

NATURAL MORALITIES

A Defense of Pluralistic Relativism

David B. Wong

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For Laura

Coping with Moral Difference

This final chapter returns to practical problems arising from accepting a plurality of true or justified moralities. In chapter 3, I originally brought them up as possible objections to pluralistic relativism. In this chapter, I develop strategies for dealing with them as problems central to our moral lives. These are problems about how to have confidence in one's moral commitments while recognizing that different commitments are equally justified. They are problems about how to act toward others who have those different commitments. They are problems about how we might learn from others. These practical problems, then, can prompt us to look inward at our own commitments, and also outward at others who do not share our commitments, or at least not all of them. Inward focus prompts us to ask what we are to do with our selves. The outward focus prompts us to ask what we are to do about the others. I start with the inward focus.

Among the plurality of ways of life that are equally worthy of being chosen, one hopefully finds one's own way of life, or some appropriate modification of it upon critical reflection. If so, one aims to continue one's commitment to that particular way of life and yet act on the recognition that other ways of life are no less worthy of being chosen. Can one do both at the same time? The next section concerns Richard Rorty's answer.

Some of the material in this chapter is contained in "Dwelling in Humanity or Free and Easy Wandering" in *Technology and Cultural Values: On the Edge of the Third Millennium*, ed. Peter D. Herschok, Marietta Stepaniants, and Roger T. Ames (Honolulu: University of Hawaii Press, 2003), 400–15, "Fragmentation in Civil Society and the Good," in *Civility*, ed. Leroy Rounner (Notre Dame, Ind.: University of Notre Dame Press, 2000); and "Coping with Moral Conflict and Ambiguity," *Ethics* 102 (1992): 763–84, reprinted with an expanded section on multiculturalism in *Defending Diversity: Contemporary Philosophical Perspectives on Pluralism and Multiculturalism*, ed. Lawrence Foster and Patricia Herzog (Amherst: University of Massachusetts Press, 1994), 13–37.

9.1 RORTY'S ETHNOCENTRISM

Richard Rorty approaches the question in the language of "final vocabulary" and "irony." Our final vocabulary of is a set of words employed to justify actions, beliefs, and lives. It is final in the sense that there are no noncircular argumentative means to dispel doubt about the worth of those words. Ironists have radical and continuing doubts about their own final vocabularies because they have been impressed by other vocabularies taken as final by others; they realize that argument phrased in their final vocabulary can neither underwrite nor dissolve these doubts; and they do not think that their vocabulary is closer to reality than others or that it is in touch with a power greater than themselves.¹ The opposite of irony is "commonsense," the watchword of those who un-self-consciously describe everything important in terms of the final vocabulary to which they and those around them are habituated.

To those who worry that irony (which he finds in the works of Hegel, Nietzsche, Derrida, and Foucault) dissolves the "social glue," Rorty asks why we should suppose philosophy ever could serve as such glue. All the social glue we need

consists in little more than a consensus that the point of social organization is to let everybody have a chance at self-creation to the best of his or her abilities, and that that goal requires, besides peace and wealth, the standard "bourgeois freedoms." This conviction would not be based on a view about universally shared human ends, human rights, the nature of rationality, the Good for Man, not anything else. It would be a conviction based on nothing more profound than the historical facts which suggest that without the protection of something like the institutions of bourgeois liberal society, people will be less able to work out their private salvations, create their private self-images, reweave their webs and belief and desire in the light of whatever new people and books they happen to encounter.²

To the objection that this glue is not thick enough, that the "metaphysical" rhetoric of universality and rationality is needed for the stability of free institutions, Rorty replies that (what he takes to be) the decline of religious belief has not weakened but instead strengthened liberal societies. What is essential is social hope—hope that "life will eventually be freer, less cruel, more leisured, richer in goods and experiences, not just for our descendants but for everybody's descendants."³ Philosophical beliefs do not bind people together but rather "common vocabularies and common hopes." In the ideal liberal society, says Rorty, people would be commonsensically "nominalist

1. Richard Rorty, *Contingency, Irony, and Solidarity* (Cambridge: Cambridge University Press, 1989), 73–4.
2. Rorty, *Contingency*, 84–5.
3. Rorty, *Contingency*, 86.

and historicist." That is, they would see themselves as contingent through and through, without feeling any particular doubts about the contingencies they happened to be. They would feel no need to answer the question "Why are you a liberal?" or "Why care about the humiliation of a stranger?" However, the public rhetoric cannot be ironist because we cannot "imagine a culture which socialized its youth in such a way as to make them continually dubious about their own process of socialization." For this reason, "irony seems inherently a private matter."⁴

Rorty addresses a second objection to his view: that irony and liberalism make an incoherent combination. There is, he admits, at least a *prima facie* tension between the idea that social organization aims at human equality and the idea that human beings are simply incarnated vocabularies. The idea that we all have an overriding obligation to diminish cruelty, to make human beings equal in respect to their liability to suffering, seems to take for granted that there is something within human beings that deserves respect and protection quite independently of the language they speak. People are rightly suspicious of ironists because ironists refuse to take them on their own terms—they want to be "taken seriously just as they are and just as they talk. It is to humiliate people to make the things that seemed most important to them look futile, obsolete, and powerless."⁵ Further, ironists are resented because their redescrptions do not promise to make things better. Unlike metaphysicians, they cannot promise that adopting their redescrptions of yourself or your situation makes you "better able to conquer the forces which are marshaled against you."⁶ Liberal metaphysicians want our wish to be kind to be bolstered by an argument involving reference to a common human essence that is more than our ability to feel pain. Liberal ironists want our chances of being kind to be expanded by redescription. They think that recognition of a common susceptibility to humiliation is the only social bond that is needed.

Rorty is right to at least question the "metaphysician's" assumption that philosophy can serve as social glue. Those who fear the effects of the widespread acceptance of relativism too often make that assumption unreflectively and implicitly. They need to say what is gained by proving that there is a single true morality. Would people be any more inclined to be more cooperative, less self-serving, when moved to recognize that there is a set of universal moral truths? Given the high level of abstraction at which moral truths would undoubtedly be proven, it is an open question as to whether they would be any more likely than they are now to agree on specific courses of action as the moral action. And would be any more inclined to do what they perceive to be the moral course of action?

However, there seems something false about Rorty's tacit assumption that we can simply follow "the norms of the day" embedded in our final vocabularies. As Thomas

McCarthy has pointed out, social norms "are neither fully spelled out nor algorithmically applicable, and social situations are not predefined but are actively constituted by the participants' own activities."⁷ In part, the need for the agent's own activities of constituting social norms is necessitated by the generality and abstractness of the norms. Respect, friendship, and decency can mean a wide range of behaviors, and which meanings they have depends on what is established within a culture as respectful, friendly, and decent behavior. In the children's book *The BFG* by Roald Dahl, Sophie expresses concern about the Big Friendly Giant's favorite beverage, Froboscottle, because its fizzy bubbles go in one end and come out the other with rude sounds. The BFG expresses surprise about her concern, since among Giants those sounds are not rude but signal happiness and warm contentment. This part especially delights American children with its playful reference to what adult culture deems to be rude sounds, but introduces them to a truth about the cultural variability of 'decent' behavior (in general, the culture of adults gets a thorough drubbing in Dahl's books). Individual constitution of social norms is also made necessary by conflicts between central values contained in their moralities. While moralities generally individuate by the kinds of priorities they set in such conflicts, a good deal is still left up to individuals on given occasions to specify what sort of priority will concretely take shape.

For example, Confucian morality and Chinese traditional morality in general place a great deal of value on filial piety, and many would argue that this is the greatest value within these moralities. The text of the classical philosopher Mencius, however, presents stories illustrating both that this value and the way it takes priority over other important values cannot be spelled out formulaically. Consider the question of whether filial piety (*xiao*) means obedience or service to parents. Many would not even think to distinguish between these two dimensions of filial piety. A story in the *Mencius* about the sage-king Shun and his father illustrates the possibility that service and obedience require incompatible actions in some situations. Shun wanted to marry (*Mencius* 4A26) but knew that his father would not grant him permission. Mencius defends Shun's decision to marry without telling his father by arguing that the most serious way of being a bad son is to have no heir. To the morally noble person (the *jünzi*), concludes Mencius, this was as good as having told his father. In most situations, of course, it is a grave offense against filial piety not to ask for permission to marry. In this particular situation, telling his father would have resulted in a worse offense against the ideal of service to one's father. This concrete meaning of filial piety as applied to the action in question could not have been deduced from any abstract norm. The concrete, action-guiding meaning of even a single value cannot be read off in any simple and general way. Values such as filial piety are complex and have different dimensions that can come into conflict with each other. How these conflicts are to be resolved depends on

4. Rorty, *Contingency*, 87.

5. Rorty, *Contingency*, 89.

6. Rorty, *Contingency*, 91.

7. Thomas McCarthy, *Ideals and Illusions: On Reconstruction and Deconstruction in Contemporary Critical Theory* (Cambridge, Mass.: MIT Press, 1991), 30.

what is at stake in the particular situation that gives rise to the conflict. In this case, it was a graver offense against filial piety not to provide the father with an heir.

Consider a story about Shun's dealing with a value conflict. When asked what Shun would do if his father killed a man (7A35), Mencius replies that the only thing to do is to apprehend him. Shun could not interfere with the judge, who was acting on the law. However, Mencius continues, after his father was apprehended, Shun would then have cast aside the empire and fled with his father to the seacoast. This Shun story is interesting for the way it strikes a balance between different values in tension with one another, given the context. Shun's refusal to interfere with the judge acknowledges the value of fairly administering the larger social order. Fleeing with his father, on the other hand, honors the value of greater loyalty to family. Shun honors both values at *different moments* in his dealing with the situation. Deduction from principle could not yield such a specific balance.

To say that individuals must interpret moral norms and thereby constitute their concrete meanings is not to say that they make these meanings up from thin air. For one thing, all the Shun stories in one way or another assert the supremacy of filial piety, even as they seek ways to honor other values that come into conflict with it. For another thing, the stories themselves illustrate the sort of guidance that a moral tradition provides to its members, in addition to the statement of general moral norms. It provides paradigms or exemplars of people and events that illustrate who interpreted the norms wisely and well. While there is no way that one could formulaically apply the lessons of these exemplars to one's own situation, one gets a sense of how one could carry on in their spirit. Their actions and thoughts provide resources for thinking about one's own situation.

