

REASONABLE IMPARTIALITY:  
TOWARD A FOUNDATION FOR MORAL EDUCATION

by

SCOTT PRIESTMAN

B.A. The University of Victoria, 1996  
M.A. The University of British Columbia, 1999

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## **Abstract**

This thesis develops a conceptual framework for one aspect of moral education, moral reasoning. It begins with the assumption that any adequate program of moral education must equip students with the abilities (broadly defined to include skills, dispositions, attitudes and intellectual capacities) that will enable them to reason through the kinds of moral problems they will encounter in their lives. Following the work of many ethicists and moral educators, I look to practical reasoning as the basis of such an education.

This thesis also builds on previous work that undertakes to establish defensible standards of good moral thinking. Working within a Popperian framework, I propose impartiality as the test to evaluate the adequacy of our moral judgements and actions. As I conceptualize it, impartiality is met if no one can reasonably object to my moral judgement or action. Accordingly, the thesis outlines a number of tests to determine if an objection is reasonable or not. By comparing my conception of impartiality to other common ones (as developed by Kant, Mill, Rawls, Hare and Habermas) and defending it against critics of impartiality (like Iris Marion Young) I articulate a common ground that retains something that is fundamental to the concept yet avoids the problems that many see with it. I conclude by suggesting how a pedagogy of critical engagement with these standards (both how they are generated and how they are applied) will help foster moral growth.

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## Chapter 1: Introduction

What kind of moral training should schools offer the young of our society? Few educational questions are more contentious or demanding of attention, than this. As Nel Noddings writes, “The need for moral education is apparent to everyone, but concerns about the form it should take induce paralysis” (1988, p. 218). One reason for this divergence of views on *form* is that people cannot agree on what the *aims* of moral education should be.

This thesis presents a view of moral reasoning that answers (at least in part) what the aims and the substance of moral education should be. It begins with the assumption that a fundamental goal of moral education should be to equip young people with the tools they will need to grapple successfully with the moral problems they will face in their lives. Whatever else we might want to do in moral education (acculturate the young, instill particular values, condition certain behaviours), at the very least we need to help students develop the ability to make sensitive, intelligent and appropriate decisions when faced with moral problems.

One way of understanding my project here is to think of what it would mean to be a good critical thinker about moral problems/issues. In most aspects of schooling, the development of critical thinking is either an explicit goal of a curriculum or something that is believed to be desirable. But what exactly is meant by critical thinking? According to Harvey Siegel, the critical thinker is one who is appropriately moved by reasons (Siegel 1988 pp. 55-61, 1997, p. 4).<sup>1</sup> But what are we to make of this normative term “appropriate”?

According to Israel Scheffler (1966, p. 99-114), what constitutes good thinking (and here good thinking and critical thinking are one and the same) is, in part, a function of a particular discipline. There is a logical sub-structure common to all good thinking that provides a foundation for reasoning. Further, each discipline (subject area) has different

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<sup>1</sup> Siegel’s conception is not the only way to think of critical thinking of course. However, it is a good way to think of it and one that is useful for elucidating my project here. I take his usage hence as not the only word on the subject, but as a way of clarifying what I am aiming to achieve in this thesis.

standards of what constitutes good thinking. Good thinking in history is unlike good thinking in chemistry. Within history, for example, there is a belief of what constitutes good evidence<sup>2</sup>, how that evidence can be used, what kinds of inferences one can draw, what sort of conclusions one can reach. Chemistry will rely on different kinds of evidence, different ways of drawing inferences and conclusions. Finding a journal written by an explorer in 1750 will provide interesting historical evidence but will not be useful evidence at all in a study of chemistry. Agreement on these kinds of issues help to define and set the boundaries of a discipline.

As Scheffler argued (along with many others) the goal of education should be to initiate students into these various traditions (disciplines). We do not want to simply teach students dates and names. Rather, we want them to be able to think like an historian (or a chemist, a physicist, a literary scholar, and so on). Said in another way, we want to have students who are capable of thinking critically about issues in various subject areas. But one can only do this critical thinking within the standards that govern any particular discipline. For Scheffler, this is equally true of moral education as of education in any other discipline, “The challenge of moral education is the challenge to develop critical thought in the sphere of practice and it is continuous with the challenge to develop critical thought in all aspects and phases of schooling” (1973, p. 143-44).

In most cases, the standards that underlie a particular subject are well established and relatively uncontroversial (especially as they are taught in elementary and high schools). This is not the case with morality, however, where much disagreement exists regarding how we determine what good thinking is. To address this lack, this thesis outlines standards to help determine when thinking about moral issues has been done well; in other words, to help clarify what it means to be a critical thinker in the domain of morality.

Why are such standards lacking in morality? There are many possible reasons for this, two of which I will speak to. First, throughout much of the western philosophical tradition, many have not seen morality as a field requiring practical judgements.<sup>3</sup> Instead,

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<sup>2</sup> There can, occasionally, be some disagreements about certain kinds of evidence. Until recently, most historians believed that only what was written could count as evidence. Now, many historians will accept oral narratives as good evidence. In this way, disciplines evolve and grow—but slowly.

<sup>3</sup> Obviously there have been exceptions to this, Aristotle being one notable example.

many ethicists have approached morality in a systematic way, looking for one or a few basic principles that could give rise to all our moral knowledge. Instead of searching for standards that would determine good thinking about morality, these ethicists sought some foundation from which one could deduce answers to moral problems.<sup>4</sup>

A second reason why such standards are lacking in morality is because of the sheer difficulty of finding consensus (or even anything remotely close) on them. In our pluralistic societies, there are innumerable views on what is morally appropriate. Some arise from religious traditions; other from the perceived nature of society; others views of human nature. Given this diversity, it is enormously difficult to find common ground to begin to discuss these standards. It is necessary that we do, however, because without some unifying moral foundation, societies will fragment. If everyone merely has her own view about what is morally good, we fall into relativism and moral decay. On the other hand, if we are too narrow in our proclamations about what is morally good (especially in schools and any other state-run institution) then we fail to respect the pluralism of society that is the hallmark of any democracy. This thesis aims to find in these standards a foundation that will appeal to as wide an audience as possible without privileging any particular view; thus offering a middle-ground between universalism and skepticism.

One cannot, however, start from nowhere. To even begin to discuss moral reasoning is to presuppose some understanding of what we are talking about when we use the term “moral”. In so doing, I necessarily privilege this understanding of morality while excluding any that does not follow from this conception. My wish is to begin from as broad and uncontroversial a conception of morality as possible.

Acknowledging this limitation, there are some basic assumptions that I make that are best laid on the table from the outset (though I will deal with them in more detail in chapter 5). My concern is teaching students in modern, pluralistic, democratic societies. Although there might be an ethical argument to be made that all children should be given this education, the argument holds more weight in a democratic society. Related to this, I have something like a Kantian notion of moral personhood in mind when I speak of morality: other people matter, they have value as beings in themselves and our actions must respect

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<sup>4</sup> For a more detailed discussion of this ‘great systems’ approach, see chapter 2, section VII.

others' worth. As the reader will notice this is all quite vague: others matter, but how much? others matter, but what follows from this? when have I shown adequate respect? how do I recognize their value? It is in these details that the substance of morality comes through. And although I start from a Kantian position on moral personhood, my view of details departs quite drastically from Kant's moral thinking.

A third assumption is that reason matters in morality. This is not to imply that one must reason about everything, nor that someone lacking in any sophisticated kind of moral education cannot be a morally good person. Rather, I assume that in order to grapple with complex, difficult moral problems, individuals will be in a better position if they are able to reason through a situation. This 'training students to be appropriately moved by moral reasons' is, I shall argue, necessary in moral education.

Like Kant, I focus rely on a conception of *impartiality*. Unlike many common understandings of impartiality, my conception-- which I call the Reasonableness Conception of Impartiality (hereafter RCI)--is normative. By this, I mean that impartiality is not an either/or state of affairs. Rather there is a continuum along which moral judgements can be seen as either *more* or *less* impartial. All other things being equal, the more impartial the judgement, the more morally adequate it will be. Hence to improve the quality of our thinking (to become better critical thinkers about moral issues) we need to better understand these standards. Teaching these standards to students thus can become a central focus in programs of moral education.

To get a better understanding of this normative sense of impartiality, consider these two hypothetical, though not unrealistic, scenarios.

In the first, imagine a high school principal. He must recommend one student to be considered for a prestigious scholarship. Two students are clearly better than the rest and both could be considered worthy. All in all, though, student A is clearly the better choice than student B. Student B happens to be the daughter of the principal's friend. This latter fact leads the principal to recommend student B.

In the second, imagine a woman who has been given enough money to send a child to a prestigious art school. This woman must decide if she will use the money to allow her own daughter to attend the school, or a friend's child. The woman's child is not particularly

talented at art (though good enough to just gain acceptance to the school) nor is she all that enthused about attending the school. In contrast, the friend's child is enormously talented with a bright future in art, if she gets the proper training. Further, this friend's child will not be able to attend the school unless the woman in question chooses to give her the money. The woman knows that the friend's child would get infinitely more enjoyment out of the experience than her daughter and yet she chooses to send her daughter to the school instead.

What do these two stories have in common? Both show someone acting from a particular perspective, from a partial<sup>5</sup> point-of-view. For our purposes, notice in the second case partiality is acceptable, in the first it is not.<sup>6</sup> Even though many (most?) third-party observers would urge the woman to give the money to the friend's child, most of us (I think) would agree that the woman has done nothing morally wrong in acting partially and choosing to send her own child. The same cannot be said for the first case. The fact that the principal has particular feelings toward the one child does not justify treating her differently. Why in one case is the partiality considered acceptable whereas in the other it is not?

According to common understandings of impartiality, both examples above show no impartiality because to be impartial (on this understanding) is to act with no motivation arising from one's personal position/situation. But if one story shows something morally acceptable, the other something morally wrong, is impartiality not ruled out as a measure of moral worth? My answer is to suggest a refined conception of impartiality that will allow us to continue to use it as a measure of moral adequacy—my RCI. According to my RCI, the first case is not one that meets standards of impartiality, but the second one is. Even though the mother privileges her daughter in particular ways, she does not do so *unfairly* and hence meets the moral demands of my RCI and is thus impartial (according to my conception). The same cannot be said for the principal in the first case who does *unfairly* privilege his own position and so, according to my RCI, is acting in a morally unacceptable way (i.e. not

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<sup>5</sup> Partial here meaning the same as partisan.

<sup>6</sup> Throughout this thesis, I will make some claims about what 'our' moral intuition suggests. I realize this is risky and that the practice of speaking for others is one best done with exceeding caution, if at all. But I have to get at certain moral intuitions that I consider to be widely shared in our society and so propose to speak for others. If, at any time I do make a general claim that is representative of only a particular view point, please consider whether this defeats the point I am trying to make or whether it is simply a poor choice of examples.

impartially). Notice how it is the fairness criterion here that establishes the moral quality of the action and not merely whether one has given greater favour to one's own position.

To anticipate our discussion a little bit, I'll here offer a barebones understanding of RCI. Impartiality is not some 'state' we are in when we make a judgement (it is not "a view from nowhere"), nor do particular judgements necessarily come about because they are made impartially. Rather, I understand impartiality to be a test we can apply to our judgements after they are made to determine their adequacy. Roughly speaking, we achieve impartiality if anyone (anyone judging reasonably) can look at our judgement and deem it acceptable. Put in another way, a judgement is impartial (according to my RCI) if no one could reasonably object to it. It does not follow that any other person would make this same judgement (impartiality still allows for a plurality of value positions) but only that others can see my judgement as reasonable.

Impartiality has long been a central tenet of most moral theories. From Plato, through Kant to more modern writers such as John Rawls, morality has depended upon the agent acting/judging impartially. If a morally inappropriate action has taken place (stealing or lying, for example), it should not matter who committed the act (unless this difference is relevant, somehow making the situation importantly different). If I think it wrong for a stranger to lie, then it must be equally wrong for my mother to lie in similar circumstances--regardless of my feelings for her. It is here that we get one of the quintessential moral axioms: justice is blind. Think of the enduring image of a blindfolded woman, holding the scales of justice. The lack of sight is meant to imply that all will be treated fairly, without regard to such factors as age, ethnicity, gender, class or race. As Barbara Herman succinctly puts it, "Impartiality per se is the requirement that like cases be treated alike" (1993, p. 185).

Recently however, impartiality has come under attack on several fronts (see, for example, Held 1998, Noddings 1984, Sherwin 1993, Walker 1998, Williams 1985, Young 1990, 1997). Theorists of all different stripes have been examining the concept and casting doubt on it. Impartiality, it is sometimes claimed, is simply an impossible ideal to achieve. We are inextricably the product of our upbringing, of our environment, of our genetic heritage and of our past experiences. To think that we can get outside of these factors to be an impartial judge/actor is fantasy. The critiques go further, however. Impartiality, or at least

our striving towards it, has many negative consequences for society. It masks oppression by giving the appearance of fairness, allowing that oppression to continue unchecked. Further, impartiality (or the hope of it) reinforces the oppression by normalizing, or universalizing the point-of-view of privileged groups. Because impartiality is impossible, by striving for it we are simply asking everyone to adopt the partisan perspective of those who dictate what impartiality should consist of; namely the dominant group(s) in society. By forcing everyone to the same perspective in this way, the striving for impartiality eliminates difference in society, reducing all to one subjectivity (see Young 1990).

These and other critiques I discuss below. If sound, these critiques are quite damning of the whole impartiality project. I shall contend that these critiques are important, but that they need not do the kind of damage to impartiality that they might initially suggest. The reason for this is that those supporting impartiality<sup>7</sup> are using the concept in a way that is different from those who oppose it. As such, there is actually more common ground between the two camps than is generally acknowledged. I contend that impartiality does play a key role in our moral reasoning. However, I am also sympathetic to many of the critiques and so I will conceptualize impartiality within the limits that these critiques establish.

### **I. The Problem**

Like many other moral concepts, the concept of impartiality is open-textured. As such, there is no simple way to understand it, no dictionary definition that will be of much use. If we are to use impartiality sensitively and intelligently as a test in our moral lives, we will require a fairly extensive and nuanced understanding of the concept. In no way am I implying that only an intellectual or educated elite can gain this understanding. Rather, I claim that an understanding of impartiality requires thought and reflection. The more we understand impartiality and its role in moral judgement, the more sophisticated and adequate will be our moral judgements (other things being equal).

To offer the reader as rich an understanding of impartiality as I can, I begin by exploring the concept from a number of different angles, looking at the way impartiality has been used in some of the major ethical theories in western philosophy. I then argue why it is

necessary to our moral judgements/actions. Next, I explore what the concept involves and when/how it is achieved. Finally, I review several critiques of impartiality, showing in what ways these help us to recognize the limitations and dangers of impartiality.

I also intend to answer (in part, at least) other questions: 1) what is good moral thinking and how can we thoughtfully address the complex moral issues that confront us in our lives?; 2) what kinds of things should be taught in programs of moral education?; 3) how can we resolve the enormous challenges brought on by the rich diversities in our modern, multicultural societies and the value-pluralism that accompanies this? While the main question addressed in this dissertation might appear, at times, abstractly philosophical, I urge the reader to keep in mind the practical implications of this work that I have alluded to in this paragraph (and which I will expand upon in the next chapter).

## **II. Contextualism and The Moral Context**

To begin, I will set this question of impartiality within an ethical framework. This framework, in turn, arises out of a desire to defend a way of doing moral education. Though this work will largely be philosophical, I consider myself an educator first, a philosopher second. Thus, while wading through the philosophical detail of the thesis, I urge the reader to keep in mind that this is ultimately going to have some educational significance.

I next explore several common approaches to moral education. Excepting the first, I argue that each has merit. None by itself is sufficient because none gives students all the tools they need to function as moral beings in society. As I said at the beginning of this chapter, this is a fundamental purpose of any moral education program. We expect that each and every individual citizen will act as a moral being, in morally appropriate ways. With this expectation comes a responsibility for the state to give the young, through public education, the capacity and know-how to so act.

We require a program of moral education that prepares students for the "real world". Contextualism is a way of moral reasoning that looks first to the specifics of a situation. It then asks us to pick out the morally relevant features of the situation and to see what moral principles are at stake. We then imagine what possible courses of action are open to us. We

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<sup>7</sup> This is a very general statement, as impartiality is used in many different ways by different people.

consider the pros and cons of each alternative and choose the one that has the best reasons supporting it.

Contextualism helps us to be clear about what the situation is about which we must make a judgement. It does not make that judgement for us. Far from being a weakness, this is one of the strengths of the approach. Anyone promising ready-made, easy answers from ethical theories is wrong—such theories have little use in the real world. Moral decisions are often the toughest we face. We cannot escape judgement and action.

Contextualism lays out the case before us, helping us to understand the complexities of the judgement at hand. And yet that judgement still has to be made. Contextualism asks us to compare the reasons supporting and denying each of a number of possible alternatives. We choose based upon which course of action we have the best reason to support. This presupposes, however, that we are able to compare the relative merits of different reasons. This is where a judgement has to be made (though there is judgement required also in identifying the problem, laying out various alternatives and imagining the likely consequences of each alternative).

How exactly this judgement is made is the central question that I am interested in with my work. Yet it is an enormously complex question, far too large to answer within the context of this thesis. Instead of grappling with it in its entirety, I will examine one facet of the judgement process, impartiality. I am going to argue, and show in what way, impartiality is a necessary condition of good moral judgement. I will argue that it is a test we apply to tentative moral judgements to assess their adequacy. As such, the thesis will provide a small contribution to our understanding of what is involved in moral judgement. It will, secondarily, have something to say about what kinds of things should be taught within a program of moral education.

My defense of Contextualism will be incomplete. I shall offer strong reasons to think it a useful approach to moral education and to moral reasoning in general. Further, I shall give reasons to doubt the completeness of alternative approaches to moral education. In other words, I undertake to show how Contextualism provides more guidance in making practical/professional judgments than its competitors. But I do not pretend that mine is the

last word. There is likely more to be said about alternatives I list and those unmentioned.

Why argue for a Contextualist view?

There are three main reasons. First, I provide a strong (though not conclusive) argument for preferring Contextualism to other moral reasoning and moral education approaches. Second, before delving into the more abstract philosophical material, I want the reader to be clear about the educational dimensions of the work. As I mentioned above, my primary emphasis is education. By expounding upon Contextualism, I build a strong link between the philosophical theory and a practical application of the theory--moral education. Finally, I must set out the theory in which I will argue for the necessity of impartiality. There are many different types of reason-based moralities, Contextualism being just one. Critiques of impartiality will apply differently to different reason-based moralities. To defend my conception of impartiality, it is thus necessary to understand how it fits within a larger moral reasoning context.

### **III. Impartiality**

With this context set, it is then time to move to a direct examination of impartiality. Chapter four begins with an exploration of two main streams of ethics within western philosophical thought and shows how impartiality plays a role in each of them. I then turn to some modern philosophers, John Rawls, R.M. Hare and Jürgen Habermas, for whom impartiality is a central feature of moral reasoning. Rawls raises some fundamental considerations about impartiality that must be heeded in any thinking about moral reasoning. My approach (Contextualism) is similar to Habermas's approach in a lot of ways. Because of these similarities, I will take some time exploring his work and especially showing how our approaches diverge. These differences will be useful in clarifying what exactly I am meaning with my conception of impartiality.

Having some understanding of how impartiality has been used in other philosophical theories, I will then turn directly to my own conception of it, within the Contextualist framework. I am going to argue that impartiality is better understood as a moral (normative) term rather than an empirical (descriptive) one. No judgement or action can ever be made/done with total impartiality. But this is the empirical understanding of the term that I

am not interested in. What my conception demands is that we must be impartial in regards to the important aspects of our judgement. Which aspects are important? To answer this question, I will identify the different ways in which impartiality is important to our moral judgements/actions. By understanding the function of impartiality and the role it plays in our judgements/actions, we will be in a better position to judge if it has been met in this normative sense.

In defending my conception of impartiality, I will explore two separate, though related, paths. The first (chapter 5) is to show why impartiality is an important feature of moral reasoning. I call this the *justificatory* aspect because it justifies why impartiality must be part of sound moral reasoning. The second avenue (chapter 6) I call the *determinatory* aspect. This looks to see how we determine whether or not a judgement meets acceptable standards of impartiality. Combined, these two aspects will tell us why and how impartiality is necessary in moral judgements (and, by extension, in what ways it is not necessary).

By the end of chapter six then, I will have laid out both my conception of impartiality and the context in which it is supposed to operate. From here I will turn to the various critiques of impartiality that abound in the literature.

#### **IV. Impartiality: Critiques**

Critiques of impartiality are numerous and arise from many different sources. There is not time in this thesis to explore them all and to show how my conception of impartiality does not fall victim to their objections. Instead, I will look at what I consider to be the most important critiques and explore them. Chapter seven looks at feminist and postmodernist critiques (though the concerns expressed here are also reflective of critiques from other theoretical perspectives).

Iris Marion Young (1990, 1997) raises two distinct objections to impartiality, each representing a common type of objection. In responding to these critiques, I will follow her general distinction. The first claims that impartiality is an impossible ideal to achieve. To this are related various epistemological problems with impartiality. The second claim is that regardless of whether we can achieve it, it is dangerous to strive for impartiality. Wrapped up in this are a number of different moral claims (though I realize that many would argue that

we cannot separate out the moral and epistemological elements--this will be something I explore).

In addressing the epistemological questions, I will draw upon Sandra Harding's (1991, 1993) notion of Strong Objectivity. Harding meets the challenge that our judgements can never be totally objective, that there are factors about ourselves that we cannot (and should not want) to get away from. However, this does not mean that objectivity is a useless ideal. Rather, it shows that there are factors that typically work against it. If we want to achieve as objective a position as we can, we need to be aware of the kinds of factors that tend to work against this and to critically explore these factors.<sup>8</sup> In a similar way I agree that we can never be totally impartial. We are inextricably the product of our experiences, our background, our race, gender, class, and so on. All of these factors will bear upon our judgements. However, impartiality does not demand that we totally shed ourselves of these individual particularities. Rather, what it demands is that they do not, unreasonably, prejudice our judgements. Impartiality is thus best seen not as an either-or state, but rather one that admits of gradations. If we meet some minimum threshold of impartiality, then our judgements are morally acceptable (all other things being equal).

The moral arguments touch upon a number of different factors. In an overview essay on feminist ethics, Virginia Held (1990) points to three distinct areas that feminists are generally concerned with: 1) reason and emotion, 2) the public and the private and 3) the concept of the self. Other feminist ethicists touch upon similar themes, though sometimes using different language. Within each of these areas we can find a critique of impartiality. I will thus explore each one and show how my conception of impartiality does not fall victim to these objections.

Whereas chapter 7 looks at critiques made against impartiality in general, chapter 8 will anticipate certain critiques of my RCI and respond to these specifically. I can imagine that certain readers will argue that my conception of impartiality is either overly substantive (and thus reflective of merely a particular, partial point-of-view) or overly formal (and so too relativistic). I argue that impartiality, as I use it, is merely a test of a moral judgement's

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<sup>8</sup> Harding stresses that this critical exploration is one best done in collaboration with others, having them help oneself explore one's own biases. In this I think she is right.

acceptability and does not imply specific value positions. However, a large number of theorists are arguing that there is no such thing as a merely benign procedural test, that all such 'formal' principles carry with them substantive value positions. To an extent I agree. My formal criteria do rule out a number of possible value positions; namely those that are unreasonable. However, I will maintain that my position does still admit of a plurality of value positions (as long as they are reasonable ones). As such, it is not unreasonably substantive. And yet my procedure does give us grounds for saying that certain value positions are unacceptable. In this way, it avoids the trap of relativism.

An offshoot of this argument is the question of who gets to decide what the procedures are. Because this is my thesis, obviously I get to in this case. However, in no way do I want to suggest that the criteria are fixed and forever closed. I believe I provide strong reasons to support the criteria I lay out in this thesis. At the same time, I am open to suggestions and discussion about what else might be included or what might be deleted from my account. Further, within the Contextualist framework that I present, there is space for such discussions as well.

With these possible objections overcome, I will then turn to the conclusion of the thesis. The main goal of this work is to explicate the role that impartiality plays in moral reasoning but there are a number of secondary goals addressed as well. The contributions of the thesis to these various goals (both primary and secondary) will be summarized at the end of chapter eight.

The most important of these secondary goals is the explication, and initial defense, of Contextualism as a way of doing moral education. This practical outlet of the theory will be where my work ultimately has the most value. In chapter two, I offer some arguments to support my position that Contextualism should be the preferred way of doing both moral education<sup>9</sup> and moral reasoning. The rest of the thesis can be understood as an indirect argument supporting the same conclusion. Because Contextualism can deflect and overcome the criticisms made against impartiality, it is a moral approach that accords well with our intuitions about what morality should be (assuming, of course, that we intuitively believe that

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<sup>9</sup> It should at least form a part of moral education—though there are many important aspects of moral education that it does not speak to (moral motivation, for example).

impartiality should be a feature of moral reasoning; an assumption that has been largely held, at least throughout the history of western thought). This indirect argument is sound, of course, only if the critiques made against other reason-based approaches to moral reasoning hold any water. If other accounts can deflect and overcome the critiques to impartiality just as well, then Contextualism is not, on this account, necessarily better. Whether this is true is not, unfortunately, something I will have time to delve into in this thesis. To what extent the other ethical theories hold up against critiques of impartiality is not something I will discuss.

In this concluding section, I will summarize the thesis and show the implications for moral education. Without getting into too much curricular detail, I will explore what my conception of impartiality entails for those wishing to offer moral education in schools.

Another secondary goal is to bridge the gap between two opposing camps who, I will argue, are in many respects talking past each other. As the thesis unfolds, it will become clear that (in general) those who support impartiality are analytic philosophers while those who are critical of it are (in general) critical theorists of one stripe or another (feminist, post-modernist, post-structuralist or other). There is often a large chasm between these two groups and dialogue across this chasm can be difficult. In this case, at least, I do not think that gulf is as large as initially appears. The two camps are arguing for different things, using the concept of impartiality in different ways. What I will show is that, if agreement is established on what the concept means, there is little difference in what the two camps hold. As understood by critical theorists, the concept is contentious for many analytic philosophers. As understood by analytic philosophers, the concept is unacceptable to many critical theorists. However, if I can articulate a conception that takes the core of what the analytic philosophers are arguing for, as well as avoiding the problems as seen by those who criticize impartiality, then there is a middle ground upon which both camps can find some agreement. Hegel's Dialectic seems relevant here. We have a thesis (posed by analytic philosophers), its antithesis (articulated by critical theorists) and my work attempts to provide a synthesis between the two extremes, moving the debate forward. A tall order, especially as a secondary goal of a project, but one that I think I will have some success in fulfilling.

My project is concerned with giving students the tools to deal with moral situations. The assumption is that they already have a concern with being moral beings, in acting in morally appropriate ways. As Noddings explains it,

Aristotle argued long ago that the only students who could profit from his teaching of moral reasoning and theory were those who already had sound characters and an appreciation for the moral life. For him, philosophical instruction required a starting point in a real-life appreciation that certain ways of behaving are virtuous and others are not. (Noddings 2002, p. 40)

The work in this thesis has nothing to say directly to getting students to this starting point (what above I referred to as moral motivation). Peters (1974, see chapters 12, 13) argued that the question of moral motivation is one best dealt with by someone other than a philosopher (or at least that as philosopher, one has little to say about motivation). In this age of inter-disciplinarity I'm not sure I can get away with that defense. However, moral motivation is a distinctly different topic than the one I am working on here (no less important), outside of the scope of this thesis. Likewise, although Contextualism requires moral perception and sensitivity, aside from showing how these are necessary to moral reasoning, I will have little to say directly about them.

## Chapter 2: Moral Education

Common approaches to moral education (and their implied commitments to moral reasoning) are variously inadequate in dealing with real life moral problems. I here explore several of these approaches and show how they are lacking. The goal behind this is to show that something in addition to these common approaches is necessary; this something more will be Contextualism, which I will discuss in detail in the next chapter. To begin, I set out two distinct kinds of problems that any adequate account of moral reasoning must show it is able to address.

### **I. Moral Relevance and Moral Conflict Problems**

In deciding which approach to moral education is best, we have to know of what a morally educated person should be capable. I agree in some measure with R.S. Peters's assessment that we should habituate children to the conventional morality of our society (1979, p. 349 ff.). Whatever else we might want of them, they should at least be able to get along in a socially-acceptable way. Maryann Ayim (1991) similarly thinks that, even beyond any academic training, schools should foster caring, affiliative, peacefully-coexisting citizens.

But something more than this is needed. Don Cochrane explains what this 'more' could be when he states:

I want to claim that the object of moral education is the morally autonomous agent, one who does not necessarily conform to the conventions of a society, nor simply to the urgings of his or her idiosyncratic inclinations, but to the dictates of moral reason. (1979, p. 77)

Cochrane is not implying that we simply throw out conventions of society or our inclinations, both of which can be useful guides in thinking about morality. But, the morally educated person should be able to subject these conventions and inclinations to critical reflection to see if they are adequate to the situation at hand. Put another way, the morally educated person needs to be able to think through difficult real-life problems and arrive at a well thought-out, reasonable answer.

Embedded in Cochrane's answer is a central commitment to autonomy. In supporting this, it may appear as though I am arguing strictly within a liberal-humanist position. While my theoretical sympathies might lie with this approach<sup>10</sup>, what follows from Cochrane's position is something that most should be able to endorse.<sup>11</sup> He argues that we should strive to give students the tools they need to cope with the real world moral problems they will face. While there can be disagreement as to what exactly these tools are, it is not merely a liberal position that seeks to so equip students. Cochrane emphasizes reason and the ability to go beyond the conventions of one's society, as do I. However, I do not see this as exclusively a liberal-humanist position.

Cochrane's explication combines two distinct, though important, elements: the capacity to carry out moral reasoning, and the disposition to so think and to follow, in actions, one's reasoned judgment. Both are crucial elements of moral education, equally important. In this work, I only consider the first, the capacity to reason through moral issues. While I am only concerned with reason, in no way do I agree with the position (perhaps erroneously attributed to Immanuel Kant<sup>12</sup>) that only a judgment arrived at through cold logic can produce a morally good action. People can and do act in morally exemplary ways without the capacity to do moral reasoning as I am outlining here (or indeed any kind of sophisticated moral reasoning at all). Even so, the encouragement of the capacity to reason should be a central goal of moral education.

Most moral situations require little thought or reasoning. In getting dressed this morning, I did not have to ponder whether putting on my own clothes or breaking into a

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<sup>10</sup> I am leery of simply coming out and saying that I am arguing from a liberal-humanist tradition, for as Daniel Vokey warns, "labelling someone a "liberal" or a "communitarian" (for example) may do as much to obscure as to identify her or his fundamental commitments (2001, pp. 72-3). Instead of merely accepting or dismissing my argument because it seems like a liberal one, I would urge the reader to consider it on its own merits and not as a representation of any theoretical tradition.

<sup>11</sup> MacIntyre's (1981, 1988) analysis of the rationality of traditions is helpful here. On the one hand, there is no way to reason morally except from a place internal to a moral tradition and its corresponding moral language/s and standards of argument. On the other hand, since the social world does not stay static, those committed to any particular tradition must be able to revise and/or extend its vocabulary and standards as the need arises, which implies awareness of limitations and a willingness to entertain alternatives. As MacIntyre does not identify as a liberal-humanist, his agreement with my position here suggests that this position is not merely a liberal-humanist one.

<sup>12</sup> More on this issue later, see chapter 4, section I.b.

neighbour's house to 'borrow' his clothes was the right action; the choice was so obvious. Two kinds of moral problems, however, do pose difficulties, sometimes enormous ones. The ability to reason through them is crucial if we are to have any chance at reaching an acceptable conclusion. The two problem-types are moral relevance and moral conflict.<sup>13</sup>

Moral conflict problems arise when two or more moral principles important to us conflict. A traditional example is Sartre's (1966) 'student dilemma', where a young man must choose whether to stay home and look after his aging mother, or leave his village to join the French Resistance in fighting the Nazis. Both alternatives satisfy something this young man finds morally valuable. But both require the young man to abandon a duty he feels (either to his mother or to his country). How does the young man go about resolving this conflict? We need not look to such extreme life-defining choices to see these problems. Examples can be far more mundane and part of everyday life. Imagine my grandmother approaching me with a new dress, one I find quite hideous. If she asks me if I like it, I could be caught in a moral conflict problem. If I tell the truth about the dress, I risk hurting her feelings. If I try to spare her feelings, I must lie. Both options have something to speak for them, but both require that I violate a principle I find important. How do I choose what to do?

Moral relevance problems arise when we are unsure if a particular moral principle is at play in a given situation. The abortion debate is a prime example of this problem. Most of us would agree, I think, that it is wrong to kill human beings (unless, in some serious way, that person is threatening us). The disagreements in the abortion debate arise because it is unclear if a fetus is a human being or not. Pro-lifers and pro-choicers agree on the principle. The question is whether or not the principle applies in this case. To resolve moral relevance problems, we need to be able to understand the principle in question and to intelligently and sensitively apply it to the situation at hand. This requires us to have some understanding of how the principle typically works in society and why it is important in an overall moral scheme---no small task .

In both these kinds of problems, there may be more than one morally defensible solution to the problem. However, we still need to be attentive in our moral reasoning to ensure that we do not end up with a morally indefensible position. What is needed is the

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<sup>13</sup> My use of these terms is taken from James Wallace's work on this subject (Wallace 1988).

ability (and the willingness) to think through these problems, to interpret complex situations and the principles at play in them so to come to a reasonable judgment about what to do. Any program of moral education that does not equip students to grapple with these kinds of problems is inadequate (or at least incomplete).

With this criterion in mind, let us explore various approaches<sup>14</sup> to moral education and see how they measure up—that is whether they reliably generate defensible/reasonable moral choices. Because I explore these approaches from the limited perspective of how successfully they deal with moral relevance and conflict problems, my critiques are incomplete. But, if the reader is convinced that providing the resources (the tools) to think through these problems is a necessary feature of an adequate conceptual framework for moral education, then failure to meet this criterion is *prima facie* evidence that a different approach should be considered (at least as an addition to other approaches).

## **II. Moral Education**

Although we generally agree something should be done about moral education, agreement splinters when we ask just what that something should be. In exploring some common approaches to (paradigms of) moral education, I will show how each is incomplete because each fails to enable students to reason through moral relevance and moral conflict problems. These common approaches include: 1) doing nothing, 2) indoctrinating/conditioning certain values, 3) clarifying values, 4) teaching specific virtues (often called character education), 5) promoting justice reasoning (Kohlberg's cognitive/developmental approach), 6) fostering care, 7) teaching the great ethical theories of western philosophy, and 8) "real world" ethics (Nash's *multiple ethical languages* approach).

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<sup>14</sup> "Approaches" is a vague word, but necessarily so. The various orientations to moral education will differ from one another in various ways; in their explicit beliefs, tacit assumptions, priorities, attitudes, and practices. In some sense, it might be useful here to think of these various 'approaches' as competing paradigms of moral education (though I would not want the reader to get too wrapped-up in all of the implications of what 'paradigm' might entail).

*i. Approach 1: Do Nothing*

Some hold a view that moral instruction has no place in the schools. Rather, it is seen as the duty of the parents or of the Church (or other religious institution) to morally educate the young. This view may arise from the belief that morality is a private thing, not appropriately talked about in public places. Parents may also believe that they have The Truth about morality and thus do not want their children exposed to other views that might corrupt the children. The reverse may also be true. More open-minded parents might worry that their children would be indoctrinated into a particular value-system through moral education. Both types of parents may fear that, because religion and morality are so closely linked, to have any teaching of morality in schools is necessarily to have the state teaching and/or controlling religion, a dangerous practice (Campbell 2003).

A number of arguments can be given to counter these objections. One of the most fundamental holds that we expect citizens to act as moral beings, in morally appropriate ways. As such, we (public educators, as representatives of the state) have responsibility to ensure that students have the capacities and dispositions needed for this. Although it would be great if all students got this instruction at home, there can be no guarantee of this. Therefore, we must provide such instruction in the schools to ensure that each and every individual receives it.

A second typical argument arises from democratic theory, especially the liberal-democratic tradition. This argument holds that the purpose (or at least one of the most fundamental purposes) of education is to enable each individual, when she is capable, to choose what sorts of goods to pursue in life. This choice is especially relevant in the moral domain. If children are getting moral instruction only at home, it is unlikely they will ever be in a position to make meaningful choices for themselves, for two reasons: 1) they will not have exposure to the diversity of moral traditions that exist and so will not know the vast range of options that they can choose from and 2) even if aware of the different options, they will not have any mechanism for choosing between competing alternatives.

Arguments like this can be found in such liberal sources as Rawls (1971, 1993) or Callan (1997). Many, however, feel either that we do not live in a liberal society, or else that we should not (one can, of course, believe both). But there are some, like Amy Gutmann

(1987), who argue this kind of choice is necessary for all democratic societies, not merely liberal ones. While admitting that maximizing freedom of choice is a liberal value and thus one not all share, Gutmann does argue that the core value, essential to all democracies, is *conscious social reproduction*:

We are committed to collectively re-creating the society that we share. Although we are not collectively committed to any particular set of educational aims, we are committed to arriving at an agreement on our educational aims. The substance of this core commitment is conscious social reproduction...It follows that a society that supports conscious social reproduction must educate all educable children to be capable of participating in collectively shaping their society. (p. 39)

Thus whether one is a liberal or not, this second argument is relevant in any democratic context.

A third argument is that children need exposure to other view-points, other belief-systems if they are to learn tolerance. Whether we expect a Christian child ever to consider seriously Hinduism as a viable alternative, in our pluralistic societies that Christian child will need to live beside and work with that Hindu child. If schools succeed in opening the eyes of the young to various moral traditions, then it is thought that when grown-up, these children will likely be more tolerant of each other. This benefits not only the individuals involved, but society as a whole.<sup>15</sup>

A final argument against this approach moves away from such theoretical issues to the practicalities of teaching. Whether doing so explicitly or not, whether we are consciously trying to or not, we are providing moral education to our students. In telling them to behave, to respect their classmates, not to cheat, we are giving students moral instruction daily. As David Purpel and Kevin Ryan write:

The schools cannot avoid being involved in the moral life of the students. It is inconceivable for schools to take the child for six or seven hours a day, for 180 days a year, from the time he is six to the time he is eighteen, and not affect the way he

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<sup>15</sup> While this argument holds intuitive sense, it is questioned by some theorists. Jerrold Coombs, for example, writes that there is little empirical evidence to support the intuition (see Coombs 1986, p. 3, Kehoe 1978).

thinks about moral issues and the way he behaves. Nor can we divorce the intellectual from the moral realm. One can suppress discussion about moral issues and values, but one cannot suppress the development of values and the formation of morals. Moral education goes on all over the school building--in the classrooms, in the disciplinarian's office, in assemblies, in the gym. It permeates the very fabric of teacher-student relationship. The school, then, cannot help but be a force for growth or retardation--for good or evil--in the moral life of the student. Moral education is an inevitable role of the schools. For the educator, it comes with the territory. (Purpel and Ryan 1976, p. 9)

If we are inevitably doing moral education anyway, it makes sense (so this argument goes) to do it in the best possible way we know how. This implies thinking seriously about outcomes we hope to achieve, what sort of curriculum would be pedagogically consistent with these outcomes and the best teaching methods to implement this curriculum. All of this demands a conscious, intentional and explicit teaching of morality in some form or another. What form should this be? Let us consider various proposed possibilities.

#### *ii. Approach 2: Indoctrinate/Condition Certain Values*

This approach holds that there are specific values that we want to impart to students. As educators (or policy/curriculum makers), we have reasons for choosing these values, but we are not concerned with having the students understand, appreciate or accept these reasons. Our goal is simply to acculturate the students, to bring them to hold the values that society deems appropriate.

Several arguments can be made against this approach. As the arguments in the previous section suggested, democratic theory necessitates individuals having the freedom to make up their own minds regarding which values to hold, which goods to pursue or how society should be "reproduced". If we are merely indoctrinating/conditioning students to hold certain values, then no choice is possible. Choice must be understood here not merely as a political freedom to make a choice. It also necessitates a kind of psychological freedom, implying the capacities and dispositions to make a meaningful choice and a freedom from various constraints that prohibit or impair the exercise of these capacities.

A second argument against this type of approach is that it is not clear who is to decide which values should be conditioned. I will discuss this more in Approach 4 below. But to anticipate that discussion briefly, we can imagine how there is danger of the dominant group in society passing on its own values thereby reinforcing its dominance. Here we can think of the German youth of the 1930s and early 40s being indoctrinated into the Nazi mentality or First Nations people within Canada who were forced into Residential Schools with the goal of assimilating them into “Canadian culture/society”.

A third argument is that even if we have success in transferring values, and those are values we all deem to be worthy ones, students still need to apply the values to new situations. It is one thing to believe fairness is important. It is quite another to know when fairness is relevant and what implications it holds. It is a further problem if fairness conflicts with another value we have been indoctrinated to hold dear, truth-telling for example. This approach gives little guidance in resolving moral relevance or moral conflict problems. Again, I will discuss this problem in more depth when we get to Approaches 4 and 5 below.

