INSTITUTIONAL ISSUES INVOLVING ETHICS AND JUSTICE

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Summary

This article provides an introduction to the more general issues that are taken up within this theme. In particular it introduces issues dealing with fundamental matters of ethics and justice. In the first instance the matter of how ethical claims are to be justified, and related to that, how ethical disputes are to be adjudicated, is discussed. It is suggested that rational objectivity, involving among other things a commitment to looking for reasons and to giving reasons for your beliefs, is crucial. Consideration is then given to several influential views about the content of ethics; that is, the substantive values and principles that provide the content of judgments about what ethics requires. The views discussed are consequentialism, rights, and virtue ethics. While these by no means exhaust the field, they provide a good sample of the kinds of views that have dominated discussion.

The article then moves on to consider various levels of ethics: personal, professional, institutional, and global. Examples are offered to show how these levels interact and how they might engender conflicts and ethical dilemmas which individuals find hard to resolve. Emphasis is given to the fact that some decisions are attributable to corporate entities – companies, organizations, governments, and bureaucracies – over and above the individuals who work within them. Attention is also drawn to the fact that the collective impact of individual decisions is often very different from that anticipated by individual agents.

Justice is dealt with separately from theories of ethics, not because it is not determined by them, but because appeals to justice play such a powerful and distinctive role in social critique, particularly in discussions of development and sustainability which are

of central concern here. Different applications of justice, including economic justice, rectificatory justice, and environmental justice are discussed. Finally the issues of sustainability and development are considered, with a view to providing a context for many of the essays within the theme that take up quite specific applied issues.

1. Introduction

One of the significant determinants of the shape of future human life on earth is the set of institutions that evolve to regulate the terms of human interaction both with other humans and with the ecosystems that make up the biosphere. These institutions will have an important impact on the conditions of human life across the earth's various geographic and cultural regions, in particular because of the degree to which they ameliorate the impact of human social and economic activity on the ecosystems that sustain human and other life. If a universally good quality of human life is to be achieved and sustained, this will be due in part to the effectiveness of the institutions that we develop and shape. Furthermore one of the most important ingredients in the effectiveness of these institutions will be the degree to which they incorporate and reflect considerations concerning ethics and justice. It is to be hoped that sustainable human life will be life in which principles of justice and ethical requirements are honored.

The articles collected together in this theme are designed to contribute positively to the development of human institutions that will sustain a universally good quality of human life organized around fundamentals of ethics and justice. These articles aim to assist us in thinking about the ethical dimensions of the social worlds we inhabit, their global contexts, and their impact on the natural world. They are intended to provide a critical perspective on the current situation; to question beliefs and attitudes that are taken for granted, and to provide direction in developing and evolving the complex and interconnected array of attitudes, policies, laws, principles, practices, and the like, that are necessary for creating and sustaining a decent quality of life for all.

The first three categories within the theme, "Ethics fundamentals and approaches to ethics," "Perspectives on ethics," and "Justice fundamentals," all focus on the requirements of ethics and justice that should be considered in the development and refinement of institutions. Within the first category a number of theories about what ethics requires are canvassed with a view to providing a good basis for discussing the ethical advantages and disadvantages of institutions. Within the second category these theories are in various ways applied to a consideration of the personal, the professional, the institutional, and the global. In the third category, theories of justice are discussed in the context of applications to economic issues, cultural issues, intergenerational issues, and environmental issues.

The fourth and fifth categories within the theme have a more applied focus than those in the earlier categories. In "Ethics and justice needs for sustainable development," there is a focused linking of the requirements of ethics and justice with issues of sustainability. In other words the articles focus on what ethics and justice tell us about the forms of human life particularly as they involve resource allocation and consumption, that we should aim at if a universally decent quality of human life is to be achieved and

sustained. In "Institutional global ethics applications," there is a focused linkage on the requirements of ethics and justice for selected human institutions and related policy, with an emphasis on issues of global concern and global perspectives. In what follows, an overview is offered of the main points dealt with, and suggestions made, in the articles that constitute this theme.

This introduction to the theme will not review the contributions individually. Instead it will provide a discursive account of the main issues from a perspective that captures the flavor of the articles that make up the theme. While the contributions are objective, in the sense that scholarship requires, they are largely written with a commitment to sustainability in mind.

2. Approaches to Ethics: justification and Adjudication

There are two broad issues on which philosophical approaches to ethics have focused. The first is how principles of ethics, codes of morality and the like, might be justified. We do not want to know only what someone thinks ethics requires of us, we want to know how that person would justify these alleged requirements to us. If someone is telling us that we are doing the wrong thing, that our habits are not virtuous, that our practices involve injustices, we are likely to want to know why he or she thinks this. Our initial reaction is likely to be defensive and we will want our "accuser" to justify the claims being made. It might be that when we initially ask for justifications these are given in terms of antecedent, more basic principles. These principles might be ones that we ourselves subscribe to and we need to be brought to see that our allegedly errant behavior really does amount to a violation of these more basic principles. Being brought to see this will not always be a straightforward matter. We might resist what is obvious to our interlocutor or we might resist certain descriptions of our behavior that others think completely accurate. Being brought to see that we are doing wrong can be a complicated business fraught with irrational responses.