Rorty was right to recognize that our concrete norms provide the really useful meaning of any general notions we may have, such as the Confucian ideal of the highest realization of human nobility or the Western liberal's ideal of freedom. But he fails to recognize the loose fit between any particular norm and these abstract ideals; he fails to address the need for interpretation of these ideals and the possible conflicts and ambiguities of interpretation that must be sorted out by individuals who are "following the norms of the day." His picture of how we embody our final vocabularies relies too much on our being the passive receptors and bearers of these vocabularies, at least when he is dealing with the problem of how we may be confident of our vocabularies. If we do not have to question "Why this final vocabulary?" we do have to question "Why this or that way of interpreting this or that final word in application to the present situation?" The latter question can pose a question of confidence no less than the former.

Rorty's attempt to compartmentalize irony fails. The contingency of our final vocabularies cannot be confined to the ironist's study. It now constitutes part of public discourse and argumentation. When final vocabularies conflict, we believe their contingency must somehow be taken into account. The abortion debate is an example.

Harry Blackmun, in writing the majority opinion of *Roe v. Wade*, noted the wide cultural and historical variation of opinion on the question of when life begins, and concluded that "when those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer."⁸ The contingency of our final vocabularies, and the relevance of that contingency to our coping with their conflict in the public sphere, cannot be kept a secret among intellectuals who are common-sense democrats in public. And that is partly because the very meaning and application of Rorty's most central values are at the center of these debates: freedom (in the case of abortion, the woman's) and prevention of cruelty (in the case of abortion, the alleged cruelty of taking a human life).

9.2 RAZ'S PESSIMISM ABOUT THE TENSION BETWEEN PLURALISM AND MORAL ENGAGEMENT

In diametrical opposition to Rorty, Joseph Raz holds that it is impossible to recognize a plurality of equally justified ways of life and to remain engaged with one's own way. Imagine, he asks us, that the

Skills and character traits cherished by my way of life are a handicap for those pursuing one or another of its alternatives. I value long contemplation and patient examination: these are the qualities I require in my chosen course. Their life, by contrast, requires impetuosity, swift responses, and decisive action, and they despise the slow contemplative types as indecisive. They almost have to. To succeed in their chosen way, they have to be committed to it and to believe that the virtues it requires should be cultivated. They therefore cannot regard those others as virtues for them. By the same token it is only natural that they will value in others what they choose to emulate themselves. . . . Of course, pluralists can step back from their personal commitments and appreciate in the abstract the value of other ways of life. But this acknowledgment coexists with, and cannot replace, the feelings of rejection and dismissiveness. Tension is an inevitable concomitant of value pluralism. And it is a tension without stability, without the prospect of reconciliation of the two perspectives, the one recognizing the validity of competing values and the one hostile to them. One is forever moving from one to the other.⁹

8. Justice Harry Blackmun, in the majority opinion of the Supreme Court on *Roe v. Wade*, 410 U.S. 113 (1973), available at <http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=CASE&court=US&vol=410&page=113>. Rev. August 24, 2005.

9. Joseph Raz, "Multiculturalism: A Liberal Perspective," *Dissent* 41 (1994): 73.

9.3 A PROMISING SUGGESTION FROM THE *ZHUANGZI*

To point toward a possible solution to Raz's dilemma that does not return us to the ethnocentrism of Rorty, I turn to the classical Chinese text the *Zhuangzi*, traditionally attributed to the Daoist Zhuangzi (Chuang Tzu).¹⁰ The text is well known for the skeptical lampooning of those who think they know the truth, including the moral truth. Yet the text also seems to be recommending a way of life to its audience. David Nivison presents the duality of these two perspectives as a duality between a detached perspective, from which one's own particular way of life is simply one among many, and the engaged perspective, from which one seeks to live one's way of life.¹¹ The problem of interpreting the *Zhuangzi* is the problem of figuring out how one can be consistent in doing both these things. Interestingly, this problem of interpretation parallels the problem for pluralistic relativism I have just described. Pluralists, as Raz describes them, are continually alternating between a detached perspective, from which, stepping back from their personal commitments, they appreciate in the abstract the value of other ways of life, and the engaged perspective, from which they cannot help but be dismissive of other ways on the other hand. Even though the dualities between detachment and engagement as found in Raz and the *Zhuangzi* are parallel, I believe that the *Zhuangzi* has a better way of combining the two perspectives. To understand how he is able to do this, we must understand better the skepticism that underlies Zhuangzi's detached perspective.

The *Zhuangzi* contains more than one way of arriving at the skeptical view that no one moral perspective is uniquely correct. Chapter 2 contains an argument that is a familiar weapon of skeptics, ancient and modern, East and West: if doubt is cast on the unique validity of one's own perspective, one has no noncircular argumentative recourse to dispelling that doubt; all justifications of any perspective are at best arbitrary in this sense. However, there is another strain of argument to be found in the *Zhuangzi*. Rather than pointing out the arbitrariness of any attempted justification for any given moral perspective, this argument calls our attention to the real value in other perspectives.

Contrary to some interpretations of Zhuangzi's work, he does not dismiss moral values. As mentioned earlier, he appears to accept love of parents and duty to ruler as necessary elements of human existence. In chapter 5, men who have lost feet as punishment for crime are scorned, but not by their Daoist masters, who see what is of *worth* in them. When Confucius refuses an amputee an audience because of his criminal history, Zhuangzi scolds Confucius for failing to act like heaven and earth: "There is

nothing that heaven doesn't cover, nothing that earth doesn't bear up."¹² In chapter 1, Zhuangzi chastises his friend Huizi for failing to see beyond the ordinary, humdrum uses of some large gourds. Huizi tried using one of the gourds for a water container, but it was so heavy he couldn't lift it. He then tried to make dippers from them, but they were too large and unwieldy. He deemed the gourds of no use and smashed them to pieces. Zhuangzi asks why he didn't think of making the gourd into a great tub so he could go floating around the rivers and lakes, instead of worrying because it was too big and unwieldy to dip into things. "Obviously you still have a lot of underbrush in your head!" concluded Zhuangzi. Note that Zhuangzi does not deny that the more ordinary uses are genuine uses for the gourds, and clearly, they are. Rather, Zhuangzi's point is to clear the underbrush from our heads and get an *enlarged* view of what is of value.

Zhuangzi undermines the assumption that our own perspectives are uniquely correct not by discrediting them but by undermining their claim to have exhausted what there is to see, and this involves opening our eyes to perspectives other than our own. We are not disabused of the notion that our moral codes embody real values. We are compelled to recognize that others embody real values just as ours do. In this strain of argument I am highlighting, then, Zhuangzi's appreciation for diversity is a *moral* stance at the same time that it constitutes a distancing from one's own original moral commitments.

His appreciation for diversity is a version of the moral ambivalence identified at the beginning of this book. The strongest case for pluralistic relativism includes not only the claim that other moralities are as justified as our own but also the recognition of the genuine values that compose those moralities. Moral values are human inventions that answer to compelling human needs and desires, and are subject to the constraints derived from human nature and the function of facilitating and promoting social cooperation. The classical Confucian Xunzi saw the Confucian version of morality as the uniquely best way to satisfy the function that morality evolved to satisfy. The Zhuangist vision of our moral commitments is as naturalistic as Xunzi's, but posits no uniquely best way to satisfy those needs. Instead, there are plural ways to satisfy those needs, none of them the best because each succeeds in honoring certain basic values at the cost of sacrificing others. Every coherent moral code cuts out something of genuine value. Every coherent code, in defining what is right, also requires what is wrong.

9.4 HOW ZHUANGZI COMBINES THE DETACHED AND ENGAGED PERSPECTIVES

Recall the original problem posed for the viability of our moral commitments by recognizing that there are worthy commitments other than our own. Raz's argument is that the detached perspective from which we recognize the worth of other

10. At this point, the first seven chapters, the so-called inner chapters, are thought to be an actual products of the historical person Zhuangzi, and my interpretation is mainly based on these chapters and on a few others that I judge to be consistent with the themes found in the inner chapters.

11. David Nivison, "Hsün Tzu and Chuang Tzu," in *Chinese Texts and Philosophical Contexts: Essays Dedicated to Angus C. Graham*, ed. Henry Rosemont Jr. (Lasalle, Ill.: Open Court, 1991), 129–42.

12. Chuang Tzu, *Chuang Tzu: Basic Writings*, trans. Burton Watson (New York: Columbia University Press, 1963), 67.

commitments undermines the engaged perspective defined by our own commitments. The swift responders and decisive actors “almost have” to despise the long contemplators and patient examiners. They cannot regard qualities of patience as virtues for them. By the same token, says Raz, it is only natural that they will value in others what they choose to emulate themselves. Detachment and engagement cannot coexist at the same time in the same mind, but must alternate in ascendancy.

Zhuangzi’s challenge to our narrow perspectives is also a challenge to this picture of the tension between the detached and engaged perspectives. On his argument, the detached perspective from which we recognize a broader array of genuine values is also an engaged perspective from which our original moral commitments become broader and more inclusive. To recognize others’ commitments or one’s own as partial selections from a universe of value is, after all, to recognize that such commitments concern genuine value, if not all value. Zhuangzi’s constructive skeptical argument holds that typical normative perspectives go astray in claiming an exclusive and comprehensive insight into value, and it encourages us to retain our own commitments as commitments to genuine values, but also to expand our view of what other commitments have a similar status.

Consider again Raz’s example. The swift responders and decisive actors may not strive to realize the patient qualities in themselves, but recognition of such qualities as virtues may take other forms. It may involve seeing that the long contemplators and patient examiners have their place as well, perhaps even in one’s own society. Perhaps the two sets of qualities are complementary to each other within a larger social context, where some are needed to be swift and decisive, but others are needed to give a view from a larger and longer perspective. One may value swiftness and decisiveness in oneself, because, say, one views it as an admirable trait and one has the temperament to do that sort of thing well, but that does not mean that one needs to denigrate those qualities that enable others to give the longer view. Perhaps many do tend to value in others what they value in themselves, but it is a leap to say as Raz does that it is natural, and it is implausible to say that it is inevitable.

Now of course, there will be cases in which what it takes to realize one way of life will exclude what it takes to realize another way of life. One cannot recognize the worth of both those ways of life in the sense of making equal effort to realize both of them. That would be practical incoherence. That is why it is perfectly acceptable to dedicate oneself to the realization of one or a few ways of life among the many ways one might find equally valuable. We can certainly remain committed to our ways of life because we could not possibly strive equally to realize all valuable ways of life. To choose our ways for this reason is not to despise or dismiss the other ways.