### ***iii. Approach 3: Clarify Values***

Values Clarification was one of the most influential approaches to moral education in the 1960s and 70s, growing out of the work of Louis Rath and his colleagues Merrill Harmin and Sid Simon. In their book *Values and Teaching* (1966), they explored a theory of values and the role it played in education. The authors began with the premise that values are a too often ignored domain that may help to explain behavioural problems in children. Although research into emotional and intellectual causes had been abundant, they claimed no work had been done in connecting values and behaviour problems: “We have found that several kinds of problems children often exhibit in school and at home are profitably seen as being caused by values, or, more precisely, by a *lack* of values” (1966, p. 4). Given the freedom which modern society offers, children can no longer be sure of what values to hold or to commit to, and so end up in trouble. Values clarification hoped that, by helping students to clarify their own values, these negative characteristics could be overcome, or at least lessened.

An important problem Raths and his colleagues brought to light was the burden that accompanies the (relatively enormous) freedom to create oneself: "What is to be done with one's life and force? Once a question mainly for philosophers, in these times of increasing complexity and change and abundance, it is a question that challenges almost all of us, although often we move through our lives unaware of it" (Raths et. al. 1966, p.11). This is indeed a question that many people now have to deal with. Not only does the freedom for this follow from liberal democratic theory, it is also a result of social conditions (and an abundance of life's necessities) prevailing over the past several decades in North America (at least for many of us). What motivated their project in 1966, and mine now, is the belief that schools have an important role to play in helping to equip students with the tools necessary for answering this question (especially in the moral realm).

What values clarification asks of us is simply to become clear about what values we hold. Although I shall argue this is an important component of good moral reasoning, it is not, on its own, an adequate approach to moral education. There is some disagreement whether values clarification moves us beyond this stage at all.<sup>16</sup> Many theorists think it does not. If not, the result must be unsatisfactory. Simply because we are clear about our values, it does not follow that we are holding acceptable ones. Children are often raised to hold morally problematic values, ones that are racist, sexist, homophobic and the like. If we are simply getting students to be clearer about these values, and re-affirming them, then we, as educators, are doing more harm than good. Values clarification provides no mechanism, nor demand, to evaluate critically these values.

This relativism problem is damning enough for the approach, but there are other problems as well when we look to the educational impact it will have. How does being clearer about one's values help us deal with morally problematic situations? As I will argue below, being clear about what values are at play in a morally problematic situation is important, but it is merely one component of many that are needed for a complete moral

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<sup>16</sup> Critics like John Stewart (1976) and Robert Carter (1984, p. 43-53) think not. Defenders like Harold Kirschenbaum (see 1977) do think Values Clarification can do so. As I argue in the body of this chapter, I do think Values Clarification (or something like it) can be a useful starting point for moral deliberation. However, once we move beyond this, it does not seem to me that we are doing Values Clarification any more and so it is misleading to use this title still.

judgment. If the purpose of moral education is to help individuals deal with moral complexities in their daily lives, then values clarification falls far short of attaining anything close to a desired outcome.

*iv. Approach 4: Teach Specific Values or Virtues*

Approach 4 is similar to Approach 2 in that there are certain values that we want our young to adopt. This approach differs from the second one in that we want students to understand the values they are adopting, what virtues they are being taught and why they are important. The difference between the two appears in Thomas F. Green's distinction between teaching and either indoctrinating or conditioning (Green 1971, pp. 21). When indoctrinating or conditioning, our sole goal is to get students to adopt a certain belief or behaviour. In teaching, we are concerned with this as well. But further, we want the student to see that there are good reasons to adopt the belief or behaviour and to adopt it based upon these good reasons.

Recall that one of the objections to Approach 2 was that it did not respect the personhood of individuals. Indoctrinating (or pre-rationally conditioning) is not a morally acceptable way to 'teach' students. Approach 4 overcomes this problem by appealing to the intellectual judgment of the student. As such, it respects the student's autonomy and her right to be treated with a certain kind of respect. Notice, however, that with young children, the distinction between Approaches 2 and 4 can be blurred. Although we may want to engage the reason of each student, this is simply impossible with young children who have not yet come to learn the importance of reasons. Theorists from Aristotle (2002) through to the present (see, for example, Hare 1964 and Siegel 1991) have recognized the need to habituate young children with appropriate moral actions, condition them into right ways of acting. Later, when the children grow intellectually enough to understand the importance of reasons, we can then appeal to their autonomy and personhood. To use Harvey Siegel's words (who, in turn, borrows this language from writers such as Peters and Scheffler), we redeem the previously non-rationally held beliefs by appeal to reasons (Siegel 1991, pp. 30-41).

Approach 4 thus overcomes one of the problems cited in Approach 2. It does not, however, have similar success with the other arguments against this method of moral education.

*a. Whose Values, Which Virtues?*

Even granting the central place of reasons and reason-giving in the teaching, we are left with the question of whose values are being taught, which virtues? It would appear that those who choose what should be in the curriculum are privileging their particular point-of-view and passing it on. This seems to speak against the democratic notion that schools should not teach for any one particular way of life, but should teach so that multiple (reasonable) ways can be followed and tolerated.

Two kinds of counter-arguments can be posed here. The first appeals to some set of incontrovertible values/virtues that provide a safe (because unquestionable) starting point. One possible example of this would be an appeal to the set of virtues necessitated by virtue of living in a democracy. R.S. Peters makes such an argument in supporting such virtues as truth-telling, respect for persons, freedom (or autonomy) and impartiality (though note, I am not implying that Peters would support this fourth approach for moral education, merely that his argument for these "social virtues" could be adopted by one with that aim in mind) (Peters 1979, pp. 343-44). Another example of such an argument could be found in something like a neo-Kantian appeal to moral personhood. There are certain virtues that a moral person must exercise (autonomy, for example) and others to be exercised in dealing with other moral persons (respect for their autonomy, faithfulness to reasons, and so forth.).

Three general sorts of problems arise in this kind of argument. The first is that, although it is claimed the lists are incontrovertible, they often are not. There are always people who disagree with one item on the list or another. Granted, simple disagreement does not prove the arguments wrong. Yet, that disagreement puts the burden on those creating the list to show why they are justified in having a given item on the list. It is not always the case they can provide arguments all reasonable people will accept.

The second problem is related to the first. Although some initial items on a list may prove to be unquestionable, list-makers rarely are content to stay at this level. Consider such

a list provided by Sher and Bennett in their article *Moral Education and Indoctrination* (1982). They include such things as truth-telling, honesty and fairness. But they then go on to consider (and tentatively suggest) things like abstinence from pre-marital sex. While we might accept that the earlier items are necessary, certainly this last one is not. It represents a moral point-of-view that is easily contested by other reasonable, morally sound, individuals.

The third problem is one that I will deal with in more detail below. It argues that, even if we have agreement as to what virtues should be on a list, this does not entail agreement as to how to interpret and to apply such virtues. We may all agree that fairness is something desirably taught. Yet, we might still disagree in how we interpret fairness and what fairness necessitates in any given situation. Thus, what might appear to be an incontrovertible list is actually not so at all.

A second counter-argument can be posed here. If the values and virtues that are being taught are later to be redeemed by reasons, then we have nothing to fear (or so this counter-argument goes). We may attempt to instill a particular value; selflessness, for example. However, if an individual student comes to see that there are not good reasons supporting this virtue, then he will not continue to be selfless. The student is not asked to accept all the values and virtues which he is initially conditioned to act upon. He is asked only to carry on with those that he sees as having good reasons supporting them. Defenders of a particular set of values or virtues will, of course, think that there are good reasons supporting them. It will thus be likely that most students will continue to accept them. But there is nothing logically preventing students from abandoning some or all of the values. While this counter-argument has some merit, I think it is ultimately unsuccessful in deflecting this criticism.

The problem with this counter-argument is that it misunderstands the role that reasons play in our judgments, in at least one important way—their motivational aspect. Views like Sher and Bennett's seem to assume that good reasons provide some objective measure that will induce us to action. There is something troubling about appealing to such metaphysical arguments, however. A more plausible description of reason-motivation can be found in Raz's (1975, 1978) account which includes two constituent elements of reasons: some objective fact about the world, and some desire that I, as the agent, hold. A fact about the world provides a reason to act in a given way only if it overlaps or corresponds to some

desire I have. For example, I may be in a cafeteria, wondering whether to buy something. My being in the cafeteria does not give me reason to buy anything. It only becomes a reason if there is some state that I desire, overcoming hunger for example, or nourishing myself.

Once this subjective aspect of reason motivation is seen, then we encounter a problem with this counter-argument. It claims that, once we see good reasons for maintaining (or, conceivably, for rejecting) one of the conditioned virtues, then we have adopted it for our own. But in light of this view of reason-motivation, we must question whose reasons those are. Are the reasons supporting that particular virtue ones we have been conditioned to accept as good as well? Here we get into a question of authenticity of judgments. Simply because there are reasons to choose a course of action does not imply that I would choose it.

Let us illustrate this with an example. Imagine that, when I was a child, I was brain-washed (or strongly conditioned in some fashion) to believe I would be a doctor when I grew-up. Upon growing up, I can see good reasons for becoming a doctor. It is a challenging career, one that will allow me to live a life-style I want. Further, it allows me to serve society in a way that I want to. And yet, even for all of these good reasons, there is no way, without this initial brain-washing that I would have chosen to become a doctor. Can this choice then be seen to be my own?

There is a disanalogy here between choosing a profession and choosing to adopt particular values and virtues. But the case is that much more dire when we consider the latter example. For not only are we choosing something later in life to (continue to) adopt. It is also something which we have, through our initial conditioning, been practicing continuously for many years. This adds in further problems. Often, there is a reward structure attendant upon these conditioned values/virtues. Such reward/punishment can only serve to heighten one's dedication to the values. Further, there is the plain fact of human inertia. We are creatures (in many cases) who like routine. Change of any sort requires effort and hard work. The simple fact of being one way (in relation to virtues/values or anything else) can often provide reasons for maintaining that way of living. Here again, the initial condition gives us reasons for our continual adoption of that way of life. If this is true, then we cannot appeal simply to reasons to show that the choice, later in life, is an authentic one (that is, not conditioned by our initial teachings).

Readers may disagree, or only partly agree, with my rebuttals to these types of counter-arguments. That is fine. Each rebuttal, on its own, gives us some reason to doubt that initial conditionings can be later redeemed by an appeal to reasons. If we have such doubts, then the claim that a type-4 approach is merely the teachings of someone's partisan notion of goods, values and virtues is supported. If the reader has no such doubts, if all of my arguments of the previous section are unconvincing, then this argument against type-4 approaches will be equally unconvincing. Even if this is the case, however, there is still a practical argument to be made against the approach. Let us turn to that now.

*b. Interpretation of Virtues and Applying Them*

As I have alluded to a couple of times above, this type of moral teaching is limited. It is conceivable that there are a number of virtues we agree are necessary for living a good life and necessary for our society to function. However, even granting this, there is a problem in interpreting of what exactly these virtues consist, how and when they are to be applied, and what consequences follow from them.

Moral concepts are "open-textured", meaning there are no clear boundaries demarcating any particular concept. This implies we cannot simply learn a moral concept by receiving a definition. Agreement on such definitions is largely impossible in any case. But even if possible, it would still be doubtful that young children, being introduced to the moral language (and so to the moral realm) would gain anything by hearing a dictionary-type definition.

Instead of definitions, we learn moral concepts by seeing examples of the concept at work. A child takes all of her sister's toys and is told by her parents: "that is not fair". A teacher tells her class we have to share the cookie equally because "that is the fair thing to do". A coach tells his team in order to be fair, everyone is going to get equal playing time, even if this means that the team does not have as good a chance to win the game. A young boy reads a story with his grand-mother entitled Fair Play. These examples can be multiplied as far as we want. The point to see is that this is how young children first come to recognize and understand moral (and likely, other) concepts. They see a word like 'fair' used in many different contexts and it is up to them to glean from these different usages what the term

means and what import it has. Notice in the third example given, this particular coach has given fairness priority over winning. It is just as conceivable that it could be reversed. The coach could say: "well, it would be fair to give everyone equal playing time, but today winning is more important than fairness and so we will play our best players". We can see from such an example how easily a child can not only pick up how a moral concept is used, but also attitudes which attend upon the usage. A child exposed to adults like the coach in the first example will be more likely to value fairness than the child exposed to adults like the coach in the second. This simply shows the importance of early moral teaching.

This importance is well recognized by supporters of this type-4 approach and motivates their moral education project. Aristotle, one of the early virtue-theorists, wrote that there is nothing more crucial to moral health than a sound moral foundation: "It is not unimportant, then, to acquire one sort of habit or another, right from our youth; rather, it is very important, indeed all-important (2002, N.E. 1103b 24-26). A supporter of Contextualism, like myself, would not necessarily disagree with this. Where disagreement arises is when children get older and the moral problems they encounter get more complex.

Consider the following example. A mother of five, pregnant, wishes to have an abortion. She says that with her limited time and resources (financial and emotional) it would be unfair to her other children, and to the unborn child, to give birth to it. Assume now that we have a society in which the doctor is given the responsibility of deciding whether there is good enough reason to allow an abortion. This doctor, educated in a type-4 approach, has some notion of what fairness is and has a firm commitment to it. Is she in a position to judge whether fairness is a relevant factor here? If she judges that it is, how does she weigh the relative importance of fairness against other relevant moral considerations?

Let us change the situation slightly and imagine that, instead of just one doctor making the decision, we have a panel of five. All five have been educated in the same type-4 moral approach. Is it not likely that there could be considerable disagreement over whether fairness is a relevant concern here and further, what importance considerations of fairness should play? I am in no way suggesting that such disagreements are bad or that any other approach to moral education can (or should seek to) avoid them. What I want to point out is simply that a type-4 approach gives us no way to mediate such disagreements (either our own

uncertainty or disagreement amongst a group of people). General understanding of, and commitment to, appropriate virtues might be a good start (though it is still problematic as to who decides what the appropriate virtues are). But, on its own, it is surely not sufficient. This type of approach does not give us adequate tools to deal with morally complex situations and as such cannot be an adequate approach to moral education.

My conception of virtues education is, admittedly, simplistic. What I am criticizing are the unsophisticated kinds of character education that Alfie Kohn attacks in his article *How not to teach values* (1997). There are, however, far more sophisticated varieties of the approach that go beyond the simple inculcation of virtues. Theorists like David Carr (1991) certainly recognize the problems I raise here. But, in overcoming these problems, these theorists need to move beyond this simplistic version of virtues education. What exactly this something more is then becomes the crucial question. What kind of moral understanding is needed to be able to apply these virtues? Though framed in a different way, this is the question I am addressing with this thesis. Thus, this more sophisticated version of virtues education is consistent with the project I am pursuing here. Whatever moral clarity we can gain by my exploration of impartiality can help to answer what this something more might entail.

How then do we deal with such morally complex situations? To conclude this chapter, I want to review four possible approaches. The first is Kohlberg's cognitive-developmental approach. The second looks at a response to Kohlberg, the Ethic of Care. The third is a more general, comparative theories approach. Finally, I will briefly explore one version of a practical reasoning approach, Robert Nash's 'Real World' Ethics.

#### ***v. Approach 5: Kohlberg and Teaching Through Moral Dilemmas***

Without question, one the most influential names in moral education is Lawrence Kohlberg, a psychologist who conducted extensive longitudinal studies that explored how people respond to moral problems. Kohlberg took the empirical results of these studies and

constructed a theory of moral development that has become the basis of many programs of moral education.<sup>17</sup>

In these studies, Kohlberg would give the subjects a moral dilemma, often involving a moral conflict problem (as I have been using the term in this chapter). The subjects would give an answer to this dilemma, but also their reasoning for their answer. It was this reasoning that Kohlberg was interested in. From his data, he concluded that there are 6 distinct stages of moral reasoning, demarcated by the kind of reason one would give to justify one's answer (and the motivation to act that was revealed therein).<sup>18</sup> Because it is the *form* of reasoning that Kohlberg is interested in, he claimed to be giving a *formal* account of moral development.

From his studies, Kohlberg concluded that there is, among all people in all cultures, an invariant progression through these stages. We all begin at stage one, and move one stage at a time, never skipping a stage and never reverting to a previous stage.<sup>19</sup> The movement is caused by a gradual awareness that the kind of reasoning we are operating from is inadequate to deal with particular problems: "If the child is challenged so as to perceive the contradictions in his own thinking, he will try to generate new and better solutions to moral problems" (Kohlberg and Turiel 1971, p. 454). Because the next stage of reasoning can more adequately accommodate these problems, we are gradually led to adopt the form of reasoning as exemplified in this next stage. As Kohlberg writes, each stage "may be considered separate moral philosophies, distinct views of the social-moral world" (1971, p. 295). The higher the stage, the more adequate the moral philosophy that is contained therein and so the better the moral reasoning will be.

The implication of this for moral education is to focus our attention on moving students through these stages. As teachers, we cannot simply show students that their

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<sup>17</sup> My discussion of Kohlberg's work is distilled from sources such as Kohlberg and Turiel 1971, Kohlberg 1976, 1981, 1984 and Power, Higgins & Kohlberg 1989.

<sup>18</sup> In his later work, Kohlberg backs away from any claim that stage 6 reasoning is a result of empirical observation, "We no longer claim that our empirical work has succeeded in defining the nature of a sixth and highest stage of moral judgment. The existence and nature of such a stage is, at this moment, a matter of theoretical and philosophical speculation and further empirical data collection" (1984, p. 215). Reiterating this view, Kohlberg states "It is true that the idea of a rational reconstruction requires that we hypothesize a sixth or highest stage, but we cannot say we have yet empirically evidenced it" (Kohlberg 1984, p. 224).

reasoning is inadequate, students must come to this realization themselves. As teachers, we can give students problems to work through designed to help them see this inadequacy. Further, we can offer reasons exemplifying thinking in the next stage with the hope that the student will come to see that this type of reasoning is indeed preferable. One part of moral education then consists in giving students moral problems and helping them to work through these problems. For Kohlberg though, this is far more effective when set within some real life context, what he came to refer to as the just community: "Methods emphasizing a rational discussion approach should be part of a broader, more enduring involvement of students in the social and moral functioning of the schools" (Power, Higgins & Kohlberg 1989, p. 19). As will become clear in the next chapters, I favour this method, though I think further clarification of stage 6 is needed.

Response to Kohlberg is vast, both in terms of quantity and in the range of support his theory finds. Habermas, for example, sees in Kohlberg's theory consonance with, and validation for, his Discourse Ethics (Habermas 1990b, p. 121). R.S. Peters sees some positives in Kohlberg's work, but also certain weaknesses, especially in how Kohlberg ignores matters of character (1974, pp. 304). Brian Barry thinks the theory laughably simplistic, referring not kindly to Kohlberg's "sublime obtuseness" (1995, p. 241). Carol Gilligan sees value in the work, but thinks it embodies the moral experience of only some people and thus is not as comprehensive as it is made out to be (1982). Nel Noddings thinks it is flawed from the outset, putting emphasis on abstract principles of justice instead of on feelings of care that she argues should form the basis of morality (1984).

Much can be said in response to Kohlberg and his theory. For my purpose here, I only want to comment on certain elements that are of particular relevance to this thesis. Specifically, this will involve the ways in which Kohlberg's approach succeeds or fails to equip students with the kinds of tools necessary to grapple with moral relevance and moral conflict problems.

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<sup>19</sup> Except in the case of some serious trauma.

a. *Kohlberg Critiqued*

Though claiming to offer only a *formal* theory of moral development, Kohlberg's work is criticized for smuggling in *substantive* moral content (Carter 1984, p. 61 ff.). In saying that the higher the stage of moral reasoning, the more adequate one's moral judgment will be, Kohlberg is claiming that the kind of approach found in these higher stages is ethically superior to those found in lower stages. As Dwight Boyd writes, "the notion of "development" carries with it not only the notion of change but also the idea of change with regard to some specified dimension *and* in some direction considered to be an improvement" (1989, p. 96).

As quoted above, Kohlberg thinks each stage is the embodiment of a particular moral philosophy. It is widely accepted that Kohlberg's stage 6 implies something along the lines of a Rawlsian formalist theory. There is much to recommend itself in this kind of a theory, but by no means is it universally accepted that this is the right, nor even the best, moral theory. Kohlberg defines morality as what is exemplified in stage 6 reasoning, "Stage 6 is what it means to judge morally. If you want to play the moral game, if you want to make decisions which anyone could agree upon in resolving social conflicts, Stage 6 is it" (Kohlberg 1981, p. 172). But many simply do not accept this definition. As many argue, the stage 6 reliance on abstract principles of justice in fact distorts what morality should be about and fails to reflect how many people actually solve real-life moral problems (see, for example, Gilligan 1982, Held 1998, Noddings 1984, Sherwin 1993, Young 1990).

The content of stage 6 is the crucial point from my consideration. Kohlberg writes, "All Stage 6's can agree because their judgments are fully reversible: they have taken everyone's viewpoint in choosing insofar as it is possible to take everyone's viewpoint where viewpoints conflict" (Kohlberg 1981, p. 214). This concept of *reversibility* is key in understanding this highest stage.<sup>20</sup> Essentially, it involves putting yourself in another's shoes. If you can accept a judgment or action when seen from this other perspective, then it is reversible and thus morally acceptable:

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<sup>20</sup> Highest, at least, when the theory is explained with six stages. At times Kohlberg does talk about a "soft hypothetical seventh stage" (1984, p. 249 ff.).

As Baier (1965) has succinctly put it, the moral point of view must evaluate “for the good of everyone alike”. We think this coordination is what makes the golden rule so compelling and timeless. That is, in its positive interpretation, “Do unto others as you would have them do unto you,” it expresses the attitude of benevolence as elaborated in the Christian maxim of “Love thy neighbor as thyself.” On the other hand, in its proscriptive interpretation, “Do not do unto others as you would not wish others to do unto you,” it expresses the attitude of justice as respecting and not interfering with the rights and autonomy of others. (Kohlberg, Boyd and Charles Levine, as quoted in Boyd 1989, p. 112)

If reversibility is to be understood simply in terms of this Golden Rule kind of sanction, we need to ask how sophisticated this sanction is. In its simplified form, there are, at least, the following three problems.

First, it does not account for differences of value. Simply because I may desire something, it does not follow that others will and that I should be allowed to subject them to my wants. The Golden Rule is not a reassuring protection when confronted with a masochist.

Second, it says nothing about context. It may be the case that I am faced with a terminal illness that causes much pain. In the face of this, I want to end my life with an overdose of pills. But surely because I want this, it does not follow that I can thus treat others in the same way, assuming that they too want to die. Obviously any sensible moral reasoner would take these relevant differences into account. Thus, reversibility, if it is to be sensitive to context, must be more sophisticated than the simple kind of Golden Rule understanding offered above.

Third, and most damning, is that reversibility on its own will still allow for some morally abhorrent actions. Imagine an extreme anti-Semite who believes all Jews should be put to death. It is not irrational for him to say that “I would believe this even if it were the case that I were a Jew”. The reversibility criterion has been met but obviously the act would not be morally acceptable. Kohlberg might try to claim that no one could reasonably make the claim of the anti-Semite when the roles were reversed. In response to his famous Heinz Dilemma, Kohlberg writes, “But then we imagine the druggist’s claim if the druggist put

himself in the wife's place. The druggist might put property before life, but not if he were to step into the wife's shoes" (1984, p. 484). Kohlberg's answer is weak here, giving us little reason why the druggist would have to so choose. As Barry's analysis reveals, there might be good reasons why the druggist could still hold it wrong to steal. Even if one places the value of human life above that of property, the druggist might still say it is wrong to steal the drug. This is the case because if this action were generalized and druggists the world over were being robbed, then their profit motivation would diminish and many would simply stop developing and producing new drugs. In the long run, this would cost many more lives (Barry 1995, pp. 242). Kohlberg's principle of reversibility seems unable to capture these kinds of complexities. As Barry writes, "Kohlberg's failure as a moral theorist may be said to stem from his cutting off the moment of decision from both its antecedents and its consequences" (1995, p. 242).

It may be argued that I am simply interpreting reversibility in too simplistic a way, that in fact anyone reasoning at a stage 6 level would see that much more is demanded from morality than this simple understanding of the concept. If so, then my objections fail. But, then the question is open as to what more the concept needs to encompass. What are the demands of stage 6 reasoning (or, to take it out of Kohlberg's language, of any kind of morally adequate and sophisticated reasoning)? A central purpose of my work is to give some idea of what that something more might be. However, instead of trying to capture this under the concept of reversibility (which I think is too simplistic and limited), I will talk about it in terms of impartiality. What I am after is a test, such as Kohlberg sees in reversibility, that will measure the adequacy of our moral reasoning. However, I want a test that is more explicitly sensitive to context and the uniqueness of the people involved in a particular situation and also a test that is more richly laid-out in relation to the demands of morality. Kohlberg says that reversibility involves "taking everyone's viewpoint"; how do we know when we have adequately done this? What does this require? My RCI will at least begin to answer these questions.

## *vi. Approach 6: Care*

Partially in response to Kohlberg's work and partially in response to a perceived lack of attention to how women and girls work through moral problems, many theorists have begun advocating an Ethic of Care. Instead of a focus on abstract principles of justice, Care is a "relational ethic" (Noddings 1988, p. 218) stressing the relationships between people and the ties that bind them. According to many theorists, the more abstract, justice-based approaches to ethics lack sufficient attention to the uniqueness of situations and the relationships involved therein. Because these approaches attempt to subsume all of our experiences under general principles, there is a focus on what is the same in cases, while ignoring the specifics that make the circumstances, and especially the individuals involved, unique. Though not necessarily arguing for an Ethic of Care, Annette Baier is responding to this particular problem when she writes:

What I have attacked is one way of doing moral philosophy, namely the articulation of a system of moral laws, vaguely anchored to intuitions about particular cases, laws that the theorist presents as valid or acceptable in conditions of strict compliance, hoping eventually to work back, from there, to the actual conditions (which, after all, generated the intuitions). (Baier 1988, p.44)

One of the dangers of this 'abstract, justice' approach is that often these general principles and laws are representative of only some particular peoples' moral experiences (often privileged males, or others who hold power in a given context). Because others must conform to the contours of these moral prescriptions to be considered acting morally, the experiences/values/beliefs/intuitions of people from other locations is ignored or suppressed.

As articulated by Nel Noddings, Caring is the attempt to replicate the kind of bond existing between mothers and children and to use this as the basis of moral understanding. Mothers (generally) do not need any theory or sense of duty to act on behalf of their children, they do so out of love and care for the child. If this basis could be found in all moral relationships, then there would be no need for abstract systems of morality. Even if this actual care is not present in a particular moral relationship, this basis of morality can still give sense to what one's duties are: act as if you did care for the person.

According to Noddings, caring involves a relationship between the one-caring and the cared-for. For the one-caring, there are two key features: 1) engrossment and 2) displacement of motivation (1988, pp. 219-20). Engrossment is characterized by “nonselective attachment or total presence to the other for the duration of the caring interval”. In other words, while being the one-caring, you need to focus all of your attention on the other person and not be distracted by outside considerations. Displacement of motivation entails working with the other person on her projects and what is good for her, keeping your own wants and desires separate. You work for the good of the other person within the context of what she believes and values to be good.

As a basis for moral education, I think the Ethic of Care has a lot to recommend it. It speaks directly to the issue of moral motivation and why we are even concerned with being moral in the first place. It can help instill the Conventional Morality that is needed if individuals are going to successfully and peacefully co-exist as members of a society/community. And it can, at least as understood by Noddings, give shape to the kinds of educational goals we should have and the ways that teachers should interact with their students (Noddings 1988, p. 222). However, I do not think it can take us all the way to the kind of morally autonomous state that is needed to deal with relevance and conflict problems.

Depending upon which theorist one is reading, the relationship between care and justice will differ. Carol Gilligan thinks they are both valid orientations to morality, but that particular individuals will favour one or another of the two approaches (1982). Noddings, at least in her early writings, sees care as the only foundation from which to build one’s ethics (see 1984, 1988). I will argue that care without principles (be they of justice or some other name) is incomplete.<sup>21</sup> Care can provide a basis for understanding our responsibilities as moral beings, but when situations are complex it is not always clear what care demands.<sup>22</sup>

Imagine that you are a teacher. In relation to any particular student you are in the position of one-caring in that caring relationship. As such, the demands are clear in terms of engrossment and displacement of motivation. But how engrossed can one be? What of the

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<sup>21</sup> I think the opposite has some truth to it as well. Kant aside, I think anyone acting merely from duty and not from some sense of concern for other’s well-being (care) will be far less motivated to act in morally appropriate ways and so less likely to be morally good persons.

<sup>22</sup> This point is seen by some Care theorists, see Tronto 1993, p. 138, Houston 1990, pp. 115-119.

other 30 or so students in your class? To be fully engrossed with one student will be a fulfillment of that caring relationship, but a failure in all of the others. What is required is some principle (or some other way) to determine what a fair allotment of one's time will be. Given limited resources, how should a teacher spread himself out? The same problem will be faced by parents with multiple children. In fact one can imagine many cases in which problems of moral conflict will require us to decide how to act. Caring alone will not determine this and so something more is needed.<sup>23</sup>

We can also frame moral relevance problems within Noddings's language. With the displacement of motivation, I, as one-caring, am supposed to abandon all of my notions of what is good and valuable and work within the beliefs and values of the one-cared-for. But what if her values are in fact destructive? Am I really being caring if I am simply enabling a heroin addiction? Most would say not, I imagine.<sup>24</sup> So this would seem to be a case where it is acceptable to over-rule the cared-for's sense of good and impose my own notions. But to determine when this is acceptable (and so in a sense when this kind of consideration is relevant) requires something more than care. Again, I would argue that it requires something else (one's understand of autonomy, perhaps) that helps determine how much freedom to allow others. I do not want to give the impression that I think people operating from a care-orientation cannot resolve these kinds of relevance and conflict problems. What I am suggesting is that it is not mere care that will resolve them (though I am not arguing that the solution is merely Care plus Justice). As with the other approaches I have critiqued in this chapter, I think something more is needed, something that will help us to reason through the complexities posed by these types of problems.

The above characterization of care is largely taken from its early days in the 1980s. At the time, it was strictly segregated from justice and stood as a distinct moral orientation. However, as the Ethic of Care has evolved over the past two decades, care theorists have recognized more and more the need to combine care with some kind of judgment (be it of justice or something else). This is clearly seen in Joan Tronto's work:

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<sup>23</sup> For another example of this kind, and further discussion of this problem, see Benhabib 1992, p. 187 ff.).

<sup>24</sup> Though of course there are many different ways of dealing with heroin addicts, some more caring than others.

The ethic of care, then, both elevates care to a central value in human life and recognizes that care requires a complicated process of judgment. People need to make moral judgments, political judgments, technical judgments, and psychological judgments in their everyday caring activities. Caring, then, is neither simple nor banal; it requires know-how and judgment, and to make such judgments as well as possible becomes the moral task of engaging in care. In general, care judgments require that those involved understand the complexity of the process in which they are enmeshed. Caring involves both rational explications of needs and sympathetic appreciation of emotions. It requires not an abstraction from the concrete case to a universal principle, but an explication of the "full story." Yet, at the same time, those engaged in care practices need to be able to place some distance from their own version of what is happening and other perspectives. (1998, p. 17)

This same evolution can be seen in Noddings's own thinking. In response to Michael Slote (1999), who argues that care can and should remain distinct from justice, Noddings writes:

It may well be that Slote is right when he says that care theorists have backed off too quickly in acknowledging the need for justice as a necessary supplement to care. But backing off is good for the philosophical soul. We learn, and sometimes we gather greater strength in partial retreat. (Noddings 1999)

While Noddings has recognized the need to supplement care with some abstract principles, she still argues that far more attention needs to be paid to the caring side of this duality. This may well be true. The focus of our teaching, balancing the demands of care and justice, would need to be made on an individual basis, judged on the particular needs and back-grounds of our students. However, once we accept that the two components are necessary, care does not stand so distinctly separate from justice. In this light, my project of developing critical thinking skills in the moral realm can be seen as complementary, and not in contrast, to the care project. This complementarity provides a sound, well-rounded basis for moral education.

### *vii. Approach 7: Ethical Theories*

This seventh approach is found most often in undergraduate applied ethics courses, but it could serve equally well in upper levels of high-school (in fact it may well have found a home there in some instances). The approach builds on the work that moral philosophers have done since the time of Socrates. Some of the greatest minds of the past 2600 years have dedicated much of their lives attempting to answer some of the most perplexing moral problems we face as human beings. This approach argues that we, as common folks, cannot likely improve upon the thinking of these great philosophers. Instead, we can take the fruits of their labours, the various ethical theories that they have developed, and learn how to use them to solve the moral dilemmas we face in our own lives. A typical undergraduate course in applied ethics will thus teach the basic outlines of some of the more seminal ethical theories; Kant's deontological theory and some form of consequentialism, often Mill's Utilitarianism, for example. From here, they will ask students to consider a moral problem from their domain and have them resolve the problem, choosing one of the theories learned, and staying consistent to the methodology of that theory.

As a theorist looking from the outside, and a former student in such classes, I find both ethical and educational problems in this approach. To start, there is an unwarranted leap in logic. Those concerned with moral education look to moral philosophy and see ethicists engaged in a particular type of activity. They conclude from this that this is how everyone should be engaged in thinking about morality. But, this does not follow at all. The philosopher doing ethics is engaged in a project different from that of the lay-person trying to live in a morally appropriate way. Because the goals of the two activities are so different, it is conceivable that the ways of going about the activities should be different. This is my view.

To see more clearly the difference between the two activities, I draw upon William Frankena's distinction between morality and ethics (1963, p. 3 ff.). The two words are often used synonymously, as I have done until now. But one may distinguish the two. Frankena's conceptualization of them is not the only one possible, but it is both the clearest I have seen, and the most useful for my purposes here.

Frankena writes that morality is a realm of life, shared by the vast majority of human beings, that is concerned with how we ought to treat others. For our purposes, it is acceptable

to leave this quite vague. Just who those others are is an open-question. Is it all human beings? All sentient creatures? All living creatures? Or some other group? Likewise, the boundaries of this realm are not clearly demarcated here and that is fine. I think we all have some sense of what is involved in morality (though this may be different for each person). As long as we have some vague idea of what the concept points to, we are fine.

Ethics, by contrast, is what moral philosophers do when they step back from the moral realm and try to study it. It can be understood as the systematic study of morality. The word *systematic* is crucial here, because underlying the 'ethics' project is the belief that there is some system at work. That is, there is a way of organizing all of our moral judgments, values, intuitions and sensibilities under one theoretical umbrella, one system. Generally ethics is the attempt to demonstrate one theory or another (or a part of a theory) as being the best way to make sense of the moral realm. This view is summed up by Thomas and Waluchow when they write, "Ethical theory, as opposed to morality, is the systematic, critical study of the basic underlying principles, values, and concepts utilized in thinking about moral life. Ethics, so understood, is something the average person concerns himself with only infrequently, if ever" (2000, p. 4).

Philosophers studying the moral realm are doing ethics. Within the western philosophical tradition, this has generally meant that moral philosophers (what is equivalently called ethicists) will produce a long argument, the conclusion of which is some one or few basic principle(s) that unite all of our moral lives.<sup>25</sup> Kant, for example, constructed elaborate arguments leading to the conclusion that all morality is reducible to the Categorical Imperative. In a similar way, Mill argued extensively to the conclusion of Utilitarianism: act so as to maximize happiness and minimize suffering.

With this one, or few, basic principle(s) in place, the belief is that we can generate all of our moral judgments and actions. If we encounter a morally problematic situation, we simply consult our theory, plug in the relevant data to our basic principle(s) and deduce from it/them what the morally appropriate action is in the given situation. The principles are on top of some imagined algorithm and we merely work down from this to the situation at hand. For

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<sup>25</sup> Of course, not all ethicists construct these 'great systems'—this is especially true within the last several decades. However, when this approach is used in teaching morality, it is these systems that are appealed to.

this reason, this approach is often referred to as a top-down model, or deductive approach. It is, alas, an approach with many flaws.

#### *a. Problems*

The two most serious problems are logically related. Philosophers, at least in the western tradition, having been constructing these ethical theories for over 2000 years. Yet, no one has come close to getting it right. There is not an ethical theory yet written that does not have large holes in it. There will, of course, be supporters of each theory and those who work, quite ingeniously, to better the theory to take account of problems that have been posed against the theory. Even so, no one theory has anything close to wide-spread consent that it 'has got it right'. In fact, there is even disagreement about what 'getting it right' would entail. With every major ethical theory offered, it is not difficult to come up with an example that would be absurd or offensive to most moral sensibilities, yet remain consistent with the theory. If a theory leads to such an unreasonable conclusion in any particular example, this is (to me at least) reason to believe that it cannot capture all of our moral lives (this is a kind of *reductio ad absurdum* argument).

If, this argument continues, some of the greatest minds of the past 2000-3000 years have not found an acceptable solution, then perhaps a solution is not there to be found. Perhaps morality is an area that does not admit of an all-encompassing theory. What follows from this is that we should not be striving for better theoretical models, we should instead be dedicating our energies to some other way of understanding the moral realm.<sup>26</sup>

The second, and most crucial, problem is that theories do not offer the kind of deductive answers that we seek from them. In other words, they fail to guide us in the most problematic and contentious areas of moral debate. As Susan Sherwin writes, because ethical theories "are extraordinarily abstract, most people who appeal to them to inform actual moral

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<sup>26</sup> The 'moral-theory project' is not a total waste. Even if it will not give us the grand-unifying principles that it promises us, theories can help us to make sense of, or see the importance of, particular aspects of morality. Far from being morally useless, Kant, Mill and others have contributed to our understanding of morality. The lesson here is that we should not expect too much from moral theories. (See the Dewey quotation on the next page, and my discussion on it in the next chapter, for more on this.)

decision-making have found the theories woefully inadequate for the practical tasks of moral life” (1993, p. 9).

Instead of giving us answers to moral questions, ethical theories help us to be clear about the kinds of moral principles that are important in our society. This still leaves it up to us to decide which principles are relevant, what relative importance they have in any given situation and how best to interpret and apply the principles in a given situation. As Dewey wrote:

But it [an ethical theory] does not offer a table of commandments in a catechism in which answers are as definite as are the questions which are asked. It can render personal choice more intelligent, but it cannot take the place of personal decision, which must be made in every case of moral perplexity...the student who expects more from moral theory will be disappointed...the attempt to set up ready-made conclusions contradicts the very nature of reflective morality. (Dewey 1908, p.7-8)

To illustrate Dewey’s meaning here, let us take Kant’s second formulation of the Categorical Imperative: treat everyone as ends unto themselves. How does this help us in terms of the abortion question? We might all agree that we want to treat everyone---that is, all moral agents---as ends unto themselves. But, is the fetus a moral agent, worthy of the kind of respect given moral persons? This obviously is the crucial question on which this problem hangs, yet Kant’s theory does not help us at all in resolving it. As Dewey says, we still need to make a personal decision, a judgment about how this principle is to be interpreted in this particular situation. Further, we might question whether Kant’s imperative might not demand consideration of other relevant principles that would conflict with the injunction not to hurt the fetus: fairness to the pregnant woman, for example.

As this example shows, with any case of genuine moral uncertainty, ethical theories offer little guidance. In real-world moral dilemmas, the hard moral work is deciding what principles are relevant and how to interpret and apply those principles given the uniqueness of the case at hand. No theory can answer those questions for us. Thus, simply knowing ethical theories will not adequately equip us to deal with everyday moral problems. As C.D. Broad wrote, “We can no more learn to act rightly by appealing to the ethical theory of right

action than we can play golf well by appealing to the mathematical theory of the flight of the golf-ball. The interest of ethics is...almost wholly theoretical, as is the interest of the mathematical theory of golf or of billiards" (1930, p. 285).

The Great Theories approach also has pedagogical problems. We are presenting students with a number of different theories, asking them to choose one and make important moral decisions based on this theory. However, while we teach students how to use the theories, we generally do not give them the ability to evaluate the relative merits of each. Done well, the Great Theories approach will tell students what a Kantian would do in a particular situation, what a Utilitarian would do, an Aristotelian, and so on. But, this does nothing to tell the student what she should do. To the extent that we are asking them to choose a theory without offering them any good reasons for that choice, we are indoctrinating our students (failing in a fundamental way to respect them as moral agents).

Some might protest and argue that Great Theories courses can offer reasons for adopting one particular theory or another. But even where such reasons are provided, students typically will not be in any position to evaluate the reasons. The reasons that justify and support ethical theories are complex philosophical arguments that are not easily interpreted, let alone critiqued, by the average layperson. So, even where reasons are given to support one theory or another, it is highly doubtful that within the span of a one semester course (or even two or three semesters), students will be able to evaluate the reasons and thus there is still a danger of indoctrination.

A counter-argument to the indoctrination problem might run something like this: that while we expect students; in class, to choose one or another particular theory to follow, in their real lives and in their professional practice, they will ignore these teachings and make their judgments based on some other considerations. I think there is probably a lot of truth to this and to the extent that it is true, the indoctrination concern is certainly lessened. But this points to another, bigger problem with the approach.