Consider, though, an example of a justification that appeals to a more basic principle. Someone might urge us to be honest and truthful in our dealings with other people. Reflection might suggest that it would not necessarily always be in our interest to do so. Sometimes it will be in our interests to lie, where this enables us to secure an advantage, turn a profit, or avoid some penalty. Accordingly we might ask why exactly it is that we should be honest and truthful. One answer is that if we are honest and truthful then we, and the people with whom we come in contact, would all be happier than if we were not. The suggestion here is that overall honesty is beneficial in the longer term. If we, and those with whom we associate, are honest in our dealings with each other, then we will all be better off to a degree that will outweigh the small advantage that we might secure on a particular occasion by being dishonest.

This answer will satisfy us only if two broad conditions are met. First, we need to accept the claim about the long-term benefits of honesty in the community. We might be inclined to contest the claim that has been made and argue that there will be particular occasions where dishonesty certainly does contribute to benefits overall. So there is scope for quite a bit of discussion on this point. But this discussion is not about ethics as such. The ethical issue is encountered in the second condition. Here the issue is whether

we accept that there is an ethical requirement to act in ways that make people happier. One way of representing this kind of justification is to think of it as presupposing the mutual acceptance of a deeper, more basic ethical principle. While many people will endorse the allegedly more basic principle there will be many who do not. Among those who do endorse it, there may be considerable variation in the importance they place on it. Some might hold that it is the most significant moral principle there is, whereas others might take the view that it is only one of a number of roughly equally important principles, or even that it should be taken into account only after more important principles are considered. Even a simple justificatory process, such as the appeal to more basic principles, can turn into a protracted debate.

The point is that in a context where there is disagreement between people about which are the basic moral principles and how they are to be ranked or weighted relative to one another, there is a pressing need to have some means for resolving or accommodating such disagreements. Such disagreements will often make it difficult to win acceptance of particular policies at a local or national level. They may create even more profound complications at a global level where co-operation between nations and their populations is required to initiate policies that will produce an acceptable and sustainable quality of life for all. While ethical disagreements can be resolved through the application of force – by forcing another party to do what one believes is right – it is desirable to resolve them through discussion and negotiation, maybe involving compromise. One reason for this is that our initial ethical perspectives may suffer somewhat from parochialism which engagement with other cultures, often those from beyond our borders, will ameliorate. There is a danger of a certain smugness in ethical judgment against which a commitment to discussion and negotiation provides a degree of safeguard.

Discussion and negotiation presuppose that our rational capacities will have a significant role to play. Unless objectivity can be brought to bear on ethical disagreement, discussion would amount to no more than the exchange of views or sentiments, attempts to manipulate the views and sentiments of others, or the imposition of values by force. When something is considered an objective matter it is often thought to involve some objective fact, distinct from any beliefs about what the fact might be. For example, it is an objective matter whether water consists of molecules of hydrogen and oxygen. This is something that is independent of what one prefers, believes, feels, or desires. The truth of the matter is determined by the way the world is. It is a case in which thinking something to be so does not make it so. In this sense "objective" makes a contrast with "subjective." To say that something is a subjective matter, is to take seriously the idea that thinking something is so makes it so. For example, the claim that a certain person is attractive is *prima facie* a subjective claim. Certainly we can point to the features they have which make them attractive but the presupposition is that these features will not necessarily make them attractive to all.

To say that there can be objectivity in ethics is not to say that ethical judgments have exactly the same status as judgments concerning the chemical constitution of water, or that the truth of ethical judgments is determined by some subject-independent or valuer-independent ethical reality. Rather it is to say that where there is ethical disagreement there are rational, dialogic moves that can be made which might produce agreement.