However, more needs to be said, because the Zhuangist perspective should amount to more than mere acceptance of other ways of life while one remains set on one’s originally narrow course. Recognizing the worth of other ways of life can and often should have a deeper and wider effect on one’s original moral commitments. If one genuinely appreciates the use of gourds as tubs to float around in, one is unlikely to

remain the sort of person who smashes them when one cannot use them as water dippers. If one opens up one’s mind to new sources of value, one should sometimes go beyond acceptance of the new toward incorporating it into one’s commitments. One need not try to incorporate an entirely different way of life into one’s commitments. Alternatively, one seeks to affirm certain values underlying that other way of life by balancing one’s efforts to realize them in relation to values one already affirms. In other words, our moral commitments must remain open-ended and flexible, to a certain degree indeterminate with respect to what values it affirms and what the relationship of priority is among those values in case of conflict. We must remain ready to affirm values and priorities that are not presently encompassed by our current commitments.

9.5 TRANSFORMING MORAL COMMITMENTS

At this point, however, we might renew our worry as to how we can regard with equanimity this readiness to incorporate new values. How can we be ready to do this without destabilizing our commitments? An answer to this worry might begin with the recognition that our familiar moral commitments are never as secure and stable as they are typically cracked up to be. These commitments are never fully determinate, whether or not we remain open to new values. Consider again the moral ambivalence between special duties arising from the personal perspective and duties owed to all arising from the impersonal perspective. As argued in section 1.6, there is no determinate, general ranking that orders these two kinds of duties. Most of us would place less priority on special duties than an ethic such as Confucianism does, but neither do we adhere to a thoroughgoing impersonalism. And yet, it would be very difficult to articulate in general terms exactly what sort of balance we have struck. In life we muddle along, first trying to avoid creating or getting into situations where important values come into conflict. If they come into conflict despite our efforts, we try to strike a reasonable balance between these values, but what seems reasonable is very much tied to the particular circumstances of the conflict as it arises. There is “no constant rule,” as chapter 17 of the *Zhuangzi* says.

This is not to deny that the moralities to which we have become committed have certain general features that distinguish them from other moralities. Some distinguishing general features involve a focus on particular sorts of general values rather than others or involve certain general kinds of priorities struck among several general values. However, such priorities are by no means fully determinate within any given morality, if what we mean by a morality is something that we actually employ in our lives and not a purely theoretical construction. A living morality is itself an uneasy, somewhat indeterminate combination of values that are not easily held together. There is, in other words, a kind of open texture to the priorities that distinguish one morality from another. And where there is an open texture, there is the possibility for fluidity: change over time in the balance between two values in tension with one another; and, furthermore, change in the balance according to different circumstances. This is the sense in which our moral commitments are never as determinate as they are cracked up to be.

So now it looks as if the Zhuangzi recommendation to open up our minds to new values and the way they might enter in combination with our original moral commitments is not so different from what we have been doing all along. It is not so different from how we have been reasoning about moral problems all along. Our original commitments necessitate the attempt to hold together values that are not easily held together. It is in this sense that the new, more inclusive engagement recommended by Zhuangzi looks more like what we had to be doing all along, except that we must now be ready for additional challenges to balance old values with new ones.

This picture of open-ended and flexible moral commitment requires that we abandon the theorist's ambition of formulating general principles that can be deductively employed to settle conflicts between values. Rather, we start with particular conflicts and negotiate them for the circumstances at hand. I have mentioned that such reasoning is characteristic of the Confucians and Mencius in particular. Mencius affirms the priority of special duties, but that does not mean that the concrete meaning of that priority can be deductively read off from some general principle, the meaning of which is independent of the way that he and others in the Confucian tradition interpreted it in concrete circumstances. And whatever balance we strike between the personal and impersonal perspectives is in great part constituted by many individual interpretations of that balance.

Recent psychological research and theory about judgment formation has emphasized the value of informal kinds of reasoning that rely on global assessments of the situation at hand rather than analytical methods relying on inferential rules or algorithms. Much of the impetus for this recent work has stemmed from recognizing that human reasoning in response to complex situations is subtler than can be captured by formal inferential or standard computational models. Some of this work has been more careful about the phenomenology of judgment formation than philosophers have generally been.

For example, Hammond and his colleagues note that there is common contrast between intuitive versus analytical reasoning and that a common defect of the way this contrast is usually made is that intuitive reasoning is defined as the negation of whatever analytical reasoning is defined to be.¹³ Very rarely is there a positive characterization of what the intuitive style is. In response to this defect, they define the intuitive and analytical styles in terms of contrasts along several dimensions such as cognitive control (in intuition it is low and in analysis high), rate of data processing (rapid in intuition, slow in analysis), and conscious awareness of the process (low in intuition and high in analysis). The researchers further hypothesize that there are situation types that are more

likely to elicit the intuitive versus the analytical styles. People are more likely to use the intuitive style in response to situations in which there are many, continuously appearing "cues" or salient features that are displayed simultaneously and apprehended perceptually, and in which there is no explicit principle, theory, or method available for organizing the cues into a judgment. The analytical style is responsive to situations, for example, in which quantified data are available, and an explicit principle or algorithm is available for organizing the cues into judgment. The researchers tested the engineers on a range of tasks that were more or less suited to the intuitive or analytical styles. They had independent methods of judging the success of the judgments. The researchers found that even on the more analytically suitable tasks, eleven of twenty engineers were more successful with the intuitive style or with a style that was midway between intuition and analysis (they call this midway style "common sense," which is working with some rough rules seasoned with plenty of intuitive judgment). Even when a problem seems most suitable for the analytical style, many people might lose a "feel" for what plausible solutions should look like and simply accept whatever answer emerges when they "plug in" the input data. If they should make a mistake in applying the algorithm, they are less likely to sense that a solution cannot be right. By contrast, when they apply the intuitive style, they have a "feel" for how various factors vector to produce an overall result, and are less likely to make large mistakes.

One of the interesting implications of this study is that a piece of reasoning may be more or less intuitive or analytical, depending on where it falls along the various dimensions that define the styles. What is also good about the way they define intuition is that it discourages the frequent philosophical presupposition that intuition must be some sort of simple seeing. It rather encourages a picture of an intuitive process that takes in various perceptual cues in an informal manner and organizes them in a judgment. The fact that we are not conscious of how we organize them does not imply that we do not in fact organize them.

"Connectionist" models of the mind are relevant to this theme that we organize information in ways not articulable by reference to principle or algorithm.¹⁴ Such models arose from recognizing the failures of models of the mind as a digital computer with a CPU and a stored program. Human cognitive transitions seemed too subtle and complex to be explained by computation, that is, the manipulation of representations in accordance with programmable rules or algorithms. In connectionist models, there are no general inferential rules, for example, stored in a program. Nor is there anything like applying the rules that exists as a distinct process in such models. Rather, information is stored in patterns of activation between input and output nodes in the neural network. Knowledge need not be explicitly represented or stored as a data structure, but stored in the strengths or weights of activation between nodes—how

13. See Kenneth R. Hammond, Robert M. Hamm, Janet Grassia, and Tamra Pearson, "Direct Comparison of the Efficacy of Intuitive and Analytical Cognition in Expert Judgment," in *Research on Judgment and Decision Making*, ed. William M. Goldstein and Robin M. Hogarth (Cambridge: Cambridge University Press, 1997), 144–80.

14. See Terence E. Horgan and John Tienson, *Connectionism and the Philosophy of Psychology* (Cambridge, Massachusetts: MIT Press, 1996).

strongly a signal is relayed between input and output nodes. Connectionist models allow us to see how it might be possible for us to process large amounts of information and have it stored in the patterns of activation of the neural network. Even when activated, there is no necessity that the processing be available to consciousness.

9.6 WHY ACTING IN THE LIGHT OF PLURALISTIC RELATIVISM IS NOT SO DIFFERENT FROM DEALING WITH OTHER MORALLY COMPLEX SITUATIONS

In this light, one's moral commitment to a certain configuration of values and principles is more like a commitment to take certain kinds of reasons into consideration in one's decision-making. One's understanding of what those reasons imply for action and of how they are to be weighed against other reasons may evolve in one's dealings with new situations, including situations in which one has gained a fresh appreciation for other ways of life. An example of such evolving understanding appears in Walter Feinberg's discussion of the work of Takeo Doi, the Japanese psychoanalyst. Doi identifies the quest for dependency on others as characteristic of the Japanese personality. At first Feinberg considered this quest as the denial of Western values such as freedom and equality. But he came to an understanding of this quest as a drive for relationships of care and trust: wanting someone who can be trusted as always acting out of care and concern for one's well-being. He suggests that we have something to learn from the "gentle relationship between Japanese adults and children, along with the sense of mutual caring and responsibility that teachers in Japan develop with some success among young children." He connects the Japanese valuing of dependency with that aspect of Western feminism that stresses an ethic of care and the value of relationship with others. This kind of encounter with another culture, Feinberg concludes, provides a foundation for reconsidering the commitments and goals of the educational process itself.¹⁵ Such reconsideration, I might add, does not require that we place the same amount of emphasis on the ideal of relations of care and trust as the Japanese do. It does require that we recognize that ideal as something that we ourselves have reason to prize. One can learn from other cultures without copying the choices they have made.

Another example of the way that people in one culture attempt to learn from other cultures is found in Japan itself, where Western influences have met with different strands of the traditional culture and have resulted in interesting permutations. In a study of Japanese, American, and Chinese preschools, preschool teachers and administrators from the three societies viewed and commented on videotapes of activities in

preschools in the other societies. Virtually all the Japanese teachers who viewed the American tape contrasted what they perceived to be typically American "individualism" with the "groupism" they believe characteristic of their own society and schools. At the same time, they contrasted their sort of groupism with the Chinese version, which some saw as lacking in genuine group feeling and others saw as too authoritarian and rigid.¹⁶

The Japanese emphasized the view that group activities can be joyful and spontaneous because they are compatible with natural human feeling, that a child's humanity is most fully realized not in being independent from the group but in becoming more able to cooperate with and fuse with something larger than the self. In contrast to the Chinese activities that were viewed, Japanese group activities seemed loosely structured, with the teachers applying very liberal criteria as to what counted as participating in a group's activities. There also appeared to be a conscious attempt by teachers to refrain from intervening in altercations between children, based on the view that children should be left as much as possible to work out their relations to each other, thus cultivating peer ties rather than the hierarchical ties between teacher and individual child.