If students are not gaining anything useful from the course, then we need to ask why the course is structured as it is. Is the point of moral education to familiarize students with various ethical theories that have nothing to do with the real-life problems they will encounter? Or is it rather to equip these students with some tools that will help them grapple

with these problems? To me, it is evident that the second option here is far preferable. At best, students gain nothing practically useful from learning these theories. I do not mean to imply that such theories are useless. They are productively studied by practitioners and students of philosophy and they can reveal to us many important aspects of morality. They can help to shape our overall moral sensibility, but they do not offer much in terms of solving practical, day-to-day moral problems. Instead, when it comes to solving real-life moral problems, other kinds of knowledge and skill are required. Because there is often limited time to teach 'ethics', our time is better spent teaching these other skills and knowledge (a fuller description of what this is follows in the next chapters).

Above, I claimed that, at best, the Great Theories approach would be useless in helping students to deal with moral problems. There is an 'at worst' side, too. Often, seeing so many different approaches to ethics causes the student simply to lose confidence in them all. As Annette Baier argues, "We, in effect, give courses in comparative ethical theory, and like courses in comparative religion, their usual effect in the student is loss of faith in *any* of the alternatives presented (1988, p. 26). Not only do students come to the class with the variety of moral values that our pluralistic societies offer, but we add to this by presenting an array of moral theories. As Baier claims, "A better recipe for moral cynicism could scarcely be deliberately devised" (1988, p. 28).

With so many options, and so little reason offered to choose between the options, we can see why moral relativism is both so popular and so problematic. Given the enormous difficulties involved in negotiating the many different value positions held and espoused in our pluralistic societies, what is needed is not a teaching of more options. Instead, we need to train students to be able to recognize and respect differences, but also to be able to pick out those value positions that are morally unacceptable. In other words, we need to teach a middle ground between the absolute right answer that the Great Theories promise, and the anything goes relativism at the other extreme. Beginning with the next chapter, I will present and outline an approach to moral reasoning that seeks to find this middle ground.

### **viii. Approach 8: Nash's 'Real World' Ethics**

As a lead-in to the next chapter, I will explore one version of a practical reasoning approach to moral problem solving. Many moral educators are seeing the need to ground their teaching in the real world of moral problems, seeing them as a type of practical problem that calls for practical reasoning. Beginning next chapter I will look at one such approach to solving moral problems, Contextualism. Here, though, I want to examine briefly the work done by Robert Nash—both as an acknowledgement of its quality and to illustrate a limitation in such work.

Nash's book *"Real World" Ethics: Frameworks for Educators and Human Service Professionals* (2002), outlines his approach to teaching applied ethics for the 'real world'. He divides his discussion into three different Moral Languages. First Moral Language explores students' basic moral understandings and commitments and explores the foundations from which these arise—something akin to meta-ethics. Second Moral Language explores issues of character and virtue. Third Moral Language explore a more theoretical basis of ethics, the principles we use in thinking about moral problems and how these principles relate to each other.

Nash is obviously an experienced and thoughtful teacher and there is much to recommend in his work. The brief sketch of Contextualism I offer in the next chapter would be well supplemented by Nash's more detailed exploration of practical, moral reasoning. That said, his theory comes up short in exactly the same place as I argue Contextualism does—how do we determine if our practical reasoning has been done well.

In Third Moral Language, Nash argues that we work through a practical problem, arrive at a tentative judgment, and then test it. Aside from the particular moral commitments we have by virtue of being part of particular communities, Nash argues there needs to be a widely-shared, secular foundation that binds all of these disparate communities together, "a *morality of agreed-upon moral principles*" (p. 109). We then take our tentative moral judgment and examine it against a Third Language Justification Schema. This asks us to examine each possible solution to the practical problem, explore the principles that underlie each option and then the theoretical perspectives within which these principles operate. Being aware of these factors, we then make a final judgment. The question I am pursuing in

this thesis is how we know if our consideration of something like the Third Language Justification Schema is adequate.

In an appended question and answer section of his book, Nash answers the charge that his system just leads to relativism:

In reaction to these particular types of moral relativism, I hold that some ethical decisions in the professions are indeed better than others, in spite of the special circumstances, contexts, and individual tastes and preferences of practitioners (although, at times, all of these are important factors to consider in arriving at well thought-out ethical solutions to complicated dilemmas). As I have repeatedly said throughout the book, ethical decisions are most valid when they are defensible: That is, they must meet the test of publicity in the sense that the problem-solving process, along with its results, need to be communicated and shared—and, when necessary, tested and verified—with others, both inside and outside the professions. (p. 177-78)

What exactly is involved in this test, what makes a judgment defensible, is not clear in Nash's work. He refers to his system as "an *ethic of pragmatic moral consensus*" (p. 179). This suggests that consensus is what validates a judgment, making his work seemingly similar to Habermas's. As I will explore in chapter 4, I think there are important weaknesses in thinking that consensus is the test we should use to verify moral judgments. Instead, I argue that impartiality should be that test.

Nash is just one author who is looking at moral education and ethics for the real world (see also Habermas 1990a, 1990b, Wallace 1988, Winkler 1993). The work that follows in this thesis can be understood as rounding-out the picture begun by people like Nash. As such, it is not a repudiation of his approach, but, again, a complement to it.

### **III. Conclusion**

My starting-point in this chapter has been that any adequate program of moral education must give students the tools to grapple with complex, real-life moral problems.<sup>27</sup>

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<sup>27</sup> This, of course, is not the only thing that such programs must accomplish. They also need to expose students to the values commonly held in society and make some attempt to get students to adopt these values (said in

These problems generally fall into one of two categories: problems of relevance or of conflict. The various programs I have outlined above come up short in this regard. Either they do not see this need, or if they do, they leave certain questions unanswered. This being the case, I want to claim that another approach is necessary, one that can give students these tools.

In the next chapter, I will outline an approach to moral education that can give students these important tools. This is a practical reasoning approach to morality called Contextualism. Because it makes up for the lack cited above, it provides a useful complement to other approaches to moral education.

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another way, they need to acculturate the students). But without the teaching of these tools that I am talking about, the moral education project would be incomplete.

## Chapter 3: Contextualism

Every time we need to make a moral judgment, or act when it is unclear what is morally appropriate, we must make a practical decision. Many moral theorists, dating back to Aristotle (2002, NE 1094b19 ff.), have recognized this practical component of ethics and explored how moral reasoning can guide us to an acceptable solution to such problems. Contextualism is one such practical reasoning approach to morality, offering a procedure for thinking through these problematic situations. As I develop it, Contextualism also includes tests to check if our thinking has been done well. In this chapter, I will outline this procedure, showing the many and varied kinds of considerations that are involved with Contextualism. I will also look briefly at where values come from and how one goes about questioning values. In the process of doing this, I will make use of a simplistic example that will help make clear this process. I will conclude the chapter by exploring a more complex and realistic moral problem. This will show the vast complexities involved in moral decision making and how Contextualism can account for this complexity. To begin, however, I want to explore Contextualism more generally to show what it is and how it differs from other ethical approaches.

### **I. Contextualism: General Orientation**

Educators can be reluctant to enter into discussions or lessons on moral issues because they may perceive themselves as trapped in a dilemma (a false one, as I shall argue). They see their options as either indoctrinating specific values (both pedagogically undesirable and morally unacceptable) or leading students to a position of stark ethical relativism (again undesirable and unacceptable). This dilemma has a counterpart in ethical spheres. Theorists sometimes believe that we must either give people absolute rules and procedures to follow that will lead them, unfailingly, to *the right* moral decision/action. Or else, lacking those rules and procedures, we are set adrift into a world of moral chaos where what the individual thinks is right for himself must be considered morally acceptable: relativism.

Within both of these dichotomies there can be a middle ground. Within ethics, there can be procedures<sup>28</sup>, like Contextualism, that help the individual clarify what is at stake in a given situation and upon which judgements need be made. Further, there can be standards of thinking that must be met if those judgements are going to be good ones. Thus, we are not condemned to the chaos of relativism we might fear. At the same time, however, Contextualism is not a simple process of deducing answers from first principles, nor a straightforward method for arriving at “the morally right answer”.

Similarly, in moral education, we need not accept that what we are doing is indoctrinating specific values, teaching students that certain values and beliefs must be held above all others. In avoiding this problem, however, we are not committing ourselves to relativism. By giving them procedures that can be followed and standards that must be met, we are giving students tools to justifiably argue that some decisions/actions are morally preferable to others. In this sense, there is not the degeneration into relativism that is rightly feared by many educators.

Contextualism is best understood as seeing solutions to moral problems as being better or worse. Some situations allow for a plurality of acceptable responses. Even in such cases, however, there can also be answers that are morally indefensible and thus unacceptable. In other cases, one solution is so much better than all others that a plurality of solutions is not possible. In such cases, we do (typically) speak *as if* this answer is either right or wrong.

Why do I write “as if” in the previous sentence? It is a way of hedging on the question of moral realism. Some would argue that, unless moral questions admit of the same kind of certainty as empirical questions, then it is incorrect to speak of them as right or wrong. Are there Absolute Moral Truths, moral facts that hold with the same certainty as empirical facts? I doubt it. That said, I think there are cases where the reasons supporting one course of action are so strong, we could speak of the moral question as having a right answer. One need not be a moral realist to agree that it is simply wrong to torture innocent children

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<sup>28</sup> For the sake of my discussion, I am referring to Contextualism here as a procedure; as a way of working through moral problems. Others would prefer to think of it more as a view about the nature of good moral reasoning. Though emphasizing different things, these two perspectives are mutually consistent.

for amusement. Some might disagree with the semantics, preferring something like “morally reprehensible” or “morally problematic” in place of “wrong”, but the sentiment is still the same, the objection just as fierce.

I think that, whatever position one takes on the moral realism question (and here I will remain agnostic), one could still accept what I am writing here about Contextualism. Throughout the thesis, I will speak of things being morally right and wrong. By this I simply mean that there are very good reasons either recommending or prohibiting a particular solution to a moral problem. My use of right and wrong is not a commitment to the realist position. All readers will accept, I think, that some actions are morally preferable to others, regardless of what language we use to describe this. However, the question remains: what makes some answers good (morally preferable, morally more adequate) while others are bad? If we do not have a theory that tells us what principles must be obeyed and from which we can deduce the ‘right’ moral answer, how can we decide what is morally good and bad? In defining Contextualism, Earl Winkler begins to articulate what this will involve:

In a far more important, essential, and primary sense, justification is a *process*. It is the process, in all its interpretive and analogical complexity, of arriving at a considered moral judgment and defending it as a fully reasonable alternative within the full context of the problem. (1993, p. 363)

A solution to a problem is good (morally speaking) if it can be defended, among other alternatives, as being reasonable. What qualifies as reasonable is, of course, a problematic question and the one that will occupy me for the rest of this thesis.

At this stage it is important to be clear about the role that reasonableness will play in my system. I am arguing that reasonableness is both a necessary and (with a large qualification to follow) sufficient condition of the adequacy of a moral judgement. In other words, if no one can reasonably object to a judgement (i.e. it is reasonable) then we can have confidence that it is morally acceptable to act on that judgement. However, I fully admit that the conception of reasonableness that I develop in chapter 6 is neither comprehensive nor finished—it can certainly be expanded, refined and added to.

In contrast to the reasonableness justification explained above, Winkler sees ethical theories as an approach that:

views systematic, normative theory as aspiring to a rational reconstruction of the basic principles informing the whole of the moral life. Perfect justification, therefore, must ultimately be a matter of subsuming a particular case under a principle that either has, or shares, supreme normative scope and power. (Winkler 1993, p. 360)

Within Contextualism, there is not the promise of one (or a few) basic moral principle(s) that captures the essence of all moral experience. And, thus, there is not an attempt to justify, or work under the assumption, that every moral phenomenon can be generalized to some basic principle(s). Instead of principles driving our thinking about concrete situations, the reverse is true: “within the complex realities of practice, it is dominantly the interpretation of cases that informs our understanding of principles rather than principles guiding the resolution of difficult cases” (Winkler 1993, p. 355). What principles are at play is still crucial to our moral reasoning. But, more crucial is how we interpret and apply those principles. This is determined by the *context* of the situation, with all of its uniqueness.

In the previous chapter, I claimed that current approaches to moral education give students insufficient guidance in solving real world problems. There has not yet been discovered a set of rules or principles that will adequately tell us what to do in our moral lives. Further, as we saw in terms of moral relevance and moral conflict problems, no theory could predict what future moral problems may crop up. Instead of trying to find a theory that will tell us how to act in every situation, what we need instead is the know-how to take principles and adapt them, intelligently, to new and problematic situations. It is this procedure that lies at the heart of Contextualism. Let us, then, turn and look more concretely at this procedure.

## **II. Contextualism: Step-By-Step**

In this section, I will outline a step-by-step procedure for working through moral problems. I realize, however, that in our actual moral reasoning, we often do not follow such a linear procedure. Much of our thinking is more intuitive, jumping around the steps I will outline below. But, while our thinking is by no means as mechanistic as this section might imply, it can be useful to break down the procedures into these steps. When we are genuinely stuck on a moral problem, it can be helpful to be aware of these different steps and work through each one individually. To have an understanding of the procedure as a whole, with

its distinct parts, can help us to identify where the problem is. Secondly, in teaching, it is useful to organize material in such a way that students can easily make sense of it. This kind of step-by-step procedure can help facilitate this learning. Again, however, I fully admit and agree that much of our moral thinking does not follow the strict linear progression that I am outlining here.

As the name implies, we begin by looking at the details of a specific *context*. Unlike other approaches, Contextualism does not begin with abstract principles and rules, but rather starts from the everyday circumstances of the real world. The *first step* is thus to recognize the morally relevant features of a situation.

How do we do this? As with all of the steps I will outline here, a conclusive answer to this question cannot be given in the abstract. I can, however, suggest a number of ways in which this recognition could occur. Partially, the ability to recognize when and which moral concepts apply to a particular situation comes from experience, for we develop this ability by observing many instances and examples of a particular concept being used. For example, from childhood, we are given countless examples of what 'fairness' is and we glean what is common to all the examples (this will, of course, be an inexact science/art), and from this formulate how we understand the concept. As we mature and go through our adult lives, we will see situations that resemble, in relevant ways, the examples of fairness we have in mind. When this occurs, we have reason to believe such moral considerations are relevant.

A second way of perceiving moral features in a situation is to have some understanding of what morality is and what role it plays in our lives. In chapter 6, I outline some ways in which moral judgements can fail. By understanding what is morally objectionable, we have an understanding of what is central to morality. This understanding, in turn, allows us to recognize the moral features of situations and how to distinguish moral from other kinds of values.<sup>29</sup>

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<sup>29</sup> In section II.vii of the previous chapter, I made reference to William Frankena's work in distinguishing morality from ethics. Frankena (1963, 1980) also is helpful in understanding the distinction between morality and other codes of conduct that help us determine right from wrong (e.g. legal, religious, aesthetic and practical codes). The distinction, Frankena says, lies in how one would justify a claim in these different realms. The kinds of justifications one would give to ground a moral judgement appeal to the kinds of considerations that I will be discussing in chapters 4-6 (essentially those features that constitute our core understandings of what morality is).

A third possible path is to have an empathetic imagination. If we are mindful of the people around us and able to imaginatively enter into their perspective, we will be more able to perceive actions or judgements that adversely effect others. This does not necessarily imply that there are moral considerations that need to be taken into account, but often it is a good indicator.

A fourth way is to take advice from others. Even if I cannot “see” moral dimensions in a situation, I can be alerted to them by other people. Thus, the more I can enter into open-minded discussions with others and be willing to hear what they say, the more likely I will be to perceive moral dimensions of situations.

One strength of a Contextualist account of moral reasoning is that it gives us a more accurate and nuanced understanding of the nature of moral growth and moral sophistication. It is not simply a matter of learning a theory better, or being habituated into a particular disposition. It is a more complex process. With this first step alone, we can see that moral growth involves an increased ability to perceive the moral features of situations. Further, it involves seeing how the multiple moral features (because it is rare that there is only one moral concept at play) interact, overlap and are in tension. As argued in the previous chapter, most of our moral problems arise when principles conflict or when we are uncertain if they are relevant. The morally sophisticated person will be more able to perceive these situations of conflict and these questions of relevance.

Once we have recognized what moral features are at play, the *second step* is then to connect them to a wider point-of-view. Through our moral experience and learning, we build an ecology (a web) of beliefs and values that takes into account all we think and believe about morality (I admit that this is often not consciously done). When we see a specific moral problem, we make sense of it by placing it within this ecology and seeing how it relates to other moral values, moral concepts, and other similar moral situations that we have experienced in the past.

A simple example will illustrate how the Contextualist approach works to this point. Imagine my grandmother approaches me and asks me if I like her new dress, one I find quite hideous. What moral concepts are at play here? I can imagine at least two relevant ones. Truth-telling is one; should I tell her the truth about what I think of the dress. If I do, then her

feelings may be hurt, bringing us to a second concept; avoiding hurting people where possible. Within my moral ecology, I can recognize these two things (lying and hurting people) as acts I try to avoid.

With this simplified example, the first two steps of the process run together quite closely. In fact, this may be the case even with more complex examples. Again, I am setting out these various steps as being separate because this can help us understand how the process works.

Some readers may complain that, with this method, I am simply falling victim to the same objections I raised against Values Clarification in the previous chapter. Am I simply advocating that one become clearer in the values that she already holds? Where in fact do these values come from? What if one is operating with a poor moral ecology? These are important questions, answers to which I provide below in the next section. For now I want simply to assure readers that, to these questions, Contextualism does have a response.

Once we have the moral features of the current situation set within our moral ecologies and have some idea of the values at play, we proceed to the *third step*; beginning to decide on a course of action. In some cases the situation will so obviously favour one course of action over imaginable alternatives that no serious thought is required. Often, in these instances, we will not need to reason through the situation to the extent outlined here. However, in cases where it is not clear how we should act or judge, then thinking things through like this can be valuable. This is especially true with problems of conflict or relevance. The example of my grandmother's dress is one of conflicting moral principles. If I tell her the truth, it may hurt her feelings, something I would like to avoid doing. The alternative is to lie to her, something else I try to avoid.<sup>30</sup> How do we resolve such cases?

Within the Contextualist scheme, the third step involves imagining what possible courses of action lie open to us. The need to move to this third stage suggests that some uncertainty exists as to how to proceed. What we want is to imagine as many ways as possible of taking account of the morally relevant features of the situation. In my example

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<sup>30</sup> Depending on my moral beliefs and values, I might want to avoid lying to maintain my honour and integrity or I might avoid lying to ensure I maintain a trusting relationship with my grandmother (one could be motivated by both of these concerns).

above, there are two obvious paths open to me. I can spare my grandmother's feelings by lying to her. Or else I can tell her the truth and risk hurting her feelings. In more complex cases, the choices could well be more than two. In fact, with this case, there are other, more subtle options open to me. I can, for example, try to avoid both horns of the dilemma by discretely changing the subject.

The *fourth step* again involves moral imagination. This time we try to imagine all the possible outcomes of carrying out each proposed course of action. This is an inexact process. Sometimes we will not have knowledge of all the features pertaining to the situation. Often times we will not have sufficient understanding of the individuals involved to know how they would react.<sup>31</sup> Again we can see the place of moral growth in this scenario. The morally sophisticated person will be the one with a heightened knowledge of humans and the world, of how each operates.<sup>32</sup> This in turn will allow the individual to more accurately, and more fully, imagine possible outcomes.

The *fifth step* involves creating arguments for and against each possible course of action. This will follow from the fourth step where we have imagined likely outcomes of each option. We essentially compile lists, for and against each alternative. In the example with my grandmother, I would want to consider the following sorts of things. If I choose to lie to her, I may indeed spare her feelings. This, in turn, could give her the confidence she needs to go out into a social setting. This, in turn, could lead to new friends, new experiences and many other possible positive things. But by the same token, there are possible negative consequences. If she finds out that I am lying to her, she may come to lose trust in me. Worse yet, she may lose trust in people generally. This could cause her further isolation, the possibility that I am trying to avoid. This is meant only to be an initial list of the kinds of things I would need to consider and the things upon which I need to make a judgement.

The *final step* involves choosing which course of action to follow. From the work done in the fifth stage, we have some idea of the different reasons that support, and speak

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<sup>31</sup> For example, if I knew that my grandmother were the type of person who would not be offended by my telling her the truth, then there would exist no moral dilemma here. In the absence of such personal knowledge, the best we can do is operate from a general understanding of human nature, of how reasonable people generally react in similar situations (erring, perhaps, on the side of caution or compassion).

<sup>32</sup> By no means as I am suggesting that there is any *one* particular way that humans and the world work.

against, each course of action. Our task now is to decide which course of action has the best reasons supporting it. Once the best course of action is chosen, then the task turns to acting upon this. However, such action is the domain of moral motivation, something about which Contextualism has little to say.

Some readers may have noticed that nowhere in this step-by-step procedure have I designated a step for consultation with others. Starting next chapter, we will begin to see that much is made of the difference between monological (one person thinking through a moral situation for himself) and dialogical (two or more people discussing a moral situation) approaches to moral reasoning. The former is often criticized for being too narrow, not taking adequate account of the perspectives of all who are to be affected by a moral action. I want to be clear that I think it is crucial to seek as wide an input as possible<sup>33</sup> while making moral judgements. The more perspectives we can get, the better we can imagine alternatives and likely consequences, the more complete our picture of the situation will be, the better (more morally adequate) our judgements will be. However, instead of designating one particular step to this consultation, I think it is crucial that it happen (where possible and appropriate) at each stage of this reasoning process. In each of the six steps I have laid out, our judgements can be improved by discussing the situation with others.

### **III. Contextualism: A Possible Objection**

Readers at this point may complain that Contextualism, as outlined here, is essentially useless. It contributes little guidance in our moral lives. It may set out the things upon which judgements need to be made, but it does not make those judgements for us (nor does it tell us when our judgements are 'right'). As such, it should not be taken seriously as a viable approach to either moral reasoning or moral education. This criticism, though on the surface convincing, is misguided. First of all, it cannot be overstated how important it is to gain clarity on the issues about which one must make a judgement. To be able to methodically and intelligently think through what is at issue in a moral situation can take us a long way toward resolving that situation. This is even more true when there is moral disagreement between two or more parties. What may appear, on the surface, to be a disagreement about moral

principles or values often is really just a miscommunication regarding what each party is arguing for/about. To be able to make this explicit, both in one's own mind and to the parties with whom one is disagreeing, will go a long way toward resolving many moral disagreements.<sup>34</sup>

Beyond this, however, the objection still fails. As the quotation from Dewey in the previous chapter (section II.vii.a.) makes clear, we should not look to moral theories to give us answers to moral problems. Those theories can help to make our judgments better, but they cannot replace the need to make judgements. What Contextualism (with the addition of my test of impartiality) offers is aid in helping us determine if our judgements have been made well. Beginning next chapter, we will see how this works.

As I outlined it above, the Contextualist picture has left us with a situation in which we must compare the goodness of competing reasons, we must weigh the relative merits of each of a number of possible courses of action. The question thus becomes how this is done? The imagined objection here is based on the fact that Contextualism offers no rule or absolute procedure to determine this for us. Far from being a flaw in the procedure, however, this "lack" betrays a sound understanding of the limits of moral theories. As Wallace writes, in response to an objection of this sort:

The assumption is dictated, of course, by the belief that unless the activity of applying rules is itself governed by rules, it will be done arbitrarily, governed by caprice. This is a false dilemma. It is based upon the notion that the only alternative to doing exactly what one is told by a rule is to act arbitrarily.

(1988, p. 65).

As I argued earlier, Wallace is asking us to find a middle ground between two unacceptable extremes: the 'right' answer and complete relativism. According to Contextualism, anyone who wants more than this middle ground is expecting too much from ethical reasoning. We cannot look to ethical theories to give us answers to moral problems. However, even if there are not rules that tell us how to apply principles, even if there is not the one right or wrong

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<sup>33</sup> In section IV.c, chapter 4, I discuss some of the limitations of such dialogue.

<sup>34</sup> This is obviously an empirical claim, one for which I have no formal backing. I make this assertion based upon my own intuition, my experiences and the experiences of others with whom I have talked.

answer to a moral question, it does not follow that there are not better and worse answers.<sup>35</sup> We should not look to moral theories for these rules, rather what we can gain from them are the standards that help us to determine what constitutes better or worse answers. As Margaret Urban Walker writes, it is not up to the ethicist to determine what is right and wrong. Every individual must do that for him/herself given the uniqueness of a particular situation. Rather, Walker continues, it is the ethicist's job to clarify what is to count as right and wrong (1998). Articulating these standards is the overall goal of this thesis and beginning next chapter, we will start to look more directly at them.

#### **IV. Values, From Where Do They Come?**

Before moving on it is necessary to pick up some threads that remain outstanding from the previous discussion. As I alluded to above, an objection can be raised against Contextualism that it has nothing to say about where values come from. As such, if a student comes to school with unacceptable values, all we are doing as educators is reinforcing these unacceptable views. This, however, is not the case. Contextualism does have something to say about what values are acceptable. But, instead of simply trying to teach students what values to hold (both a pedagogically and morally dangerous approach), Contextualism sets up conditions whereby each individual is led to explore her own values and to critically examine their worth.

It is absurd to think that one's moral education begins only when one attends school and begins to follow a curriculum labelled 'Moral Education'. Children are exposed to moral lessons every day of their lives (which is not to say they recognize them as distinctly moral, nor are they necessarily taught as such). By the time they reach school-age, most children will have a fairly well developed moral vocabulary, along with which comes values and beliefs about what is acceptable.

It is thus a mistake for teachers to believe they are working with a *tabula rasa*. Further, it is undesirable to want this. The early moral education that children receive can be

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<sup>35</sup> As I have written above, often times there can be a range of acceptable solutions to a given moral problem. But accepting that more than one solution can be morally adequate is not to admit that all solutions must be so. Even accepting several possible solutions, we can still some that some are not acceptable, morally wrong. For more on this, see the detailed example of the school counselor later in this chapter (section V).

seen as an acculturation into the ways a society operates. As Wallace describes it, “a community’s morality embodies and reflects a people’s collective wisdom” (1988, p. 62). Over decades and generations, societies have developed ways of living that have allowed them to prosper<sup>36</sup> and to continue in existence. It is foolish to desire that each individual start from scratch, to learn all of these lessons for herself. Rather, we want to pass on this collective wisdom, this way of living together. The early moral education of children thus consists of teaching them the ways of society. Theorists dating back at least as far as Aristotle have seen the necessity for this. And this moral acculturation can go on in schools as well. I am not suggesting it is in any way complete when students begin public school. As Peters (1979, pp. 349) rightly argues, more of a focus in moral education needs to be placed on developing Kohlberg’s Conventional morality. We do want to move beyond this foundation to a more autonomous state, but the foundation is crucial.

Some mistakenly assume that, because this passing on of society’s values is the starting point of moral education, it should be the totality of it. If it were left at this level, then we would have reason to be concerned. There is no guarantee that a society’s collective wisdom is adequate or acceptable. Further, conditions change that require new thinking. This initial teaching is thus only a starting point from which to reflect upon moral issues. What we need also is the ability to reflect critically upon these values in order to explore their implications.

Within the Contextualist scheme, there is both the opportunity and the need to so question one’s values. In anticipating likely consequences of possible courses of actions, one is confronted with the implications of holding particular value positions. When those consequences are ones that we are uncomfortable with, it gives cause to look deeper into the values from which they sprang and to question if this value is one we want to continue to hold. The social aspect of Contextualism also demands that values be questioned. Contextualism encourages dialogue amongst many parties in trying to arrive at sound moral judgements. During such dialogue, differences in opinion will be probed and the assumptions

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<sup>36</sup> Certainly we can find much in all histories that we would fail to perceive as “prosperity”. But Wallace’s point here is simply that things could be a whole lot worse and that whatever good we find in society should be honoured and passed on to subsequent generations.

underlying particular value positions will be called into question. For an individual who has given no thought to why he holds particular values, or from where they come, this will provide an opportunity to re-think which values are in fact valuable. The so-called factual basis upon which values sometimes depend (for example, that women deserve to be treated as second-class citizens because they are less intelligent than men) can also be laid bare and mistaken assumptions exposed.

There is, of course, no guarantee that these methods will alter an individual's view, even a view that most of us might find reprehensible. As it unfolds, we will see that Contextualism depends heavily on a notion of reasonableness. If individuals are not willing to be reasonable (that is, not willing to consider reason), there is little that can be done in terms of education to change their views. We could indoctrinate them into other values, but I, for one, am not sure this is a preferable situation. In any event, the fact that not all values will be changed for the better is not a fault of Contextualism, it is a reality of any ethical system.<sup>37</sup> What is valuable in this regard is how Contextualism offers a much clearer picture of how and why values must be called into question. This at least raises the possibility that problematic values will be changed.

Readers may question at this point how likely it is that one's own values will really be questioned and the values of others seriously considered. Some great thinkers from our past would share this doubt. Freud once claimed that, "all judgements of value made by mankind are 'attempts to prop up their illusions with arguments'" (1930, p. 143). William James echoed a similar sentiment, "A great many people think they are thinking when they are merely rearranging their prejudices". I find myself less skeptical however, imagining this not so unlikely especially where children are taught from a young age to put their values into question. It is, as Thomas Nagel points out, difficult to do:

There have to be principles of practical reason that allow us to take into account values that we do not share but whose force for others we must acknowledge. In general, the problem of how to combine the enormous and disparate wealth of reasons that practical objectivity generates, together with

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<sup>37</sup> By system here, I am meaning any ethical theory, or any approach, like Contextualism, that attempts to give us a way of working through moral problems.

the subjective reasons that remain, by a method that will allow us to act and choose in the world, is dauntingly difficult. (Nagel 1986, p.188)

However, with Nagel, I see a possibility for this. Further, given the lack of an acceptable alternative, I see it as absolutely necessary if we are to find any common ground in our pluralistic societies to talk and act respectfully across our differences.

This chapter has outlined a procedure for the kind of practical reasoning approach that Nagel says is necessary and possible. What has not been articulated is how we determine whether this has been done well or not. Contextualism will lead us to a tentative judgement about what should be done in a morally problematic situation. What is needed beyond this is a test to question whether our practical reasoning has been adequately done. My reasonableness conception of impartiality can be this test.

In essence, we take our tentative judgement and ask ourselves (and others if possible and appropriate) if it can pass a test of impartiality. What this test demands is that the judgement be defensible against, or provide no grounds for, reasonable objections. If others can reasonably object to my tentative judgement, then there is reason to believe that my practical reasoning has been faulty. In other words, somehow I have unfairly privileged my own (or possibly another's) position. If no one can reasonably object to my judgement, then I have confidence that it is morally adequate and can act from this confidence. I must keep in mind, however, that the case is never fully closed. New perspectives may be offered, new evidence (relevant factors) may come to light that need be accommodated. Consequently, I must remain open-minded and be aware that what is understood to be an adequate judgement now may not be seen as such in the future.

What exactly is involved in this test and how it operates will be the subject of the next three chapters. However, before turning to that, I will fill-out my discussion of Contextualism by taking you through a more detailed and realistic example, examining all (or at least many) of the different questions that arise.

## **V. Detailed Example**

Imagine that you are a counselor in a high school. Walking down the hall one day, an agitated and desperate-looking grade twelve student approaches you. Checking to see no one

is within listening range, she confides that she has something she really needs to talk to you about, and you are the only person she can talk to, but she will only do so if you promise to keep it absolutely confidential. She asks you point blank if you are willing to promise to keep the conversation secret. What are you to say in response to her?

I think there are three general types of replies one could give. One could tell the truth and say that yes, I will keep this absolutely confidential. One could tell the truth and say to the student that no, I cannot promise that what I hear will remain confidential. Or one could lie, assuring the student that what she says will be kept confidential, all the while thinking that it might not be kept confidential. There can, of course, be variations on these. One could tell the student that I will try to keep it confidential, but if I hear that anyone is at risk (including the student herself), then I will have to betray the confidence (a variation on option two). Which of these three options (or their variations) is the morally preferable one to choose?

Contextualism tells us that the first thing we need to consider are the relevant moral features of the situation. What are these? One is obviously truth-telling: will I lie to the student or not? Another is the responsibility that I have, arising out of my job as a counselor in this particular school; ensuring the safety of other students and staff in the school, including the safety of this particular student. There are responsibilities to myself (what kind of legal and disciplinary trouble could I get into for failing to reveal certain kinds of information?). There are considerations of my reputation within the school; if I lie and it is found out, other students may no longer trust me and so I will not be in a position to help anyone in the future. In this vein, if I lie and this particular student finds out, she may not come to me seeking what further, follow-up help the situation might demand.

The reader might argue and say that, aside from the truth-telling issue, these other concerns are pragmatic and not moral ones. Because they concern how one will act in a morally problematic way, I prefer to see them all as moral concerns (in this context). However, if the reader prefers to see these subsequent concerns as non-moral, this is fine. They still bear greatly on the 'true' moral issue at stake, whether one is to lie to this student or not.

The second step in the Contextualist approach is to take these various relevant moral considerations and fit them within our own moral understanding (what I referred to above as a moral ecology). How do these various concerns fit with more general moral principles that I find important? Given these more general principles and how they fit together within an even-larger moral understanding, how I am to interpret the particular considerations in this specific case? Again, this second step can often be done unconsciously and certainly need not be separate from the first stage. I include it only to remind the reader that it can be done separately and in so doing, one can perhaps gain more clarity on the kinds of issues that are at play in a given situation.

The next step in the Contextualist approach is to imagine all of the different options possible in solving this practical problem. Above I listed three possible options (while admitting there would be variations on these). From this stage, we then try to muster as many arguments as we can that support and deny each of the possible courses of action. As we will see, this will involve a number of judgements and evaluations of likely consequences. I will go through each of these three options in turn.

The first option is to tell the student that yes, she can talk with you and you will keep everything that is said confidential. With this option, you mean to keep your word.

This option is good for the following reasons. The student may really be in trouble and, if you are the only person whom she will talk with (and possibly the only person who can help her), then it is important to do everything you can to get her to talk with you. Once you have heard what she has to say, you might want to reveal this information to someone else. But, at least you have gotten this far and are in a position to try and help the student in whatever way you can, perhaps by encouraging her to seek help outside of your sphere of influence. This option is also good because, by keeping your promise, you are enhancing your credibility both with this particular student, and with other students in the school who may well hear about your honesty. This heightened credibility will likely allow you to help students better in the future.

This first option is also bad, however, for several reasons. Often counselors in schools operate under certain legal and administrative restrictions. In British Columbia, for example, if you are aware that a particular student is being abused, is thinking of harming herself or

harming another, then you must report this. Failure to do so can cost you your job and leave you legally culpable. To keep the promise under all circumstances is to put yourself potentially at risk of the consequences that result from violating these restrictions. It is possible that the student knows these laws and rules and is in fact testing you. If you promise to keep the conversation secret under all circumstances, the student might not believe you and so will fail to open up to you.

In keeping the promise under all circumstances, you may also be denying the student help she desperately needs. While it is good to keep your promises, it might sometimes be better (less of an evil) to break a promise in order to prevent someone from doing great harm.

Option two states that you refuse to promise any confidentiality, but that you would be happy to talk to the student on your own terms. The reasons supporting and denying this option are the reverse of option one. You risk pushing the student away when you may be her last help. But, you protect yourself and (consistent with option one) you protect your reputation.

With option three, you promise to keep the conversation confidential, but are thinking to yourself that there are certain circumstances in which you will fail to keep this promise. Here, you are encouraging the student to open up to you, which is good. You are also protecting yourself from the legal and institutional sanctions that would follow if you kept certain information private. Further, you give yourself 'wiggle room' to decide if the case is one in which breaking your promise is the lesser of two evils.

This third option is problematic, however, for several reasons. If you do break the promise, your credibility with this student, and in the school, could be permanently ruined. Further, the student might sense from the beginning your insincerity and so be pushed away. She might in fact be testing you as outlined in option one and you could fail this test by making a promise she thinks you cannot keep.

This is only an initial look at the complexities of this case. Even so, we can see that there are potentially strong reasons for and against each of the three possibilities listed. How, then, do we decide among these three options? Contextualism says we must compare the relative weights of the competing reasons and choose the option that is best supported by reasons. To do this, we need to move beyond this abstract level of potential consequences

and look directly at the specifics of this given case (something that obviously cannot be done in a writing such as this, except in the most hypothetical of ways). This will require a number of difficult judgements on our part.

We must first judge how serious this problem might actually be. Given what you know about this student (if anything at all), is she the kind of person to exaggerate her problems? Is she the type that would generally have serious problems (keeping in mind that anyone can encounter serious difficulty under the right (or wrong) circumstances)? Can you read from her demeanor if the agitation she is displaying is genuine or merely acted? Based on our reading of this facet of the problem, the weight given to the need to get the student talking is going to rise or fall. Of course in the absence of any conclusive evidence to judge one way or another, you may want to take the cautious route and assume the worst. But this too may be affected by your years (months? days? hours?) of counseling experience.

Other sorts of judgements will need to be made as well. If I do hear something that I am legally bound to reveal, but want to keep my promise, how likely is it that my concealing of this information will get leaked? If leaked, how severely can I expect to be reprimanded? If it is unlikely that it will get leaked, or if the punishment is really mild, or if I am planning on quitting counseling next week anyway, this consideration will not hold a lot of water. But if it is likely to get leaked and the punishment is quite severe, this will factor strongly into my moral weighing.

If I break my promise and reveal to others this conversation, how likely is it that this will get around the school and damage my reputation? Here, we can imagine the possibility to be quite high as the student may well be angered by my breach of trust and so feel vindictive. Conversely, if I keep the promise in the hopes that my reputation will be enhanced (not for selfish reasons but so I can more effectively do my job in the future, helping more students), how likely is it that this will get spread around the school? One can imagine that this is far less probable, as the two people who know about the situation both want to keep it quiet (though the student might, in vague terms, speak well of your trustworthiness).

If the situation is a serious one that calls for outside assistance, how likely is it that you will be able to convince the student to seek that help? This in turn will depend on other

factors: are there various support systems in your community that can offer help? how reasonable does this student seem? How successful are you, as a counselor, in convincing people of doing what is (or at least what you perceive is) good for them? If the answers to these sorts of questions are favourable, then many of the problematic elements of the situation for yourself can be diffused. In this case, the possible trouble you could get into is diminished in importance. But, if the answers to these questions are not favourable, then troubles for yourself loom large and this must be given greater weight in your assessing of reasons.

Again, this is just a preliminary sketch, highlighting some of the considerations that will need to be heeded. But here we can already see how this first judgement (what to tell the student), will require a fairly detailed reading of the situation as well as many subsequent judgements. In this way, we can talk of a certain layering process that goes on within the Contextualist approach: one judgement will require other judgements, these in turn depending on more judgements. Often times, these judgements will not be made with anything like certainty. How much easier it would be to follow a simple Kantian dictum and think that lying is always wrong.<sup>38</sup> To take this route, however, would be to deny the complexity of moral situations and the subtleties and nuances of the concrete contexts in which moral problems play out.

In the classes I teach to pre-service teachers, I often give this example and have the students reason through the problem. Usually the classes have split roughly into thirds, with each third favouring one of the three options I have outlined above. In the absence of a concrete situation in which the problem plays out, it is hard to get at anything other than a hypothetical answer to the problem. However, what this failure to achieve consensus shows is that each of these possible alternatives can be seen as an acceptable response to the problem. Of course, given further details of the situation, one or more of the options might be

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<sup>38</sup> As I will discuss in the next chapter, this is only one way of understanding the demands of Kantian ethics. Others read Kant as being more flexible, more able to take account of the particularities of each individual context.

ruled out. But, at this level of abstraction, each of the alternatives seems to have adequate reasons to support it and so can be seen as reasonable.<sup>39</sup>

At this point I then offer the students an Option D: shoot the student dead and rid yourself of having to make this decision. What the absurdity of this option is meant to show is that, while Contextualism could conceivably sanction any of the first three options, this fourth one is clearly not acceptable (of course, one need not do any sophisticated moral reasoning to see this). Thus, while a range of alternatives is possible, some options are clearly wrong. Contextualism allows for a plurality of moral positions, but it does not imply relativism.<sup>40</sup>

It is clear, then, that Contextualism does not give definitive answers to moral problems. Rather, as an approach to moral reasoning, it gives us a process for thinking through the complexities of moral situations. In addition, it gives us a way of ruling out certain judgements as unacceptable. To see this, let us recall the quotation from Winkler cited at the beginning of this chapter:

justification is a process. It is the process, in all its interpretive and analogical complexity, of arriving at a considered moral judgment and defending it as a fully reasonable alternative within the full context of the problem. (1993; p. 363)

With Contextualism, then, we are reasoning through a moral problem and arriving at a moral judgement that we can defend as 'reasonable'. If it cannot be defended as reasonable, then it is an unacceptable judgement; that is, morally wrong.<sup>41</sup> This is clearly the case with my Option D above.

To my reading, what writers on Contextualism have failed to accomplish is to adequately outline what is involved in an alternative being 'reasonable'. This is the task of this thesis and, beginning next chapter, I will begin to answer this question directly. In essence, I am going to argue that an alternative is reasonable if no one can reasonably object

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<sup>39</sup> The reader can, of course, disagree that one or more of the possible solutions is reasonable (that is, has sufficient reasons to support it).

