)
- Singer, Peter (Ed.), *A Companion to Ethics* (Oxford: Blackwell Publishers, 1993)
- Thompson, J. B. *Critical Hermeneutics. A Study in the Thoughts of Paul Ricoeur and Jürgen Habermas* (Cambridge: Cambridge University Press, 1981)
- Foot, Philippa. *Theories of Ethics*. London: Oxford University Press, 1979.
- Grayeff, Felix. *A Short Treatise an Ethics*. London: Duckworth, 1980.
- Heller, Agnes. *General Ethics*. London: Basil and Blackwell, 1988.
- Jones, W. T. *Approaches to Ethics*. New York: McGraw Hill Book Company, 1977.
- Singer, Peter (Ed.). *A Companion to Ethics*. Oxford: Blackwell Publishers, 1993.
- Williams, Bernard. *Morality: An Introduction to Ethics*. Cambridge: Cambridge University Press, 1972.

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 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?

3) What are the salient properties of Social Institutions?

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 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 or a belief are in themselves morally good or morally bad.

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?

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, 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 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?

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

4.9 LET US SUM UP

In this unit we have seen 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 society.

4.9. FURTHER READINGS AND REFERENCES

Bottomore, T. B., *Sociology A Guide to Problems and Literature* (Bombay: Blackie & Son Publishers Pvt. Ltd, 1971)

Bombwall, *Principles of Civics and Indian Administration* (Lucknow: Atma Ram & Sons, 1972)

Durkheim, Emile, *Professional Ethics and Civic Morals*, C. Brookfield (tr.) (London: Rutledge, 1992)

Durkheim, Emile, *Rules of Sociological Method* (New York: Free Press, 1964).

Miller, Seumas, *Social Action: A Teleological Account* (New York: Cambridge University Press, 2001).

Parsons, Talcott, *On Institutions and Social Evolution* (Chicago: University of Chicago Press, 1982).

Ryan, Alan, *The Philosophy of the Social Sciences* (London: Macmillan, 1970)

Searle, John, *The Construction of Social Reality* (London: Penguin, 1995)

Scott, Richard, *Institutions and Organisations* (London: Sage, 2001).

Weber, Max, *The Methodology of the Social Sciences* (Glencoe, Illinois: Free Press, 1949)