The Japanese very self-consciously identify this preschool philosophy as an attempt to steer a course between the loneliness and anomie they associate with American individualism and the rigid authoritarianism they associate with China, or in the case of some teachers and administrators, with their own traditional culture.¹⁷ This kind of phenomenon, of an attempted synthesis between culturally embodied ethical systems, is not unique, though it is usually less self-conscious. Indeed, such transformations have influenced the ethical systems we hold now, and they will continue to do so in the future because cultures and the ethical systems they embody are permeable. One Japanese administrator expressed attraction to and admiration for some features of the American preschool philosophy but found in these features something that was not "quite right or appropriate or feasible for the Japanese," "in a crucial way not really right for Japan."¹⁸ The perception that other communities have something worthwhile, but that to take from them wholesale is not quite right for one's own, is often the more complex basis on which communities can bridge differences and gain greater respect for one another.¹⁹

16. Thomas Seung has brought to my attention that using the label "groupism" in contrast to "individualism" may be seriously misleading about the philosophy underlying Japanese social practices and institutions. I agree. Such philosophies, as lived in Japan and elsewhere, do not necessarily contrast the group with the individual so as to imply that their interests are typically in conflict. Rather, the idea is that the individual finds her full realization as a human being in the group.

17. Joseph J. Tobin, David Y. H. Wu, and Dana H. Davidson, *Preschool in Three Cultures: Japan, China, and the United States* (New Haven: Yale University Press, 1989), 38–44.

18. Tobin, Wu, and Davidson, *Preschool*, 53.

19. As Amélie Rorty has pointed out to me, people in one culture may have their own distinct interpretation of what is of value in another culture, an interpretation that may not be identical to the

15. Walter Feinberg, "A Role for Philosophy of Education in Intercultural Research: A Reexamination of the Relativism-Absolutism Debate," *Teachers College Record* 91 (1989): 161–76.

So far, I have addressed the problem of accepting differences between ways of life without contradicting the idea of having moral commitments of one's own. I have argued that one can combine these two things provided that one's path to accepting difference is through crediting the value of other ways of life rather than discrediting the idea of their value. I have argued that a natural consequence of such a recognition is that one seeks to integrate at least some of values one sees in other ways of life into one's own commitments, and that this project of integration is not so different from what we do all along in attempting to reconcile the plurality of values typically present in our moralities.

Still, there is a limit to the extent that we can incorporate the values of other ways of life. Our commitments will likely remain different from the commitments of those who are committed to those other ways of life. When we are interdependent with those others, for example, if we live in the same society with them, it will often be impossible for us and for them to simply live and let live. Furthermore, sometimes we will be unable to see the value or worth in a particular aspect or practice that goes into another way of life. Or we may think that a practice violates universal constraints on adequate moralities. How should we act toward these others with whom we are in such serious disagreement? I turn now to the problems raised by pluralistic relativism for the question of how to act toward others with moral commitments that may be as justifiable as our own.

9.7 ACCEPTING DIFFERENCES FROM OTHERS

In section 2.12, I argued that an adequate morality must contain the value of accommodation between people who are in serious moral disagreement with one another. In this concluding chapter, I elaborate on that argument and develop more fully the necessary conception of accommodation. Some recent attempts to address the question of how to deal with serious moral disagreement have endorsed the idea of accommodation. I shall argue that their conceptions of accommodation are inadequate or incomplete, and that a more adequate conception must discuss the problem of how people in moral conflict are to live with one another. I shall explain how accommodation is a moral value rooted in the fact that serious conflict is a regular feature of our ethical lives, involving people with whom continuing relationships are both necessary and desirable. We already have in practice strategies of accommodation that constitute our practical commitment to this value. What we have lacked is the philosophical commitment to articulating and defending it.

one that people in that other culture may place on it. This is not to deny that there can be an overlap between the values of different cultures but to recognize the more complex phenomenon that the nature of the overlap will be subject to different interpretations. This is another kind of ambiguity that plays a role in the bridging of differences.

9.8 RECENT CONCEPTIONS OF ACCOMMODATING MORAL DIFFERENCES

Thomas Nagel has argued for restraint in the coercive exercise of political power when one is engaged in a particular kind of intractable moral conflict. This liberal principle of tolerance gains support from the contractualist idea that one should not impose arrangements, institutions, and requirements on grounds that people could reasonably reject, that is, when the disagreement comes down to a "bare confrontation between personal points of view."²⁰ Such disagreements, for Nagel, include conflicts over religious faith, abortion, and the killing of animals for food. Let us call such disagreements "brute" without implying that Nagel would in any way agree with the terminology.

Nagel contrasts the disagreements I call brute with disagreements between informed, reasonable people that depend on differences in the evidence they possess, in their assessments of the evidence, and ultimately on differences in judgment. Parties to such "reasonable" disagreements, as I shall call them, can think of themselves as appealing to a common, objective method of reasoning that each interprets and applies imperfectly. Disagreements over social justice, for example, between economic liberals and radical libertarians, Nagel thinks, are closer to being reasonable disagreements, and they are properly the subjects of state action. Nagel's argument for state neutrality on brute disagreements does not rest on the skeptical premise that brute disagreements necessarily rest on unjustified belief, but instead on the principle that justifying the use of political power requires a higher standard of objectivity, one that takes us "outside ourselves to a standpoint that is independent of who we are."²¹ Restricting the policy of neutrality to brute disagreements prevents political paralysis. The state cannot be limited to acting only in those matters upon which all informed, reasonable people could agree.

One problem with Nagel's distinction is that applying it to disagreements on specific policy matters between internally diverse groups can be a highly uncertain matter. Actual disagreements often involve a variety of argumentation between opposing sides. Some types of argumentation make the disagreement look brute; other types make it look reasonable. Libertarians, for example, sometimes confer on the right to acquire and transfer property such an absolute importance that it seems difficult to avoid brute disagreement between them and others who place any importance on the notion of need in matters of social justice. At other times they argue for the same social policies on the

20. Thomas Nagel, "Moral Conflict and Political Legitimacy," *Philosophy and Public Affairs* 16 (1987): 232. An important statement of the contractualist idea is in Thomas Scanlon, "Contractualism and Utilitarianism," in *Utilitarianism and Beyond*, ed. Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press, 1982), 103–28.

21. Nagel, "Moral Conflict," 229. He does note, however that some disagreements may be brute yet unavoidably be subjects for state action, such as those over the morality of nuclear deterrence and the death penalty.

basis of claims that look to be the subject of reasonable disagreement: on the ineffectiveness and undesirable side-effects of state attempts at redistribution of wealth and income, for example. They often alternate between the two justifications in such a way that it seems indeterminate which justification is primary. Perhaps some individuals within the group of libertarians hold determinate positions, but they may hold different determinate positions. We furthermore could wonder if we have a sufficient grasp of the distinction in theory. The distinction between brute and reasonable is too uncertain in application to ground the policy of state neutrality as an accommodation to serious moral conflicts.

Another plausible criticism, given by Amy Gutman and Dennis Thompson, is that the distinction throws too much into the brute category, including disagreements over the liberal's belief in human equality, a belief "which underlies those coercive state policies that Nagel rightly wants to defend."²² They also argue that Nagel's implicit identification of state inaction with state neutrality is misguided: "the failure of the state to act can subject citizens to as much coercion and violation of their rights as a decision to act."²³ The strategy of inaction offers "a false impartiality in place of social recognition of the persistence of fundamental conflicts of value in our society."²⁴ Gutman and Thompson accordingly propose to shift the focus to principles governing the process of collective deliberation over these fundamental conflicts. Such principles express the democratic virtue of mutual respect between citizens, and, for example, require that citizens acknowledge the positions they oppose as based on moral principles about which reasonable people may disagree. Those who are prochoice and prolife, for example, should be prepared to recognize that their opponents base their views on sincerely held moral principles. Another principle is that one must be prepared to change one's views in the face of evidence one cannot refute upon reflection.

Nagel's demanding standard of objectivity for the exercise of political power does seem to require neutrality on too many issues of the greatest moral import.²⁵ If confronted with the choice, many people would and in fact do reject or override the standard of higher objectivity in favor of pressing their moral positions in the public domain. It is not clear, for example, that prolife advocates on the issue of abortion are rationally compelled to accept the argument for state neutrality on abortion, even if they accept the bruteness of their disagreement with prochoice advocates as a reason for

tolerance. It also is understandable why they would regard *Roe v. Wade* as far from a position of state neutrality on the morality of abortion, but in practice an endorsement of moral permission. Prochoice advocates, on the other side, could reasonably object that prohibition of state funding of abortion, though justifiable on neutralist grounds, leads to a de facto violation of poor women's rights.

Even if the distinction between brute and reasonable were clearer in practice, Gutman and Thompson give a compelling case for the necessity of admitting some brute disagreements on the agenda for state action. Their principles for democratic discussion constitute a constructive and necessary part of what it would mean to take accommodation seriously as a moral value. Conducting fair discussions with those with whom one is in serious disagreement is, after all, one way of accommodating them. However, their principles are largely procedural in nature and are presented as ways to protect and to facilitate the search for moral truth. When the subject of public discussion is a disagreement that could be called brute, however, the principles have uncertain value for facilitating discovery of the truth. And even if a public discussion governed by these principles eventually yields significantly greater convergence of views on an issue, what is left unaddressed is the matter of how people on opposing sides are to get along with one another in the meantime. And by "get along," I do not mean "discuss with one another their differences." If disagreements concern matters of the highest moral importance for people, they will and must do more than discuss them in democratic fashion.

Stuart Hampshire's conception of "bare" or "procedural" justice provides some clues as to how we might go further than the idea of accommodation as fair discussion. According to Hampshire, there is a universal core concept of justice that underlies the variety of culturally specific and "thickened" conceptions of justice and the good. Varied social roles and functions, each with its typical virtues and its obligations, and premised upon some conception of the good, "have been the normal situation in most societies throughout history."²⁶ The core concept does not yield a way of making these roles cohere within an accepted and overarching whole but enables them to coexist in civil society and, as far as possible, without any substantial reconciliation between them and without a search for any further common ground than procedural justice itself. The core concept requires equal and fair dealing between proponents of rival conceptions of the good, for example, fair compromise in balancing concession against concession.