<sup>40</sup> Relativism here meaning that "anything goes" (i.e. whatever one judges to be right is right for her).

to it. This, as I am conceptualizing it, is what is involved with meeting some standard of impartiality (my RCI). Before turning to look at impartiality, however, I want to finish this chapter with one more thought.

It is noticeable in my description of this problem that nowhere did I have the counselor discuss the problem with others, or even the particular student. As we will see in subsequent chapters, many see any moral reasoning approach with this lack as flawed. I argue that, where possible, it is preferable to seek input from those to be affected by your decision/action. This is not always possible, however, as this example shows. Obviously the counselor cannot seek input from others in this situation because he must make a decision on the spot.

Having said that, this example shows the value of conferring with other people to get their perspectives on a given problem. The reasoning that one goes through to arrive at a judgement can be flawed in a number of ways: it can fail to take account of relevant features of a situation, it can fail to consider possible solutions to the problem, it can unreasonably emphasize certain aspects of the situation, it can unrealistically expect certain empirical outcomes. Failure to meet these sorts of criteria could lead to an indefensible position.<sup>42</sup> It is not hard to imagine that the sorts of errors talked about in this paragraph would be far less likely to occur were one to discuss one's thinking about a situation with other people (especially those likely to be affected by the judgement/action). Thus, where possible, this discussion should be sought and carried out. But, as I will discuss in the next chapter, it is not always practical (and in some cases not desirable) to have such discussions.

With that said, let us turn our attention directly to impartiality.

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<sup>41</sup> There is a danger here of getting caught up in semantics. Some will want to claim that there is no absolute moral right and wrong. If preferable for the reader, you can substitute here the expressions morally questionable or morally inadequate.

<sup>42</sup> There is further discussion of the standards of practical reasoning in chapter 6.

## Chapter 4: Other Conceptions of Impartiality

It is time, finally, to get into the question of impartiality. This chapter will explore how impartiality has been used by other philosophers in their moral theories. There are three main goals for this chapter. The first is to give the reader a sense of the various ways in which impartiality has been, and is being, used and the various meanings it has taken on. The second is to contrast these other uses of impartiality to my own reasonableness conception and thereby to help clarify what exactly I am meaning by the term. The third is to anticipate some of the critiques that have been made against impartiality and to begin a defense of my own conception against these objections.

### I. Impartiality Through The Ages

The purpose of this brief section is to give the reader some idea of how impartiality has been used in some of the more influential ethical theories throughout Western philosophy. I will begin by looking at two major strains of ethical theories: deontological and consequentialist ethics.<sup>43</sup> Of these two, Kant's deontological system is the one most immediately thought of as incorporating impartiality. However, I will show that Utilitarianism also make use of the concept in particular ways.

It is important to note here that the term impartiality, as it is used in the following sections, is not necessarily meant to imply my reasonableness conception. Rather these sections explore some of the common properties often associated with the concept and how it shows up in various different types of ethical theories. Where I am invoking my own conception of impartiality, I make that clear.

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<sup>43</sup> Some will see this list as lacking a common type of ethics, contract-theories. However, I see these as being subsumed within deontological theories more generally and so I will not deal with them separately here. However, the section on Rawls will provide some discussion of this type of ethics.

**a. Mill and Consequentialist/Utilitarian Theories**

Consequentialist theories hold that an action is right or wrong depending on the consequences it brings about. Within this group, theories differ based on how one evaluates consequences. This in turn depends on what sorts of consequences are considered good and bad.

Not all consequentialist theories need incorporate elements of impartiality. A radical hedonist theory holds that an action is (morally) good insofar as it gives *me* pleasure and bad insofar as it gives *me* pain (or prevents *my* pleasure). Other peoples' well-being has no bearing on my moral evaluation; what matters is simply me and my pleasure. Because such theories are not concerned with others' well-being, many question whether this is really a *moral* theory at all or merely some version of a cost-benefit analysis totally outside the moral realm (see, for example, Baier 1958, p. 106). [See chapter 5, section I for more on this.]

In contrast, most consequentialist theories do take into account the well-being of other people. Because it is the most famous of consequentialist theories, I will use John Stuart Mill's *Utilitarianism* (1979) to illustrate how such theories work.

Mill begins by arguing that the only things desirable as ends are pleasure and freedom from pain. Things are desired either for pleasure in themselves or as means to the promotion of pleasure and prevention of pain<sup>44</sup> (p. 7). Because this is what should be, and indeed what is, desired by all people, the moral quality of an action can only be determined in relation to these goals.<sup>45</sup> Thus, Mill concludes:

The creed which accepts as the foundation of morals "utility" or "the greatest happiness principle" holds that actions are right in proportion as they tend to promote happiness; wrong as they tend to produce the reverse of happiness.

(p.7)

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<sup>44</sup> It is not clear in this writing if Mill is making an empirical claim (these are the things that people actually do desire) or a prescriptive one (pleasure and freedom from pain are things that people should desire). This ambiguity is a major weakness in his theory. If he is making an empirical claim, it does not necessarily follow (even if we grant the truth of this dubious claim) that the prescriptive one is also true. Conversely, if he is making a prescriptive claim here, he is begging the question because this assumption is that which he is setting out to prove with this theory.

<sup>45</sup> It is not entirely clear how Mill has moved from this empirical state of affairs to a moral one. It may well be that people do desire pleasure and the avoidance of pain, but Mill gives us no argument as to how this establishes this principle as the basis of morality.

Unlike the hedonist theory mentioned above, however, Mill is not concerned simply with his own pleasures. He thinks that this “greatest happiness principle” must take account of everyone’s happiness. His argument for this is based, not surprisingly, around utility. He thinks that humans cannot exist without society and that society cannot exist if everyone’s interests are not looked after (see p. 30 ff.). The happiness we are striving to maximize then is the general happiness of everyone in society.

It is here that we get a certain strain of impartiality. My interests are to count, but merely as one part in this general happiness, equal to everyone else’s one part. The fact that my happiness cannot count for more importance than anyone else’s happiness constrains Utilitarian thinkers from privileging their own positions. Everyone is to count as one, but merely one, is a common way of understanding the demands of impartiality.

Given this explication of consequentialist theories of ethics and my outline of Contextualism in the previous chapter, the reader may be left wondering if I am not merely a closet Utilitarian. I grant that the two approaches are similar in some ways, however, there are two crucial differences that I want to point out.

First, any consequentialist theory demands that there be a common denominator by which all competing claims can be measured and compared.<sup>46</sup> For example, within Mill’s theory, all actions can be expressed as a measure of pleasure (or the avoidance of pain). Once all competing reasons have been assigned a ‘pleasure’ value, then it is a simple matter of determining which scores highest. Contextualism promises no such common denominator, no one unit of measurement that will make this comparison process simple and easy. While this may appear to be a defect in the approach, it is actually a sign that it takes the complexity of moral life more seriously than any consequentialist theory. In the real world, there can be no common unit that binds all competing types of reasons and the attempt to build one into the world will necessarily lead to flaws in one’s thinking. As Mill questioned, is poetry superior to push-pin? Is quantity of pleasure (or whatever unit we are considering) more important than quality? If not, is it the reverse, or some trade-off between the two? Are pleasures in the immediate present worth more than those more distant in time? These types of questions

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<sup>46</sup> This might be too generalized a claim. This is true for Utilitarian type consequentialist theories, though it need not hold for all consequentialist theories.

are unanswerable in the abstract and so leave us without any hope of fulfilling the promises made by the theory.

The second difference between Contextualism and Utilitarianism lies in the weight one gives one's own concerns. According to a Utilitarian approach, my interests are relevant, but only to the same extent and degree as everyone else's. In other words, my happiness is important, but only as important as the happiness of every other person (or whatever scope of creatures one chooses to incorporate in one's moral realm). I am to count as one, but only one. It is this kind of view that have lead critics like Benhabib (1992) to question impartiality and its uses in such theories. Too much emphasis is placed on the "generalized other" and no account is taken of the specific and crucial relationships that make up, in large part, who we are. As Benhabib asks, how are we to account for the "particular other"?

Against this, Contextualism argues that my interests can sometimes have a more weighty appeal in my own moral reasoning. Even if giving away a portion of my weekly pay would give greater happiness to those who could benefit more from this money, I am doing nothing morally wrong if I choose not to so give away my money (although, of course, it could be a morally commendable thing to do).

In weighing up my moral accounts, I am allowed to give greater import to my own concerns so long as I do not unreasonably privilege my own position. What is to constitute such an unreasonable privileging? That is the subject of chapter six, but we can give an example here to at least illustrate how Contextualism is not a strictly Utilitarian approach. Imagine two different situations. In the first, I am at the front of a three-person line waiting to get into a film. The ticket salesman announces there are two seats left. If I take one seat, the couple behind me in line will not get in (because they want to go together). If I were to give up my rightful place in line, two people would be able to see the film instead of just one (me) thus producing a greater happiness (assuming the film is any good!). Even granting this, however, I think there is nothing morally wrong in taking the ticket myself, privileging my own position by counting my own desire as more important than the greater desire of the couple behind me (though once again, it would be morally praiseworthy for me to offer the tickets to the couple behind me).

In the second example, I am once again waiting in line for a ticket to a movie. The man at the cash announces that there are only two seats left in the theatre, but this time I am the third person in line. My happiness would be greatly increased if I could see the movie, but this does not give me the right to somehow 'eliminate' (against their will) one of the two people in-line in front of me. To 'rid' myself of this obstacle to my happiness would be to unreasonably privilege my position and so would be morally unacceptable. What is the relevant difference between these two examples? I will get into this more in chapter six. But, for now, if we accept that the two situations allow for different moral outcomes, then we have moved beyond Utilitarianism to a moral reasoning approach in which the specifics of the context and the rights of the individual can sometimes make the consequences of the action not absolutely compelling.

#### ***b. Kant and Deontological Theories***

As we have seen above, Mill's Utilitarianism is grounded in the consequences of actions. For Kant, morality is grounded in the application of a universal principle known as the Categorical Imperative. Kantian ethics is founded on the notion that human beings, as rational agents, are owed the respect offered to moral persons. What this respect entails is dictated by the various formulations of the Categorical Imperative, two of which I want to discuss below.

Kant's ethics are complex and I do not want to go into too much depth explaining them. What needs to be said is simply that Kant is looking for a foundation for morals that will prove true for all people at all times. Because for Kant reason is the highest human faculty, he thinks that reason will be what determines the moral quality of an act (1981, pp. 7). Moral judgements/actions do not fulfill the various formulations of the Categorical Imperative if they somehow do not meet this criterion of reason. Though there is disagreement about this, most readers interpret Kant to mean here that this entails a judgement/action being irrational (that is, involving a logical contradiction). Others try to read Kant (or to re-habilitate his theory), as arguing that this failure occurs when a judgement/action is unreasonable (that is, having reasons but not good reasons).

Which reading of Kant is better is not our concern here.<sup>47</sup> What is important is to understand the central place that reason has in his ethics. With that in mind, we can look at two formulations of the Categorical Imperative to see how central impartiality is to each one.

The first formulation of the Categorical Imperative reads as follows: "I should never act except in such a way that I can also will that my maxim should become a universal law" (1981, p.14). In other words, whatever act I contemplate, if I cannot will that everyone else would do such a thing (for the same reason), then it is morally flawed. The particular circumstances of the situation, myself and the other people involved make no difference. What matters is simply that my act could be willed as a universal law.

To illustrate this, let us borrow an example that Kant himself uses (1981, p. 14 ff.). Imagine that I am in some kind of distress and that I could alleviate myself from the problem by making a promise that I have no intention of keeping. Could I will this maxim as a universal law? Kant says obviously not, because if everyone were to make promises they had no intention of keeping, then no one could be trusted and the entire concept of promise-making would be senseless. The actor, in attempting to will this universal law, has engaged himself in a logical contradiction and so defeats his own maxim.<sup>48</sup> According to Kant, this shows that the act would be morally wrong.

This is perhaps the most widely understood meaning of impartiality. Whoever the actor, whatever her particular circumstances, the moral quality of her actions rests entirely outside herself in some purely objective moral point-of-view. As Kant says, whatever the maxim is, it must hold true for not only all people (regardless of particular differences) but for all rational agents, for all time.<sup>49</sup> It is this understanding of impartiality that gets critiqued most often (as we shall see in chapter seven). As the reader can likely guess from my allegiance to a *Contextualist* approach to ethics, I am not in favour of any understanding of

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<sup>47</sup> For more on this controversy, see Benn and Peters (1959), Hermann (1993), Korsgaard 1986.

<sup>48</sup> This is according to Kant, at least. It is not clear to me that the actor has involved himself in a logical contradiction but rather an empirical state of affairs that is undesirable. Notice that if it is this second reading that is true, then we are in the realm of consequences along with Mill and the other consequentialists, something Kant wants no part of.

<sup>49</sup> Though again, there is some debate in Kantian scholarship as to how much room there is for Kant to differentiate cases based on the uniqueness of situations. I have chosen to represent him as not allowing for case-sensitivity because it is from this understanding that the common conception of impartiality is drawn and critiqued.

impartiality that abstracts completely from a given context.

The second formulation, what Kant refers to as the Practical Imperative, states: “act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means” (1981, p. 36). In short, this means that others are moral persons, too, and deserve the respect that is afforded all moral agents. Let me illustrate this formulation by looking at indoctrination. The teacher setting out to indoctrinate students wants the students to hold certain beliefs (and to hold them in non-evidential ways) because of some goal he has. In doing so, he is treating the students, not as ends unto themselves, but rather as means to his ends. In doing so he is failing to meet this second formulation of the Categorical Imperative and so his act is morally wrong. To treat the students as ends unto themselves, the teacher would have to respect each individual student’s autonomy. This entails that the teacher would give reasons to support the view he is proposing and that the students would judge for themselves, based on the qualities of the reasons presented, whether this was a view they wanted to hold or not.<sup>50</sup>

We can see how this second formulation of the Categorical Imperative also implies a great deal of impartiality. Humans, as rational agents, are moral persons. This entails that they are owed the respect offered moral persons; namely, to be treated as ends unto themselves and not merely as a means to someone else’s end. It does not matter who the person is, what his particular circumstances are. He is a moral being, just like all other rational agents, and so must be treated the same as other moral beings.

As we have seen, both of these classical strains of moral theory involve impartiality somehow. As I will show in the next chapters, both of these theories have had great influence in our present understanding of what morality encompasses and what it demands. In exploring the meaning and function of morality, we will see evidence of each of these particular conceptions of impartiality. Before getting to that, however, I want to examine three modern thinkers who have been highly influential in shaping our current understanding

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<sup>50</sup> This assumes of course that the students possess the intellectual maturity to be able to so evaluate reasons. Where such maturity is lacking, the teacher has the responsibility to give students the tools so as to assess these reasons (this may also involve the teacher toning-down the intellectual level of the content he is teaching).

of both ethics and impartiality. I will start by looking at John Rawls and R.M. Hare, and then turn to Jürgen Habermas.

## **II: Modern Conceptions of Impartiality**

While impartiality has come under question from many recent and current scholars, not everyone has abandoned the term. While recognizing that the concept is ever-evolving and being refined, there are too many modern conceptions to adequately cover here.<sup>51</sup> Instead, for considerations of space, I will limit my discussion to three of the major ethical writers of the 20<sup>th</sup> century and show how they employ the concept. In this section, I will briefly outline the positions of John Rawls and R.M. Hare. In the next section I will more extensively explore the work of Jürgen Habermas.

### ***a. Rawls and the Original Position***

Much of our modern notion of impartiality arises from John Rawls's conception, found first in his *Theory of Justice* (1971) and later in *Political Liberalism* (1993). Even those arguing against and critiquing impartiality are often doing so in reaction to Rawls (though in many cases I would argue they are being unfair to Rawls, more on this later).

Rawls's central project is to devise a structure for the basic institutions of a society that can be agreed to by all reasonable people. Said in another way, he is looking for a social foundation that recognizes the freedom and equality of all citizens by treating them justly. This foundation he calls *justice as fairness*:

The aim of justice as fairness, then, is practical: it presents itself as a conception of justice that may be shared by citizens as a basis of a reasoned, informed, and willing political agreement. It expresses their shared and public political reason. But to attain such a shared reason, the conception of justice should be, as far as possible, independent of the opposing and conflicting philosophical and religious doctrines that citizens affirm. (1993, p.9)

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<sup>51</sup> In addition to the numbers problem, many current writers examining impartiality seem to be doing so in terms of large scale questions of justice—a project removed from the immediacy of the moral judgements I am interested in here.

Rawls recognizes that, in our pluralistic, multicultural societies, people will hold different beliefs regarding what is valuable in life. Given this wide variety of views, the difficulty in his project is to find a way to come to some consensus about basic standards of justice. To this end, he develops his famous thought tools, *the original position* and *the veil of ignorance* (see 1971, p. 17 ff. and 1993, p. 22 ff.).

The original position is an imaginary place whereby citizens would come together to decide on these basic social structures. In the original position, we do not know anything about our lives. We do not know whether we are male or female, rich or poor, able-bodied or not, mentally infirm or not, what skin colour we have, what religion we belong to, and so on. The idea is to take away all of these particulars in an effort to imagine what basic foundations could exist that would be agreeable to all, regardless of their particularities. This position of ignorance, lacking all knowledge of the particulars of our life, Rawls calls the veil of ignorance. Behind the veil of ignorance, we would choose social foundations that would serve us fairly, regardless of who we actually are. Rawls believes that this thought-experiment, properly carried-out, will yield the basic social foundations that he encapsulates in his justice as fairness theory.

This original position gives us something like impartiality, generally understood. It presents an agent who is devoid of all particular concerns based on sex, age, religion, race, socio-economic status, and so forth. Because of its influence, many have come to see the original position as the exemplar from which to think about impartiality. Much of the criticism leveled both at Rawls, and impartiality generally, has to do with a problem many see in totally stripping ourselves of these particularities (see, for example, Young 1990). As we will see in chapter seven, many critics think this is both impossible to do and dangerous to strive for. However, this is not what either Rawls or myself mean by impartiality.

For Rawls, impartiality means that we are altruistic, other-focused and striving for the general good. He contrasts this to mutual advantage, "understood as everyone's being advantaged with respect to each person's present or expected future situation as things are" (1993, pp. 16-17). What he is getting at with the original position is something he calls

reciprocity<sup>52</sup>, which he thinks balances between impartiality (as he defines it) and mutual advantage.

Whether this distinction extricates him from this difficulty is not something I will explore. Nor will I attempt to defend Rawls against the claims that ridding ourselves of these particularities is both impossible and dangerous. I avoid these issues because my conception of impartiality in no way demands that we strip ourselves of all of these particularities. As I have tried to make clear so far, sometimes our unique position in the world is entirely relevant to our moral judgements. However, sometimes it is not. In these cases, it can be useful to try and imagine what I might think/feel/believe if I were not the amalgam of all my experiences, social positions and genetic heritage. This is what Coombs (1980) has technically called the 'role-exchange test' and is more commonly explained as stepping into someone else's shoes. But in no way do I say that a judgement is morally adequate only if made from this 'original position' or something like it.<sup>53</sup> Rather, I claim that our judgements cannot unfairly privilege our own position (made up of all our particularities). If it does not, then it has met my criteria of impartiality and is thus morally sound (all other things being equal).

#### ***b. R.M. Hare and Universalizability***

Like Rawls, Hare gets at something like impartiality using a different term. As Hare writes, "My own theory secures impartiality by a combination of the requirement that moral judgements be universalizable and the requirement to prescribe for hypothetical reversed-role situations as if they were actual" (1989, p. 158). The first part of this has to do with the logical properties of the language used. For Hare, universalizability is not something found across people, but rather is a consistency property of an individual's thinking.

Hare claims that one component of moral judgements is a descriptive one (the other being prescriptive). As with all descriptive claims, there are meaning-rules that govern their use. He gives the example of someone judging that something is red (1963, p. 8 ff.). In

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<sup>52</sup> This is a technical term for Rawls, denoting a willingness on the part of citizens to participate in rules that are commonly agreed to and shared.

<sup>53</sup> And to be fair to Rawls, nor would he claim this. He is using the ideal of the original position to get at the basic foundations of a just society. He in no way is claiming that it is a heuristic for solving all moral questions.

order to reach this judgement, there must be some property involved that makes me think 'red'.<sup>54</sup> If this same property exists in another object, then to be consistent, I must similarly judge that it, too, is red. If not, I am not being consistent in my application of the meaning-rules. We can be mistaken about whether the thing is red. Others may not agree with us that it is red. However, if a certain light quality leads me to judge red, then every other time that light quality is present, I must also judge red (unless I am aware of relevant differences between the two situations; the object is seen under fluorescent lights, for example).

The second part of Hare's characterization has to do with the prescriptivity of moral judgements. For Hare, impartiality is got at through a consistency of application of a moral imperative. If in one instance I say it is alright to discriminate on the basis of some particular feature and yet I would not be willing to accept that were I in the position to be adversely affected by this discrimination, then I have involved myself in a contradiction and hence have failed to be impartial. For example, Hare claims that, if you would say to a hypothetical case where you have black skin that it is wrong to discriminate on this basis, then you are making a universal claim which logically prohibits you from thinking such discrimination is justified in any case:

The point is, rather, that because of his aversion to its being done to him in the hypothetical case, he cannot accept the singular *prescription* that in the hypothetical case it should be done to him; and this, because of the logic of 'ought', precludes him from accepting the moral judgement that he ought to do likewise to another in the actual case. (1963, pp. 108-109)

In both the descriptive and prescriptive ways of achieving impartiality, I believe Hare has got something right regarding the logic of moral terms. In chapter 6 when I outline my tests of reasonableness, something like Hare's notion of universalizability is present in my second test.<sup>55</sup> However, even acknowledging my debt to Hare in this regard I see difficulties

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<sup>54</sup> Hare admits that there can be cases where it is unclear if something is red or not. Because language is "open-textured", there will be definite instances of a given phenomenon (redness, for example), but also border-line cases where there can be disagreement about whether the property is present or not. These gray areas do not damage his argument at all (or so he claims and I agree with him).

<sup>55</sup> In this second test, I frame the issue more in terms of Rawls's discussion. However, as Hare admits (1989, p. 158 ff.) his position on this matter is really not very different from a rational contractor theory like Rawls's, or an ideal observer theory.

with his characterization of impartiality. Hare would seem to have little to say if the person in his hypothetical case consistently maintains that it is fine to discriminate against people with black skin, even if he were the person who had black skin. While we might find it odious for the Nazi to say that 'all Jews should be killed and I would believe this even if I were a Jew' (to use another of Hare's example), there is nothing in this statement that violates the logic of the moral terms. Hare's only recourse against this kind of judgement is the dubious empirical claim that no one could will such a thing if he were truly to consider the situation from the other perspective (1963, p. 218 ff.). As I will outline in chapter 6, my conception of impartiality is able to object to such discrimination and racism, not merely on the grounds of inconsistency in application of prescriptivity but also by recognizing that impartiality demands something more than mere consistency (though this is a necessary feature of impartiality).

### **III: Habermas and Discourse Ethics**

Like Contextualism, Habermas's Discourse Ethics is a formal, procedural approach to moral reasoning. It claims no direct substantive moral content other than that inherent in the procedures themselves when it sets up the conditions that must be met in order to reach moral 'truth'.

Because there are no *a priori* foundational principles that his system relies on, the first task for Habermas is to decide how a moral norm is to be justified. He thinks moral norms have a truth-status analogous to propositional knowledge, but with an important difference. Both types of claims are validated by having good reasons to support them. For propositional knowledge, this will involve some kind of appeal to the empirical world and will yield a "propositional truth" (1990a, p. 59). Similarly the question 'what ought I to do' can be answered only by appeal to reasons. This in turn will yield "normative rightness" (1990a, p. 59). However, the reasons that redeem normative rightness are not ones of prudence or expediency, as Habermas thinks empiricist ethicists would claim (1990a, p. 49). The reasons are of a different sort.

Habermas claims that we cannot, in ethics, abstract from the real-world in which moral decisions and actions are made (what he calls the lifeworld) without seriously distorting the phenomena in question. Thus, to validate a moral claim, we must look to this lifeworld. How is it that people settle disagreements about moral norms? Habermas thinks they conduct dialogues (or discussions) wherein they present reasons to convince the other of one's position. Habermas makes an important distinction between two ways that this can be done:

I distinguish between communicative and strategic action. Whereas in strategic action one actor seeks to *influence* the behavior of another by means of the threat of sanctions or the prospect of gratification in order to cause the interaction to continue as the first actor desires, in communicative action one actor seeks *rationally to motivate* another by relying on the illocutionary binding/bonding effect (*Bindungseffekt*) of the offer contained in his speech act. (1990a, p. 58)

What is needed to validate moral norms is some principle that bridges particular observations and general hypotheses (1990a, p. 63): "Faced with a pluralism of ultimate value orientations, which seems to support the skeptic's position, the cognitivist [which he sees himself as] has to try to demonstrate the existence of a bridging principle that makes consensus possible" (1990a, p. 76). Habermas rejects Kant's Categorical Imperative as this bridging principle, but does take the universality implied in Kant's theory as key: "The intuition expressed in the idea of the generalizability of maxims intends...that valid norms must *deserve* recognition by *all* concerned" (1990a, p. 65). At this stage, Habermas introduces the concept of impartiality: "True impartiality pertains only to that standpoint from which one can generalize precisely those norms that can count on universal assent because they perceptibly embody an interest common to all affected" (1990a, p. 65).

Impartiality, according to Habermas, must incorporate universal assent. Because of this requirement, it is impossible (or so Habermas claims) for any particular individual to be impartial. What is possible is that judgements can be impartial if they are reached through what G.H. Mead calls "ideal role taking" or "universal discourse" (Mead 1934, pp. 379). As Habermas concludes, "thus the impartiality of judgment is expressed in a principle that

constrains all affected to adopt the perspectives of all others in the balancing of interests” (1990a, p. 65). From this, Habermas formulates his principle of universalization, which states that every valid norm has to fulfill the following condition:

All affected can accept the consequences and the side effects its general observance can be anticipated to have for the satisfaction of everyone’s interests (and these consequences are preferred to those of known alternative possibilities for regulation). (1990a, p. 65)

If the norm meets this condition, it is validated and thus achieves the normative ‘rightness’ which is the normative equivalent of propositional truth. In this way, Habermas borrows a reformulation of the Categorical Imperative:

Rather than ascribing as valid to all others any maxim that I can will to be a universal law, I must submit my maxim to all others for purposes of discursively testing its claim to universality. The emphasis shifts from what each can will without contradiction to be a general law, to what all can will in agreement to be a universal norm. (T. McCarthy 1978, p. 326)

Habermas goes on to justify this principle of universalization and to build on it to get the central idea of an ethics of discourse, “Only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity as participants in a practical discourse” (1990a, p. 66).

Habermas makes use of the notion of a performative contradiction to establish this principle. He claims that anyone engaged in argumentation or conversation has a particular goal in mind. This goal can only be achieved by accepting, for oneself, certain rules. These rules entail this principle of universalization and so to violate this principle is to leave oneself in a contradiction (1990a, pp. 86). For more on this, see his distinction between communicative and strategic action above.

#### **IV. Reply to Habermas**

After reading both this synopsis of Habermas’s Discourse Ethics, and my outline of Contextualism in the previous chapter, the reader may be left wondering if Habermas’s and my positions are really all that different. There are, indeed, many similarities and in our basic

orientation to moral reasoning we are the same.<sup>56</sup> However, there are some important differences that I want to bring to light, for two reasons. The first is to help the reader gain clarity on how I am using impartiality. The second is to anticipate some of the objections made against impartiality generally and to show that my conception overcomes weaknesses found in positions like Habermas'. There are five differences that I will look at: 1) determination of reasonableness, 2) dialogic vs. monologic approaches, 3) the pragmatics of assent, 4) the nature of reasons (reasonable pluralism) and 5) moral maturity and sophistication.

### *a. Determination of Reasonableness*

One of the conditions that Habermas holds necessary to avoid the performative contradiction mentioned above is that "every subject with the competence to speak and act is allowed to take part in a discourse" (1990a, p. 89). This surely is a legitimate requirement. If we are genuinely concerned with reaching a decision that is agreeable to all (or to as wide a spectrum as possible), then it will be useful to hear as many voices, expressing as many differing views, as possible. To shut someone out of the discussion is a clear sign that we do not want to consider what she has to say (often because it will weaken the case of the option that best rewards us).

We can also agree with Habermas that we only need to allow competent speakers to voice their opinions. There is, of course, a danger here that judging certain speakers to be incompetent will really be a way of silencing voices that we would rather not heed. For years, women (among others) were denied the vote on the grounds that they were not sufficiently competent, to cite just one example of this abuse. However, granting that we should be incredibly cautious in judging someone incompetent to participate, it is often practically useful to not have to listen to endless streams of ranting that is (or would be) clearly unreasonable. But, here is the nub of my problem with Habermas. It is not the competence of the speaker that is really at issue, but rather the reasonableness of what he or she has to say.

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<sup>56</sup> By this I mean that both of our approaches are ones that focus on procedures that must be met if moral reasoning is to be adequate. Neither of us is proposing any substantive content in our moral theories, arguing instead that such substance can only be derived in the real-life contexts of everyday moral problems, with all their uniquenesses of circumstances and agents.

True, incompetent speakers will often voice unreasonable positions (this is what identifies them as incompetent). However, the flip side is not as consistently true. Simply by virtue of being competent, it does not follow that whatever comes out of your mouth is reasonable. Fully competent thinkers and participants in open-discussions can voice unreasonable positions.

What I am arguing for in Contextualism is that reasonable objections must be heeded. What Habermas is asking is that people who are generally reasonable (competent) must be heeded. But, to follow Habermas is to commit the *ad hominem* fallacy. Surely what is at issue is the merit of the particular position being advanced and not the general reliability of the person advancing the position. If this kind of procedural approach to moral reasoning is going to avoid falling into relativism, we need some way of determining what kinds of positions should be acknowledged as legitimate and which ones should be ignored as unreasonable. The general reliability of the speaker may be a useful first indicator of this distinction, but it cannot take us nearly far enough in this determination.<sup>57</sup> What is needed in addition is some articulation of the standards of reasonableness that will determine whether a view should be considered or not. These standards derive from the reasons why impartiality is itself important to moral judgements (such an articulation of the importance of impartiality is the subject of chapter 5, the standards of reasonableness the subject of chapter 6).

### ***b. Dialogical vs. Monological Approaches***

One of the things that characterizes Habermas's position in contrast to Rawls's is his insistence on a practice of discourse in legitimating normative claims: "Like Kant, Rawls operationalizes the standpoint of impartiality in such a way that every individual can undertake to justify basic norms on his own" (Habermas 1990a, p. 66). This is bad because each agent is trapped within his/her own particular stand-point and frame-of-reference and, try though s/he might to escape this, it is impossible. Thus, according to Habermas, the ideal

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<sup>57</sup> To be fair to Habermas here, he may be presenting this competence criterion as merely this first stage. My reading of this passage suggests that Habermas believes this to be sufficient in determining which voices need to be heard in gaining this assent. However, it may be that this competence criterion is a necessary, but not sufficient, condition for adjudicating practical discussions (moral or otherwise). If this latter reading is the more

of the original position is impossible and Rawlsian impartiality is necessarily partial and so flawed.<sup>58</sup>

In contrast to this, Habermas proposes, “a “real” process of argumentation in which the individuals concerned cooperate” (Habermas 1990a, p. 67). It is this, he thinks, that gives weight to a moral judgement: “the justification of norms and commands requires that a real discourse be carried out and thus cannot occur in a strictly monological form, i.e., in the form of a hypothetical process of argumentation occurring in the individual mind” (Habermas 1990a, p. 68). As we will see in chapter seven, Habermas is not alone in critiquing such a monological approach. While I agree that this dialogical approach is generally preferable (though not always, see section 3 below), we need to question whether it is always practical.

Think of large-scale questions of justice. If there is a moral decision I need to make that will affect thousands of people, I will be concerned that I act upon a norm that I feel is justified. However, according to Habermas, my norm can only be justified if I literally have a discussion with each person who is to be affected by my acting on this norm. In reality, there is no way I can have discussions with each of those thousands of people. Further, I may not even be aware to who will be affected by my acting upon a particular norm.

There have been many commentators who see in Habermas’s work this practical problem and try to read him as not meaning this necessity of consulting everyone literally. As Nicholas Burbules says:

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representative of his meaning, then our positions are similar here. However, this still leaves open the question of how we determine reasonableness (the subject of my next chapters).

58 As I wrote above in the Rawls section, I am not convinced this is a fair critique of Rawls’s position. As Rawls himself points out in his Reply to Habermas (1993), what he is after is not some process for adjudicating all moral disagreements, but rather a way of establishing the basic institutions of a just society. We can still question whether Rawls is successful in this endeavor, but his insistence on the need for people to abstract from their particular situations must be grappled with. As Rawls writes, “The reason the original position must abstract from and not be affected by the contingencies of the social world is that the conditions for a fair agreement on the principles of political justice between free and equal persons must eliminate the bargaining advantages that inevitably arise within the background institutions of any society from cumulative social, historical, and natural tendencies” (1993, p. 23). Habermas, in his critique of Rawls, has not overcome this problem. One can imagine Rawls responding to Habermas that given people’s knowledge of, and desire to hold on to, particular privileges, assent would be impossible. Or to set this in Habermas’s language, without the ability and willingness for people to abstract from their particular life circumstances and situations, ‘ideal role taking’ will never be realized.

Habermas has been misunderstood on this point (for secondary analyses of this idea, see Benhabib 1986, pp. 287-88; McCarthy, 1978, pp. 306-307; R. Young, 1990, pp. 71-78). The ideal speech situation never actually exists, or could exist—there are too many practical barriers to its full realization.

Rather, it is a counterfactual hypothesis about what we ideally presume when we endeavor to speak together. (1993, p. 17)

I think Burbules may be partially right here. Habermas would never assume that full participation by everyone in the ideal speech situation would ever occur. Habermas himself seems acknowledge this at times, when he writes things like “valid norms must *deserve* recognition by *all* concerned” (1990a, p. 65) and “only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity as participants in a practical discourse. (1990a, p. 66). Notice the hedging phrases in the previous quotations, “*deserve* recognition” and “*could* meet with the approval”, suggesting something less than a fully literal meaning of real-life participation. This is quite a departure from his more strenuous claims: “*All* affected can accept...” (1990a, p. 65) and “the justification of norms and commands requires that a real discourse be carried out” (1990a, p. 68). So, while Burbules’s reading might be a good one, if we accept the ideal speech situation as merely a hypothetical guide to how our dialogues should be conducted, we are on a slippery slope back to the monological position that Habermas emphatically rejects.

Burbules’s reading of the ideal speech situation is meant to remind us that we are committed to certain standards and considerations when we engage in moral thinking. But these are standards and concerns that would be perfectly acceptable to Rawls. Thus, if we accept too much of the non-literalist reading of Habermas, we are left with little of the motivation that generated this theory for him in the first place. By acknowledging these practical difficulties of the ideal speech situation, we remove the substance of what Habermas uses to distinguish himself from positions like Rawls’s. So while we can accept Burbules’s defense of Habermas on this position, we need to see that it comes with a large cost.

Three other questions arise here, though they are dealt with in depth in other sections. Is the seeking of opinion from those to be affected always a good thing (see Section c)? Is it practically useful to seek the opinion of all who are to be affected, or merely those who are capable of giving reasonable feedback (Section a above)? Related to this problem is the question of how we are to deal morally with children. When and how are they to be treated as participants in these discussions? Finally, given the nature of reasonable pluralism, is consensus always necessary or even desirable (Section d below)?

All other things being equal, it is good to seek out the opinions of those to be affected by a moral judgement/act [or, more accurately for Habermas, those to be affected by acting upon a norm]. Where possible, the agent is better off going through this process and her tentative judgement will be more secure if it passes this test (see the end of chapter 3 for a fuller discussion of this). But, we must realize that such a process is often not possible. Scale and time constraints often mean that we will need to imaginatively enter into another's shoes and try to see through her eyes what would be best for her. Far from being a flaw, this can be a useful mind-experiment and something that needs to be central to any process of moral education. No one this side of Kant, not even Rawls, is suggesting that such a monological approach is the only test that need be considered in evaluating moral judgements. But it does not follow from this that it cannot be part of this test.

Part of the difference between my position and Habermas's might be in how we regard justification. He seems to think of it as an absolute standard. For him, a normative claim is justified if it passes his universalization test (that is, gains the assent of all affected by acting upon the proposed norm). If it doesn't pass this test, it is not justified. In place of this either/or thinking, I am proposing that justification be thought of in terms of being either more or less present. Where such universal assent is possible, it should be sought. But, for the many cases where it is simply impossible, for the various reasons listed above, I don't want to rule out the possibility of an action being justified. Justification, for me, is relative to context and what kinds of tests can be mustered against which to subject one's tentative judgement.

### *c. The Pragmatics of Assent*

As stated above, I agree with Habermas that it is generally useful (because it is more reliable) to seek the voices (and assent) of all who are to be affected by a judgement. However, it is not always the case that this is wise. Consider, for example, the simple case of a moral conflict problem raised in the previous chapter: my grandmother asks me if her new dress (which is frightfully hideous) looks nice. If I tell the truth, I hurt her feelings. If I don't, then I am lying.

According to Habermas's principle of universalization, a norm is justified if it gains the agreement of all parties who are affected by it. But, in an example like the one on the table here, it is absurd for me to seek to gain the approval of my grandmother in whatever norm I choose to act upon. To propose the situation to her is to already have made the choice (in revealing the dilemma, I must admit my horror at her dress).

It is possible that I could be sly about this and propose a hypothetical situation of a similar nature and see what kind of answer my grandmother would give. There are two dangers with this, however. First, my grandmother might easily see through my ruse and know that what is at issue is her dress. This would put me back in the problematic situation of having the issue decided for me. Second, this is the kind of abstract, hypothetical thinking about moral issues that folks like Habermas encourage us to avoid. To get at a legitimate answer to a genuine moral problem, we need to take into account the specifics of the situation including the actual people (with all of their idiosyncrasies) involved. My grandmother's answer to a hypothetical question would not, on this account, give me sufficient guidance in resolving this concrete moral problem.

Granted, these cases where we cannot consult the people to be affected by our actions will be rare. However, they do exist in our everyday lives and so any scheme of moral justification must be able to account for them. Habermas's insistence on gaining universal assent does not adequately accommodate such cases and so shows a limitation in using his theory to solve practical moral problems (and hence the need for something else/more in programs of moral education to adequately prepare the young for moral life). My test of impartiality can accommodate these situations. In testing my moral judgement, I do not ask my grandmother what she would want me to do. Rather, I imaginatively enter into her shoes

(with all the knowledge I have of her, her wants/values/beliefs/self-doubts) and question whether whatever course of action I am considering could be seen as reasonable by her. Here, the monological approach seems preferable to the dialogical one.

It is worth noting here a sharp distinction that is revealed in the previous example. With my reasonableness conception of impartiality, I am looking at what will justify a particular moral *action* or *judgement*. Habermas, with his Discourse Ethics, is concerned with justifying moral *norms*, something a step removed from concrete moral problems. One could try to salvage Habermas's position by arguing that, while a resolution to a particular problem like the one with my grandmother might not allow for the ideal speech situation, in justifying norms this is possible. I can have conversations with my grandmother, in general terms, about whether it is better to tell the truth or better to spare people's feelings (in situations where the two conflict). However, because of Habermas's sensitivity to context (stressing that real moral problems only occur in the 'lifeworld') I'm not sure he would see much value in this. Further to this point, to expect any kind of consensus in the abstract requires that one accept the constancy assumption (I talk about this in more detail in section iv, chapter 6). That is, to justify a norm in this way, one must assume that telling the truth is always more important than preventing harm to another (or vice versa, depending upon how one would rank these virtues).<sup>59</sup> I think most us can accept that, given one situation, one virtue would be more important/relevant; while in another situation, the other would be more important.

#### ***d. The Nature of Reasons (Reasonable Pluralism)***

Habermas states that moral problems are practical ones and like other practical questions, must be decided on the basis of reason: "to say that I *ought* to do something means that I *have good reasons* for doing it" (1990a, p. 49). As we have seen, what makes a reason a good one for Habermas is that it passes the universalization test and gains the assent of all

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<sup>59</sup> It is conceivable that one could salvage this position without recourse to the constancy assumption. For example, not only would I talk with my grandmother about such moral conflict problems and discuss which of the two virtues is more important. Further, I would discuss with her all the possible cases where lying is worse than hurting people and vice versa. For this to work, however, we would need to have—ahead of time—an

who are to be affected by the proposed norm. It is worthwhile, however, to spend more time exploring this *goodness* quality of reasons and what ‘goodness’ entails here. Approached from a different angle, it is useful to explore the ways in which people might fail to gain agreement, what kinds of differences can persist in even the most open and ideal moral conversations.

We can explore these related questions using Habermas’s own framework. He claims that disagreement can arise in one of three ways: “When someone rejects what is offered in an intelligible speech act, he denies the validity of an utterance in at least one of three respects: *truth*, *rightness*, or *truthfulness*” (1990b, p. 137). These three areas correspond roughly to the objective, normative and subjective realms, respectively. Let us briefly explore each in turn.