There are things that disputants can say to one another to produce agreement by rationally compelling revision of at least one of the competing ethical beliefs. Disputants can offer reasons, which other disputants might count as good reasons, for or against certain views. The presentation, explication and discussion of reasons for ethical belief can lead to a convergence of ethical belief and, consequently, a resolution of ethical disputes. Even if ethical judgments are thoroughly subjective this might not matter very much at all. It certainly does not entail that reason and objectivity are inapplicable in ethical discussion. Ethical judgments, even if they are at the deepest level subjective, even if they are human inventions or projections or constructions, are correctable through, and responsive to, reasoning. The capacity for rational objectivity is a shared human capacity. It is, among other things, the capacity to ask for reasons and to give reasons for the views that we espouse, to analyze and critically reflect on our beliefs, to call our beliefs into question, to respond to others who ask us to give reasons for what we believe, in a sense to explain why we believe what we believe, to see things from another's perspective, and to appreciate the impact of our actions on others. The capacity for rational objectivity is complex but it is not mysterious. We all use it to various extents in everyday life. In daily life we judge the actions of others – our friends, strangers, politicians, corporations, entire governments – and often find them to be wanting in terms of ethical behavior. The vocabulary of ethics – right, wrong, evil, virtue, vice, rights, obligations, justice, and fairness – is part of everyday discourse.

It might be said, though, that this emphasis on rational objectivity in discussion and negotiation about ethical matters is biased. The suggestion might be that it implies an overly secular approach to ethics, for example that it is loaded against those who think that the correctness of particular ethical views is attested to by some supernatural authority. It might even be suggested that the cultivation of a critical disposition in the context of ethical judgment is wrong because it subverts faith or confidence in whatever is thought to provide the requisite external ethical authority. Sometimes this objection might be couched in terms of cultural bias, the idea being that the ideal of rational objectivity is only an ideal from the perspective of a particular culture or group of cultures and that it has no justifiable claim to universality.

There is no easy response to this view. It is difficult to engage with those who are disinclined to offer reasons for their views. It is not simply that they place an obstacle in the way of any change to their own minds; they decline to offer any reason for changing them. Still, rational discussion could well play a role in achieving a resolution of a dispute engendered by different ethical positions even where those positions are maintained. Thus there is scope for discovering win-win solutions that enable each of those with divergent values to be satisfied. Rational objectivity plays the key role in discovering such solutions. It would be false, though, to claim that such solutions can always be found or found quickly enough. There may be conflicts that have ethical dimensions that cannot be resolved reasonably; that can only be either ignored or resolved through the use of force of some kind. It may be necessary, for example, for people to defend themselves physically against others who cannot be persuaded that they are acting wrongly towards them: by taking their water, disrupting their lives, destroying their forests, or whatever it may be. It may even be necessary for nation-states to take on a similar role; for example in protecting people against extreme human

rights violations where the perpetrators seem to have no awareness of the profound wrongness of what they are doing.

It should be noted that the argument mentioned above was framed in terms of cultural bias and cuts two ways. If it is offered as a defense of tolerating some culturally specific practice, then presumably it functions equally as a defense of tolerating practices specific to other cultures. If the argument is couched in terms of justification by some supernatural authority whose view of matters is presumably accessible only to the anointed, the enlightened or some other special group, then it needs to be recognized just how excluding this view is. Certainly there are likely to be some principles allegedly endorsed by the allegedly supernatural authority that others outside the privileged group share so there will be some common ground. But what is frightening about the position in the end is that it claims a purchase on the truth and makes no concessions as to the possibility of being in error. Now this might be thought to be an odd claim, given the earlier suggestion that ethics is fundamentally subjective. Why would we complain to someone that they deny that they could be in error when we think there is no truth or falsity to the belief which is contested? Part of the answer to this very complicated question is that those who have these kinds of totalizing, exclusive views are often involved in making life miserable for people over whom they have power, not just from our perspective but from the perspective of their unwilling victims with whom we feel some degree of compassion, empathy and solidarity.

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Biographical Sketch

Professor Robert Elliot is the Dean of the Faculty of Arts and Social Sciences, and Professor of Philosophy, at the University of the Sunshine Coast, Queensland, Australia. His area of expertise is applied ethics, including bioethics and environmental ethics. He also has interests in meta-ethics, personal identity, and philosophy of religion.

Prior to moving to the Sunshine Coast five years ago to take up the position of Foundation Dean in the Faculty of Arts and Social Sciences, he was a Senior Lecturer in the Department of Philosophy at the University of New England, Australia. Other educational institutions Professor Elliot has been associated with during his career include the University of Queensland, the Brisbane College of Advanced Education, Monash University and the State College of Victoria.

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After graduating with First Class Honors in Philosophy from the University of New South Wales in 1973, Professor Elliot was awarded a Master of Arts from La Trobe University in 1977 and a Diploma of Education from the University of Melbourne in 1979. In 1983, his Ph.D. from the University of Queensland was conferred.

Professor Elliot has an extensive publications record including over forty international refereed journal articles and more than thirty chapters in books. He has edited several books, including *Environmental Ethics*, published by Oxford University Press. Professor Elliot's book, *Faking Nature: The Ethics of Environmental Restoration*, was published in 1997.

Apart from serving on several University committees and participating in community programs, Professor Elliot is on the editorial boards of *The Australasian Journal of Philosophy, Environmental Ethics* and *Environmental Values.*