Hampshire's core concept of justice is, unlike Nagel's liberal tolerance and Gutman and Thompson's ideal of fair and democratic discussion, a substantive conception that addresses how people in serious moral conflict with each other are to live together in one society.²⁷ He argues for the core concept from a view of human nature and its

22. Amy Gutman and Dennis Thompson, "Moral Conflict and Political Consensus," *Ethics* 101 (1990): 67.

23. Gutmann and Thompson, "Moral Conflict," 68.

24. Gutmann and Thompson, "Moral Conflict," 75.

25. A point I myself had not sufficiently considered in an earlier discussion of the issues in *Moral Relativity* (Berkeley: University of California Press, 1984). In chap. 12, I presented an argument for nonintervention by the state in the sort of moral disagreements I have labeled brute here. I did concede, even at that time, that the moral reasons for nonintervention could be overridden by other moral reasons.

26. Stuart Hampshire, *Innocence and Experience* (Cambridge, Mass.: Harvard University Press, 1989), 108.

27. Sometimes he presents the core concept, however, as if it were a purely procedural one. This is when he talks of the conception as an extension of the canons of practical rationality: just as promoting

relation to the diverse range of goods prized by human beings. He holds, on the one hand, that human nature contains common needs and potentialities that give rise to obligations of love, of friendship, of families and of kinships, and to duties of benevolence or at least restraints against harm and destruction of life. The common needs of human nature make the core concept of justice possible. Hampshire holds, on the other hand, that human nature contains a drive to develop "separate and conflicting identities defined by language, religion, exclusive customs and prohibitions, and the histories of groups." This drive to diversity makes the core concept a stabilizing necessity.²⁸

Hampshire has specified a substantive kind of ethical accommodation—peaceful coexistence between adherents of rival moral conceptions—and he has argued for the necessity of accommodation based on the plausible claim that diversity of value is the normal situation in most societies throughout history. My own conception of accommodation lies in the directions in which Hampshire has pointed. Martin Benjamin has also pointed in these directions in arguing for the need to respect ways of life and on the need for people working together to compromise on their moral differences for the sake of pursuing their common ends.²⁹ I shall elaborate on my own conception next, connecting it with some of the main themes comprising pluralistic relativism.

9.9 THE NATURE OF SERIOUS MORAL CONFLICT

Let us return to Nagel's conception of moral conflicts that elude our attempts to resolve them through the use of a common reason, but this time let us forgo the distinction between brute and reasonable disagreements and use the category of "serious disagreement" to embrace either kind, as well as those indeterminately falling in between these categories. The reason for doing this is not only because the distinction between

and accepting arguments for and against a proposal are the essence of practical rationality, so rival conceptions of the good must be given their day in court. But if this were all there were to the bare conception of justice, it would not promote the coexistence of rival conceptions. A fair hearing is one thing. Being protected, as far as possible, against the coercive encroachments of rival conceptions of the good is quite a more substantive thing, and it is clear that Hampshire has this in mind.

Hampshire's conception of this drive is really of a cluster of distinguishable ones. He thinks the drive to separate identities is a universal tendency not only of groups but of individuals (the drive to "individuality"), and he tends to associate the drive to diversity with a drive to divisiveness, to opposition toward others who are different (*Innocence and Experience*, 33–4). The strength of the case for attributing these different drives to human nature varies. The case for attributing the drive to distinct communal identities is strong. The case for attributing a drive to "individuality" seems rather culturally specific, and the drive to divisiveness seems common but not at all universal. Significant diversity of value across communities seems sufficient, however, to motivate Hampshire's conception of bare justice.

29. Martin Benjamin, *Splitting the Difference: Compromise and Integrity in Ethics and Politics* (Lawrence: University of Kansas Press, 1990).

brute and reasonable is indeterminate for important kinds of moral disagreement but also because the practical significance of the distinction becomes less important if we do not use it as a basis for precluding certain moral conflicts from the political agenda.³⁰

Compare two pictures of serious disagreement. According to one picture, there are huge interpersonal differences among ultimate moral principles. Perhaps universally held principles exist, but these lack any real normative bite. For example, no one who holds moral concepts can deny that it is wrong to torture someone on a whim, but such principles determine very little of the ethical life.³¹ The other picture of disagreement recognizes that even in large, heterogeneous societies such as the United States, there are widely held substantive moral principles. It is held to be wrong not only to torture people on whim but also to torture or even imprison them for criticizing political leaders. Even in one of the most divisive moral debates taking place in the United States, that concerning the moral permissibility of abortion, the source of disagreement seems not so much to be a difference in the ultimate moral principles held by the opposing sides, as partly a difference over the applicability of a commonly held principle requiring the protection of human life and partly a difference over the relative weight to be given in the circumstances to another widely held principle requiring the protection of individual autonomy.

The two sources of serious disagreement, in fact, are often intertwined. A disagreement over the way that boundaries of one principle should be drawn is often connected to disagreement over when that principle comes into conflict with another principle. Prochoice people sometimes argue that the fetus, at least in the earlier stages of development, does not fall under the principle requiring the protection of human life. The principle protecting a woman's autonomy therefore does not conflict with that principle in the case of abortion in the early stages. Prolife people draw the boundaries of the former principle so that it does come into conflict with a woman's autonomy or so that it provides a limit to the extent of her autonomy.

My main point here is to repeat a theme first developed in chapter 1: that the values accounting for each side's position are not drawn from moral universes that are alien to the other. This is not to deny that people can hold different sets of ultimate moral principles, but it is seriously misleading to characterize serious moral disagreement as typically involving a difference in the ultimate principles held. Sometimes the principles entering into a disagreement are held in common by opposing sides, and it is the boundary of application that is at issue, or the relative priority to be given to conflicting principles in the circumstances. Serious disagreement need not result from radical difference, but may in fact exist within groups that may reasonably be called

30. I am indebted to Mitchell Silver for bringing this point to my attention.

31. See Stephen Schiffer, "Meaning and Value," *Journal of Philosophy* 87 (1990): 602–14, for such a picture. R. M. Hare seems to suggest such a picture in his earlier work, such as *The Language of Morals* (London: Oxford University Press, 1964).

communities of moral belief, that is, communities that are more or less cohesive in accepting the same principles, at least in comparison with certain other groups.

Whether a given group is a community of belief is itself a relative matter and a matter of degree. Compared to medieval Japan, the moral differences among North Americans on most moral issues seem relatively minor. But a comparison of groups within the United States, differentiated by class and level of education, will yield important, even fundamental moral differences. The type of moral issue sometimes makes a difference. On matters of the right to criticize political leaders, a group may form a relatively uniform community of belief, but not on matters of distributive justice concerning wealth and income. Some types of duties are recognized across deeply different cultures, as Hampshire notes, and I agree with him that this is partly to be explained by reference to a common human nature.³²

The picture of moral differences as intertwined with commonalities corresponds to the thought first articulated in the first chapter: that other people and other cultures are confronted with choices familiar to us, even if we do not give the same answer as they do. But even if we do not give the same answers, we may see why others may have chosen their answers to the following questions: which values to prize the most; whether to promote the ideal of balance between human virtues in tension with one another or more of a single-mindedness in the pursuit of one set of virtues that are relatively compatible with each other; whether to emphasize prohibitions of the exploitation and use of persons for the sake of larger, desirable ends or to allow sufficiently desirable ends to override the wrongness of exploitation; whether to prize most the goods of community and interdependence or the goods of promoting individuality and autonomy; whether to give priority to excellences that probably can be achieved only by a few or to ensuring the conditions that make possible a decent and satisfying life for all.

Acceptance of irreducible plurality in fundamental moral belief is heightened by the ability to see the values and moral themes accepted by other individuals and cultures as developments of choices that one (or one's people, one's culture) might have made in different circumstances. Having this ability is not to automatically approve of the choices others have made. To understand does not necessarily mean that one would make one's own choices any differently. But understanding may appropriately encourage a healthy caution before leaping to the conclusion that there is a set of choices of values and priorities that would be uniquely determined through use of a "common reason."³³ Most important, understanding leads us to expect serious moral conflict to

be a regular part of our moral lives. It is unrealistic to expect that even groups united by language, religion, customs, and histories could produce uniformity of belief about the right set of choices to be made. We must expect to deal as a regular matter with those who have made different choices, even when we cannot be very sympathetic to their choices.

This picture of moral conflict contains further complications. If conflict arises from common choices between values, one would expect that in large and diverse cultures such as that of the United States, significant numbers of people occupy the space between those who take hard-and-fast opposing positions. For example, take those who find themselves with uncertain and indeterminate positions on the morality of abortion.³⁴ There may be indeterminacy of position with respect to the breadth of application of the right to life, or with respect to the relative priority of autonomy versus the protection of at least potential persons. Even those who take somewhat firm positions on the issue could enter a greater state of uncertainty if they were persuaded that there are no commonly held principles that justify their positions.

Furthermore, the second picture of moral conflict leads us to expect significant conflict and even incoherence in the belief systems of many individuals in matters where important values regularly come into conflict. Beliefs about such matters might be inchoate or incoherent to such a degree that they resist any ordering through imposition of a consistent set of principles. This is true, I believe, for many individuals with respect to disagreements over distributive justice in the United States. It is arguable, for example, that there is no fact of the matter as to whether many people hold beliefs about distributive justice that are consistent with something like Rawls's difference principle or a rather minimal liberal welfarism.

Arguments about distributive justice often mask a significant degree of indeterminacy in belief about general principles governing the distribution of wealth and income. Some conservative arguments against significant redistribution by the state depend on claims about the ineffectiveness, waste, inefficiency, and corruption of such attempted redistributions. Or they may depend on claims about the undermining effects on incentives to productivity. Many of these arguments are in fact consistent with liberal and egalitarian principles because such principles are stated at such a high level of abstraction from empirical considerations. Consider Rawls's second principle

explain how they were mistaken. One could understand them, and believe them mistaken, yet presently be unable to provide an explanation of how they were mistaken. One could understand them, and be unable to deem them mistaken, but also be unable to deem them acceptable either. And finally, one could come to accept what one initially rejected. Serious disagreement exists between the first and last possibilities.

34. In writing about indeterminacy of moral positions and of belief, I am assuming that belief is a propositional attitude we attribute to people on the basis of verbal and behavioral patterns. Sometimes the character of specific patterns that people display is evidence for indeterminacy in the propositional object of belief.