Truth has to do with the empirical states of affairs that form the substance of what we are discussing. Disagreement arises when we cannot gain consensus on ‘the facts’ of a case. Consider two people arguing over whether streaming<sup>60</sup> is an acceptable moral practice. For these two people, the argument comes down to one crucial factor: are some kids being disadvantaged by this practice. Assume further that they agree on what would constitute disadvantage. The two may still disagree because the empirical data upon which they are making their judgements is conflicting. One report will say that all students benefit by streaming. Another study will say that some students benefit greatly, but at the expense of others (usually lower-class, marginalized kids). Where there cannot be agreement reached about the empirical facts of the case, consensus will likely be impossible and so Habermas’s universalization principle will not be met. In complex moral problems, there are often multiple truth-claims upon which an argument rests and often these truth-claims are of a type that is difficult to evaluate (e.g., what, in fact, will be the effect of global warming?). It is not surprising then that there is enormous room for disagreement in these cases and this provides one reason why such difficult moral issues often seem so intractable.

Habermas’s second realm has to do with normative *rightness*. He explicates this at one point as “our world of legitimately ordered interpersonal relations” (1990b, p. 137). Later

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incredibly detailed and thorough moral discussion about all possible situations where such a conflict could occur and the considerations relevant to each. This seems to me a practical impossibility.

<sup>60</sup> The practice of slotting students (whether in high school or elementary school) into ability groups.

on this same page he characterizes this as the concern for “justice”. I take his meaning here to be that there needs to be agreement upon the relevant moral principles involved in a particular moral problem.

To illustrate this, we can re-cast our example of streaming from above. Let us assume that the two discussants can agree on the empirical states of affairs. Streaming, they agree, has the effect that all students are helped,<sup>61</sup> but that upper-class, privileged students are helped more. The result of this is that the gap between privileged and disadvantaged students is widened. This agreement on the empirical states of affairs does not necessarily entail moral agreement, however.

Discussant A may look at these facts and think that streaming is thus a morally good practice. He is basing this judgement upon the principle that the role of public schools is to help each student as much as possible (i.e. to maximize the net success of the student-body as a whole). In contrast, discussant B may look at these same facts and conclude that streaming is thus a morally bad practice. Here, her judgement is based upon the principle that schools should try to maximize the success of all students, but must do so in such a way as to promote the maximum possible equity of opportunity for all students upon completion of public school. Because streaming actually works against this equity criterion, it is morally unacceptable. These are but two possible principles that could be at stake. We can see, however, that without some agreement as to the purpose of public schooling (agreement on moral principles), consensus on this moral issue will, again, likely be impossible.

Habermas’s third realm, *truthfulness*, has to do with “*each participant’s own world of subjective lived experience*”, or what he later calls “*taste (i.e., personal expression)*” (1900b, p. 137). Again, I will try to illustrate this realm with the streaming example.

Imagine that our two discussants agree on the empirical facts of the matter. Imagine further that they share a common view of justice, that is, what would constitute a morally acceptable result. Disagreement can still arise as to how the empirical facts of the case are to be interpreted. By all objective measures, say, streaming seems to help every student equally (equally here understood in whatever way is consistent with our moral principles).

Discussant A therefore concludes that streaming is a morally good approach. However,

discussant B, owing to his own experiences of being in a lower-streamed group in school, believes there is something that is not being spoken here. It is not exactly a matter of the social stigmatization of being in the “basic” group (for this would be factored into our analysis of principles), but something like that that this person cannot exactly articulate. Even though all of the objective measures suggest streaming is equally good for everyone, he still thinks there is some effect that is harmful to lower-streamed kids and so maintains that streaming is morally problematic.<sup>62</sup> Once more we can see that without some common ground in this realm of subjective experience, consensus on the larger moral question is going to be near impossible.

These three categories need not be entirely distinct. As Habermas notes, “these aspects are not clearly distinguished in normal everyday communication. Yet in cases of disagreement or persistent problematization, competent speakers can differentiate between the aforementioned three *relations to the world*” (1990b, p. 137). I might add here that this distinction, so usefully employed by competent speakers, could also provide a frame-work for moral educators. To clearly articulate these three different ways of disagreeing is to give students a structure from which to evaluate others’ competing claims (more on this later, in chapter eight).

We can see from the above analysis that there is enormous opportunity for disagreements to arise in moral debate. In fact, it seems quite unlikely that the consensus that Habermas is seeking with his universalization principle could ever be met. In a moment, I am going to argue that this is not necessarily a bad thing. But first, let us re-visit this universalization principle and two possible ways of interpreting it. Habermas articulates the principle as such:

All affected can accept the consequences and the side effects its [the norm’s]  
general observance can be anticipated to have for the satisfaction of

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<sup>61</sup> That is, all students are better off academically than if there were no streaming.

<sup>62</sup> I have, admittedly, had to stretch the example here to fit Habermas’s third realm. Perhaps a clearer example of this subjective aspect can be seen in my on-going example of my grandmother and her hideous dress. For me, there is a moral dilemma between telling her the truth and hurting her feelings, or lying and sparing her feelings. This arises, however, out of my subjective judgement that the dress is in fact hideous. For someone who quite likes the dress, such a moral problem does not exist and so consensus between this (fashionably deranged) person and myself could be quite difficult.

everyone's interests (and these consequences are preferred to those of known alternative possibilities for regulation). (1990a, p. 65)

The two interpretations revolve around what I will call the 'strong' and the 'weak' reading of acceptance. In the strong understanding of acceptance, each participant must not only accept the consequences of acting upon the norm, but also prefer those to any other possible norm. The weak reading<sup>63</sup> states that all must accept the consequences of acting on the norm, but might prefer some other possible norm. Acceptance in the weak sense here admits something like my principle of reasonableness: I think that you have good enough reasons to act upon the norm you propose, but all things considered, I'd rather you did something else (follow some other norm). If in fact I would prefer that you did something else, then my acceptance fails to meet the requirements of this strong interpretation.

It is clear from the parenthetical attachment in the quotation above that Habermas has something like the strong interpretation in mind, at least at this point in his writing. Is such a strong sense of assent always necessary in moral debates? I would argue no, that sometimes reasonable people will hold differing, though legitimate, views as to what should be done in a given situation. This is the nub of what Rawls calls reasonable pluralism (1993, pp. 63) and is the essence of tolerant multi-cultural societies. There will be times where a range of value positions will not be possible. I find it impossible to imagine that anyone could ever reasonably argue that it is acceptable to torture children for fun. But such absolute cases are rare and any scheme of moral justification needs to be able to account for the cases where a range of views is permissible.

Habermas seems to have a rather narrow view of what is to count as a moral problem, and rationality in general:

We are now in a position to define the scope of application of a deontological ethics: it covers only practical questions that can be debated rationally, i.e., those that hold out the prospect of consensus. It deals not with value preferences but with the normative validity of norms of action. (1990a, p. 104)

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<sup>63</sup> As I discuss below, this passage does not admit of this weak reading. I use the term here instead to mean a possible interpretation of what Habermas might have meant (the parenthetical statement notwithstanding), or how his theory might be improved to make more sense.

Most, I think, would agree that this is too limited an understanding. Habermas is suggesting that something can be debated rationally only if there can be consensus on the answer. If something admits of more than one answer, then it is merely “value preference”. Considering that there are many (seemingly moral) questions that do not “hold out the prospect of consensus”, Habermas is forced to conclude that there are fewer moral issues in the world than many would imagine. This is an understanding of morality that I find simply unacceptable. Much of the motivation for following a practical reasoning approach to ethics is to avoid the wrong-headed (or so I would claim) notion that there is ‘the, one right’ answer to moral problems. In demanding consensus, Habermas seems to have slipped back into something like this problem.

I will grant, however, that I may be reading “*prospect for consensus*” in too strong a way here. My reading has Habermas suggesting that a genuinely moral problem will have a *good chance* of gaining consensus among those affected by the norm of action—something of which I am skeptical in many cases. If Habermas is meaning something much weaker here, something like *a logical possibility of consensus*, then my objection fails. However, it is hard to imagine this weaker reading supporting Habermas’s general theory. Even questions of value preference hold a logical possibility of gaining consensus and so, on this reading, it would be unclear why Habermas sees value preferences as something different.

Perhaps, in wanting to rule out anything that merely revolves around value preference, Habermas is trying to eliminate the subjective realm talked about above. Recall that he is claiming disagreements can arise in one of three areas: truth (the objective/empirical realm), rightness (the normative realm) or truthfulness (the subjective realm). Habermas may simply be claiming that because the realm of truthfulness is informed by individual preferences and taste, consensus would be unlikely. The other two realms, however, seem to offer at least a hope of consensus. Thus, Habermas is claiming that moral questions are only those involving the objective and normative elements. Once the subjective realm is brought in, any prospect for consensus is lost and we are thus no longer dealing with a moral problem.

I can accept this position as far as it goes. However, it fails to take account of how value preferences inform even the normative realm. Recall the example of streaming above

where the two discussants were disagreeing about the fundamental role of education. Because they had differing ideas of what schools should be about, they could not agree on what moral principle was relevant to judging streaming—disagreement about ‘rightness’ (the normative realm). But, this disagreement itself is an expression of value preference. Discussant B, in holding to the belief that schools should be maximizing equality of opportunity, is expressing a value preference for the kind of society that would exist with this heightened equality. Similarly, Discussant A, in claiming that this equality is not so important, is expressing a value preference for another kind of society. The normative commitments we hold are a reflection of what we value, essentially expressing our views on the good life, the good society and other questions. For Habermas to think that consensus is possible (even as a remote possibility) in this realm is to fail to acknowledge the vast diversity people can hold. It is for this reason that theorists like Young object to how impartialist/universalist theorists attempt to reduce all to one subjectivity (Young 1990—see chapter 7 of this work for a more detailed discussion of this).

The difference between Habermas’s and my positions here is not great, but the effect of the difference can be. Habermas stresses the importance of each individual and letting her represent her own position and thoughts in moral matters. I agree with this (within the limitations highlighted in previous sections). However, Habermas goes a step further and concludes that a norm is only justified when everyone’s position is in agreement. I reverse the importance here, placing priority on a particular judgement first and secondarily on others’ assent to it. Not everyone has to agree with the tentative judgement I propose. Rather, everyone must be able to see that judgement as a reasonable one. We might gain consensus that my judgement is reasonable. However, the consensus that Habermas seems to be seeking is one where everyone can agree that my judgement is the best possible one; implicit in this is a belief that there is one right answer for all people. If we are to respect reasonable pluralism, this kind of consensus is not to be desired.

### ***e. Moral Maturity and Sophistication***

Habermas's approach to moral reasoning seems to be one simply of will or motivation.<sup>64</sup> If you are willing to enter into the general discussions from which assent is sought, and do so in an open-minded, tolerant and respectful way, then you are a morally good person. However, as I have shown, it is not quite as simple as Habermas suggests. Even ignoring the problems I have cited above about justifying moral norms, there is still much work needed to take those norms and put them into practice; that is, to intelligently and sensitively apply the norms to a given situation, given all its uniqueness. It is necessary to be able to recognize morally relevant features of a situation, to be able to imagine possible courses of action, to have the empirical skills to validate (or make an educated guess at) various 'facts' about each alternative, to have the ability to enter into others' shoes and see the situation from their perspective, to envision likely consequences of various courses of action, to be able to explore and compare the reasons that support and deny each course of action, to know how and when to seek advice from others, to know which others to seek that advice from, to know when that advice should be heeded and when it can be ignored. The better we can be at these various things, the better will be our judgements, morally speaking. In this way, my understanding gives a better account of what it is to grow morally, what moral maturity and sophistication involve. It also gives more of a framework for programs that seek to educate people about morality. This shows not so much a weakness in Habermas's theory (for his project is quite a different one) but it does help to highlight how we are different in our goals and methods.

### **V. Conclusion**

A few pages back I questioned what exactly a *good* reason is. As my subsequent discussion shows, I do not think Habermas's universalization principle gives us adequate grounds for determining the quality of a reason. It can be a useful heuristic, either in practically carrying it out or imaginatively thinking it through. But universal assent is too strong a criterion to place on this determination. Rather, I am claiming that a reason is a good

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<sup>64</sup> I am basing this claim upon a reading of Habermas's ethics which reads them as distinctly different than mine. If we accept a more sophisticated, charitable reading of Habermas, then this claim has less validity.

one if it is reasonable (that is, no one could reasonably object to it). Chapters five and six are an attempt to articulate how we might go about deciding what reasonableness is.

Like the other authors discussed in this chapter, Habermas seems to have touched upon something important in our understanding and use of impartiality. I have argued that no one author or theory has got impartiality completely right. Instead, I want to claim that each of these theorists expounds upon some particular aspect of impartiality that is usefully heeded. In the next chapter, I will extract the essence of these various theories (at least as far as they pertain to impartiality) and give a series of arguments that justify why impartiality must be a part of any theory of ethics (or moral reasoning).

## Chapter 5: Justifying Impartiality as a Necessary Feature of Moral Reasoning

In the previous chapters I have argued that impartiality is one test against which we can measure whether moral judgements/actions are acceptable or not. In this chapter, I will propose several different reasons that attempt to justify why impartiality must be a part of moral reasoning. In so doing, I will show the different ways in which impartiality operates in our moral reasoning.

The arguments that follow in the next three sections are meant to convince the reader that some form of impartiality is central to morality. At this point I will not attempt to articulate what exactly is entailed by this impartiality. Recall that I have conceptualized impartiality to mean that no one can reasonably object to my tentative moral judgement (or my action, as the case may be). Said in another way, I have been using the term to imply that one has not *unfairly* privileged one's own position (if others can reasonably object to my judgement, then there is likely some way in which I have so privileged my position).<sup>65</sup> Looked at from another perspective, this would suggest that one has shown sufficient concern for others' positions/well-being. Thus, when I argue that impartiality is a necessary feature of moral reasoning, all I am saying is that some kind of concern for others must be present. Concern for others is a vague notion, not specifying how much concern we must have, nor of what such a concern consists. These questions will get addressed in the next chapter. For now, I'll simply say that concern for others gets at something like a Kantian notion of respect for persons; others matter and some consideration of their welfare must factor into our moral reckoning. These three sections then are meant to establish that this concern for others is fundamental to morality as it is commonly understood.

The argument follows three main lines. I argue first that this is simply how the concept is typically used; second that it best serves its purpose with this understanding and finally that it is implied in our democratic way of governing/living. The reader may find any

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<sup>65</sup> One's moral reasoning can be weak even if it does not lead to privileging one's own position but this is the most common way for it to fail.

or all of these arguments unconvincing. If that is the case, then I propose that we are simply talking about different things and so our disagreement is too deep to be resolved in the span of this thesis. It is perhaps useful to note here, however, that even those who criticize impartiality are generally not against this understanding of morality. In fact, criticism of certain conceptions of impartiality often comes about because some people think these conceptions do not allow for enough concern for others, or do not put sufficient emphasis on it (see especially Young's (1990) work, discussed at length in chapter seven).

Ideally the 'meaning' and 'function' arguments that follow would be general enough to find agreement amongst all readers. This cannot be the case however, because to give shape to the meaning and function of morality is already to build in certain substantive moral principles. To say that morality is 'this' but not 'that', is making a statement about what is morally relevant and what is not. Kurt Baier captures this problem well:

how can we hope to state that function without begging the evaluative/normative issues these guidelines are supposed to settle? For there appears to be as much disagreement about that function as there is about more specific moral issues and, at this level of abstraction, we seem at a loss about where to find any, let alone adequate, support that favors some particular settlement over its rivals. How are we to choose between humanity as an end in itself (Kant [1948, p. 95]), the greatest happiness of the greatest number (Bentham [1988, p. 3]), the greatest self-realization (T.H. Green [1906, p. 206-28]), the harmonization of conflicting interests and concerns (Toulmin [1950, p. 145]), the promotion of liberty and justice and the reduction of inhumanity and oppression (Phillipa Foot [1972, p. 167]), the amelioration of the human predicament (Warnock [1971, p. 26]), and so on and on? (Baier 1995, p. 230)

An adequate solution to this problem will be hard to come by. The best we can hope for, I think, is to find meanings and/or functions that are as general as possible so as to appeal to as wide an audience as possible. Something like Rawls's notion of an overlapping consensus is relevant here; I am trying to offer a meaning that is general enough to encompass the core of all of these theories. In other words, I am taking what seems to be common across Kant,

Bentham, Green, Toulmin, Foot and Warnock and in these commonalities find something broad enough that it resonates with most peoples' views of morality.

### **I. Meaning of the term Moral**

When we ask why impartiality is a necessary feature of moral reasoning, the most obvious answer is simply because this is what the term 'moral' means for us.<sup>66</sup> In our usage, morality and ethics<sup>67</sup> imply some kind of concern for others and their well-being. Whether we are Kantians or not (even if we have never heard of Kant), something of the Practical Imperative (cited in the previous chapter) is central to our notion of morality: treat others as ends unto themselves and not merely as means to your own end. This same sentiment had found expression long before Kant too, in injunctions such as the Golden Rule: treat others as you yourself would wish to be treated. All of this is nicely summarized by Peter Singer, who writes:

The justification of an ethical principle cannot be in terms of any partial or sectional group. Ethics takes a universal point of view. Ethics requires us to go beyond 'I' and 'you' to the universal law, the universalizable judgment, the standpoint of the impartial spectator or ideal observer, or whatever we choose to call it. (Singer 1979, p. 11)<sup>68</sup>

What exactly is involved in this universal point of view is open to debate and this thesis is an attempt to give an answer to this question. But, for the vast majority of us, the term does connote something beyond one's own interests. Lest we think this is simply the view of a particular theoretical stance, we can find a similar sentiment in Bernard Williams, a writer who might disagree with much of what I am writing here:

However vague it might initially be, we have a conception of the ethical that understandably relates to us and our actions, the demands, needs, claims,

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<sup>66</sup> Again, I am aware of the dangers of speaking for others. However, in this case it cannot be avoided as the argument rests on what I see as the widely understood meaning of the concept. If I am wrong here, or am speaking only for a particular portion of the population, then the argument has less (possibly no) merit.

<sup>67</sup> Here I use the two terms synonymously.

<sup>68</sup> In using this quotation, I am only concerned with Singer's claim that ethics requires us to move beyond the "I". There is a disagreement between my position and Singer's about where this movement takes us -- I am not endorsing Singer's call to find a universal position, the "view from nowhere".

desires, and generally, the lives of other people, and it is helpful to preserve this conception in what we are prepared to call an ethical consideration. (1985, p. 12)

To not have this as part of your understanding of morality is to use the term in a different way than is commonly used.

In his work *The Nature of Morality*, William Frankena (1980) explicates morality as a system of principles that guides our actions or behaviours. It is distinguished from other such systems by the type of reasons given to justify a particular claim. In other words, what we would argue is “right” in morality can be different from what is “right” in terms of expediency or self-interest because of the kind of reasons we would give to defend our action/judgement. A principle of self-interest might recommend that I lie to cover up my incompetence at work and so pass the blame on to a co-worker. Morality would strictly prohibit such lying. Frankena’s notion of morality, shared by many theorists<sup>69</sup>, captures this concern for others that I am arguing is central to our conception of morality. If this concern were not central to morality, then the term would have no meaning aside from what is expedient or prudent or serving of self-interest.<sup>70</sup>

The fact that we have the concept of morality suggests that it serves a different purpose (and thus has a different meaning) than expediency or self-interest. There are some, however, who argue that there is no real difference, that the concept is essentially redundant in our language. One of the earliest recorded examples of this position is Thrasymachus in Plato’s *Republic*, who argues that justice is merely the advantage of the stronger (1992). But as Kurt Baier responds, “Thrasymachus’ view, if true of the societies of his day, is an indictment of their legal systems from the moral point of view. It shows that what goes by the name of morality in these societies is no more than a set of rules and laws which enrich the ruling class at the expense of the masses” (Baier 1958, p. 106). In other words, Baier is

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<sup>69</sup> See, for example, M.U. Walker’s work 1998.

<sup>70</sup> This argument does not, on its own, establish that concern for others is an essential part of morality. One could still accept that morality involves something more than mere self-interest, but not agree that this something more must be a concern for others (it might be a concern for all living things, or a concern to do what is right—understood as something other than concern for others). However, this argument, in conjunction with the other arguments of this chapter, does give us reason to view concern for others as a central feature of our common conception of morality.

saying that, even if this is what passed for justice in Thrasymachus's day, we can still make a judgement that the view is unjust and so represents standards and criteria outside the realm of justice. As such, it fails as a definition of justice (and by extension, morality).

As is common for one of Socrates's foils in Plato's work, Thrasymachus's position is not substantially worked out or ably defended. The view is taken up, however, and more persuasively argued, in the works of Friedrich Nietzsche.<sup>71</sup> Nietzsche makes a far more compelling case that perhaps we are just fooling ourselves, giving into our slavish natures, by relying on a system of rules that protects the weak at the expense of the strong. The fact that his work can be found in the syllabi of many Ethics courses in universities suggests that his is a view that at least needs to be considered. However, whatever merit we find in Nietzsche's ethics, it is clear that his view is one that is in direct contrast with the more common understanding and usage of the concept in our societies. In my experience, the presence of his work in these classes is aimed more at raising questions about what exactly ethics is and not as providing a system of ethics that genuinely needs to be considered. Thus, Nietzsche does not disprove my contention in this section, but rather supports it in so far as the 'peculiarity' of his ethics reinforces the more common conception that involves a concern for others.

One final consideration in this section that needs to be addressed is Nel Noddings's concern with who has decided on this conception. In her book *Caring: A Feminine Approach to Ethics*, Noddings's (1984) admits a certain common conception of ethics, but goes on to ask why she, who has not been consulted in coming up with this conception, should buy into it? Though she would have no objection to the central feature I am picking out here (some kind of concern for others), her question is one that could still be asked of my work. I am assuming a particular conception of morality, one that places central importance on concern for others. Why should you accept that this is what morality does, or should,

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<sup>71</sup> See , for example 1967, 1969, 1998.

entail? To this I offer no answer other than to say that this is how the term has generally been used in my experience. If you prefer to use the term to connote something else, then we are really using the term in different ways and in fact talking about fundamentally different things.

## **II. Function Argument**

For Kant, appropriate concern for others is simply part of the meaning of morality. He believes that morality is based on a solid, rational foundation that can be argued to and that treating others as moral agents (that is, as ends unto themselves) is a logical and necessary (what he calls Categorical) truth(1981).

In other ethical traditions, this 'Metaphysical' foundation<sup>72</sup> is not so obvious. Instead, as we saw with Mill's work in the previous chapter, many see ethics as grounded in social utility (thus the name Utilitarianism). Long before Mill, David Hume argued the reason that we have ethics is because we need some system that will allow us to live together. With all of our selfishness and competing interests, societies would not be possible without some way of regulating and guiding our behaviour. As Hume writes, "In all determinations of morality, this circumstance of public utility is ever principally in view" (1965, p. 32).

One need not be a Utilitarian, ethically speaking, to see this social utility as the/a foundation of ethics. James Wallace, who, to my knowledge is the first to use the term Contextualism in the way I am employing it (and is thus not a Utilitarian), explains the situation thus, "Human beings are animals that live in communities, and morality pertains to problems encountered in so living" (1988, p. 61). Because we are social creatures, we need rules that govern how society is to operate. Laws are one way of so governing our interactions, but these are necessarily limited because of their need to be precise. Morality can be more abstract, representing not a specific rule but a more general principle to which we adhere. Notice, too, that we can make moral judgements about laws, whether they are just or unjust. Morality is the spirit that gives shape to laws and that which guides us in extra-legal affairs. Quoting Wallace again, "A community's morality is a shared set of ways of

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<sup>72</sup> Kant's major ethical work is entitled, not surprisingly, *A Grounding for the Metaphysics of Morals*. In this work he argues to the Categorical Imperative as the logical and rational foundation of ethics.

providing conditions necessary for community and for solving certain problems people encounter in community living” (1988, p. 61). We need to get along together and so we have moralities that provide a general, but shared, orientation to how we want interactions to be carried out.

Does this explanation always determine morality? Not necessarily, as this seems to lead us on too Utilitarian a path. Dostovesky’s (1995) classic refutation of Utilitarianism holds sway here too: what if everyone could achieve absolute bliss at the expense of one innocent child being tortured for eternity? This would seem to achieve the goal of allowing us to live in social harmony (not much social discord arising when everyone is blissed-out) but would offend most moral sentiments (I would think). So it is not always the case that this function argument is primary. As we can see, it can conflict with the basic meaning of morality sketched above and the need to treat everyone as an end unto herself. But it can provide a *prima facie* understanding of the needs of morality and how these are to be met.

To see how this can work, and to show what this implies about impartiality, let us consider an example. Imagine, as Hume asks us to do, a society that had no rules regulating property (1965, pp. 35). If there were an excessive abundance of goods and needs were met, there would seem to be little reason to have rules and principles about things like stealing. However, given shortages of both necessities and luxury items, there remains good reason (that is, social utility) in regulating how property is held and exchanged. If a society did not have injunctions (moral and legal) against stealing, neighbours and citizens would not be able to trust each other, would live in constant fear of each other and, in short, would not be able to exist together. The whole notion of a society would fall apart. Thus, society’s needs are served by having these kinds of principles that govern our interactions.<sup>73</sup> The obvious extension from this is that moralities must necessarily imply a concern for others because this is their very point, their reason for existence.

The reader might raise an important objection here. In the previous section, I claimed that morality exists as something distinct from expediency or self-interest. The paragraph

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<sup>73</sup> I am not necessarily making an historical claim here. Writers like Hume, Mill and even Nietzsche seem to be looking at this social utility as an explanation of how moralities came about in the first place. I must admit this causal explanation makes sense to me. But, regardless of the historical truth, this utility argument at least serves to explain why moralities continue to hold such an important place in societies all around the world.

above could be interpreted in a way that contradicts this. According to the function argument, we have moralities because without them societies would fall apart--it might seem like it is in my interest to lie, steal, or cheat, but when I consider the broader perspective, it is really in my best interest to have a society that functions well. This is the type of reasoning behind the Social Contract mentality that has held great prominence in western philosophy since the early Enlightenment (see, for example, Locke, Rousseau, Rawls).

I will admit there is a certain tension between these two views. This is why, typically, one is either a Kantian (or a proponent of any view that sees morality as a 'higher law', independent of the wishes and needs of particular societies—those whose moralities grow out of religious doctrines, for example) or a Utilitarian (or some other type of 'functionalist', as I have been using the term here). But, even for this apparent tension, there is some common ground. Moralities are social things, not personal. It is not up to individuals to choose to live within a particular morality (though individuals do make judgements about the importance of specific moral principles and interpretations on how such principles are to be used). In contrast to the Original Position or some such thought-experiment in which individuals choose a basic morality, we are born into a particular society that has a particular moral ethos. To the extent that morality's utility is expedient or self-serving, it is the expediency or self-interest of the society we are talking about and not of the individual. Thus, one can hold that morality serves a particular social function *and* that it is also an action-guiding system that is different than mere personal expediency or self-interest (and with this respects the moral personhood of individuals).

### **III. Democratic Argument**

The final argument I want to offer to support impartiality (that is, a concern for others' well-being) as a necessary condition of morality is a democratic one. To get at my meaning here, I will borrow from Rawls:

Since we start within the tradition of democratic thought, we also think of citizens as free and equal persons. The basic idea is that in virtue of their two moral powers (a capacity for a sense of justice and for a conception of the good) and the power of reason (of judgment, thought, and inference connected

with these powers), persons are free. Their having these powers to the requisite minimum degree to be fully cooperating members of society makes persons equal. (1993, p. 18-19)

Rawls here offers an argument to justify the equality of persons that is the foundation of democracy. Whether we agree with Rawls or not, it seems clear that this equality must be the basis of any understanding of democracy. Democracy is not merely a system of government. It is, fundamentally, a way of living together that respects every person as equal. In this way, it demands that we respect every person as a moral being, treating them as ends and not merely means, to use Kant's language.<sup>74</sup> Thus any commitment to, or pretense of, democracy begins with this assumption that we have a concern for each other's interests. In this way, democracy demands a certain level of impartiality.<sup>75</sup>

Because the Kantian conception of morality (treating others as moral persons) is so wrapped up in our understanding of what equality demands, this democratic argument really turns out to be just a re-stating of the "meaning" argument two sections ago. But it is useful to lay them out separately to show how they strengthen, and give support to, each other.

#### **IV. Conclusion**

This chapter has attempted to convince the reader that some kind of concern for others is fundamental to morality. Given this, impartiality in some form or another must be part of any scheme of moral reasoning. To accept this, however, does not commit one to any particular conception of impartiality. To accept that we must have concern for others does not tell us what kind of concern we need to have, how much and how that relates to looking out for our own self-interests. The next chapter will round out my reasonableness conception of impartiality by giving answers to these specific questions.

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<sup>74</sup> Some might claim that this understanding is true only of liberal democracies with their primary emphasis on individuals. However, I agree with Rawls and others that this way of expressing the equality of citizens (recognizing and respecting their moral personhood) is fundamental to any democracy.

<sup>75</sup> Again, what exactly is involved with this impartiality is still open to debate. Democracy itself does not tell us what kinds of concerns, nor how much, we need to have for each other.

## Chapter 6: Reasonableness

In the previous chapters, I have explored impartiality historically, seeing how it has been central to many different types of moral theories. I then outlined my reasonableness conception of impartiality and showed how it operates within the Contextualist framework that I have outlined in this thesis. Finally I gave some arguments to justify why it is necessary to moral reasoning. In this chapter I will explore one final dimension of impartiality: how we determine whether it has been met.

Recall that I am understanding impartiality to mean that a judgement can be approved by anyone who considers all the particularities of a given case. If my judgement is impartial (that is, it meets my reasonableness standard of impartiality) then other people, even if they would have chosen differently themselves, can see my choice as an acceptable one. But it will never be the case that all people, in all situations, would be approving of a given judgement. Some people are irrational, or merely act irrationally. Some are delusional. Some are psychotic. Some begin with problematic values. Thus my claim about impartiality must be understood to mean that any person judging *reasonably* could find the judgement acceptable. The question for this chapter is thus to determine what constitutes reasonableness. In so doing, we will find the standard that must be met if a judgement is to be impartial.

The chapter will consist of four different sections. Section one will look at standards of good practical reasoning. This will help us assess the reasonableness of the procedure one goes through in solving practical problems like moral dilemmas. The following three sections, in contrast, will look to the reasonableness of the values that underlie our evaluation of the competing claims in our practical reasoning. Section two will look again to John Rawls, this time exploring his conception of reasonableness. Section three will draw upon John Kekes's distinction between primary and secondary goods. Section four will look at Michael Phillips's work and the notion of a domain ethic.

It is difficult, with any sort of judgement, to come up with exact and specific criteria to measure a performance or an activity. This is even more true when the judgement involves normative standards. The standard of reasonableness that develops in this chapter

will not be exact. We will not be able to take a judgement and apply it to this standard to come up with the 'right' answer. Rather this chapter will help us to see a number of crucial factors that are involved in determining whether a judgement is reasonable or not. With this, we will be in a better position to grapple with problems of relevance and conflict (see chapter 2, section I). However, given the uniqueness of each situation, these factors will still need to be interpreted and intelligently applied in order to test the adequacy of a moral judgement. I believe that the standard is fairly comprehensive and will give us a good guide in judging reasonableness. But by no means do I think the standard is complete and unquestionable. It is best thought of as the beginning of a conversation; pointing us in directions usefully explored, but by no means exhaustively exploring them.

### **I. Standards of Good Practical Reasoning**

The procedure I have outlined in this thesis for dealing with moral dilemmas is Contextualism. Contextualism is, at root, really just a practical reasoning approach. Practical reasoning goes on any time we seriously consider the reasons for engaging in one practice (or practical activity) versus another. For example, in determining whether I should ride my bike to work or walk, a choice is required. If I consider the reasons that support each choice, I am engaged in practical reasoning. As Coombs writes: "Practical reasoning is undertaken to resolve...uncertainty by determining what course of action is best supported by reasons" (Coombs 1997, p. 2).

Thinking through moral situations is a distinct class of practical reasoning, involving special considerations not found in other types of judgements. But even here, there is a basis of practical reasoning and so moral judgements can be flawed if standards of good practical reasoning are not met. In this section I explore standards of good practical reasoning and the criteria that must be met if a judgement is to be sound (though note, meeting standards of good practical reasoning is a necessary condition of a moral judgement being sound, it is not a sufficient one).

In his article *Practical Reasoning: What is It? How do we Enhance It?*, Jerrold Coombs argues that there are four basic constituents of practical reasoning: 1) acquiring relevant information, 2) assessing reasons, 3) scrutinizing relevant values and 4) deriving a

conclusion or decision from consideration of the reasons (1997, p. 2). In each of these four areas, if standards are not met we run the risk of unfairly privileging a partisan point-of-view, thus failing to meet standards of impartiality. I will explore each of these four areas in turn (though sometimes using my own headings).<sup>76</sup>

*a. Sufficiency and Accuracy of Information*

All of our judgements are going to be about something. We cannot make judgements in the abstract, about nothing at all. As such, we will need as much information as we can get regarding the specifics of the judgement at hand. If I am to choose whether to bike or walk to work, I will need to know some information about each option: how long will each take, how much will I likely enjoy each mode of travel, will there be a safe place for me to store my bike once I arrive, will one activity leave me hot, sweaty, smelly and generally unpleasant to be around for the rest of the day and other such questions? These sorts of 'facts' help to make up the reasons that will support one option over the other. Obviously, if key facts are missing, then the judgement will be the worse for that absence. Walking may seem the preferable alternative given all of the facts I am considering. However, were I to be aware that walking would take 4 hours and force me to leave my house at 4 a.m. every morning, my preference might distinctly swing towards biking. As Coombs writes: "Other things being equal, the more relevant information reasoners take into account, the better their judgments are likely to be" (1997, p. 4).

A question arises from this previous discussion: when do we have enough information to reasonably make a judgement? There is no absolute answer to this question as the context will determine, in large part, what will be considered sufficient. Sometimes there will be a necessity for making a quick judgement. In such cases, obviously, there is not time to gather as much information as would be possible were there no time constraints. Where time is not a factor, we generally expect people to make more of an effort to gather relevant information. Another consideration is the relative importance of the judgement. If our choosing is going to have profound and lasting consequences for a number of people,

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<sup>76</sup> The first three of these topics will be dealt with in this section. The fourth one speaks more to the evaluation of values and as such, is covered in the following three sections.

generally we need to take more time (if possible) and make more of an effort to ensure we have gathered as much information as we can.

Correlated to the amount of information is a question of how accurate the information is. The quantity of data will not make any difference if the quality is poor. My belief that biking to work is preferable because it takes one-tenth of the time is not a good reason if in fact walking only takes twice as long as riding. The reasons upon which we make judgements are not good ones if the data upon which they are based is flawed. Thus reasoners can be criticized if they do not make sufficient effort to ensure that their information is correct.<sup>77</sup> Again a question arises: how much effort is sufficient?

Here again no answer can be given in the abstract. As with the case of sufficiency of information, questions of time and relative importance will have some bearing on how much effort the reasoner should make to verify the accuracy of the data. Further considerations will involve the intellectual maturity of the reasoner. We do not expect young children, for example, to be able to make the same efforts in verifying their information as educated adults. The type of judgement is also a relevant factor. There will be some reasons whose adequacy we simply cannot judge for ourselves because they require an expertise that we simply do not possess. In such cases we rely on the opinions of experts. But even here, to varying degrees, the reasoner must make some effort to check whether the authority that one is relying on is a trustworthy one.

At this point the reader may be questioning whether the test of impartiality as I am outlining it here is one that measures the quality of the judgement or the responsibility of the agent in making such a judgement. An example borrowed from Jeffrey Stout can help to illustrate this distinction. Stout argues (1988, pp. 24-25) that it is at least plausible that a society, like the ancient Greeks, might not have been guilty of a moral offence in having slavery in their society. Stout posits the possibility that such a society could be operating under the belief that societies simply cannot function without slaves. Thus the options would be to have no slaves and have their societies crumble, or else to have slaves and allow some to live freely and all to have (at least some) basic needs met.

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<sup>77</sup> This relates to Habermas's discussion of truth that I explored in chapter 4, section IV, d.

In such a scenario, Stout wants to claim, those societies choosing slavery have done nothing morally wrong. Given the facts they had upon which to make a judgement, it would be reasonable for them to choose to have slavery. But notice that this does not make slavery morally acceptable. Today we have countless examples of societies flourishing without slaves and so it would be unreasonable for us to operate from a belief that slavery is necessary for societies. This difference in epistemic position (what one knows) accounts for the difference in the culpability of those promoting slavery (the ancient Greeks would be morally absolved, we would be morally guilty). But it does not change the fact that slavery is morally wrong.

Thus the test, as I have begun to outline it here, can account both for the culpability of an agent and for the moral quality of the judgement itself. Given as much information as possible, we can measure the quality of a moral judgement. But given the information that a particular person (or group) has at a given time, we can make a judgement about the quality of their judgement. With the example of the ancient Greeks that Stout talks about, it really comes down to an empirical question of whether that society was operating from that belief (that societies need slaves) and whether they made a reasonable effort, given the time and place, to verify that judgement. One aspect of this verification would be to consider other possible alternatives and this leads us to the next section.

### ***b. Consideration of Alternatives***

In comparing reasons for various possible courses of action, we are trying to establish what we have the best reason to do. The reasons can be understood as an argument supporting a particular alternative. However, reasoners must make a reasonable effort to ensure that the range of options they are considering is sufficient.

Let us return to the example, posed earlier, about choosing whether to walk or ride my bike to work. Given these two options, I need to weigh up the reasons supporting and denying each course of action and to determine which has the better reasons supporting it. From this judgement, I decide which course of action best solves the practical problem at hand (how to get to work). However, my reasoning in this matter might be considered flawed if I have failed to take account of a third possible option—riding the bus, for example.

It may well be that this third option would have stronger reasons to support it than either of the options I have considered. As such, it would prove the best solution to the practical problem.

This example is admittedly a non-moral one (though of course moral considerations may factor in; for example, precluding driving to work as a possible option because of the environmental harm such driving would cause). However, to the extent that moral judgements are, in part, practical ones, such limitations apply equally. Let us recall the example of whether I should tell my grandmother her dress is ugly. If I do, I risk hurting her feelings. If I don't, I am lying to her. However, these may not be the only two options. A third possibility might be to discretely change the subject and so avoid the dilemma. This third option might well prove to be the best and so my moral reasoning could be considered defective if I have not considered this option.

Note that with this last example, even though standards of practical reasoning have not been met (and let us assume this for argument's sake), it does not follow that impartiality has failed to be achieved. Failure to consider an option may mean that we do not choose the best course of action possible. But the course that is chosen may still prove to be acceptable when judged from a third-party perspective and so meet my criterion of impartiality. Sometimes, however, failure to consider certain options will mean that this criterion has not been met. This is especially true where the options ignored are ones that reflect/speak to legitimate claims made (or makeable) by other affected parties. As with all of these other standards of practical reasoning, failure to meet them gives us reason to question whether impartiality has been met, it does not guarantee that it has not.

### *c. Assessing Reasons and Scrutinizing Relevant Values*

Practical reasoning, as I have talked about it here, involves looking to see what course of action, among alternatives, we have the most reason to favour. But this fails to explain what in fact a reason is. Reasons are not simply facts about the world that we observe and are thus moved to act.<sup>78</sup> Rather, reasons are facts about the world that pick out states of

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<sup>78</sup> I am using reasons here in their justificatory sense. If I am trying to decide what course of action would be best, I am looking at what there is good reason for me to do. The goodness quality here will be a reflection of

affairs that are desired by us. In other words, the reasons that we find compelling are a function of the values that we hold; the reasons that move us reflect the values that are important to us. As Coombs writes, "facts about an action motivate when considered by the agent because they pick out some feature of the action that is wanted by the agent" (1987, p. 7).<sup>79</sup> Consequently, good practical reasoning must make some effort to evaluate the values that are underlying our weighing of the various reasons in question.

Part of this evaluation will be an attempt to imagine the likely consequences of carrying out a particular course of action. If the imagined consequences are not ones that are acceptable (either morally or pragmatically) then we have cause to question our commitment to the reasons in question and the values that lie behind them. This does not mean that we necessarily have to change this commitment, but simply that we need to re-consider our thinking process to this point. It may well be that even though the likely alternative of a given action is undesirable, it is in fact the "least of all evils" and so the preferable choice.

In evaluating our values, we might also want to consider where those values have come from and how we have taken them on. Values that have been instilled by some process of indoctrination or brainwashing should, at least, be subjected to critical scrutiny to explore whether they in fact are values that we wish to be committed to.<sup>80</sup> Similarly, values blindly inherited from parents or other authority figures in one's life should be questioned to see if they are ones we indeed want to hold on to.<sup>81</sup>

Thus far we have explored ways that the individual can self-reflexively evaluate values to see if they are acceptable to him or herself. And while this is important, it is by no means complete. In determining the reasonableness of the judgement (and so its impartiality), we will also want to evaluate the values from an external perspective, as seen

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the kind of values I hold. I do recognize, however, that reasons can explain behaviours and that when considered from this perspective, the reasons do not necessarily need to correspond to values in the same way as I am arguing here. For example, the fact that some parents smoke provides a reason that explains (in a predictive--statistical sense) why their children are smokers too. This reason is not one that would necessarily appeal to any desire the children have to emulate their parents. Rather it speaks more to habits that are unconsciously learned.