32. See my "On Flourishing and Finding One's Identity in Community," *Midwest Studies in Philosophy* 13 (1988), special issue, *Ethical Theory: Character and Virtue*, ed. Peter A. French, Theodore E. Uehling Jr., and Howard K. Wettstein: 324-41.

33. Understanding why others have made different choices could have different possible consequences. One could understand others' choices but believe that they were mistaken, being prepared to

of justice in this regard. The point is not that conservative arguments against state redistribution actually presuppose such principles, but that they are consistent with a number of conflicting general principles of distributive justice. Much of the point of these arguments, in fact, is to produce agreement on relatively concrete policy matters while avoiding explicit commitment to general principles that one's audience may reject. One characteristic form of such arguments ("Whether one holds general principles A, B, or C, no good aim is served by policy X") is a useful rhetorical strategy when dealing with an audience whose fundamental beliefs may be indeterminate, incoherent, or irreducibly diverse.

But remember that such diversity, indeterminacy, and ambiguity is compatible with significant areas of agreement within the moral tradition of large, heterogeneous societies such as the United States. People in the United States are overwhelmingly committed, at least de facto, to the justness of providing some form of minimal welfare for all members of society. Such agreement is even more salient on questions of the civil liberties than on many matters of the distribution of wealth and income. Or consider the way that some former advocates of the death penalty have come to suspend their advocacy given evidence that class and race make it much more likely that one is likely to be sentenced to death for a given type of serious crime, or recent DNA evidence that significant numbers of people have been in fact innocent of the crimes for which they have been sentenced to death.³⁵ Even though these former advocates adopt principled positions that favor death as a proportionate penalty for the most serious of crimes, or that favor death as an acceptable deterrent against such crimes, they share with opponents of the death penalty the values of fairness in administering criminal punishment and protection of the innocent. That point of agreement in principle may be sufficient to produce agreement in practice despite other disagreements in principle.

Disagreement within a society appears to be more or less pervasive as one varies the set of moral issues at hand. This can hold true with respect to single principles that are very general in nature and cover a diverse range of policy issues. There may be no answer to the question of whether people hold the same principle, but only one relativized to certain types of application. A given group of individuals may form a relatively harmonious community of belief on one principle or one set of its applications, but then form a fractious community or even belong to different and opposed communities on another principle or another set of applications.

The portrait of moral diversity advanced in this book points to the ubiquity of serious disagreement and therefore to the constant necessity for accommodation. The

35. In March 2000, the Illinois governor and death penalty supporter George Ryan declared a moratorium on executions in his state after thirteen men on death row were exonerated by new evidence. In May 2000, the generally conservative New Hampshire legislature voted to abolish the death penalty, based on concerns about the fairness and accuracy with which the death penalty is meted out.

ideal of peaceful coexistence with the morally other is sometimes applied primarily to separate moral communities with more or less cohesive internal identities and whose main problem is to coexist with other moral communities (we often get such a picture from Hampshire's writings). If the picture of moral diversity advanced here is correct, then accommodation is needed *within* relatively cohesive moral communities also, and not just for peaceful coexistence but also for the day-to-day constructive relationships that make striving toward shared ends possible. The picture of moral diversity advanced here also supports the *possibility* of accommodation, insofar as it points to the likelihood of shared values as well as the ubiquity of serious disagreement. The shared values provide some leverage for possible resolutions of the disagreements and also constitute part of a shared background that contributes to the perception of affinity between the contending parties.

9.10 THE CONTENT OF ACCOMMODATION AS A MORAL VALUE

I argued in chapter 2 that any adequate morality must have in some degree the value of accommodation on the grounds of the inevitability of serious disagreement. Apart from this argument, there are at least two other bases for recognizing the value of creating or sustaining noncoercive relations with others who are in fundamental moral conflict with us, but I am not claiming that these grounds need to be seen as equally compelling by the practitioners of all justifiable moral traditions. First, we may simply value such relationships as ends in themselves. It can be of intrinsic moral value to live in communities based not only on some degree of agreement in moral belief but also on ties of affection or loyalty, or on a limited set of common goals that may be educational, artistic, political, or economic in nature. As a matter of fact, we do typically live in communities with genuine bases other than identity of moral belief, communities that are often absolutely essential to the shape and meaning of our lives. Second, the project of cooperating with others to promote common moral ends often requires accommodation to one's moral differences with them. This necessity is especially salient in communities of moral belief with blurred boundaries that shift with the issue and the relevant principles applied. One's ally in promoting a moral position on one issue becomes a potential adversary on another issue. The moral worth of accommodation is both intrinsic and derives from the worth of other moral ends that are shared.

Note that on both the first and second ways of grounding the value of accommodation, the rationale is not that accommodation is a *modus vivendi*, acceptable only because the alternatives are in nonmoral terms worse.³⁶ Living with others in productive ways, despite our moral differences with them, can itself be morally valuable. It

36. Thanks to Peter Railton for helping me to clarify this point. Benjamin, in *Splitting the Difference*, argues for the necessity of compromise between serious moral differences on the grounds of the

can be a particularly strong form of respect for persons, and being able to show this kind of respect is a sign of moral maturity. The willingness to live with others despite moral differences promotes cooperation on the moral ends that are shared. In fact, we already do recognize the moral value of accommodation in practice, if not in theory. We find that people do reason from this value.

Consider Carol Gilligan's well-known discussion of children's reactions to Heinz's dilemma, in which Heinz considers whether or not to steal a drug that he cannot afford to buy in order to save the life of his wife. After it is stated that the druggist refuses to lower the price, the question is asked, "Should Heinz steal the drug?" Jake, an eleven-year-old boy, constructs the dilemma as a conflict between the values of property and life, and places priority on life. Amy, an eleven-year-old girl, considers "neither property nor law" but rather the effect that the theft could have on the relationship between Heinz and his wife. If Heinz is caught, Amy reasons, the situation for his wife could be worse in the long run. They should really just talk it out and find another way to make the money. Amy conceives the solution as making the wife's condition more salient to the druggist, or failing that, as appealing to others who are in a position to help. Gilligan concludes, "these two children see two very different moral problems—Jake a conflict between life and property that can be resolved by logical deduction. Amy a fracture of human relationship that must be mended with its own thread."³⁷

The sort of moral reasoning Gilligan takes to be exemplified by Amy's reaction is a complex phenomenon. Relevant to my purpose here is Amy's move of replacing the question "Would Heinz be right to steal the drug or not?" with "How can these relationships—that between Heinz and his wife, and between Heinz and the druggist, be sustained or mended?" I will not address the hypothesis that this sort of move in reasoning is more characteristic of women than of men. It does seem a common move that both men and women can make in everyday moral life. And a frequent occasion on which we do change the question is when the resolution of a conflict through determination of which side is in the right ends in a standoff, and when resolution in some manner is still what we seek. Amy's change of questions reflects the moral value she places on accommodation.

Moral conflict is not exhausted by conflict between beliefs about what is good or right. There is a conflict in what each party wants to happen next in the world. That conflict is often set in the context of a broader relationship between the parties, which

desirability of preserving cooperative relationships. I am unclear, however, as to whether he attaches a distinctly moral value to such relationships, as I do. At one point, he talks about moral compromise between members of a medical team as being highly desirable "from the standpoint of overall team effectiveness" (30-1), and I am unsure as to how he thinks of the desirability of "team effectiveness."

37. Carol Gilligan, *In a Different Voice* (Cambridge, Mass.: Harvard University Press, 1982), 25-31.

each party may have reason to sustain, both for the moral reasons identified earlier and perhaps for nonmoral reasons as well. The question of how to resolve the conflict in what each wants, or in any case how to muddle through it, need not require a determinate answer to the moral rights and wrongs of the issue. It may receive an answer in terms of what will sustain the broader relationship in ways consistent with the reasons for sustaining that relationship.

Whether we give philosophical legitimacy to this kind of reasoning, we employ it all the time in our everyday lives. Consider a philosophy department highly unusual in its diversity. Its members represent very different approaches and conceptions of philosophy: analytic, Anglo-American philosophy, continental European approaches, feminist philosophy, and Asian philosophy, let us say. The department is trying to decide among several candidates for a position. Groups within the department have different favorite candidates, and each believes that its choice is the best for the whole department. Yet in the interests of harmony within the department, some groups will agree upon someone who is the second or third best candidate for them. These groups may even believe that they could win a plurality for their first choice if it came to a vote but may also believe that the enmity and hostility created by such a victory would have unacceptable costs for the climate of trust and cooperation within the department, a climate to which they attach moral, as well as prudential, value. They may also expect that the other groups benefiting from this decision will take this into account the next time there is a similar conflict.

If Gilligan is correct in claiming that this sort of moral reasoning is more characteristic of women than of men, there is a kind of division of moral labor in this society. It is possible, however, that other moral traditions recognize no such comparable gendered division of labor. Consider Antonio Cua's interpretation of the Confucian virtue of *ren*. This virtue, he says, involves an attitude toward human conflicts as subjects of "arbitration" rather than "adjudication." Arbitration is an attempted resolution of disputes oriented toward the reconciliation of the contending parties.³⁸ The arbitrator is "concerned with repairing the rupture of human relationship rather than with deciding the rights or wrongs of the parties" and, accordingly, attempts to shape "the expectations of the contending parties along the line of mutual concern, to get them to appreciate one another as interacting members in a community."³⁹ Under Confucianism, says Cua, an appeal to objective principles that specify "rights and wrongs" is likely to alienate people from one another instead of encouraging them to

38. It was pointed out to me by Thomas Seung that the word 'arbitration' may be a misleading label for the sort of process Cua has in mind, since it usually implies the intervention of a third party. Perhaps 'conciliation' is a better term that allows for a resolution that can be effected by the contending parties themselves.

39. Antonio Cua, "The Status of Principles in Confucian Ethics," *Journal of Chinese Philosophy* 16 (1989): 281.

maintain or develop relationships. And finally, Cua strikingly suggests the need for Confucianism to develop such principles to be applied when arbitration fails.

A natural reaction to this proposal might be that Cua has got it the wrong way around. Certainly one should try to determine the rights and wrongs first, and in case that ends in serious disagreement, then one should seek arbitration. This would be treating arbitration as a second-order value, a value to be applied when the first-order value of resolution via adjudication fails. Cua treats adjudication as the second-order value, waiting in the wings in case the first-order value of arbitration fails. But he has not got it the wrong way around. His proposal reflects the centrality accorded to harmony and reconciliation as first-order values within the Confucian tradition. Living well with others, despite one's moral differences with them, is itself a primary moral value. The concern that applying objective principles would be a threat to harmony is an indication of the importance of this first-order value. By contrast, proposing arbitration as a second-order value would be natural in the Anglo-American tradition of moral philosophy, given that adjudication has become the paradigm in this tradition for resolving disputes through moral reasoning.

If there is a difference between the Anglo-American and ancient Confucian traditions, however, it is primarily one of emphasis placed on arbitration and adjudication as first-order values. The Confucian tradition is not entirely lacking in principles that help to specify the rights and wrongs between contending parties.⁴⁰ In both traditions, reconciliation can function either as a first- or a second-order value. It is difficult to see how reconciliation could not be a factor at least sometimes in our deliberations about what it is right to do, especially given the assumption that morality is in some significant degree about the regulation and mediation of interpersonal conflict of interest. However, it can also serve as a second-order value, guiding one's attempts to deal with failures in adjudication.

9.11 WHAT WOULD IT MEAN TO ACT ON THE VALUE OF ACCOMMODATION?

What would it mean to go beyond the policies of fair discussion and peaceful coexistence when acting on the moral value of accommodation? One meaning of accommodation that goes beyond these ideas is to act on one's moral position in a way that minimizes potential damage to one's broader relationship to others who have opposed positions. This may be desirable not just because one desires peaceful coexistence with them, and not just because one may find it necessary to join forces with them on other issues, given that the boundaries of moral communities are blurred, fluid, and relative

to the principle or set of applications at hand. These are valid enough reasons, but another reason is that minimizing damage to the broader relationship makes it likelier that opposed sides will be able to regard each other as people to whom it is possible to stand in some positive moral relationship of respect and nonmanipulation rather than simply opponents in a contest to see whose position becomes enforced by our common institutions.

Maintaining the possibility for such a moral relationship is not just necessary for sustaining whatever broader relationship exists between moral opponents but also promotes the possibility of compromise on the very issues that divide them. I was once surprised to hear an activist on the prochoice side of the abortion issue express regret that *Roe v. Wade* came down at the time it did. In this person's opinion, the ruling had the unfortunate effect of making proliferators feel that they had lost a political battle and that the issue then became for them who would win the war. An opportunity for further dialogue and eventual compromise had been lost.⁴¹ His calculation was based on a personal reading of the psychological and political climate at the time, and is debatable, but it is the sort of thing that must be considered when asking what accommodation might mean in disputes such as that over abortion. Even from the prochoice point of view, there is room in hindsight for the troubling thought that the highest court's decision had the effect of turning public discussion of the issue into a pure contest of political wills.

Another principle of accommodation arises from the recognition that any substantive ethical system will create a range of options as to when and in what manner one attempts to realize its values. One must choose where to direct one's energies when there are many large gaps between the way things ought to be and the way things are. Taking the value of accommodation seriously requires that, other things being equal, one select foci for attention that minimize the opportunity for serious disagreement. The task of selection will often involve the question of the degree of generality that one's moral positions should have, as one carries these positions into the forum of public debate and discussion. The most general principles of an ethical system, even when commonly accepted, are liable to give rise to serious conflict over the extent of their application and their priority relative to other principles in cases of conflict. It is sometimes easier for people to come to an agreement on more specific instances covered by these principles than it is to come to an agreement on the more abstract and general levels.

41. In *Ideals, Beliefs, Attitudes, and the Law* (Syracuse, N.Y.: Syracuse University Press, 1985), 96–7, Guido Calabresi observes that before *Roe v. Wade* a number of state legislatures moved toward permitting abortion, some going as far as the Supreme Court decision. After the decision, there was a new sense of “desperate embattlement,” where there was “almost fanatical pressure to forbid abortion.” Calabresi criticizes *Roe v. Wade* for categorically excluding the metaphysics of the prolife side as irrelevant to the constitutional question of whether the fetus should be treated as a person. He argues that this exclusion was deeply offending.

40. Consider the virtue of *shu*, sometimes translated as sympathetic understanding, which has been called the Confucian equivalent of the Golden Rule; see *Analects*, trans. D. C. Lau (London: Penguin, 1979), 6.28.

For example, consider the earlier suggestion that few people in the United States have a coherent and stable set of beliefs that correspond to the very general and abstract philosophical theories of justice. Perhaps this is a defect in our moral knowledge, but the situation has its advantages in comparison to certain other possible situations of pervasive ideological warfare, with most people falling into one clearly defined camp or another. Despite our inability to agree on the question of how egalitarian the distribution of wealth and income ought to be, the overwhelming majority agrees that the minimal state is simply not enough, that there ought to be some redistribution for the sake of addressing need. How far this principle ought to be applied, of course, is a matter of endless disagreement, and that is because many different theories of justice are compatible with it and incompatible with each other in specifying the extent and nature of its application. But there are some instances on which a reasonably widespread if not unanimous consensus can be reached. From the perspective that takes accommodation seriously, there is reason to concentrate on the less general issues of distributive justice.

Disagreement with others on the level of the most general and comprehensive principles may be radical, while on the more concrete levels where we consider what can be done now, given the present circumstances, and given what has already happened, disagreement may be less severe because everyone's options have been narrowed. Those on the robustly egalitarian end of the spectrum on matters of distributive justice, for instance, must take into account the present and foreseeable prospects for realizing anything remotely resembling their ideals. Libertarians should come to a similar recognition, despite the fact that much of the current political rhetoric leans vaguely in their direction. In both cases, emphasizing one's disagreements with others on the most general and comprehensive principles of distributive justice may not be the most prudent strategy. It may be better to emphasize agreement with others on more limited and concrete matters of distributive justice, at least for now.

Another principle of accommodation arises from the understanding of some serious disagreements that was described in the previous section. The understanding is that these disagreements are the result of different choices peoples have made about the relative emphases and priorities to be given to things that are commonly acknowledged to have value for human beings. Though the relative emphases and priorities held by the others are not ones that are adopted in one's own ethic, one understands how these others arrived at the choices made and to some extent the satisfactions of the way of life that is so structured. Such an understanding, under an ethic that takes accommodation seriously, leads to openness to influence by others, and by their conceptions of the good and thick conceptions of the right.

The accommodating impulse here takes the form of willingness to bridge differences. Sometimes this results in a willingness to trade concessions. As suggested earlier, those who take hard-and-fast liberal and conservative positions on the morality of abortion may have to recognize not only the seriousness of their disagreement with each other but also that there are many people who display considerable indeterminacy

of belief about the matter. In such cases, those inclined to take determinate positions may show an openness to the influence of others by being willing to compromise on the legal issues, for example, recognizing a legal right to abortion but qualifying or restricting that right in certain ways, where the content and extent of these restrictions would be subject to negotiation.⁴²

An openness to be influenced by others, to bridge differences, may also take the form of a preparedness to expand one's conception of the good and the right upon further understanding and appreciation of other ways of life, as I argued at the beginning of this chapter. This sort of preparedness goes beyond what could be required by the ideal of fair and democratic discussion—beyond, for example, the passive virtue of being prepared to change one's views in the face of undermining evidence. Learning from others often requires instead an active willingness to gain a more vivid and detailed appreciation of what it is like to live their ways of life, an appreciation that can only be achieved through significant interaction with them.

Let me stress that even if one is committed strongly to the moral value of accommodation, it cannot always take precedence over one's other moral values. In particular, it cannot always take precedence over the values that constitute the source of serious disagreement with others. One may simply judge in the end that these values are too important to compromise on, at least on a given occasion. A conservative on abortion may accept legal permission of abortion in the early stages of fetal development as an accommodation, but be unwilling to accept any sort of compromise on infanticide as it is practiced in some countries. And she may be unwilling to accept compromise even if she sees her disagreement with those who practice infanticide as irresolvable through the use of a common reason.⁴³

How do we distinguish between disagreements in which accommodation is more important and disagreements in which it is more important to stand fast? I believe that ultimately it is a matter of judgment in the concrete situation, and that it is impossible to formulate anything very useful in the way of general guidelines. But if this is a difficulty, it is not because the value of accommodation is involved. We could make the same conclusion about the necessity of contextualized judgment in conflicts that do not involve accommodation, such as conflicts involving the prohibition of the use of persons for the sake of larger, desirable ends. Whether some end is sufficiently compelling to justify overriding the prohibition is ultimately a matter of judgment. Con-

42. It would be essential that the idea of qualifying or restricting rights be presented sincerely in the spirit of compromise, and not simply as a covert way of gaining ground in the battle to repeal abortion rights altogether. See Benjamin, chapter 6 of *Splitting the Difference*, for an interesting discussion on the possibilities of compromise on abortion.

43. Leonard Harris impressed upon me the need to take into account what other values are at stake in deciding whether to accommodate.

textualized judgment will always be a necessity for someone who believes that the sources of moral value and duty are irreducibly plural.

Nevertheless, it is possible to identify certain factors that should influence judgment on the desirability of accommodation, even if these factors do not determine judgment by way of general principles. For example, one's willingness to accommodate others should depend on one's assessment of their willingness to reciprocate. Seeing that others are merely pressing their positions to gain concessions is a reason not to accommodate.⁴⁴ More constructively, that may be a reason to remind these others that the process of attempted accommodation takes place within the context of an ongoing relationship that may be severely damaged by an unwillingness to accommodate. One also has less reason to accommodate if the other side justifies its stand in terms of values to which it does not adhere in other contexts. This kind of inconsistency can reflect a lack of commitment to the professed values or even insincerity. On the other hand, one must be on guard against the possibility that charging the other side with insincerity can be a convenient way to avoid confronting an opposing position as a genuine moral position. Charging insincerity sometimes substitutes for a willingness to admit that an opponent's moral positions are complex (indeed, as complex as one's own) rather than inconsistent.