<sup>79</sup> For a more detailed discussion of this point, see my paper, 2001.

<sup>80</sup> This assumes, of course, that we have become aware that these values were previously indoctrinated or brainwashed.

<sup>81</sup> Questioning of such values is by no means an easy activity as these values can often be the foundation from which we make sense of our worlds. For further discussion of this process, see again my paper (2001) and Benn, 1988.

by those who will be effected by this judgement. The individual agent can attempt to do this by imaginatively entering into others' shoes, as it were. But it is also crucial here to engage others, where possible, in discussion to hear their points-of-view as they see it.

In terms of this chapter, this moves us into a different realm altogether: the question of what constitutes a reasonable value. Here we get into the questions of value pluralism that so challenge our multi-cultural societies. What values are we to accept and what values (if any) can we reasonably rule out? These questions shall be addressed in the next few sections. Again, while no definitive answers can be given in the abstract, I think we can get an understanding of some of the crucial factors that need to be considered.

## **II: John Rawls's Conception of Reasonableness**

One way of being unreasonable is to unfairly privilege one's own position (or that of a friend, family member, or anyone else<sup>82</sup>). Now this may seem as if I'm arguing in a circle. I am arguing that one way of determining impartiality (my RCI) is to question whether values and beliefs are reasonable. What is to count as reasonable? One aspect is being impartial (at least according to a common conception of impartiality). While the two concepts are importantly related, the argument is not circular. As I am illustrating in this chapter, there are a number of ways in which a claim can be unreasonable. One such way is to unfairly privilege your own position.<sup>83</sup> This is the basis of Rawls's discussion of reasonableness.<sup>84</sup>

Rawls centres his notion around submitting oneself to the same standards of cooperation as one expects from everyone else. In other words, whatever processes, procedures and standards I think are fair for me, must be fair for everyone else too. As he writes:

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<sup>82</sup> It is not (generally) unreasonable to privilege someone else's position at the expense of one's own. This type of sacrifice is often, in fact, quite noble and morally praiseworthy. This is limited, however, to cases where only one's own position is sacrificed; it does not give anyone the right to decide for others that their position should be similarly made the worse.

<sup>83</sup> For me, this is one way that impartiality can fail to be met, but not the only way. Sections three and four describe two other ways judgements can fail to be reasonable.

<sup>84</sup> Note, though, that Rawls does not think this is what impartiality entails. What he is talking about here are the notions of 'reciprocity' and 'burdens of judgement', which he distinguishes from impartiality (see Rawls 1993, pp. 16-17 and p. 50).

People are unreasonable...when they plan to engage in cooperative schemes but are unwilling to honor, or even to propose, except as a necessary public pretense, any general principles or standards for specifying fair terms of cooperation. They are ready to violate such terms as suits their interests when circumstances allow. (Rawls 1993, p. 50)

By virtue of being in a democratic context, one must accept other citizens as moral/political agents with their own ends. As Rawls writes:

Since we start within the tradition of democratic thought, we also think of citizens as free and equal persons. The basic idea is that in virtue of their two moral powers (a capacity for a sense of justice and for a conception of the good) and the power of reason (of judgment, thought, and inference connected with these powers), persons are free. Their having these powers to the requisite minimum degree to be fully cooperating members of society makes persons equal. (Rawls 1993, p. 18-19)<sup>85</sup>

Since all citizens are free and equal in this sense, it would be unfair to expect for oneself standards of cooperation that do not apply equally to others. Because of the nature of the democratic project, to expect for oneself special rules of social engagement is to involve oneself in what Habermas (1990a, p. 80 ff.) calls a performative contradiction. We can adapt the form of the *reductio ad absurdum* argument to establish that such a privileging of one's own position is thus unreasonable.

We must keep in mind, however, that Rawls's project involves only setting up the basic social institutions of a just democratic society. My project is wider in scope, attempting to articulate a standard for all moral judgements.<sup>86</sup> While we may agree with the standard of reciprocity for the Rawlsian project, it is not the case that within my wider one that we must always demand exact equality with everyone else. Said in another way, we may sometimes give our own positions more moral weight than those of others.

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<sup>85</sup> See also Rawls 1971, Section 77 for further discussion of this basis of equality.

<sup>86</sup> To use Rawls's language here, he is concerned with a standard of reasonableness that covers only political doctrines. On the other hand, I am looking for a standard of reasonableness that will cover all (moral) aspects of a comprehensive doctrine. As such, Rawls's standard is a useful component for my purposes, but it can in no way be complete.

If we are going to reject the absolute equality implied in Rawls's scheme, then we must now face the question of when a position can be legitimately privileged. This is one of the toughest questions to answer. It is also the nub of the entire discussion about impartiality. As such, the other things that I outline in this chapter will have bearing on this question. But there are some considerations we can look at directly too.

To begin, let us re-visit an example offered in chapter four. Imagine I am waiting in line for tickets to a movie. The man at the cash announces that there are only three seats left in the theatre and I am the fourth person in line. My happiness would be greatly increased if I could see the movie, but this does not give me the right to somehow 'eliminate' (against their will) one of the three people in-line in front of me. To 'rid' myself of this obstacle to my happiness would be to unreasonably privilege my position and so would be morally unacceptable. Most of us, I assume, can agree that such an elimination would be wrong. But what is it exactly about the situation that leads us to think this?

One easy answer is to invoke the Kantian dictum that we must treat everyone as an end unto themselves and not merely a means to our goals. If I were to 'remove' one of the people in front of me, I would be treating them merely as a means to my end (getting into the film) and so would violate the Categorical Imperative. There is some value to this answer. To use the word *moral* as it is generally conceived in our society, is to accept something like this formulation of the Categorical Imperative (see section I, chapter five). Even many non-Kantians could agree to this judgement. But unless we want to simply follow Kant, the Categorical Imperative cannot be the final word on the question. As this example shows, the Categorical Imperative does capture something central to our moral thinking.<sup>87</sup> It does not, however, explain everything.

What the Categorical Imperative lacks is the sensitivity to context that is the hallmark of Contextualism. A strict Kantian would claim that it is always, regardless of the situation, wrong to lie.<sup>88</sup> A Contextualist would agree that it is generally wrong to lie but there are

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<sup>87</sup> As, I would argue, do all major moral theories. If they did not, then they would not claim any purchase on anyone and so would not endure.

<sup>88</sup> There is some debate whether we should interpret Kant as demanding this level of absolute adherence to certain moral rules. However, in his letter (1949, p. 348), he provides an example that shows he does indeed

circumstances where lying is in fact the preferable alternative, morally speaking. Situations differ and where this difference is relevant, it must be taken account of. The question thus becomes when is a difference relevant?

Once again I will partially evade the question by claiming that no answer can be given in the abstract. This is the type of substantive moral issue that cannot be decided by moral theory. Rather, it requires the thought and judgement of actual people in real life situations. We can, however, offer some considerations that will help guide our thinking of whether a judgement of relevant difference is reasonable or not. Here I would point the reader back to the kinds of considerations offered in chapter five regarding the meaning, purpose and function of morality (especially, though not exclusively, in a democratic context). Such considerations are, admittedly, abstract. However, how these abstract considerations play out in terms of moral reasonableness can aide us here. The discussions that follow this section (see sections III and IV below) attempt to make concrete the abstract considerations of chapter 5 and thus help to answer this question for us. Before moving to these other considerations, however, let us consider two examples here to make clear how the meaning, purpose and function of morality can guide this judgement. Imagine first that I tell a lie in order to cover up my incompetence at work. This action works against the function of morality in our society, as it can serve to weaken the social bonds that allow us to live together. As such, it would be difficult to make the case that privileging my own position in this case is justified.

However, consider a second example in which a child lies to his father about breaking a plate. The same problems with lying are possible here, perhaps even more so because of the necessary intimacy between child and parent. However, if the child expects to be beaten because of this broken plate, then this would provide a relevant difference that morally absolves the child's lie. The spirit and function of morality are honoured here because by lying, the child is avoiding a greater evil. Of course the moral difficulty arises in determining when a difference is relevant. Most of us, I think, can agree that a severe beating is unreasonable punishment and so the lying offers no moral problem. But what of a spanking? a one-month grounding? a one-week grounding? Here we enter a substantive realm where

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intend this absoluteness. If this letter is merely an aberration in Kant's thinking and he is better read as

moral theory cannot give us an answer. As an individual moral agent I have my own opinions of what is reasonable here, how the meaning and function of morality is honoured. But as a responsible moral agent, I would need to listen and consider the opinions of others involved in a concrete, real-life situation where these facts play out before making any judgement.

Rawls's discussion of reasonableness centres around the notion of submitting oneself to the same standards and procedures as one expects of everyone else. I have expanded this notion to cover not only political doctrines, but also the moral aspects of comprehensive doctrines. If the values I hold are not ones that I can legitimately allow others to hold (this will play out in the differences that I claim to be relevant), then I run the risk of privileging my own position (or that of someone I favour). Where we find such an occurrence, others can legitimately question the reasonableness of my values (or valuing) and so reasonably object to the moral judgement I have reached. In so doing, my judgement has failed to meet my test of impartiality.

The Rawlsian conception of reasonableness, unfairly privileging one's own position, is one way that judgements/values/beliefs can be unreasonable. Let us now consider a second way.

### **III: John Kekes's Primary and Secondary Goods**

In his book *The Morality of Pluralism*, John Kekes (1993) attempts to outline some principles that will help us determine which moral values are acceptable in a pluralistic society and which are not. Without such principles, there is no hope of redeeming any rational basis for claiming that some moral actions are good and some are not. The consequence of this is relativism. Because the same goal motivates my explication of a standard of reasonableness (the purpose of this chapter), the principles that Kekes uses to establish his position will be useful in helping to make-up my conception of reasonableness.

Kekes begins by making a distinction between primary and secondary values. Values are "benefits whose possession would make a life better than it would be without them and whose lack would make a life worse than it would otherwise be" (1993, p. 38). Sometimes

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allowing this sensitivity to context, then his position is closer to the one I am espousing here.

what makes a life better is particular to only some (or possibly even one) human being. For example, my life is made immeasurably better by living in a climate that has cold winters. This is obviously not true for everyone as many people quite dislike the cold. In contrast to these particular values, there are some that are shared by all human beings by virtue of their being human: "Human nature, then, is composed of universally human, culturally invariant, and historically constant characteristics" (1993, p. 39). These values that are common to all, across all cultures, Kekes calls primary values. Those that are particular to specific cultures or individuals he calls secondary: "secondary values make concrete the primary values and give us possibilities of life beyond the level where only our most elementary needs are satisfied" (1993, p. 43).

There are three distinct classes of values that he cites as primary: physiological and psychological ("the facts of the self"), intimacy, and social order. The physiological are the most obviously universal across all human beings. As Kekes writes, "Our physiology imposes requirements on all of us: we need to eat, drink, and breathe to survive, and we need protection from the elements; rest and motion, maturing and ageing, pleasure and pain, consumption and elimination, and sleep and wakefulness form the rhythm of all human lives" (1993, p. 39). This seems, to me at least, to be quite uncontroversial. The psychological values are somewhat more questionable: "The fact is that we want not merely to satisfy our physiological needs by employing our capacities but to do so in particular ways...there is no difference [across people and cultures] in the psychological aspiration to go beyond necessity and enjoy the luxury of satisfying our needs in whatever ways happen to count as civilized" (1993, p. 39). Many Buddhists and others who practice voluntary simplicity would question the universality of this statement. But we might accept (for argument's sake) that Kekes's proposal here is at least nearly universal.

Intimacy is thought to be universal, "because contact with others is also an inevitable feature of human lives" (1993, p. 40). We love and hate, share grief and joys, are made happy or sad by those close to us; these are all, according to Kekes, features of human nature. Social order is universal because part of being human is living in social settings and this brings with it the need to co-operate in various ways.

My intention here is not to question whether or not this particular list that Kekes has drawn up accurately reflects “human nature”.<sup>89</sup> Instead I simply want to give the reader some idea of what Kekes has in mind. We can now move on to see how he and I can both make use of this concept of primary values (if not this particular formulation of it).

Kekes believes that this notion of primary goods<sup>90</sup> can place limiting conditions on what values are acceptable and which aren't:

We can say, therefore, that the primary goods of the self, intimacy, and social order define the minimum requirements of all conceptions of a good life.

They are necessary for good lives, however such lives are conceived, because they are required for the satisfaction of needs that all human beings have due to our shared nature. (1993, p. 41)

If some judgement or action is such that it denies someone fulfilling her basic/primary goods, then that judgement/act can be said to be immoral (or morally wrong, which for me is the same thing). Consider the question of whether it is acceptable for a teacher (or a parent) to beat a child. To the extent that this denies the child one of her primary goods (the psychological need to grow-up in an environment full of love and care), we can say it is morally wrong. Of course some could question whether such an act is in fact denying the child this primary need (arguing that this is a form of caring, for example). Others may simply deny that such a need exists, or that it exists as a primary value.

As with most things in morality, it is not hard to imagine how disagreements will arise. However, if we can get agreement on what these goods are and what empirical conditions are needed to meet them, then it appears that Kekes has a promising principle at work: “Since morality aims to foster good lives, it must be committed to fostering conditions in which people can have these primary goods and prohibiting conditions in which people are hindered from having them” (1993, p. 41). Though it uses different language, we can see how Kekes's formulation is not dissimilar to the formulation of the Categorical Imperative

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<sup>89</sup> Nor do I even want to defend how Kekes comes up with this list. Someone might want to construct a list of primary goods based not on what we all share by virtue of being human but by some other category. The appeal of Kekes project, however, is that it seems to get at something we all share (though we might not all share the belief that these things are most important in life).

<sup>90</sup> I use the terms 'primary values' and 'primary goods' interchangeably here.

which demands that we treat everyone as an end and not merely as a means. To be an “end”, to be a moral person in the Kantian sense, is to be someone with primary needs that must be respected.

There are two sorts of problems with this principle and I will deal with these in a moment. First, however, I want to make the obvious step to show how such a principle can be a basis of my conception of reasonableness.

Kekes is saying that if an act or judgement in some way denies someone a primary good, then it must be seen as immoral. In a similar way, I would say these conditions are grounds for determining that the act or judgement is unreasonable (albeit with the acknowledgement of the metaphysical problem that I will get to soon). Kekes himself makes this connection in his later work, *Moral Wisdom and Good Lives*: “Primary values are based on benefits and harms that must count as such for all *reasonable* conceptions of a good life” (1995, p. 19, my emphasis).

My test of impartiality says that a moral judgement is acceptable if other reasonable people could agree to it (not at all implying that they would choose this same option themselves). If other people disagree with my proposed judgement, then I must ask myself if their objections are reasonable one or not. If my tentative judgement is denying someone’s primary goods, then according to this test, others have reasonable grounds for objecting. Conversely, if someone’s objections fail to take account of someone’s primary goods, then I have cause to think their objection is unreasonable and so I may disregard it. Let us consider some examples here to make this concrete.

First, recall the scenario above where I am a teacher considering punishing a student by beating him. My principal (or anyone else) could come along and say that this act is unacceptable because I am not honouring the child’s need to learn in a safe environment. Asking myself if the principal’s objection is reasonable or not, I can see that in so punishing the child, I would be denying this child one of his primary goods. Thus, I would conclude

that my principal's objection is reasonable and so I would have to come up with another way of punishing the child.<sup>91</sup>

Consider now a scenario where I am a teacher, taking a group of students on a 10-day canoeing trip. Before the trip I am hosting a parents' meeting, discussing contingency plans in case something goes wrong. One worried parent asks me to promise that if, for whatever reason, food supplies get low on the trip, I will distribute the food equally among all the students. I inform the parents that I cannot do this because one of the students is diabetic and if he does not get adequate nourishment, severe consequences will follow. The parents say this is not good enough and continue to demand this strict equality. Are their objections reasonable? Assuming that the other students would face nothing more than hunger-pains in this hypothetical situation, then I would conclude their objections are not reasonable.<sup>92</sup> All other things being equal, I would distribute food equally. However, given the special circumstances of the diabetic student, to deny him more than an equal share of food would be to cause him serious physical harm (perhaps even death) and so would be to deny him a primary good. It would thus be unreasonable to expect me to alleviate the hardships of the other students by denying this one a primary good.<sup>93</sup>

#### *a. Extent of Responsibility*

The reader may raise an important objection here. How widely does our responsibility extend in assuring that primary goods are met? In the previous scenario, it seems fairly obvious that in my role as teacher and trip-leader, I would have a responsibility

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<sup>91</sup> Of course, readers may well believe that depending on how I was beating the boy, I may not in fact have been denying him a primary good, that this act would not cause him to feel unsafe in the classroom. Others may believe that the need to have a safe environment in which to learn is not in fact a primary good.

<sup>92</sup> But again, my concluding this does not necessarily make it true. My belief here, while I think well founded and quite justifiable, would ideally be the beginning point for a conversation/discussion. As the teacher in this case, it is ultimately up to me to decide how to proceed given such a set of circumstances and so I will need to make a final decision. But finality here is simply a practical matter, it does not entail that discussion of the quality of the judgement is finished. Again, as ethicist I do not have the final word as to what the right solution is to a moral problem. Rather my job is to attempt to articulate the standards and considerations that would need to be met/heeded for a decision to be adequate.

<sup>93</sup> Admittedly, this example is rather straight-forward and not something that would lead to moral doubt on a typical teacher's part. However, because of the complexity of deciding what exactly a primary good is, and what follows from this, I chose this simplistic example to clearly illustrate the point at hand.

to ensure that all those who are dependent on me have these primary needs met. But what of the charge that my responsibility extends more globally? Isn't there a sense in which by going out to a nice restaurant and spending more money on food than I need to, I am denying primary goods to those starving millions in the rest of the world? In other words, every time I participate in one of the "luxuries" of our society, I am "wasting" money that otherwise could be given to provide basic (primary) needs of many others? Can a reasonable objection be raised on this front?

I will leave it to the reader to decide for her/himself whether this is a reasonable claim. Some certainly think it is. Any time I participate in the pleasures of the modern western world, I am tacitly endorsing an economic system that is based on the subjugation and oppression of millions of people in the developing world, sometimes at the cost of their lives.<sup>94</sup> While I am sympathetic to this position to an extent, I think it places an unreasonable burden upon those of us in the so-called developed world and thus does not provide a useful standard against which to measure moral reasonableness. Here we are in the realm of supererogation—moral acts that are entirely commendable but not necessary (giving away all one's money to the food-bank, for instance). Instead, I think that the responsibility we have to meet certain primary goods is a more local one, arising out of the various roles we play in life (as teacher, parent, baby-sitter, river-guide, pilot, and so forth).<sup>95</sup> I will have more to say about this notion of role responsibility in the discussion below of Michael Phillips's domain-ethic.

### ***b. Metaphysical Problem***

A more serious problem (though not damning) to this analysis is a metaphysical one. I have been arguing along with Kekes that primary goods are fundamental. Whatever the basics are that are needed by all people, these take priority over all other considerations in our moral weighing. At this time, I am not concerned with the content of this list, what in fact are the primary goods. For the sake of argument, let us assume that at the very least,

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<sup>94</sup> Or, if the reader objects to this understanding of our capitalist societies, then at the very least it can be argued that I am spending money that would be far more useful in providing primary needs for others.

<sup>95</sup> These responsibilities are, of course, in addition to the restriction that prohibits us from acting so as to take-away the primary goods of others (except in exceptional circumstances).

physical well-being is on this list. Certain basic physiological needs are shared by one and all. Do these always take top priority or can someone make a reasonable claim that some other kind of good is more important than physiological well-being?

People obviously do make such claims all the time, both concretely and metaphysically. Some of the many folks who choose to smoke are deciding that that pleasure is more important than their health (some are obviously not making this choice but are simply addicted). The same can be said of any number of such 'vices' in our society. More esoterically, we are seeing all too many people willing to martyr themselves (while killing others) for various causes (often religious). These people may agree that life (and physical well-being) are important but that there are more important things; eternal salvation, for example. This problem needs to be looked at from two perspectives. First, in conjunction with autonomy and what latitude people have in deciding for themselves what to do. Second, with regard to how such beliefs permit us to act toward others.

When it comes to unhealthy or dangerous activities, we generally think that individuals should have the right to decide for themselves whether to participate in the activity or not (if their actions are going to affect themselves only). Autonomy is something fundamental to our social and moral systems and it seems to demand that each (reasonable) person be allowed to decide how best to live her life.<sup>96</sup> Whether someone wishes to smoke or eat fatty foods, ride a motorcycle without a helmet or attempt risky ascents of mountains, generally we believe that the decision is the individual's to make. There are, of course, objections to some practices and, like in the case of the motorcycle helmet, occasionally laws that prohibit certain activities. However, these are almost always grounded in the potential social costs to be incurred in case of an accident or illness. Whether you want to risk smashing your head open on a motorcycle is your choice but since, if you do, society is going to have to foot enormous medical bills to treat you, we (as a society) are going to make a law against this activity.

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<sup>96</sup> There are, of course, many different notions of what autonomy entails. For a good overview, see Sher (1997). There are also many who think autonomy has too prominent a role in our social and moral systems, reflecting a culture obsessed with individual rights at the expense of some other social goods. Here I am not claiming the superiority of an autonomy-focused society, simply describing what I see in our North American context at the beginning of the 21<sup>st</sup> century.

The astute reader will have noticed that in my conception of autonomy above, this problematic word, 'reasonable', has cropped up again. As a society, we allow reasonable individuals a great latitude to decide for themselves what the goods are in life and how best to pursue these goods. We do not, however, give those judged not competent (children, for example) the same freedom of choice. Here again we are faced with the question of what is reasonable, who is competent. To explore this distinction, I want to borrow two examples that George Sher analyzes in his book *Beyond Neutrality* (1997).

In the first, he offers a situation in which a young man must choose between getting married or dedicating himself to a career (1997, p. 54). Either option, he claims, can be chosen autonomously. This is so because the value that we normatively attribute to both pursuits (marriage and career) is sufficient to provide good enough grounds to follow either path. Thus a competent, reasonable agent could choose either path.

The second example is that of a man who must choose between having life-saving surgery or avoiding it because of the post-operative pain that he would have to endure (1997, p. 53). In this scenario, Sher claims that a competent, reasonable agent could only make one choice, accepting to undergo the surgery. He claims that there cannot be good enough reasons to avoid the surgery and thus it cannot be chosen autonomously. Though it is reasonable to want to avoid pain, when contrasted with the value of saving one's own life, the avoidance of pain cannot be the decisive motivating factor.

To be charitable to Sher, we can read this second example as typifying a situation in which the post-operative pain will not be too severe. Many of us, I think, can imagine situations in which excessive pain and limited quality of life would be sufficient to reasonably lead us not to choose the surgery. Though Sher does not make this explicit, we can read his example as ruling out these extreme cases.

To get at the metaphysical problem imbedded here, I want to change Sher's second example slightly. Instead of wanting simply to avoid pain, imagine that the patient is a Jehovah's Witness who refuses life-saving surgery because she does not want a blood-transfusion. If this were set in the context of someone not liking needles, or being squeamish of blood-transfusions, then we might claim that the choice was not autonomously made (that is, the evaluation of competing values was not reasonably made). But when set in the context

of saving one's immortal soul, there certainly is strong enough reason to want to avoid the surgery. Many of us may not agree that a blood-transfusion harms our immortal souls. However, we can appreciate that for someone who does hold such a belief/value, this will provide more than strong enough reason to avoid the surgery.

We have strayed a bit far from Kekes here so let us retrace our steps and recall how this all fits together. Kekes is arguing that any conception of a good life must take into account the primary goods that make up human nature. I have borrowed this notion and claimed that any reasonable moral judgement or act must likewise take account of these primary goods. What I am questioning is whether such primary goods can ever reasonably be trumped by other goods (religious/spiritual/metaphysical ones primarily).

Contextualism cannot give us an answer to this. This is the type of substantive question that can only be decided by particular people in particular situations. Contextualism can, however, give us a procedural framework that will help us deliberate about the relevant questions and issues that such an answer demands exploration of. As the examples above illustrate, it seems that in our society sometimes there can be reasons of a metaphysical nature that trump primary goods (belief in an afterlife and how one needs to live in this life so as to succeed in that 'world beyond'). In fact, we often praise the religious martyr as leading a morally exemplary life. Where individuals trump primary goods with values that are deemed unreasonable by society (the patient who refuses life-saving surgery because he is squeamish about needles), the person is judged to be incompetent and so is not allowed to decide for himself how best to live his life.

We can see here the layering process involved in the Contextualist approach; one question begets another which in turn begets another and so on. This process continues until we either reach agreement or we reach some fundamental values that simply cannot be reconciled. Contextualism is a way of deciding whether a moral judgement is acceptable. I am suggesting that one way of testing the acceptability of a judgement is to determine whether it is impartial. To determine impartiality, we need to question whether the judgement is a reasonable one or not. Where primary goods are being trumped, we need to further question whether the value(s) used to so trump are in fact reasonable ones to hold. How is this determined?

Again, I cannot give a definitive answer to this question. We would want to look at how consistently the individual has adhered to such a value; whether it is truly representative of how he lives his life or merely a momentary aberration. Further we would want to question how consistently this particular value fits with other values that the person holds to be important. This in turn will reflect how serious this value is to his overall life plan and his notion of what is a good life.<sup>97</sup> All of these sorts of questions can help us get at an answer to what values should be considered reasonable.<sup>98</sup> But no definite answer can be reached without a concrete situation and the participation of as wide a panel of views as possible.

Let us turn our attention slightly now. So far we have considered what kinds of values can trump primary goods in terms of deciding how to act where the action will impact only us (or primarily us, because obviously the choice of whether I refuse life-saving treatments will indirectly effect my family and friends who would mourn my death, to cite but one example). But what of cases where such a metaphysical belief leads us to want to act upon others in ways that deny their primary goods?

It is one thing for the Jehovah's Witness patient to refuse a blood transfusion. It is entirely different for a Jehovah's Witness doctor to refuse to give a dying patient a blood transfusion because of her own religious beliefs. If a doctor agrees to work in a hospital where blood transfusions are routinely done, we generally think it unacceptable for her to refuse to perform such a procedure. You cannot impose your own religious values on others (though note, we do find it acceptable that doctors refuse to work in hospitals or clinics where procedures they find objectionable are often performed). In like fashion, my personal beliefs should not be the basis of a choice if I must advocate on behalf of a friend, my partner or even my ageing parents. The issue is somewhat more contentious when it is a question of my own children. However, even here I would argue that parents have no special rights over children that allow them to deny children primary needs out of a parent's religious views. This is why (in Canada at least) the state has ultimate authority over children's well-being and can over-rule a parent's decision.

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<sup>97</sup> For a further discussion of this point, see Rawls 1993, p. 58 ff. Rawls is questioning whether comprehensive doctrines are reasonable but the analysis is similar to mine here.

<sup>98</sup> Though note, these are only beginning kinds of considerations. Simply because one passes these tests I have elucidated, it does not follow that their views are necessarily good ones.

We may praise the martyr, either for the adherence to a value we share or simply out of the courage displayed in standing behind one's belief (though this is much harder if it is a belief we find troublesome or odious). However, we cannot morally praise the suicide bomber who takes the lives of others because of a particular value he holds. However important metaphysical beliefs are to you, it does not give you the right to deny others their primary goods.<sup>99</sup> To think otherwise is fanaticism, it is to deny the Kantian injunction to treat others as ends unto themselves.

Primary goods/values can be a useful guide in determining reasonableness. There is obviously more to be said regarding what is to count as a primary good and how these various goods are to be interpreted. But given some agreement on these things, we can see how such goods can play a limiting role in what values we consider to be acceptable. As I have shown, however, these goods are not absolutes. In some cases there may be values that a particular society will view as legitimately trumping primary goods and so these can reasonably hold force in the moral realm in one's evaluation of competing reasons. But where such trumping goes on, there needs to be clear and strong evidence of why this is acceptable.

#### **IV: Michael Philips's Domain Ethic**

In his book *Between Universalism and Skepticism*, Michael Philips develops a system of moral reasoning that he call Ethics as Social Artifact (ESA). The purpose of this theory is to find a middle ground between the view that there is The One Right Answer to moral questions (universalism) and the view that there can be no justification for moralities at all (skepticism). ESA "holds that there is a rational method for evaluating existing moral codes, and that there are rational grounds for saying that one code is better than another. But it denies that there are universal moral standards" (1994, p. 89). In this way, ESA is similar to the Contextualism that I am arguing for (and within) in this thesis:

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<sup>99</sup> While accepting the moral weight of this claim, we can also acknowledge that moral objections would do little to convince such a person not to act in this murderous way. The suicide bomber has placed greater priority on religious (or other) views and so has removed himself from the moral realm. Moral arguments will thus carry no weight against this person.

As with any approach to moral reasoning that denies universal moral standards, a question that needs to be addressed is how we justify one judgement/action as being morally superior to another. Philips gives the following answer to this question: "ESA holds that moralities are justified to the degree that they promote reasonably valued ways of life, and that ways of life are reasonably valued to the extent that they promote reasonable values" (1994, p. 90). The reader may see in both this justification, and Philips's general approach, a great similarity with the impartiality and Contextualism that I am arguing for. I think, in fact, that we are arguing for similar things but doing so in different (though related) ways.

Notice that in Philips's explication of the justification of moralities, the concept of reasonableness comes up three times in the one sentence. Given the title of this chapter and my use of reasonableness throughout this thesis, it is not surprising that I think Philips is right to make use of this term. However, he does not do enough to justify or explicate what constitutes reasonableness. His work, though, does offer two useful analyses that I will borrow in fleshing-out my conception of reasonableness: domain-sensitivity and the problems with the constancy assumption.

The constancy assumption is the widely held principle that the weight of a given moral feature must remain constant across all contexts. Before dispelling this assumption, let us take a moment first to understand why many think it is necessary. Moral reasoning approaches that reject universal moral standards are often thought to be too relativistic, too subjective; if there is not one absolutely right answer, then anything must go. For those, like Philips and myself, who are trying to find a middle ground between universalism and skepticism, we must be able to compare the relative weights of competing moral claims. With no process to do this, we do degenerate into skepticism (which in this case amounts to relativism). Many believe that if such a comparison of relative weights is to be possible, then it is only possible given that relevant moral principles hold constant weight in all realms of life. Philips explicates it thus: "the constancy assumption holds that if a moral standard has a weight of a given magnitude in a given case, it has a weight of that magnitude in every case" (1994, p. 100). For example, if in one case telling the truth is judged to be more important than protecting myself, it must be true that truth-telling is always more important

than protecting myself. Without such an assumption, it is simply impossible (or so some believe) to reason through any kind of moral problem.

The weakness in this assumption is easily shown by giving some context to the example in the previous paragraph. Imagine that some money has been stolen from a fellow teacher in my school. I am approached by the principal who tells me that she has reason to believe that another teacher, Mary, has stolen the money. Imagine further that Mary and I are competing for a promotion. It would be to my benefit to corroborate the principal's suspicions (discrediting Mary would make it more likely that I would get the promotion) and yet it would be morally wrong to so lie (an innocent person would be punished for something she did not do). Here, it seems clear to me that truth-telling should take priority over watching out for my own good.

But let us think of another example. Imagine that I am a Jew living in Nazi Germany. An SS officer comes to my door and asks me if I am Jewish. If I answer yes, I know I will be taken off to a concentration camp where I will likely be killed. If I lie and say no, no harm will come to anyone. In this case, I imagine anyone but a strict Kantian would say it is entirely justifiable for me to look out for my own interests and that they take priority over telling the truth. This pair of examples could be multiplied infinitely but this one pair is sufficient to show the absurdity of the constancy assumption. We cannot, in the abstract, determine the ordering or importance of moral principles. Rather, we must look to specific contexts to determine what relevance and what import a particular principle has. This moves us into Philips's discussion of domains.

According to Philips, domains are particular segments of society, "generated by the way a society organizes itself to meet certain fundamental needs" (1994, p. 91). For every society, this will include things like the need to "raise and educate its young, produce and distribute material goods, heal the sick and injured, enforce its moral standards, and protect itself from attack" (1994, p. 91). The weight a moral claim will have will in part be determined by what domain it is operating in and what the purpose of that domain is.

Philips makes a distinction between two different types of moral standards. On the one hand there are moral standards that must be in place if a society is to survive. Philips gives examples like homicide, physical violence, property use, sexual access, and

information exchange. Different societies may regulate these standards in different ways, but all societies must, in some way, regulate these areas or the society cannot survive (1994, p. 90 ff.). These standards that exist in all cultures and operate across all domains, he calls, "core moral standards". The other type of standard is one that is domain-specific, that is, one that operates only within a particular domain (for example, the obligations of parents towards children have no place outside the domain of child-rearing).

Even for "core moral standards" however, how they operate is dependent on the domain in which they operate. Let us take the example of information exchange (lying and truth-telling). Is it the case that lying is always wrong? Philips's system tells us that to determine whether something is wrong, we must look to the harms that can be done by doing a particular action. If someone lies in a court of law, grave consequences can follow for society. Without a presumption of truth by witnesses, there is little way of establishing the guilt or innocence of someone on trial (for example). Because of the demands and constraints of the legal system, truth-telling is vitally important. Without it, the domain cannot function and so the social end it is meant to fulfil cannot be met.

In contrast, lying is not always so damaging within trade. If I am negotiating with someone over buying a house and I tell this person, "I will offer you \$180,000, but that is my final offer", no great harm is done if I really don't mean that this is my final offer. In fact in this domain, such lying is accepted (it is almost expected). Following Philips's analysis, it is incorrect to say that lying is wrong in the abstract. It is only wrong in particular cases in particular circumstances.

How is this relevant for my question of reasonableness? Let us recall what this test of reasonableness is meant to secure. I am claiming that a moral judgement is sound if it could be approved by any other person judging reasonably. This question of domain is relevant in the sense that what a person could reasonably object to (or conversely, what she could reasonably accept) is entirely dependent on what kind of moral issue is at hand and in what domain it is operating. Further, it depends on some agreement as to what the goal of that particular domain is.

Sometimes these questions are fairly easy to answer. Most of us, I think, could agree that the primary purpose of the criminal court system is to determine whether a defendant is

guilty or innocent (there are, of course, concerns over how an investigation was carried out, whether the individual's rights were violated or not, and so on). Given this purpose, it is hard to imagine anyone reasonably arguing that lying is acceptable on the part of witnesses. Even more clear-cut is the need for the judge in the case (and the jury, if one exists) to be unbiased. Anyone who disagrees with such constraints simply does not understand the necessities and importance of the criminal court system.

These questions are not always so obvious, however. Much moral disagreement arises because there are varying notions of how the questions should be answered. Consider, for example, whether it is morally wrong to teach students with the aim of making them into critical thinkers. Most of us would say no, this is not wrong; that this, in fact, is the goal of public education. However, some might disagree that this is the goal, citing instead some ideal of acculturation as the proper goal of education. Here we can see that a disagreement as to the purpose of a domain will lead to a disagreement regarding the moral acceptability of an action. The disagreement could run even deeper here. Some might argue that regardless of whether we want schools to produce critical thinkers, when we are talking about matters of spirituality, morality, sex, it is not the domain of education that we are in. Many would see these things properly in the domain of parenting or religion, arguing that such issues have no place in the schools. Here there may be not only a disagreement as to what the goal of a given domain is, but in fact what domain is under consideration.

How do we resolve such disagreements? Sometimes we don't and this is fine. Such disagreements are the source of many differences of opinion in the moral realm. Later, in chapter 8, I will explore the consequences of this persistence of disagreement and what this says about Contextualism. For now I simply want to say that Contextualism does not promise a remedy to all moral disagreement. It sometimes can resolve these disagreements. At other times it can help us be clear exactly where and why the disagreement persists, something that can aid in maintaining the good faith and mutual respect necessary for further moral discussions to take place. For both of these things to occur, an understanding of domain-sensitivity is crucial.

## V. Conclusion

I will conclude this chapter by summarizing the last three chapters and showing how they fit together. These three chapters are key in understanding what my conception of impartiality is and what it entails. It is thus important to be clear about what exactly it is I (think I) have accomplished.

In this chapter I have attempted to outline what might constitute a reasonable objection to a moral judgement. Recall that my test of impartiality holds that a moral judgement is adequate if no one else can reasonably object to it. For this test to be at all useful, it has been necessary to articulate (at least in outline) what might constitute moral reasonableness. The four different areas in this chapter are each meant to represent a way in which a judgement could fail to meet this reasonableness criterion. Failure on any of these grounds should give the responsible moral agent cause to re-think one's tentative judgement in light of the kind of objection made.

The work in this chapter follows on the arguments in the previous chapter which showed the many different ways that impartiality is crucial to morality. These arguments provided a justification why impartiality needs to be part of moral reasoning. But they also provide a foundation from which to build on the various criteria of reasonableness found in this chapter. In turn, these various arguments from the last chapter can be seen reflected in many of the central ethical theories from both the past and present of western ethics. I would argue that these theories are central to our modern philosophy and also to our broader moral sensibilities because they capture or reflect (in a theoretical way) something that we, as a society, believe is fundamental to our moral lives and communities.

With that said, let us look at some of the links. Kant's ethics stress the rights and responsibilities for each to act as an individual, autonomous moral agent. This means that each should have the freedom to decide for oneself one's own conception of the good and to live one's life in pursuit of this good (within the bounds of the law, of course). This sentiment is found in both the arguments from meaning (chapter 5 section I) and from democracy (chapter 5, section III). The kinds of concerns outlined in the Rawls section of chapter 4 also reflect this Kantian concern for moral personhood and the equality that follows. When we get to the criterion of reasonableness, we can see this concern most

centrally in Kekes's discussion of primary goods. If we understand this moral personhood to be such a primary good, then any act that violates the Kantian injunction to treat others as ends and not merely as means, any act that seems to work against the meaning and democracy arguments in chapter 5, will have grounds to be reasonably objected to under the reasonableness demand of Kekes's primary good consideration. Failure to respect moral personhood could also likely provide grounds for reasonable objections under Phillips's notion of the domain-ethic. Because the purpose of particular domains is meant to protect this moral personhood, the standards that constitute acceptable behaviour in the various domains will arise out of this concern for autonomy.

Mill's Utilitarianism is concerned with consequences of actions and maximizing good consequences for a society at-large. In chapter five, we see this reflected in the utility argument; if we can all agree to particular rules, then society will function better and this will provide the basis for all to pursue a more lasting and meaningful happiness. In terms of reasonableness, this is central to the Rawls criterion focused on reciprocity and fair terms of cooperation. If I am to count as a moral being, but only equally so along with all others, then it must be the case that I must hold myself to standards that I expect others to adhere to. If not, if we are not all playing by the same rules, then the social function of morality will not be met and the utility will not be recognized.

Mill's concerns are also reflected in the reasonableness criterion of the domain-ethic. If there is some function behind morality, then to understand how morality works will require an understanding of that function. However, it seems dubious to think that it will operate in the same way in all domains of life because these domains exist for different reasons, they have different functions. So considerations of reasonableness must take adequate account of the function of a particular domain and the standards that follow from this.

The kind of procedural ethics represented by Habermas in chapter four (and by my discussion of Contextualism in chapter three) is supported by the kinds of substantive moral principles explicated in the areas discussed above. But in addition, there are procedural kinds of considerations that are reflected in the reasonableness criterion discussed at the beginning of this chapter under the heading of Standards of Good Practical Reasoning. Such formal considerations involve whether one is considering enough evidence, if the evidence is correct

or not, is it the kind of evidence that would support the judgement at hand, has one considered enough possible courses of action, is one imagining likely consequences from these possible courses of action.

So, to summarize my summary here, these three chapters work together to show how some central concerns of morality could be captured in a series of reasonableness criteria which in turn constitute the substance of impartiality. In chapter four I explored some of the major ethical theories in western philosophy. In chapter five, I extracted from those theories the kinds of considerations which are central to our understanding of morality. In chapter six, I have taken these central understandings of morality and developed a series of reasonableness tests which are meant to show the ways in which a judgement could fail to be morally adequate (or re-stated, the standards one's judgements must meet to be morally adequate).

## Chapter 7: FEMINIST/POSTMODERNIST CRITIQUES

In this chapter, I explore some of the arguments that have been made against impartiality. Though they come from many different schools of thought, these critiques are most commonly found in feminist and post-modernist writings. Because she writes directly against impartiality and represents herself as coming from both of these traditions, I will look primarily at Iris Marion Young's work in this chapter. She does not cover all of the possible objections to impartiality. However, she does raise many of the major ones.

By looking at Young's various objections to impartiality, I will show how my reasonableness conception of impartiality, as it has been explicated in this thesis, does not fall victim to the problems and dangers described by Young and others.

### I. Young

Young has two main arguments against impartiality (within the second argument, there are six sub-arguments. For clarity sake, I will call these sub-arguments critiques, reserving the term *argument* for the larger, main claims). The first argument is that impartiality creates "an impossible ideal, because the particularities of context and affiliation cannot and should not be removed from moral reasoning" (1990, p. 97). Notice that as to the impossibility claim, the "cannot" is the important assertion. Whether or not such context and affiliation should or should not be removed from moral reasoning does not bear on the possibility of it happening. This "should not" claim, however, leads to the second of Young's arguments, that there is danger in subscribing to the ideal of impartiality: "It masks the ways in which the particular perspectives of dominant groups claim universality, and helps justify hierarchical decision-making structures" (p. 97). I am going to argue that neither of these is as problematic as Young thinks; that, in fact, my reasonableness conception of impartiality is immune to the kinds of charges represented in Young's work.

#### *a. Argument 1*

The first argument is the easier to deal with, so let us start there. Whether or not the ideal of impartiality is possible, looks, on the surface, to be an empirical question. However, Young's defense of this claim is largely a moral one. If, she claims, such an ideal were

realized, there would be consequences we would not likely find acceptable. She thinks that this ideal is achieved only by repressing or eliminating all difference and that this is a bad thing. Whether or not impartiality implies such an elimination and whether that elimination is a bad thing are certainly important questions. However, they do not bear directly on the empirical question and it is important to keep the two separate. These non-empirical questions are related to the second argument cited above and so discussion of them will be saved until later. Let us then, for now, deal with the empirical part of the challenge.

Notice that Young's question is not whether we can achieve impartiality but whether we can achieve an *ideal* of impartiality. The answer to this question must surely be no. Like other ideals (be they of fairness, justice, kindness or anything else), this one will sometimes be a distant, unachievable goal (we can be fair and just and kind sometimes, but we cannot be perfectly so in all cases). But it is no less useful for this limitation. No one, I suspect, would claim to be able to achieve the ideal of fairness (that is, being absolutely fair in all circumstances). Human beings are flawed creatures, prone to imperfections. And even if a perfect human were conceived, circumstances sometimes do not allow for the exercise of such perfections; events can constrain us, forcing us to choose 'the lesser of two evils'. But granting this, no one would claim that fairness is therefore useless. Though we can be only imperfectly fair, we still strive (most of us at least) to be as fair as possible. The ideal may never be reached, but there is still value in working toward that goal. The ideal works as a beacon, helping guide us in the right direction.

It is not a necessary implication of moral theories that they require a judgement to achieve the ideal of impartiality. Rather, as my RCI holds, to the degree they are impartial, the more likely they are to be morally adequate. The more we can achieve impartiality (that is, the more we can avoid the kind of biases that will lead us to unfairly privileging our own positions), the better our moral judgements will be (all other things being equal). Thus, the fact that the ideal of impartiality is not reachable in no way implies any problem with impartiality itself or its place within moral judgements.

A useful analogy can be made here with Sandra Harding's notion of *Strong Objectivity* (Harding 1991, p.138-163, 1993, p. 49-82). Harding follows many scholars in claiming that it is impossible to be absolutely objective in anything we do. Inevitably we are

influenced by the circumstances of our lives, our social positions, our genetic heritage; all of these things will bear on the degree to which our subjectivity encroaches onto decisions or judgements. But Harding recognizes that for all of this imperfection, objectivity is still a useful concept to use and to strive for. We can never achieve absolute objectivity, but we still want to be as objective as we can. To this end, Harding suggests that we do everything in our power to be aware of the kinds of factors that typically will work against objectivity (wanting to maintain a privileged position, for example). We still cannot be totally objective, but this process of critically self-evaluating our motives, values and reasoning will help us to achieve as strong a degree of objectivity as possible.<sup>100</sup>

In a similar way, we can think of impartiality in these terms. We will never reach the ideal; we will never achieve what Fishkin calls “strict impartiality, that is, [having] no special regard for one’s own interests, situation, or relations with others” (Fishkin 1984, p. 79). But there is value in striving for impartiality in the non-strict sense—making sure we are not unfairly privileging our own positions. Young seems to have in mind a conception of impartiality that holds anyone who has any bias or perspective or situatedness in the world (i.e. all of us) cannot be impartial—a ‘view from nowhere’ understanding of the concept. In contrast, my RCI holds that we are impartial, even with the biases and perspectives and situatedness that we all have, if these things do not illegitimately distort our thinking. Thus the argument that we can never achieve the ideal of impartiality does no damage to the claim that we should strive to be as impartial as we can. However, if this striving carries with it certain dangers and problems, then this effort might be morally counter-productive. If so, then there is reason to think we should not be striving to be impartial. This is the claim of Young’s second argument.

### ***b. Argument 2***

Young has two sets of critiques questioning whether the attempt to achieve impartiality is a good thing or not. The first is that such an attempt can only succeed by

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<sup>100</sup> This critical self-evaluation need not be strictly an individual pursuit. In fact Harding would stress how we are far more likely to recognize a lack of objectivity if we consult other people and get other perspectives on the issue at hand. I made the same argument for impartiality in chapters three, four and six.

repressing or eliminating difference. The second set revolves around negative consequences which are caused by our adherence to the ideal of impartiality.<sup>101</sup> In each of these two sets, Young cites three different problems. It will be my claim that my RCI does not fall victim to any of these six critiques because my understanding of what impartiality is and what purpose it serves in moral judgements is different than Young's.

*i. The Difference Set*

Beginning with the 'difference' set, Young claims: "The ideal of the impartial transcendental subject denies or represses difference in three ways" (1990, p. 100). First of all, "it denies the particularity of situations". Secondly, it "seeks to master or eliminate heterogeneity in the form of feeling". Thirdly, it reduces "the plurality of moral subjects to one subjectivity" (1990, p. 100).

a. Critique 1

In what way does impartiality deny the particularity of a situation? To return to the example cited earlier of my grandmother and her ugly dress, it is clear that moral judgements cannot be removed from a particular situation. In that example, it is a particular dress that is in question, a particular grandmother. The possibilities of action are mediated, in part, by my understanding of the situation; how my grandmother would feel being lied to, how she would feel being told the truth. This, in turn, depends upon a 'reading' of the situation in that particular moment: what kind of mood is she in, what is her confidence level, has this dress been purchased for a special occasion which she is worried about? The factors which go in to making such a judgement are too countless to mention. However, what this initial list makes clear is that in no way is a judgement abstracted from a particular situation, let alone does it demand or deny the particularity of the situation.

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<sup>101</sup> The two sets are not totally distinct. Obviously eliminating or repressing difference would be seen as a negative consequence. But the categories are still employed by Young as pointing to different kinds of considerations, even though they overlap to a large extent.

At this point some readers may want to claim that this list I am proposing, while dealing with particulars, does not support my argument because it in no way deals with impartiality. This counter-argument fails however. Even if the impartiality and particularity are separate, they are not mutually exclusive. Young is claiming that to have any impartiality, one must totally rid the situation of any particularities. But there is no reason to think this necessary. Even if questions of (im)partiality do not bear directly on certain specific elements of a judgement, it does not follow that the overall judgement cannot, itself, be impartial (understood in the normative sense I have argued throughout this thesis). In other words, my judgement can take account of all of the particularities of a situation and yet not unfairly privilege any particular perspective. If I achieve this, my judgement is impartial. In order to achieve this, I certainly need to be aware of as many of the particulars of the situation as I can. As is clear in my articulation of the Contextualist approach, one cannot do any practical moral reasoning without being grounded in a specific context. Thus in my account, not only does impartiality not deny the particularity of a situation, it absolutely demands a direct engagement with these particulars.

To understand why Young might think impartiality denies the particularity of a situation (and by extension, the particularity of the individuals involved), it may be helpful to pose a sequential question: at what point is the moral reasoner to become impartial? The question is not entirely accurate as it depends on a view of someone reasoning along a one-way linear path, moving from criterion to criterion of good reasoning. However, we can at least imagine this sequence in order to make a crucial distinction. Young seems to have in mind a view of an agent who, coming to make a moral decision, abandons all particularities (both of self and of situation) and retreats to some "moral-point-of-view", the *view from nowhere* which she criticizes in Nagel's work (Young 1990, p. 100 ff.).

There are several indications throughout her work that she understands impartiality this way. First of all, in response to the impartiality position she is attacking, Young claims moral reasoning should not “require that one adopt a point of view emptied of particularity, a point of view that is the same for everyone” (1990, p. 105). Implicit in this claim is the notion that to be impartial, one must be the same as everyone else, devoid of any particularities. Secondly, she seems to hold a view that everyone, acting impartially, would arrive at exactly the same decision. She claims, “As long as decision-makers strive for impartiality, democracy is unnecessary” (p. 115).<sup>102</sup> This seems like an odd claim. Democracy is a way of governing which attempts to mediate between the competing interests of various citizens (or stake-holders of one stripe or another). People have differing views about what is valuable in life and what goods should be pursued. To the extent that a common decision must be reached (in terms of which government to put in power or some such thing), they submit themselves to democratic processes. Democracy would only be seen as unnecessary (as Young claims) if it were thought that people all shared the same views of what is valuable, what is good. Young seems to think this is a necessary implication of impartiality, but this does not follow at all.

In place of her view that we completely abandon our particular selves and situations and go to the ‘impartial place’ to make a judgement, I have suggested that we use impartiality as a tool to check on the fairness and soundness of our tentative decisions. In the example of my grandmother’s dress, I would reach what I would think is the most appropriate decision (taking into account all the particularities of the situation and the people involved) and then check against my standard of reasonableness (articulated in the previous chapter) to see if the judgement is impartial. This in no way implies that all people would reach the same conclusion. Rather, what we strive for in moral judgements are conclusions which are not open to reasonable objections.

It might be useful here to consider Rawls’ notion of *reasonable pluralism* (1993, p. 63 ff.). Within a given community, there will be many different views regarding what is valuable or good. Though I may not regard the view which you subscribe to as a good one

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<sup>102</sup> It has been pointed out to me that there is an irony in Young’s statement here that I am missing. I do think she is being somewhat ironic. But the irony I see is in the possibility of such a state of affairs ever coming

(for me), I can accept that it is a reasonable good to pursue. There is nothing in our society that I can imagine would convince me that I would want to be a doctor. Yet I can understand why other people are drawn to the profession. On a more metaphysical level, I do not believe in, let alone follow, the Christian God. But I can appreciate why others do and I do not think them unreasonable for doing so. There is nothing about the concept of impartiality which necessitates the elimination of this reasonable pluralism.

To understand why Young seems to think that reasonable pluralism and impartiality are not compatible<sup>103</sup>, we can turn to the works of Thomas Nagel and Bernard Williams. I draw on these two theorists because Young makes use of both of them to highlight certain problems and limitations with striving for impartiality. Her usage of their work is apt and revealing, but it is also limited. In both cases, the work she draws upon goes on to make a distinction in moral judgements which she could have usefully heeded. In saying that impartial moral judges must come to the same conclusion, Young seems to have a binary understanding of moral judgements: they suggest acts that are either prohibited or obligatory. What both Nagel and Williams go on to argue is that there is a third class of moral judgement, the morally permissible. Nagel makes this distinction by talking about the reasons which underlie moral judging and whether those reasons are neutral or relative to the agent. He writes: "Ethics is concerned not only with what should happen, but also independently with what people should or may *do*! Neutral reasons underlie the former; but relative reasons can affect the latter" (1986, p. 165). Nagel then goes on to talk about the ways in which relative reasons can legitimately function in moral arguments:

Though using different language, Williams makes a similar distinction. He contrasts moral obligations to morally indifferent acts (1985, p. 181 ff.). In the latter class are those judgements which lead to neither necessary nor forbidden actions. It seems clear from Young's arguments that she has failed to take into account the morally permissible type of reasoning. She may be right that all impartial judges will come to the same conclusion regarding some actions which are morally obligatory (those actions in which one course of action is so far superior to others that all reasonable people would judge in the same way). In

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about. I do think that she believes her conclusion, however unlikely the counter-factual is. Thus, it seems to me that her view here still supports my claim that she sees impartiality as demanding absolute sameness.

<sup>103</sup> Or to put it in the language of this set of critiques, "why Young thinks impartiality demands the elimination or repression of difference...".

this way there is little room for difference. However, reasonable people will sometimes disagree as to what is morally obligatory or prohibited. Furthermore, there is the far broader class of actions which are morally permissible but not obligatory. Here we can see that even impartial judges can come to radically divergent choices. Hence, impartiality need not, as she claims, seek to eliminate or repress difference.

I wrote earlier that it might be helpful, in trying to understand Young's position, to think sequentially. Another way of understanding her position is to think of whether impartiality is the whole of the moral theory or merely a component. Judging from her arguments about difference, Young seems to think that moral persons need be impartial and nothing else (at least to satisfy the requirements of moral theories that espouse impartiality). In place of this view, I have suggested that impartiality is a test we apply to check the adequacy of judgements tentatively reached, but that these judgements are reached through the consideration of many other factors.

#### b. Critique 2

The second critique in this section involves what Young sees as the need to master or eliminate feelings. She claims that impartiality "requires abstracting from the particularity of bodily being, its needs and inclinations, and from the feelings that attach to the experienced particularity of things and events" (1990, p. 100). Young provides little argument as to why this is the case, but rather thinks it obvious that "reason...stands opposed to desire and affectivity" (p. 100). This view, that reason-based moralities depend on a differentiation between reason and emotion, is a common assertion made by many feminist scholars (Held 1987, 1998, Sherwin 1993). But why should we accept this as necessary? Is it not plausible that feelings can themselves provide good reason to choose one course of action over another? This appeared to be the case in my grandmother example. The feelings I know that she would have about being told the dress was hideous factor prominently in my decision-making. Further, the love and care I feel for her allow me to be attuned to the potential consequences of each course of action. Though not bearing directly on the evaluation of alternatives, my feelings do factor prominently in my overall understanding of the situation and so contribute to the quality of my moral judgement.

There are times when feelings and desires are ruled out. However, this is not because they are from the affective domain, but rather because they are deemed irrelevant to the moral judgement at hand. Recall the example at the beginning of chapter 1 of the principal who must recommend one student from his school to nominate for a prestigious scholarship. There are two students deserving of this honour, though one student is clearly more deserving than the other. However, the second student is the daughter of the principal's best friend, a girl for whom he has great affection. In deciding who to nominate, the principal should not let these feelings play a role in his decision-making. This is not because he would be exhibiting a feeling, but because the feeling does not provide good grounds to support the action. In his role as principal, fairness demands that he make a judgement on other kinds of factors, those directly relevant to the criteria of the scholarship. Within the language I used in chapter 6, we could object by claiming that the principal's judgement does not take account of his role within the particular domain in which he is acting.

However, simply because in this one example feelings are seen as not relevant, it does not follow that they are similarly so in all cases. As with any other potentially relevant factor in moral decision-making, we must examine feelings and question whether they are relevant to the judgement at hand. Sometimes they will be, sometimes they will not. But in no way does impartiality (as I conceive it) demand an absolute separation of reason and emotion.

To understand why some think reason and feeling are incompatible, it might be useful to look back to Kant's ethics. For Kant, an act was morally good if and only if it was done from duty; that is, from a recognition that this is what the moral law requires. It seems that this would allow no room for feeling. This tension is alluded to by Bernard Williams with an example he borrows from Charles Fried. In this example a number of people are drowning after a shipwreck and a man can only save one person. Reasoning through the situation, the man determines that according to impartial morality it is acceptable to save his wife.

Williams does not object to this conclusion, but rather how it is arrived at:

this construction provides the agent with one thought too many: it might have been hoped (for instance, by his wife) that his motivating thought, fully spelled out, would be the thought that it was his wife, not that it was his wife and that in situations of this kind it is permissible to save one's wife.

(Williams 1981, p. 18)

While such an example might be a problem for Kantians<sup>104</sup>, it is clearly not for my conception of impartiality. This might, in the abstract, appear to be a moral-conflict problem (whom to save) requiring one to reason through the complexities of the situation. But in reality it would be so obvious that no thought would be required to determine the appropriate action (at least by most people, I would think). Obviously one is not unfairly privileging one's own position by saving one's wife; privileging yes, but not unfairly. Thus this moral choice would pass my test of impartiality. But the fact that one could look back and retrospectively justify that act as morally appropriate does not imply that one would necessarily need to reason through it. While a strict Kantian might say that only acts done from duty are morally good, it does not mean that all who are committed to impartiality believe this as well.

Before leaving this second critique, there is one more related point that needs to be addressed. Young claims that: "impartiality assumes that from my particular perspective, with my particular history and experience, I can nevertheless empathize with the feelings and perspectives of others differently situated" (1990, p.105). If this assumption is made, I think Young is right to critique it. It will be the case that I can never totally empathize with another in a different situation. However, this is problematic only if we understand impartiality to be solely concerned with reaching an ideal (an absolute, as discussed in argument one above). We can never totally empathize with others in situations different from our own, but to greater or lesser degrees we can. And to the extent I am successful in doing this, the more sound will be my moral judgements. If we understand impartiality not as an all or nothing affair, but something that admits of degrees, then this imperfect, but still important, understanding and empathy with others is crucial.

This basis of Young's critique is more understandable once we see the assumption that gives rise to it. Many theorists critical of impartiality have a view of "impartial moral reasoners" (at least as they are supposedly portrayed by those of us supporting impartiality) as necessarily isolated, making judgements by themselves, with only their own faculties to guide them. In support of this view, they often cite Rawls' thought-experiment, *the original position*. In this, individuals are asked to imagine themselves stripped of all particularities

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<sup>104</sup> Though certainly not all Kantians see this as a problematic example, see Herman 1993, p. 41 ff.

and then to judge what would be fair institutions upon which to build a just society. Because many see this as the epitome of impartiality and that this case suggests individuals carry out this task on their own, many theorists think that impartiality necessarily implies this isolation, what many call monological thinking.

As I stated in chapter four, I am not sure this is a fair critique of Rawls.<sup>105</sup> But regardless, it simply does not follow that all supporters of impartiality need be committed to this type of isolationism. As I have stressed throughout this thesis, our moral judgements will far more likely be impartial (that is, free from reasonable objection), if we discuss situations with others. The more input, the more perspectives, the more people critiquing our own choices we can have, the better our judgements will be (all other things being equal). Dialogue may not always allow me to understand your position, but it can certainly move me towards such an understanding. But again it must be reiterated that we are not expecting perfection, but rather to achieve the best that we can. There may in fact be differences across which understanding cannot build bridges. Here, the morally wise person will recognize the situation as such and react appropriately. However, I believe that in more cases than not, some significant level of understanding can be reached. As human beings, there are a number of fundamental things we share which should allow us to at least form some appreciation of where other people are coming from.

### c. Critique 3

Young's third critique in the difference set asserts that impartiality reduces "the plurality of moral subjects to one subjectivity" (1990, p. 100). Part of a response to this critique can be found in my earlier analysis of how Young believes that to be impartial is to totally give up one's identity and personal value system (see section I.b.i.c. above). If anything like Rawls' reasonable pluralism is accepted, then it is quite evident that there need not be any reduction to one subjectivity. Moral subjects can operate from their own

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<sup>105</sup> Rawls is not proposing a procedure for solving real-life moral problems. Rather he is presenting a heuristic to help us imagine what the foundations of a just society would be. The two are different tasks.

particular value and belief systems. Impartiality does not rule any of this out, but rather rules out the improper imposition of such value and belief systems into moral judgements. What is to constitute such an improper imposition? This is an open-question that can only be answered within the given context of each situation. Are the values and beliefs relevant? To what extent? The Contextualist procedure that I outlined in chapter 3 is a way of working through these kinds of questions and helping us to determine what relevance our own subjectivities have in a given situation. The test of reasonableness as outlined in chapter 6 is a way of checking whether the judgement we tentatively arrive at is an adequate one (that is, free of reasonable objections). As with the discussion of feeling above, sometimes the uniqueness of my subjectivity is relevant in moral decisions and so can be acted upon. But sometimes it is not and the responsible moral agent will transcend her subjectivity where necessary.

To further understand why Young might be led to this critique, we can read further into her work. She claims that the "impartial moral judge...ideally should treat all persons alike, according to the same principles, impartially applied" (1990, p. 101). While this might be a common belief about the universality of moral principles and moral judgements, it is a crude interpretation. What is meant by this claim is that relevantly similar persons, in relevantly similar circumstances, should be treated alike. Thus if I have good reason to treat Bill, in situation x, in a certain way, then it must be the case that I should treat John in the same way, if the situations are relevantly similar and John and Bill are relevantly similar. If Bill is an adult who has stolen something from me, I will treat him differently than John, a toddler, who has also 'stolen' something. There is no sensible ethical theory that would assume the two cases need to be treated identically. If I were to treat the adult and the toddler in the same way in this situation, then obviously my judgement would be open to reasonable objections because I have not adequately taken account of the relevant context of the situations. I would thus fail to meet my standard of impartiality.

In each of her three claims that impartiality necessitates the elimination or repression of difference, Young is critiquing a conception of impartiality that is far removed from mine. We can see, however, that once we hold/grant one of the three positions explicated in her critiques, then the others seems to follow; they are self-supporting. If I must treat everyone exactly the same way, then obviously the particularity of the situation is irrelevant. If I

completely deny feelings in moral judgement, then the uniqueness of individuals is removed and we are all reduced to one subjectivity. If the situation is irrelevant, then the uniqueness of individuals and their differences is similarly irrelevant. However, once we see that my RCI does not demand these things (that in fact it hinges on the opposite), Young's inter-related critiques here do nothing against conceptions of impartiality like mine.

*ii. The Negative Consequences Set*

This second set of claims begins with the challenge that I set to her belief that the ideal of impartiality is an impossibility. As I stated several pages ago, the fact that we cannot attain this ideal does not imply that we should not strive to realize as much of it as we possibly can. Young's only reply to the point is to turn to the moral argument: "Not only is impartiality impossible...but commitment to the ideal has adverse ideological consequences" (p. 112). These negative consequences fall into roughly three main categories.

a. Critique 4

The first (and fourth critique overall) claims that impartiality helps to create the fiction of the neutral state, which in turn gives support to a distributive justice paradigm (1990, p. 112). Because we believe that individuals can be impartial, we believe there are people working for the state who will act in the best interests of everyone alike. This in turn provides a basis for allowing these people to achieve a just society by fairly distributing goods. On the surface, there seems nothing too bad about this unless we think that the distributive justice paradigm is somehow flawed or dangerous. This is, in fact, Young's claim. In an earlier chapter in her book, she has attempted to argue that we are actually just perpetuating inequalities and oppression by buying into distributive justice: "A focus on the distribution of material goods and resources inappropriately restricts the scope of justice, because it fails to bring social structures and institutional contexts under evaluation" (1990, p. 20). Young is not advocating ignoring issues of distribution, rather she wants us to be aware of a limitation of conceiving justice in strictly these terms: "There are certainly pressing reasons for philosophers to attend to these issues of the distribution of wealth and resources...But in contemporary American society, many public appeals to justice do not concern primarily the distribution of material goods" (1990, p. 19).

Whether or not the distributive paradigm of justice is flawed is not an argument I can get into here. My RCI can side-step the claim Young is making against impartiality here by making a simple distinction: Young is conceiving impartiality as a state that an individual is in while I am arguing that it is a property (or a measure) of a judgement. To see judgements as impartial and not individuals defeats her argument. Commitment to impartiality need not lead us to think there are perfectly fair individuals working for the good of everyone and so commitment to impartiality does not necessitate a commitment to distributive justice.

#### b. Critique 5

The fifth critique is that the “idea of the impartial decision-maker function[s]...to legitimate an undemocratic, authoritarian structure of decision-making” (1990, p. 112). This critique follows on the fourth one above, arguing against a Lockian/Hegelian notion of the state as an impartial umpire. Young thinks that because we can have faith in the state as not representing any particular interests (that is, as being impartial), then its functionaries, the civil-servants, will likewise be trusted to impartially carry out their duty. We are thus safe in the knowledge that there are legislators, making decisions for us, who are acting in our best interests. This, however, undermines democracies: “The decision arrived at by the impartial decision-maker is one all those affected would have arrived at if they had discussed it under circumstances of mutual respect and equal power. So provided we find impartial decision-makers, there is no need for discussion” (1990, p. 112). Without the need for discussion, the democratic process is undermined. Implicit in the previous quotation is the idea that all impartial decision-makers will come to the same answer regarding questions of justice. As I’ve argued earlier, this last point is simply not true. Impartiality allows a wide-range of possible views and decisions. So claims like “provided we find impartial decision-makers, there is no need for discussion” (1990, p. 112) do not hold against my reasonable conception of impartiality. As I have outlined in chapters 3—6, discussion is vital in determining whether a judgement is in fact impartial. Among other things, discussion can help us determine: what is it that we are deciding about, what are the ‘facts’ of this particular decision, how will it affect various different parties, what will likely happen if we enact this choice, or that one, what is the best set of consequences? It may be true that it is ultimately

up to one individual, or one particular governmental department, to make a decision. But it does not follow from this that such a decision need be undemocratic or authoritarian.

### c. Critique 6

The final critique I will look at holds that the commitment to impartiality “reinforces oppression by hypostatizing the point of view of privileged groups into a universal position” (Young 1990, p. 112). Though we can only make judgements from a particular situation, our attempt to make them impartial “generates a propensity to universalize the particular” (p. 115). Because there is oppression in our society, the particular which gets universalized will be that of the oppressors. Thus, so Young’s critique continues, the oppressed groups will be forced to conform to the contours of the moral sphere as enacted by the oppressors. Further, any attempt to voice a challenge against this supposed neutrality will be dismissed as being biased or selfish (Young 1990, p. 116).

It may be true that this type of thing happens in our society (though it is equally true, I think, that the voices of the oppressed have been heard and somewhat heeded; think, for example, of the Civil Rights movements in the United States, the successes of various Women’s Liberation groups, the improved treatment of Native peoples in our country<sup>106</sup>). But it does not follow that it must be the case. Because there is a situation in which x occurs, Young extrapolates from this that x must occur. However it is a large leap to argue that there is a case of x to the more sweeping claim that x must be the case. Even if we grant (the questionable) assumption that in our society it is a commitment to impartiality that causes these problems which Young points to, it does not follow that these problems must follow from a commitment to impartiality. Thus, it is not impartiality which is the problem but rather what we do in the name of impartiality.

Young’s sixth critique also relies on an impoverished notion of ‘universality’. Recall in critique three above, she claimed that impartiality demanded that moral agents treat everyone alike. This implied that all people, in all situations, were to be treated identically. But as I argued above, universality does not in any way demand this. Once we accept that

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<sup>106</sup> I am not in any way suggesting justice has been met with these examples, we still have a long, long way to go. But I do not think anyone could sensibly argue that conditions for minority and marginalized groups are not better now than they were 100 years ago.

there can be relevant differences in individuals and situations, then this crude understanding of universality falls. Thus Young's notion that there is a 'universal position' that all must conform to is flawed. A moral reasoning approach that adopts my reasonableness conception of impartiality can and must take account of these differences in people and situations.

This sixth critique also seems to be saying something about the possibilities of how individuals can act in moral situations. Young is arguing that the range of what is considered acceptable is determined by the privileged group(s) in society and all others must conform to this. This view, however, is less believable once we accept that impartiality can admit of a range of possible answers to most moral problems. As I argued in critique one above (see section a above) the view that impartiality demands one answer to every problem is simply wrong. Many moral problems can be solved in a number of different ways and as long as one's judgement is free from reasonable objections, then it meets the my criteria of impartiality. In this way there is no 'universal position' that is hypostatized by any privileged group.

There is a counter-argument that can be raised against my argument in the previous paragraph. I am saying that my conception of impartiality will allow a range of views. But in a way I am still delineating what views will be acceptable, which will not. I have defined (at least in vague outlines) what morality is in chapter five. I have set the limits of reasonableness (again, in broad outline) in chapter six. In essence, I have determined what is to be a morally acceptable answer and so could be seen to be guilty of Young's sixth critique here. I will deal with this charge in more depth in the next chapter (see section b.ii.). For now, I would simply say that I do not pretend that mine is the final word on this subject. I have given reasons to support my position as a good one but I am certainly open to hearing counter-reasons that deny my position, or support another as preferable. And certainly I do not intend to exert pressure in any way to force people to accept and act from my perspective. But it seems to me to be my job to make pronouncements such as this. To do ethics is to make arguments as to what should be morally acceptable and what should not.

In each of her fourth, fifth and sixth critiques (as I have numbered them here), Young is making a claim against impartiality based on certain failings in our society. Her arguments are, however, circular. She claims that these three types of problems show that there is a problem with impartiality in general. However, these things can only be seen to be

problematic if we assume, to begin with, that impartiality is a problem (that is, we must assume that impartiality *causes* the problems and is not, at most, *correlated* with them). If she were to establish her central thesis, then these critiques might be useful in supporting her position. But if she is attempting to use these critiques to establish the thesis in the first place (which she is), then her argument simply begs the question and so fails. This, in fact, is what I have shown it does. What I have argued is that these failings (where they do exist) can better be understood as being caused by something other than our commitment to an ideal of impartiality (in some cases, a less than adequate realization of impartiality).

## **II. Conclusion**

Even granting the force of my arguments in this chapter, the reader may be still be left questioning what I have accomplished. I have, if successful here, overcome the charges made by a single theorist. What I want to claim is that the arguments that Young makes against impartiality can be understood as not merely her own.<sup>107</sup> Rather, they also represent the kinds of concerns typically found in those who oppose impartiality. In overcoming these objections, I have not only shown my reasonable conception of impartiality to be immune from Young's challenges, but also from all of those who argue in a similar vein.

According to Virginia Held, it is possible "to discern various important focal points evident in current feminist attempts to transform ethics into a theoretical and practical activity that could be acceptable from a feminist point of view" (1998, p. 686). Held lists three areas of bias typically found in ethics that are objectionable from a feminist point of view: "1) the split between reason and emotion and the devaluation of emotion; 2) the public/private distinction and the relegation of the private to the natural; and 3) the concept of the self as constructed from a male point of view" (1998, p. 686). I will go through each of these three areas in turn.

Held's first point, the split between reason and emotion, is seen directly corresponded in the second critique as listed above. As I wrote there, my conception of impartiality in no

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<sup>107</sup> I do not mean to suggest at all that the work, and the specific arguments, are not her own. Rather, I am claiming that the points she raises are representative of the kinds of concerns often found in feminist and post-modernist writing.

way demands that we rule out emotion/feeling as a relevant factor in our moral judgements. Sometimes, those feelings will be what primarily determines our judgements.

It might be argued, however, that while I admit feeling in my reasoning scheme, I give it a subordinate place to reason and in this way, objections like Young's and Held's still hold; I am still privileging reason. This is problematic, however, only if 'reason' is understood in a limited way. Held objects that Kantian and Utilitarian ethics are too concerned with rationality—the cold, calculating application of abstract principles (1998, p. 687). I largely agree with Held's critique here.<sup>108</sup> However, if instead of *rationality*, we see reason as leading to *reasonability*, then I think the objection has less merit. To demand of a moral judgement (whether it involves feelings or not) that there be good reasons to support it does not unfairly privilege reason. It simply is a way of demanding that whatever consideration is at play is relevant and is accorded a reasonable valuation. To deny this role of reason is to lay oneself open to all the dangers of relativism. If we do not demand that there be good reasons to support a judgement, then Hitler's dislike of Jews would be a morally adequate defense of the Holocaust.

Held's second area of concern is the distinction between the public and private spheres. There is much that is encapsulated in this dualism. As it pertains directly to impartiality, the main concern is the way in which the characteristics of the public sphere are given priority over those typically found in the private. The public sphere is the male-dominated one of politics and business. It favours abstract, rational, principle-based thinking, the kind of thinking Held associates with the rationality demanded in positions like Kant's or Utilitarianism (see discussion of her first point above).

In contrast, the realm of the private is characterized by familial relations, as exemplified by the care a mother shows for her children. Because impartiality is seen as representing and favouring the public kind of thinking, and because this thinking has typically excluded women and the ways women approach problematic situations, impartiality is objectionable in the way it rules out the experiences and perspectives of women (and other people not in positions of public power).

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<sup>108</sup> My only reluctance to totally agree stems from the uncertainty of whether Kantian and Utilitarian ethics actually demand strict rationality. But this is not the appropriate place to pursue this question.

This distinction between private and public does point to areas in our society that are problematic. However, it does not indicate a problem with my reasonable conception of impartiality. As I have stressed throughout, I do not believe that impartiality demands the kind of abstract, rational thinking that is associated with the public sphere. In fact, I have adamantly rejected this, arguing instead that impartiality can only be understood as growing out of specific situations with specific individuals. As such, all who care to offer an opinion on a particular matter deserve to be heard. My test of impartiality does not favour one particular group over another. Rather, it demands that all perspectives be listened to and respected in one's moral reasoning. Thus within my scheme, this distinction between public and private is meaningless. This is not to say that the distinction does not exist in our society and that we needn't be aware of it—we must and do everything in our power to ensure that it does not effect our moral judgements.

To illustrate this, let us recall the example from chapter 1. A mother can choose to send her own daughter to the prestigious art school, even though another child would benefit more from the experience. Given the domain (the family) and the role of the mother, her judgement would not be open to reasonable objections even though it is favouring her own position (allowing her own child to attend). Because there are no reasonable objections, she has passed my test of impartiality and there is nothing morally wrong with her judgement.

Let us recast this example, however, and see how reasonable objections can arise within the private sphere. Imagine instead of a friend's child, the situation is one where both of the children are daughters of this woman. If the mother then chooses the less artistically gifted daughter, the less enthusiastic about attending the school over her other daughter who would get far more benefit and enjoyment out of the school, simply because she likes the one daughter more than the other, then we might have reason to object to her judgement.<sup>109</sup> Given the mother's responsibility to all her children, we might want to argue that she has failed to meet adequate standards of impartiality in making her judgement. The merits of this could be argued (do parents have responsibility to not favour one child over another?) but I

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<sup>109</sup> Though of course there could be all kinds of extenuating circumstances which would lead the mother to reason that potential success and enjoyment are not the most important criteria in choosing who will attend the college. My example here is meant to rule out these kinds of scenarios, pointing instead only to the mother's preference for one daughter over another.

think the example is clear enough to show how considerations of impartiality are equally applicable within the private sphere as they are in the public.

Held's third area of concern has to do with the concept of the self. Her concern is that ethics has typically paid attention to one of two extremes: "on the one hand, the self as ego, as self-interested individual, and, on the other hand, the universal, everyone, others in general" (Held 1998, p. 692). Within this, impartiality is often called upon to mitigate against the egoistic self. But it does so by going to the opposite extreme, where everyone is to count, but to count equally. What gets neglected in this is the "intermediate realm of family relations, and relations of friendship, of group ties and neighborhood concerns, especially from the point of view of women" (1998, p. 692). Because traditional moral theories often begin from a basis of the agent as an isolated, autonomous being, the social/familial ties that make up that person are seen as irrelevant. Thus, theories that rely on impartiality are thought to begin from an erroneous and impoverished notion of what a human self is.

My RCI does not serve the role attributed to it above by Held, nor does it begin from this faulty assumption of what a self is. As I discussed in chapter four in distinguishing my approach from a Utilitarian one, I do not think that impartiality demands that we all count for one, but only one (see chapter 4, section I.a. ). As the first example in chapter 1 showed, I think that sometimes it is morally acceptable to privilege one's own position, to give extra favour to one's family, friends and neighbours. What impartiality demands, on my view, is that we do not *unfairly* privilege our own positions. It is this "unfairness" component that makes my conception a normative one. As my discussion of Young's work above showed, I certainly do not understand impartiality as demanding that we abandon all those social/familial ties that make up who we are. We do not strip ourselves of our particularity and then judge from "an impartial point-of-view". Rather we make judgements, acknowledging these particularities and attempt to give the particularities their appropriate weight in whatever situation we find ourselves.

As Held explains it, a central concern for ethics is how we accommodate the "particular other" as opposed to the "generalized other" that is often found in traditional

moral theories (1998, p. 692).<sup>110</sup> Within Contextualism, it is always the *particular other* that we are concerned about because moral problems only arise in specific contexts with particular people. What we owe, or what we can give, these particular others depends on the context too. As I argued in chapter 6 this will be determined in large part by the domain in which we find ourselves and specifically the role we are playing. In determining whether a moral judgement is acceptable or not, it may be relevant that I am judging as a father, or a teacher, or a friend. Certain kinds of considerations will involve all people equally and so in this sense can be seen as representing the generalized other (for example, all people deserve the respect afforded human beings). But more often, the moral judgement will hinge on more particular factors: particularities both about myself and those who will be affected by my judgement.

The specific concerns of Young that I have argued against in this chapter are accounted for in the more broadly sketched concerns of feminists as summarized by Held. That my conception of impartiality is immune to both suggests that it is one that could be supported by feminist scholars and theorists. What lies behind much of the feminist and post-modernist ethics projects is the concern that certain voices are not heard in moral deliberation.<sup>111</sup> If I can show that this is not the case with my scheme of moral reasoning, this would give further credence to the claim that my reasonableness conception of impartiality would be acceptable to those scholars from these ethical traditions/orientations.

There are two ways in which voices might not be heard. The first is in the actual practice of the moral reasoning process. If, for example, a moral theory ignores particular people's viewpoints (especially particular groups of people) then obviously some voices are excluded. But as I have made clear throughout this work, Contextualism demands that we listen to all voices. If *anyone* can raise a reasonable objection to a tentative moral judgement, then we need to question that judgement.

Of course this leads back to the question of what constitutes a reasonable objection. Implied in this are certain normative/substantive ideas of what morality is. This

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<sup>110</sup> For more on this problem, see Benhabib 1986, 1992.

<sup>111</sup> The use of the term 'voice' here I take from Gilligan's work (1982).

determination of the essence of morality is a second area in which voices can be ignored or pushed aside. Am I guilty on this front? By the very nature of this process, I am a solitary writer expressing my own views on the subject, advancing these views as what I believe to be right. However, in advancing these views, I have attempted to take into consideration views expressed by those who have traditionally been excluded from the dominant discourse.<sup>112</sup> By acknowledging the importance of these critiques from the outset, I believe I have paid attention to these typically marginalized voices. It is up to the reader to determine if this attention has been adequate.

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<sup>112</sup> By this I mean that I have tried to come up with a conception of impartiality that avoids the problems that feminist, post-modernist and other theorists have argued against. While writers from these traditions often speak from a position of concern for these marginalized voices, it is not always the case that they are themselves part of a marginalized group.

## Chapter 8: Conclusion

This final chapter will wrap up the work in three ways. The first will be a restating of the purpose, looking at the uses of my conception of impartiality from various perspectives. The second will be a partial defence of the theory, defending it against imagined possible objections. The third will look to the educational implications of the theory. In laying out this practical outlet, I will give a detailed summary of what I have argued.

### I. Purpose of the Thesis

There are numerous ways to understand what I have done in this thesis. Primarily, I have outlined a useful framework for moral education. If we are concerned with getting students to a post-conventional stage, making them autonomous moral thinkers, then they need some understanding of how to engage genuine moral problems. The system (I use 'system' throughout this chapter to refer both to the Contextualist procedures outlined in chapter 3 and the standards that underlie this procedure as developed in chapters 4-6) I outline here provides a procedure for tackling such problems as well as an understanding of the standards that would help us determine if we have done this well.

As chapter 2 showed, however, the project is entirely consistent with other approaches to moral education. If one is committed to a character education approach, one needs to be concerned with how students take the virtues that are taught and learn to interpret and apply them to new and unique situations. My system can help to give students these tools. For example, even if one learns to value fairness and to strive for it, there are situations in which it is not clear what fairness demands. Having the ability to work through my system, with an understanding of the standards that underlie it, will help students judge what particular virtues require or entail in specific situations.

If one is committed to something like Kohlberg's cognitive-developmental model of moral education, then a more thorough working out of stage 6 is required. Recall that Kohlberg characterizes stage 6 reasoning in terms of simple reversibility. However, as we saw earlier, he is not entirely clear what is involved with reversibility, when it has been met or how we determine its demands. My reasonableness conception of impartiality gets more

deeply into the issues that Kohlberg wants to address with reversibility and so rounds out the picture he is trying to paint.

As we saw in chapter 2, the Ethic of Care has evolved from its initial formulation as diametrically opposed to any justice ethic to a position where care needs to be supplemented by some principles/judgements (of justice—or whatever else is relevant to a given case). My reasonableness conception of impartiality can help us determine what Care would demand in any given situation; that is, what the caring thing to do would be. It incorporates principles like a justice approach, yet retains the sensitivity to context and relationship that Care theorists rightly demand.

In chapter 2 I also looked at Robert Nash's Real World Ethics. While recommending much of what he outlines, I saw a flaw in the work in how it lacks a sufficient description of what it would mean to come up with a defensible moral judgement. His procedures for working through moral problems are rich in detail and admirably sensitive to the complexities of moral decision making. Yet he gives little guidance in determining if our working through moral problems has been done well. My reasonableness test of impartiality could help to complete the project Nash has begun.

Finally, we can consider the project in terms of Israel Scheffler's description of disciplines (1966, p. 99-114). Each subject area, according to Scheffler, is a 'live, evolving tradition' with its own rules for how it operates. In teaching, we are initiating students into that tradition. For example, in teaching history, we are not simply teaching historical facts. Rather, we teach how to think like an historian: how historians use evidence, what kind of evidence is considered good, what sorts of inferences can be made, what kinds of conclusions can be drawn. Initiating students into the discipline allows them to critically examine, for themselves, any historical claim. The same is true in physics and math and literature and any other subject we teach in schools. What Scheffler is really arguing for here is the teaching of critical thinking—we teach students the standards of a discipline so that they can think critically about questions in that discipline.

With this thesis, I am taking Scheffler's project and adapting it to the moral realm. According to this understanding, one goal of moral education is to get students to be good critical thinkers about moral issues. For this to occur, they need to know the standards that underlie good thinking in morality. However, unlike other disciplines typically taught in

schools, there is not wide-spread agreement as to what would constitute good moral thinking. In part this might be because of the complexities involved with the value issues of morality (other disciplines are not so dependent upon judgements of value). In part it might be because theorists have typically approached ethics not from this practical/pragmatic perspective (though obviously there have been some), but rather from an all-encompassing, highly abstract theoretical perspective. Whatever the reason for this lack of agreement, my RCI is an attempt to fill in this void, making explicit what the standards of good moral thinking might be. Thus my project can be understood, in its simplest form, as outlining what good critical thinking is in morality.

Lest I be misunderstood in the previous paragraph, this focus on critical thinking by no means suggests that morality is a strictly logical, reason-based, endeavour. As I have argued throughout this thesis, there is ample room in my system for moral intuition, moral perception and moral feeling. Without these things, we cannot even get started in reasoning because we will not see a situation as a moral one and hence not problematic. While fully recognizing the importance of intuition, perception and feeling, this thesis has focused primarily on reasoning. However, this focus does not imply that intuition, perception and feeling are subservient to reason in any kind of rational-deductive model of ethics.

## **II. Defending My Reasonableness Conception**

### ***a. Arguments in Summary***

The question facing us now is how I can justify that my reasonableness conception of impartiality is a good one, fulfilling the goals variously outlined in the previous section.

One response to this is found in the previous section in how my work complements many current approaches to moral education. Because each of the possibilities talked about in the previous section has purchase on many of us, there must be something in these approaches that captures a genuinely desirable feature of moral development. Because my system is consistent with each of these approaches, this gives us reason to believe that my system is tapping into what is good and valuable in each of them. If my system were fundamentally at odds with any favoured approach, then there would be reason to question what is lacking in my work. It is certainly the case that I am focusing on specific aspects of

moral developmental that might not have great emphasis in any of these other approaches. However, this focus of mine is not inconsistent with the work of virtue theorists, character educators, proponents of the Ethic of Care, Kohlbergians or 'Real World' Ethicists like Nash. This complementarity gives us *prima facie* reason to think there is value in my conception.

A similar defence can be made from the standpoint of ethics. In chapter 4, I explored various ways in which impartiality has been central to ethical theories throughout the history of western philosophy. Because of their enduring importance, these theories seem to capture something central about our moral thinking. My reasonableness conception of impartiality takes what is most important from these theories and weaves the various ideas together in a more robust conception. While there are obvious points of departure between myself and Kant, Mill, Rawls, Hare and Habermas, there are crucial areas of overlap as well. With Kant, I share the recognition of people's fundamental worth—this plays out in terms of acknowledging primary goods (see chapter 6, section 3). With Mill, I share the belief that others matter and morality demands sufficient attention to the claims of others and how our moral judgements/actions will impact upon them. Like Rawls's thought experiment, the original position, I claim it can be valuable in making moral decisions to try to abstract from the particular characteristics of my own situation that might bias my judgements and 'see' the situation from others' perspectives. Along with Hare, I agree that moral judgements must be consistent in various kinds of ways. With Habermas, I see impartiality as a property of judgements and not of individuals—it obtains when judgements are made in particular ways that gain sanction from others. That my conception can incorporate these essential features from other moral systems is, again, *prima facie* evidence that my conception is useful.

A third kind of defence shows the flip side of the previous argument. There I showed how my reasonableness conception is consistent with many common uses of impartiality. This third defence shows how my reasonableness conception is immune to the charges brought against these standard conceptions. In chapter 7, I explored some common critiques brought against impartiality—especially as arising from the feminist and post-modernist camps. My normative understanding of impartiality admits that we can never fully abstract from who we are, nor do I argue that it is desirable to attempt this. Instead, what I demand is that our own particular positions do not *unfairly* influence our moral judgements. This commitment to fairness is one that these various critics of impartiality would agree with

(even if they would prefer not to use the concept of impartiality to get at this fairness). This agreement gives further support to my conception.

### *b. Possible Objections*

While chapter 7 looked at actual charges brought against impartiality (showing how my reasonableness conception was immune to them) we can also look to imagined critiques of my conception. To the extent that I am able to deflect these critiques, we have further evidence that my conception is a good one. I will look at two such possible critiques below.

#### *i. Overly Formal—Relativistic*

One possible objection to my system<sup>113</sup> is that it gives us insufficient guidance in determining answers to moral problems. Because I am arguing for procedures that individuals must work through without giving any hard and fast rules for how to carry out these procedures, I have failed.

A related argument could hold that because my theory is overly formalistic, there is not sufficient substantive content within the theory to rule out morally questionable actions. Given this lack, my system is implicitly endorsing relativism of one sort or another.

If the charges here are effectively arguing that my system will not solve all moral problems, then I accept guilt. However, as I have argued throughout this thesis, it is not the job of ethics (understanding this term broadly here) to give us answers to real life moral problems. The best we can hope for from ethics is guidance in how we should go about solving these problems. With this guidance, we still need to make personal judgements about the situation at hand. To expect more from ethical theories is to misunderstand what ethics can offer.

Recall that I am developing a system not to solve all moral disputes. Rather, I want a system that will give an individual some tools in solving these problems. The system is intended for the person of good moral will, she who genuinely wants to do what is morally

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<sup>113</sup> Again, as throughout the thesis, I make use of the term 'system' to refer to the Contextualist approach to moral reasoning and the standards that underlie this approach.

right but is unsure of what that is. The Contextualist procedures and the standards that underlie them can help such an individual see the complexities of the moral problem, the ethical issues that are at play and the competing claims of the various people involved. However, it is still up to this individual to utilize these tools and come to a judgement about what morality demands.

Does this absolve me from the charge of relativism? I am saying that even with the tools I offer here, it is still up to the individual to decide for him/herself what is morally appropriate in any given situation. Others can raise objections against my tentative judgement but it is up to me to decide if these objections are good ones or not (the tests outlined in chapter 6 give me guidance in thinking through these questions). As such, it appears as though I am the final arbiter of what is morally right (at least as it pertains to me). This smacks of relativism.

While it is true that I am the final arbiter of what I shall judge to be morally appropriate, this is a practical matter and not an endorsement of relativism. What it says is that it is ultimately I, facing this moral problem in my life, that must judge how I am going to act. The more I can talk through this with others, gaining their perspective and thoughts on the problem, the better my judgement will be (other things being equal). Ultimately, however, *I* must act and so *I* must decide how *I* am going to act.

My choosing of any particular course of action does not, however, make it right. All things considered I might think it is the best one possible. But even if I am truly open-minded and approaching the problem in good moral faith (that is, genuinely wanting to consider the competing claims of others and do what is morally right) I might come to a poor decision (failing in any of the ways outlined in chapter 6). While I may not see the problem in my decision, others well could and still claim that there is something morally problematic in my judgement. Thus the relativism problem seems to be avoided. The non-relativist can still admit that everyone might think s/he is right. However, with recourse to some standards other than mere personal opinion, we can legitimately argue that some of those people are simply in error. As the many examples throughout the thesis show, my system certainly has enough teeth to claim that some moral actions/judgements are simply wrong. To the extent that any system can claim this, it is not endorsing relativism (at least not at a person level—

there is still frame-work relativism that is possible; see the next section for a discussion of this possibility).

One could back away from the relativism claim here and yet still object that my system allows for too much disagreement to remain. If a result of following my system is that we are left with the possibility of everyone thinking she is right and yet conflicting with everyone else, what use is there in what I offer? This persistence of disagreement is unfortunate and yet reflects the complexity of moral life. Unless one thinks that ethical theories can give the *right* answer to moral problems, then we are forced to accept this possibility of disagreement enduring. As I argued earlier in this section, we cannot, and should not, expect ethics to solve all moral problems. Ethics can help guide our choices, but those choices still need to be made. Anywhere you have choices, especially about complex issues, there will be the possibility for disagreement. The best we can hope for is that people genuinely give each other a fair hearing and that, where differences persist, we can respect those differences (even while we disagree with the moral actions that follow from them) and maintain the good will needed for future moral deliberation (to say nothing of living together as friends, family members, colleagues, neighbours, fellow citizens and so forth.).

Contextualism (with my test of impartiality) is not meant to give us the “right answer” to moral problems. Nor is there any god-like figure who will paralyze you if, having gone through this process, you still encounter people who disagree with you. What Contextualism offers is the chance, for those who are sincerely concerned about the moral appropriateness of their tentative judgements, to test these judgements. It offers a procedure to follow that will, to the extent possible, take into consideration others’ points-of-view and give the agent the chance to discuss (again, where possible) the judgement with those likely to be affected by it (and anyone else who might have some perspective to offer on the matter). If an agent sincerely and open-mindedly goes through this process and still cannot gain agreement from someone else (or some others), then he or she may still act in good conscience with the assurance that s/he has done everything s/he can to defeat this tentative judgement and has failed to do so (in his or her own mind). Will this lead to a perfect moral world? No, obviously not; wherever disagreements persist, someone may believe that he has been treated unjustly. But given the imperfections and complexities of our world, such a moral outcome is perhaps the best we can hope for.

One final critique here might hold that with the standards I have outlined in chapter 6, there is still too much room for judgement. If this critique is simply repeating the objection cited above, that my system does not give us answers, then it holds little merit (for the reasons given above). However, if this critique is arguing that the standards outlined in chapter 6 are insufficiently worked out then I will accept guilt. There is obviously more that needs to be said about each of the four “tests” discussed in chapter 6. Because each test requires judgements about how to apply it, the more sophisticated our understanding of these tests, the better we will be able to utilize them. Thus, I fully admit there is far more detail to be worked out with each of the tests. What I’ve attempted to do within the limited scope of this thesis is to first suggest various tests (that is, various ways in which tentative moral judgements can be defeated), second to justify why those tests are important to our moral reasoning and finally to give some beginning understanding of the crucial factors involved with each of the tests. But this is only a beginning—if one were to adopt my system here, there is obviously more work needed in refining our understandings of these tests.

*ii. Overly Substantial—Not Respecting Diversity*

While the above critique held that there is not enough substantive content built into my system, one could also argue the opposite, that it is overly substantive. I am trying to offer a system that respects reasonable diversity yet has enough teeth to say that certain moral actions/judgements are wrong. To get the latter into the theory, I’ve needed to develop something like what Rawls has called ‘a thin theory of the good’. That is, I am not determining what is morally good for all people, in all situations. Rather I am offering some minimum threshold of moral goodness that must be met if an action/judgement is to be considered morally adequate. But what if my thin theory of the good is not as thin as I might like to think? Or what if it is sufficiently thin, but simply wrong or at least biased in a problematic way? If either of these objections holds, then I might be guilty of something like Young’s sixth critique cited in the previous chapter, attempting to hypostatize “the point of view of privileged groups into a universal position” (Young 1990, p. 112).

The charge that my thin theory of the good is actually more robust than I imagine, might be a way of arguing that I am overly committed to a moral realist position. This would mean that I believe there are moral ‘facts’ that exist objectively in the world, independent of

anyone's holding them and as such there are moral precepts that are unquestionable. While remaining agnostic on the realism question, I can still argue that certain things are morally right and wrong. For example, I can unequivocally state that it is wrong to torture children for fun. Such a strong commitment is not necessarily a commitment to any kind of realist position<sup>114</sup>, nor an indication that the theory of the good that underlies my system is thicker than I would like. Rather it is simply an admission that the reasons to object to this action are so overwhelming that no reasonable person (who shares my basic understanding of morality) could ever endorse it. To have a strong conviction that certain acts are morally right or wrong need not commit one to a moral realist position.

Further evidence that I have not developed a thick theory of the (moral) good is my insistence throughout the thesis that ethicists (here I count myself amongst this group) do not have the final say on what is morally right or wrong. We can have opinions, hopefully backed by strong reasons. But in any case of moral perplexity, an answer can only be arrived at by engaging the concrete details of the case in a real life context. Abstract, theoretical thinking will not solve real problems. Because this engagement with the context of the problem is so central to my system, it must take into account the various conceptions of the good that the individual actors bring to the moral problem.

What then of the charge that my theory of the good is indeed a thin one, but one that is overly partial? In response to this, I would point to the many examples of where a diversity of possible solutions to a given moral problem would be possible within my system. Recall the example in chapter 3, section V of the counsellor having to decide whether he would keep the student's secrets confidential. As I argued there, I believe that there are many possible, legitimate solutions to this problem, falling into roughly three categories: 1) say you will keep it confidential and mean it, 2) say you will keep it confidential, but think to yourself in certain circumstances you would have to go back on this promise and 3) say you cannot promise to keep it confidential. Each of these three options has good reasons supporting it. Depending on how one is reading the situation and how one evaluates the relative importance of the competing claims, one could reasonably come to any of the three choices. This is but one example of how my system allows for diversity and to this extent, I

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<sup>114</sup> Though it could be entirely consistent with a realist position.

think it does not overstep its commitment to any particular conception of the good. Said in another way, because my system will allow a diversity of acceptable solutions to many moral problems, it is not committed to too limited a conception of the good.

Another possible defence here is that in developing my system, I have taken into consideration (and hopefully overcome) the problems that some theorists have with impartiality. To find common ground<sup>115</sup> with theorists from radically different orientations suggests that the thin theory of the good that underlies my system is broad enough that all reasonable people could agree with it. Of course even if I've found common ground with Young (see chapter 7) this does not show that I've similarly succeeded with all people. However, if I have indeed overcome many of the central critiques made against impartiality, this does seem a defence of my system.

What of the charges that my system is too culturally based or too culturally biased? The first critique is arguing that my system, while useful for 'our' society, is limited to that sphere and has no applicability beyond its boundaries. This is the frame-work relativism of which I spoke above and it is something that theorists like Alistair MacIntyre (1988) would see as a necessary limitation of any moral system.<sup>116</sup> To an extent I have argued in such a way as to invite this criticism. In chapter 5, I argued that given 'our' understanding of morality, a certain consideration of others (in effect, recognizing them as moral persons) is necessary. This follows too from living in a democratic context; in recognizing the equality of citizens, we need to acknowledge the inherent worth of all people. But what of others who do not share this conception of morality, or who do not live within a democratic context?

The simple answer here is that we are simply using different language, talking past one another. If we have such a fundamentally different starting point in our understandings of morality, then there is little hope that we can get agreement upon the specific details of what morality demands. However, it does not follow from this that I cannot still make judgements about the actions of people in other cultures/frame-works. I will still

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<sup>115</sup> This assumes, of course, that I have found common ground—that is, that I have been successful in overcoming the objections made against impartiality by theorists like Young.

<sup>116</sup> Though strictly speaking it would be wrong to call MacIntyre a framework relativist because he believes there can be reasons to prefer one system over another.

unequivocally state that it is wrong for anyone, in any context, to torture children for fun. This is not simply a statement about my culture, given the starting-points that we share here. I am making this claim for all people, in all cultures. That said, someone else who begins with a different understanding of morality and its demands may not find the reasons I give to support my judgement compelling. Thus, within my system, it is possible to make judgements about actions/people from other frame-works. However, it is not so easy to convince these others that my view is right.

This problem, while real and important, is not so damaging to my system with its focus on giving students in our society the tools they need to function as good moral beings in our society. Because we start with some common understandings about morality, we share a frame-work within which we can hold moral discussions. But what then of the charge that my system is too culturally biased—that is, that my understanding of ‘our’ society is really not representative of all the voices that need to be heeded in ‘our’ society?

This is definitely a possible danger for me. Throughout the work, I have relied on examples that I think ‘we’ all could agree with. However, there is a huge assumption on my part that ‘we’ all would come to the same conclusions about these examples. I have tried to be as inclusive as I can; taking what I see as the essence of many popular uses of impartiality throughout western philosophy, taking account of the critiques made against impartiality by theorists with orientations quite different than mine. There are many voices speaking about issues relating to impartiality and, more generally, moral fairness. I hope I have been able to find some common ground amongst these voices, an overlapping consensus<sup>117</sup> of sorts. To what extent I have been successful in this endeavour must be left to the reader to consider. However, I would stress that what I offer here is best understood as the starting point of a discussion. In no sense am I proclaiming this system as the complete and definitive ethical theory for all time.

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<sup>117</sup> Borrowing and adapting the expression from Rawls.

*c. Does it Work?*

This final defence is really the crucial one—does my system make sense, does it work? As Margaret Urban Walker (1998, p. 27<sup>118</sup>) rightly argues, it is not the ethicist's job to stand outside of the moral realm and somehow create it. Rather, we must recognize that we are inside that realm. Far from creating the moral realm, our work is successful if it helps to make sense of what we are observing around us. Our job is to help gain some insight into the complexity of the moral world and help to guide our thinking about what it is to live as a morally good person.

Ultimately then my system is good in so far as it is useful. Does it accord with our common moral perceptions and intuitions? Does it lead to judgements that we would typically agree with? Does it allow for a range of possible moral solutions where this is appropriate? Does it help us in determining what to do in morally problematic situations?

One test of this would be to go back through the examples I have given in this work and see if they accord with our common judgements. If the reader agrees with the solutions I have proposed, then there is reason to think the system a good one. If the reader does not agree, then the question is whether that is because of a fault in the system, or how I have used the system.

A second test would look to other moral problems that I have not covered. Think of any morally problematic situation and how you would, intuitively (or by any other means) solve that problem. Then tackle the same problem with the system I propose and see if you reach a similar judgement. If yes, then again this provides support for my system. If no, then one needs to ask oneself which solution is preferable.

A third test looks to the success my system would have in resolving (or at least helping one to work through) problems of moral relevance and conflict. Recall in chapter 2 I stated that any adequate program of moral education must help students develop the capacities to deal with these two problem types. By my own criterion, I have been successful only if my system has some use in these two cases.

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<sup>118</sup> See also Nielsen (1987, p. 145) for a similar view on this topic.

Generally these two problems arise because the ways we have developed for dealing with moral issues need to be adapted or expanded to deal with new and different situations. As Wallace writes:

We have succeeded in solving a relevance or conflict problem to the extent that the altered ways will enable us to deal with the sorts of matters addressed by the old ways, while at the same time enabling us to cope with the unprecedented situation. It is important too that any disruptions elsewhere occasioned by the modifications be tolerable. (Wallace 1988, p. 52-3)

While this applies to both relevance and conflict problems, it may be helpful to explore each separately.

To solve a problem of moral relevance, we need as rich an understanding of the moral concept in question as possible. Consider an example from the latest Harry Potter (Rowling 2005, chapter 9) book. Harry has gotten hold of a textbook with highly useful margin notes that allow him amazing success in his Potions work—so successful that he wins a competition and a coveted prize. Hermione questions whether he has fairly won the competition (i.e. whether he has cheated because of an unfair advantage). Ron counter-claims, saying that everyone is simply following instructions out of a book and Harry's book just happens to have different instructions. All would agree that it is wrong to cheat but the difficulty in this case is determining whether this is an instance of cheating or not.

Now imagine this scenario with Harry, having had some education in the kind of moral system I have outlined, trying to decide whether he should use these margin notes. Working through a Contextualist method, he might arrive at a tentative judgement that this is not an instance of cheating and thus he is justified in using the notes. To gain greater confidence in this judgement, he tests it against my RCI.

Is Harry meeting adequate standards of practical reasoning? Let us assume that he is—he is evaluating a sufficiently wide range considerations and possible resolutions to this problem and that the kinds of consequences he is imagining are indeed likely.

What of his consistency in applying these considerations? Here we can think of something like the role-exchange test that Coombs writes of (1980, p. 30-55).

What would Harry think of the situation if, say, Malfoy had gotten hold of this book and as a result had won the competition? It is not hard to imagine that one could accept these circumstances if it led to one's own, or a friend's benefit but not so happy when it is one's enemy who so benefits. If Harry could not accept the situation with Malfoy benefiting from the advantage then there is reason to think that it is unjust for him to benefit (and hence this is a case of cheating).

How would a consideration of primary goods help Harry? This would depend, of course, on what one considers to be a primary good. Assuming something like a Kantian respect for persons here<sup>119</sup>, Harry might conclude that given everyone's fundamental moral worth, we are extending respect only when everyone is on an equal footing with regard to the competition (meaning that everyone is working from the same textbook, having the same resources). Contrary to this, however, would be considerations of how luck is already present in many ways: some are lucky enough to have more natural talent at Potions, some have had a stronger education at home giving them an advantage even before they got to school, some might have been lucky in the kinds of teachers they had leading up to this point and so on. Given these apparently acceptable instantiations of luck, Harry might question why his bit of luck shouldn't also be acceptable.

Finally, what could a consideration of domain contribute to Harry's thinking on this problem? To see how this is relevant, one would need to question what the purposes of education are. Assuming one goal is something involving critical thinking, then education is successful only when the learner understands something from a lesson and is able to "make that her own" (that is, to apply that knowledge to new and different situations).

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<sup>119</sup> Admittedly this is somewhat of a different interpretation of primary goods than Kekes's notion that I discussed in chapter 6.

By using these extra notes, is Harry learning the kinds of things that the lesson was intended to teach? If not, then we might say that while passing this 'test', Harry has not really benefited in the way that was intended by the teacher. In other words, if we can conclude that the basic knowledge and understanding of Potions that was meant to be conveyed was not learned by Harry, then he is not in a position to take that knowledge and apply it in other situations. To draw upon Scheffler's (1966, p. 106) distinction between knowledge and belief, Harry had a true belief (that is, he knew how to follow the steps to make this particular Potion) but not knowledge because he did not "earn the his right to his assurance of the truth in question" (that is, he did not know why what he was doing led to a successful potion and hence was not in a position to apply this learning).

One could, of course, read this situation in an entirely different way. It is possible that one could have a different understanding of the purposes of education. One could believe that even if Harry did not use these margin notes, the lesson set by Professor Slughorn would not have yielded any deeper understanding of Potions anyway and so the purposes of the domain are not thwarted by Harry's actions. However, if Harry does agree with critical thinking as a basic goal of education and accepts that his actions would lead to him not realizing this goal, then he has reason to question his tentative judgement.<sup>120</sup>

Though brief (and incomplete), this analysis shows us how the tests I outline in chapter 6 could help someone trying to reason through a problem of moral relevance. As Coombs rightly argues, "the major task in reasoning about a problem of relevance is not to build a theory, but rather to adapt our moral concepts and principles intelligently to the new and problematic case" (1998, p. 565<sup>121</sup>). The tests I have outlined here can help us in determining when such an adaptation has been done well (intelligently).

How might my system be used in a case of moral conflict? Let us rethink this same example from the perspective of the teacher. However, instead of Harry having

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<sup>120</sup> Though notice here how this shifts the issue of cheating away from the competition somewhat toward more pedagogical considerations.

<sup>121</sup> Here Coombs is summarizing Wallace's work (1988, chapter 3).

received the written-in book, it was Neville, a student who has had very little success in school because he has devastatingly low self-esteem that severely limits his ability to live up to his potential. Here Professor Slughorn seems to be caught in a conflict problem. On the one hand is an issue of fairness to all the students (arising from Neville cheating by using the added notes in the textbook). On the other, is the teacher's duty to help foster the growth of all students (especially those, like Neville, who are functioning far below their potential).

Imagine that Slughorn has found out about Neville's book (and determines that cheating has occurred) and sees himself faced with a dilemma: either he denies Neville his prize on the grounds of fairness or he ignores the cheating in order to boost Neville's self-confidence. Like Harry in the example before, Slughorn works through something like Contextualism and arrives at a tentative judgement that he will ignore the cheating and let Neville have his prize. He then consults my four tests to evaluate whether this judgement has good enough reasons to support it (i.e. does it pass my RCI?).

After some reflection, Slughorn might think that his practical reasoning has been weak. He realizes that the dilemma he has set-up is actually a false one. There are other possible resolutions to the situation. For example, Slughorn could honour Neville for the skill he showed in making the potion (and perhaps even award him some prize) but acknowledge in the interests of fairness that a new competition should be held for the big prize because one student had an unfair advantage in the previous one. Of course, this possible resolution would need to be critically evaluated and tested as well. However, that a significant possible resolution was not considered by Slughorn in his initial deliberations provides reasonable grounds for objecting to his tentative judgement (which isn't to say that on further reflection, the original judgement might not still prove to be the most preferable).

To the second test, a consideration of relevant differences might reveal aspects of the case that Slughorn had not previously considered. Again performing the role-exchange test (or a version thereof) Slughorn could ask himself if this conflict would exist, and if his judgement would remain the same, if it were a student other than Neville. Obviously if another student were in Neville's position, but did not lack for

self-esteem and self-confidence, then the conflict would not exist at all. What of another case, whether the other student is identical to Neville in all ways, except that the teacher feels less sympathy for him? Here we could imagine the morally responsible teacher recognizing this difference and how it is affecting his motivation, but realize that this should not be a relevant consideration and hence not change his judgement.<sup>122</sup>

Slughorn could imagine a third alternate scenario in which the student is equally lacking in self-confidence, Slughorn feels equal sympathy for this other student, yet judges this other student to have less potential than Neville; is this a relevant difference? A major reason why Slughorn is inclined to ignore the cheating in Neville's case is because he thinks that Neville, with heightened self-confidence, could achieve much more. However, because he believes this other student is not capable of much, there is less to be gained by ignoring the cheating and so places greater emphasis on the fairness side of this conflict.

Considering these various alternate scenarios could lead the teacher to feel uncomfortable with the kinds of considerations upon which he is basing his judgements. Realizing that his sympathy and expectations of his students should not carry the kind of moral weight he is offering here could, conceivably, lead the teacher to revise his initial judgement.

The third test looks to primary goods. As Kekes talks about them, one of the primary goods is self-esteem. Assuming Slughorn agrees with Kekes here, he might conclude that to deny Neville this prize could do serious harm in this regard and so would be leery of denying Neville the prize. Of course if one decided the fairness considerations were the most important, there could be ways of denying Neville the prize that limited the risk to his self-esteem. Given, however, that Slughorn has decided to ignore the cheating there is nothing in the consideration of primary goods that would defeat his tentative judgement in this situation.

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<sup>122</sup> This does not imply that sympathy cannot be a relevant consideration. Perhaps some readers would think the level of sympathy teachers feel for students is important and that this legitimately bears on the decision at hand. I think these people would be wrong but my thinking this does not make it so.

In contrast, a consideration of domain might lead Slughorn to re-think his tentative judgement. Given the nature of the pedagogical relationship it is crucial for students to trust their teachers.<sup>123</sup> Given this, Slughorn might conclude that if he ignores the issue of fairness here and the students find out, trust could be lost rendering future teaching more difficult (if not impossible). In addition to the loss of trust, Slughorn could also lose the respect of his students which could also harm his future teaching effectiveness. Setting these considerations against his role as teacher, within the domain of education, could lead Slughorn to re-evaluate the relative weight he has given each side of this conflict.

As Wallace (1988, chapter 3) says, a successful resolution of a moral conflict problem will retain as much of the importance of the competing claims as possible. To achieve this success it is necessary to understand the various moral concepts at play in as deep a way as possible. In the above example, solving the conflict problem requires that we understand both the importance of fairness and the promotion of self-esteem (especially in the role of teacher) and how these considerations fit into a wider moral ecology. The better our understanding of these concepts and their complexities, the better position we will be in to find a resolution to a problem that, “modif[ies] the considerations [in] ways so that the meanings, the points, of the original considerations are preserved as far as possible” (Wallace 1988, p. 92).

For both relevance and conflict problems, expanding and deepening our understanding of moral concepts seems to be key. As Coombs writes:

Because of the open texture of moral concepts, the primary means of acquiring sophistication in their use is through seeing how they are interpreted in a wide range of diverse cases. One thing that might be learned by the discussion of cases, then, is an increased appreciation of the rationale and range of application of the public moral concepts. (1998, p. 564)

To teach good moral reasoning, then, we offer students the chance to enter “into the practice of moral discussion with someone who knows what good moral reasoning requires” (Coombs

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<sup>123</sup> For a good discussion on this topic, see Strike 1982, p. 41-53.

1998, p. 565).<sup>124</sup> In this thesis I have attempted to outline some standards that explicitly show these requirements. Teaching these standards to students will help them to develop the kind of sophistication of which Coombs speaks, in turn better equipping them to deal with problems of relevance and conflict in their own lives.

### **III. Educational Implications**

As I stressed in chapter 1, I see myself primarily concerned with educational questions and secondly with philosophical/ethical ones. The nature of this thesis has been such, however, that the ethical questions have needed to take centre stage for the most part. However, I want to finish the work by pointing us back to education and the practical implications that follow from my analysis.

There is not sufficient space here to get into specific details about how these prescriptions can play out in the classroom. Moral learning can occur in many forms; through the study of literature, of history, of current society, of students' lived experiences and, following Kohlberg's Just Community Schools, through the real interactions within the school. I am not sure what is best for my goals--the actual curricular detail will be left for another project. However, I can summarize the work by looking at the kinds of things students will need to learn in order to be good moral reasoners (at least as I have outlined this in this thesis). This will roughly follow two parts: first, the procedures of Contextualism<sup>125</sup> and second, the standards explicated in my reasonableness conception of impartiality.

Students need to be able to recognize the moral features of situations. We cannot even begin to have moral discussions until we perceive what exactly makes a situation/problem a moral one. Hand in hand with this is the need to be able to perceive what makes a given situation unique, what are the distinguishing features of the individuals involved. Here, moral perception is a key attainment to be gained.

With this perception of the moral features of a situation comes the need to relate this particular situation to a wider moral understanding. If I judge a particular situation to involve

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<sup>124</sup> Though I do not have space here to discuss this, Coombs's quotation raises an interesting question about who has this moral expertise and hence, who is qualified to teach morality.

<sup>125</sup> As I cautioned in chapter 2, it can be problematic to think of these components as discrete steps. In our actual moral thinking, these run together and we move back and forth throughout them. However, for clarity's sake in writing about them, it is useful to list them as a more linear series of steps to follow.

issues of fairness, justice and compassion, how do these particular virtues fit into my larger conceptual ecology? In other words, moral reasoners will need to have a broad understanding of the importance of these virtues and/or concepts so as to be able to apply them to a particular situation. One must be able to move back and forth between the general principle and how it plays out in a given context. The more sophisticated our understanding of these general principles and the more opportunity we have had to apply them, the better we will be able to move back and forth as described.

Given a situation, moral imagination becomes crucial. We need to imagine possible resolutions to the problem. The more we understand the complexity of the problem and the moral issues involved, the better we will be able to imagine these various possible resolutions.

We also need to be able to imagine likely consequences of acting in the various ways proposed. Often times this will be inexact, as one cannot predict the future. However, with greater moral experience comes greater facility at anticipating consequences and understanding how individuals will react in given situations. This imagination will also be helped by a greater understanding of the world, natural phenomenon and social interactions. All of these things may not be perceived directly as moral education, but they will help in making moral judgements.

Finally, students need to be able to compare the relative merits of the possible courses of action and choose intelligently which course has the best reasons supporting it. This is by no means a simple thing. Often there will be multiple competing claims, resting on varying degrees of certainty regarding their likelihood in coming to pass. How do we decide which of the many claims is the most important and how much weight that should hold in the face of other claims? We must make difficult judgements, and while nothing can absolve us from this difficult task, it can be made easier by having practice. Not only will this practice give us the experience of having gone through this judgement process but more importantly, it will get us thinking about larger and deeper questions regarding what is important in life. Ultimately, how we evaluate competing value claims, will rest on what we consider a good life to be and those things that are most important to fulfilling that good life. To get students thinking about these questions, and putting their immediately day-to-day choices against this larger back drop, will be a good start in making their moral reasoning more sophisticated.

The previous five paragraphs have outlined the Contextualist approach to moral reasoning that I described in chapter 3. We can see with each of the components that there are various skills, knowledge and attitudes that would usefully be passed on to students. Developing any of these attainments would help one's moral reasoning. However, anyone can go through this process. The key question for this thesis has been whether one has gone through it well; in other words, we need to ask whether our moral reasoning is adequate or not. This leads us to the question of what standards could underlie moral thinking.

Somehow we need to get students to be able to distinguish moral thinking from *good* moral thinking. In this thesis I have outlined some standards that can be used to distinguish these two categories and this can form a helpful backdrop for moral educators. However, as I have argued elsewhere (in a slightly different context—Rosenblith and Priestman, 2004), it can be useful to have the students try to come up with these standards themselves. In other words, have discussions with students about their basic moral commitments, what they think words like *right* and *wrong* mean in morality—essentially do metaethics with the students (or what Robert Nash (2002) has called First Moral Language—see discussion in chapter 2). I am confident something like my four tests, as outlined in chapter 6, would emerge from such a discussion (at least in basic outline). The teacher's role then would be to expand upon those discussions and give the students as sophisticated an understanding of morality as is possible.

Outlining the Contextualist procedures is a start. Then we can introduce the concept of defeasibility<sup>126</sup> and get students to see the value in this approach—how our judgements are constantly open to new evidence and new perspectives, how we need to consider the claims of others and, where possible, give an open-minded listen to anyone who wishes to comment on the judgement. We then try to imagine various ways in which our tentative judgements could be defeated. In this thesis I have suggested a test of impartiality: a moral judgement is adequate if no one could reasonably object to it. Again, this does not mean others would necessarily choose this particular resolution themselves. Rather it states that any one judging reasonably could see that I have good enough reasons to choose the option I do. Of course

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<sup>126</sup> The idea that moral judgements cannot be proven to be true (in any absolute sense). Rather, we take a tentative hypothesis, attempt to defeat it in any way we can. If we cannot defeat it, then we have reasonable confidence in its moral adequacy.

the key question then becomes what is a *reasonable* objection. In chapter 6, I outlined four general ways in which one could reasonably object to a judgement. Giving students an understanding of each of these four tests would give them a wide-ranging and comprehensive (though by no means complete) understanding of morality, its importance and its complexity. Equipped with this understanding, the students would then be in a position to self-reflectively critique their own moral judgements—essentially becoming autonomous moral thinkers.

The first test of reasonability explores the standards of good practical reasoning. Because what one does with this Contextualist approach is reason through a practical problem, one must meet adequate standards of practical reasoning. We can fail here in a number of ways; by not taking into account relevant information; if our information is faulty; if we are not considering important possible resolutions to the problem; if the consequences we imagine would follow from a given act are in fact unlikely. Though by no means straight-forward, these considerations are relatively unproblematic. That is not the case, however, when we consider whether our evaluation of the reasons and possible courses of action is good. This is so because such an evaluation rests upon what value we place on various things—not least of which are moral values. This, then, moves us to a question of what are acceptable moral values to hold. Tests two through four attempt to give some outline of an answer to this question.

Test two focuses on the notion of relevant differences and the consistency one has in applying moral principles. A simple understanding of justice holds that we must treat equal cases equally, different cases differently—but this simple understanding does not tell us when a difference is relevant. If I think it is wrong for a stranger to steal, then I must also hold that it is wrong for my mother to steal—even if I might profit by her thievery. The fact that she is my mother and not some random stranger is not a relevant difference. But if by stealing something, my mother could save many lives then most of us would judge this to be a relevant difference and so we would need to re-consider whether stealing was morally wrong in this case.

There is no simple rule or formula we can teach students to get them to recognize a relevant difference from an irrelevant one. This can only be determined from an examination of a particular case with all the uniqueness of its context, though any such examination could still yield conflicting ideas of what is relevant and not. But in thinking more broadly about

morality, its meaning and its function, students can begin to get an understanding of the claims of morality. This, in turn, will help them in determining when differences are relevant—and where relevant, what follows from this. Again, there is great pedagogical value in having students come up with standards that could guide our thinking in this, as opposed to just telling them what they should believe. Working through examples is always helpful. Over the course of many examples, students can begin to see some consistencies between differences that are obviously relevant and differences that are obviously irrelevant. From these simple cases we can build up to a discussion of more complex cases. Informed by the previous understandings and the kinds of discussions that arise out of disagreements, students can deepen their understanding of morality and sharpen their use of this relevance test.

The third test looks to a foundation for morality that all could share. There can be things like religion, sexuality, family structure and life-style that are central to who we are as individuals. However, given the differences across people on these fronts, there is little in any of these areas that could offer hope of providing a foundation to which all could agree. Because morality is a social thing, regulating how people are to live together and act toward one another, we want some kind of foundation that does not privilege one conception of morality over another. We thus need to look for this foundation elsewhere, in things that are central to who we are not just as individuals, but as human beings. We all need nourishment, water and protection from the elements. We all come into the world unable to take care of ourselves, needing the care of others. We all need some kind of teaching if we are to grow into functioning people. Getting ill, growing older, dying are all things we go through.<sup>127</sup> These commonalities, what John Kekes refers to as primary goods, can form a basis of how we ought to treat other people.

There can, obviously, be disagreement about what actually is a primary good. Again, an open discussion with students about what is fundamental to being a human being is a great entry point into discussions of morality. Further, the importance that such primary goods play, (i.e. the limiting conditions they set on moral actions), is likewise a useful debate to

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<sup>127</sup> Obviously these things happen to different extents for different people but I think it is reasonable to argue that these things are all part of the human condition.

have. I have proposed that honouring these primary goods is a fundamental starting point for morality. Without something like this, we do not acknowledge the inherent worth of people, failing to treat them, in Kant's words, as ends unto themselves. Thus, if any act we propose is going to deny someone a primary good, then there are reasonable grounds to object to this judgement.<sup>128</sup>

The fourth test looks to the domain in which an act is being carried out. The thinking behind this is that the importance of a moral principle will change given the realm of life within which one is operating. Lying, for example, has potentially disastrous consequences in a court of law or in a classroom. It is not, perhaps, so dire in the case of a business negotiation. Because different realms of life have different purposes, we can only understand the moral significance of something relative to this purpose. Understood in a different way, domain consideration asks us to consider the role of the agent and the rights and responsibilities that come with this role. For example, in the role of teacher or parent, we have responsibilities to the children in our care that would not fall upon a random stranger. This consideration is related somewhat to the second test in that the role someone is playing can provide a relevant difference in one's moral judgements.

The importance of domain and role are huge, but determining what follows from them is not easy. As with the other tests, there will be differences of opinion in how to apply the test and when a judgement has, or has not, passed the test. But such differences of opinion can help us to understand the moral life. Thus, here again, discussions with students about the nature of particular domains, their functions and the significance of particular roles, is useful. This will help facilitate an understanding of how particular moral principles and considerations operate in different realms of life and in what way these differences are relevant (if at all). Once more, such considerations can help broaden and deepen a student's understanding of morality and its demands.

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<sup>128</sup> On its own such an objection does not necessarily defeat a judgement. There can be exceptional circumstances in which we have no choice but to violate someone's primary goods—here we can imagine situations in which we are forced to choose 'the lesser of two evils'.

#### IV. Conclusion

As I have discussed in the previous summary, the value of what I offer is more pedagogical than ethical. It can help our thinking about a particular moral problem. However, its real value is more in how it can help individuals come to understand the complexities and nature of morality. The procedures I outline, and the tests of reasonableness that underlie them, can be of use to anyone concerned with acting in a morally appropriate way. But for those engaged in moral education, this system provides not only this practical tool, but also a vehicle for delving more deeply into the issues that are at the root of morality. As I argued in chapters 1 and 2, a central goal of moral education is to equip students with the tools necessary for grappling with the real life moral issues they will face in their lives. Anyone can make moral judgements. But without a rich and sophisticated understanding of the complexities of morality, one is less able to reach intelligent, reasonable solutions to complex moral problems. Giving students such an understanding will allow them to better grapple with the moral problems they will encounter in their lives.

As a last word, I offer a few suggestions of where the work could go from here. As I have stated earlier in this chapter, there is much more work to be done fleshing-out the tests I talk about in chapter 6. With each of these tests, the more sophisticated our understanding of them, the better we will be able to intelligently and reasonably apply them to new and unique situations. This could involve looking at each of the tests in isolation and developing them in various ways. It could also be helpful to more adequately ground my conception of impartiality in the literature that continues to be published on the topic. Seeing how other people are treating impartiality could help to strengthen my conceptualization of RCI.

A second area for continuing the work would be to think more directly about how to implement this kind of a framework in classrooms. For me, this is an on-going process working informally with my own students. It is also possible to begin to work more formally with other teachers to see what their experiences are using something like the system I am proposing.<sup>129</sup> Along these lines, it would be helpful to compare the kinds of tests I am proposing against similar kinds of tests in use by others teaching in the areas of moral

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<sup>129</sup> To develop something more formal like this would require some thinking about how one would measure the success of such a program. How does one measure moral growth? Not an easy question, though it is an important one.

education or, especially, professional ethics.<sup>130</sup> As I have stressed throughout this thesis, my main concern is practical and hence this system I propose is good only so far as it is useful. To the extent that it can be helpful to teachers and students, I have accomplished something. However, we can only know that, ultimately, by putting it into practice.

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<sup>130</sup> I have done this in chapter 2 with the work of Robert Nash. However, while Nash's work seems to be some of the best in this area, he is by no means the only person writing about teaching professional ethics.

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