Further, the question of whether one should accommodate others is often bound up with one's relation of power to them. A group may feel subordinated and marginalized to the extent that others do not take its views seriously. It therefore may deem unacceptable any proposal that it accommodate to others. A reason why the abortion conflict has been so intractable is that significant numbers of people belonging to both sides feel themselves to have been disempowered, not given sufficiently serious attention by those who do have power in this context. Recognizing the moral value of accommodation is not always a way to resolve deadlocked conflicts. It does help, however, to note that accommodation need not always serve as a simple substitute for pressing one's position against others. Sometimes it is appropriate only *after* a process of conflict and each side's pressing its own position against the other. Compromise on the abortion conflict may emerge as a real possibility when enough people on opposing sides have succeeded in being taken seriously and in exercising leverage on those who do have power.⁴⁵

Thinking about how to realize the value of accommodation requires thinking not only about strategies of accommodation and the conditions under which it is acceptable but also about virtues that enable people to devise and effectively act on strategies. The virtues of resourcefulness and creativity are necessary for the ability to act on one's own moral position while minimizing damage to one's relationship with

those in opposition, for the ability to find concessions acceptable to oneself and others, and for the ability to incorporate elements from ethical systems conflicting with one's own. And of course, we need the virtue of being able to cope with ambiguity, where coping involves the willingness to deal with considerable indeterminacy of belief, and where it involves the impulse to avoid commitment to general and abstract principles about which there is radical disagreement in favor of focusing on more specific issues on which moral opponents could converge.

We need to investigate the reasoning, the intentional structures and psychological prerequisites of virtues that make accommodation possible, as we have done for the more commonly treated virtues such as courage. Indeed, it is remarkable that moral philosophy has paid comparatively little attention to the relevance of creativity, resourcefulness, and the ability to cope with ambiguity to our abilities to deliberate and act well, and perhaps this is an indication of the dominance of the adjudication model, together with the top-down model of moral reasoning from the abstract and general to the less so.

These points have implications for those of us who are educators. It is now a commonplace to espouse the values of critical thinking, dissent, and independence of thought. But alongside these virtues, students equipped to be citizens in a diverse society must also be given ways of expressing and of symbolizing how there can be community with those who are in deep disagreement with them. For example, we must think about what it might concretely mean for students to truly listen not only to their teachers but also to each other in discussion. We need to examine our deeply rooted habits concerning whom we praise and for what reasons. These habits generate habits in our students. Do we tend to reserve our highest praise for virtuoso performances in which students are able to defend their own positions against all criticisms and to effectively criticize the positions of others? Or do we praise as highly a student's openness to the possibility that others have a significant basis for their beliefs, a willingness to revise one's own positions in the light of a deeper understanding of how others think? Changes in these habits of listening and of responding to others may cut more deeply than changes in content of curriculum. They are at the very center of an ongoing community capable of accommodating differences.

is, I think, some illumination to be gained from comparative study of how different countries have treated the abortion controversy. Many in the United States were surprised that a "morning after" pill was approved by the French government, one version of which is included in the standard kit for school nurses. To a greater degree in France than in the United States, there is a tradition of comity in the political process in which contending groups—in this case, nurses' unions, students' unions, cardinals, parents, doctors, women's groups, the ruling Socialist Party, and the ministry of education—have a voice in reaching a workable compromise. All had the common goal of reducing the number of abortions, and indeed, France has a much lower rate of abortion than the United States. See Diane Johnson, "Abortion: The French Solution," *New York Times*, February 22, 2000, available at www.nytimes.com/books/00/04/16/specials/johnson-francecd.html. Rev. August 24, 2005.

44. Lawrence Becker and Thomas Hill Jr. pointed out this sort of problem to me.

45. Comments from Patricia Mann, Jane Martin, and Nancy (Ann) Davis helped me to think further about the complexities of the abortion issue, even if I was not able to satisfy their worries. There

Adjudication and independent and critical thinking are of course important, but focusing on them as exclusively as we have has led to a neglect of the genuinely practical questions confronting relativists and universalists alike, which have to do with dealing with those others with whom we are currently in serious disagreement. Fortunately, we are practical beings as well as philosophical ones and have had to deal with such disagreements in our practical lives. We can draw from that fund of experience to articulate the philosophical account we need.

9.12 LIVING IN A MULTICULTURAL SOCIETY

The picture I have drawn here of moral diversity and our need and ability to cope with it bears on the recent trends of multiculturalism and the growing recognition of a need to appreciate cultural diversity. Let me address two worries about that trend: that it promotes a corrosive skepticism about the values that must be shared in a democratic society, and that it promotes instability and conflict among different ethnic and cultural groups.

The first worry is that in teaching the worth of other cultures we undermine belief in the objective rightness of our own democratic values.⁴⁶ This worry underlies, I suspect, the objections that many have lodged against multicultural education, particularly against the introduction alongside the accepted "Great Works" of Western culture of texts by women and people of cultures other than the dominant ones. One answer to this worry is that there are reasons to appreciate cultural diversity and to learn about other cultures that are entirely consistent with a belief that values can be objectively right, even in the very strong sense that there is a single true morality. After all, one can think that one can learn from other cultures as long as one retains a reasonable degree of humility about what one knows. The case for trying to learn from other cultures gains support from the picture of cultural diversity I have been drawing throughout this book: that other cultures are not alien configurations of strange values but recognizable attempts to deal with certain universal patterns of conflicts between familiar values. The fact that other cultures may have taken different paths in response to these conflicts and may have emphasized to a greater degree than we do certain familiar values means that we may very well have something to learn from them even if we do not desire to copy the paths they have taken.

Respect for other cultures can rest on the recognition that these cultures prize things that we ourselves prize, even if not in the same way or to the same degree. We recognize that other cultures embody different choices in the selection of which values

to emphasize most fully, but we recognize that this is a world in which we cannot emphasize all important values equally. This is not to lapse into a mindless skepticism about values. Indeed, as I have argued in presenting a certain picture of cultural diversity, we can presuppose that a certain range of values is appropriate for human beings. If we recognize that no culture could maximize all things human beings prize, if we recognize that we may learn from other cultures because of the values they emphasize, we will be glad that there are other cultures. We will see cultural diversity as a good rather than as a problem.

To some extent, the multicultural movement has encouraged the first worry about skepticism by adopting the picture of other cultures as totally alien configurations of strange values. This is not only untrue of many of the crosscultural comparisons I have drawn throughout this book but also fails utterly in presenting a positive case for the appreciation of other cultures. This picture may prevent us from judging our own culture to be superior to others, but it may equally cause us to withhold any judgment, including the judgment that the others have value. After all, if other cultures are so foreign to our sensibilities, why should we think ourselves qualified to judge them at all? Of course, those who present the first picture may intend that we withhold judgment. They sometimes talk as if respecting cultures *means* withholding judgment about their values. But this way of supporting multiculturalism is ultimately stultifying. It provides no basis for saying what we can *learn* from other cultures, and multiculturalism in its most appealing forms does mean such appreciation. What justification, after all, could teachers have for assigning texts from other cultures if we do not understand the worth in them?

Now, of course, I have been arguing throughout this book that many of our values may not be objectively right in the strongest sense, of being the only true ones people should adopt. My own position, then, may be taken to imply a "corrosive skepticism," even if multiculturalism in general need not. If skepticism means that we cannot take our own way of doing things as somehow writ into the fabric of nature, and that others may be equally if not more justified in adopting other ways, then I am skeptical. But I see no good way of avoiding this kind of skepticism, and have argued that our moral commitments need not necessarily be undermined. It is their basis that must be reconceived. It also is true that reconceiving the basis of our commitment to our values must affect the way we act toward others with whom we are in serious moral disagreement, but as I have argued in this chapter, we do have our ways of dealing with such disagreement.

Let me turn to the second worry about multiculturalism. The worry is that in teaching the worth of different cultures, we are promoting a "balkanization" of multicultural societies. The worry, in other words, is that valuing cultural differences will encourage culturally distinct groups to always press their interests over the common interests of the multicultural society. What could motivate cooperation between groups with ethical traditions that conflict? To value differences is to value the source of

46. Something like this worry is expressed by William Galston, *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State* (Cambridge: Cambridge University Press, 1991), 251-5. See also Michael Sandel, "Morality and the Liberal Ideal," *New Republic*, May 7, 1984, 15-7.

conflict, isn't it?⁴⁷ To address this worry, we need to recognize a fact I have emphasized in this chapter: that serious disagreement about values and their proper application is to be found within cultures as well as across cultures. Even communities founded on single cultural traditions must deal with serious disagreement within their ranks. If strict uniformity in ethical belief were a necessary condition of having a real community, then we would have very few, if any, communities. But, I have argued, we do have ways of holding a community together in the face of serious internal disagreement, and these ways are applicable to a multicultural society that does not attempt to suppress difference or to assimilate all into a single dominant culture.

Recognizing that a value of accommodation is crucial for the stability and integrity of societies and their ethical traditions, then, goes some way to addressing the balkanization worry. Of course, communities that are relatively diverse can come under greater stress. And we must recognize that acting on the value of accommodation does not always succeed in managing conflict. Consider, for example, the defeat of the constitutional proposals in Canada that were an attempt to accommodate longstanding grievances of Quebecois that have led some to press for separation. Even if accommodation is held as a value by both sides of a conflict, it will not always take precedence over the other values that constitute the source of the conflict. These other values may simply be held to be more important than accommodation.

Sometimes the disagreement may come in assessing whether accommodation is more or less important than other values at issue. Consider an example of a controversial case involving multiculturalism and gender equality and rights issues. When a Seattle, Washington, hospital asked Somali immigrant mothers whether they wanted their boys circumcised, these mothers requested to have their boys *and* girls circumcised.⁴⁸ The type of 'circumcision' they requested for girls is also called 'female genital mutilation' by many of its opponents, and 'female genital cutting' by those who wish a more neutral name for the practice. One additional reason for the term 'cutting' rather than 'circumcision' or 'mutilation' is that forms of this practice vary significantly across parts of Asia and Africa, from a pricking of the genitalia to draw a drop of blood, to removal of the hood of the clitoris, to removal of the entire clitoris, to removal of all external genitalia with stitching together of the resulting wound. The women on whom it is practiced range from infants to adult women who consent to it.

Just as the practice has a variety of forms, it has a variety of rationales. The one that has made the practice notorious is that it helps to prevent promiscuity and to ensure chastity for future husbands. Sometimes a religious rationale is given. Muslims who

engage in the practice often believe that the prophet Mohammed sanctioned it, though this is seriously contested within the religion. However, in some communities the practice is regarded as rendering the body fertile, as a rite of passage, and a test of courage and endurance to pain that binds together the community of women who practice it.⁴⁹ Fuami Ahmadu, a young African scholar born in Sierra Leone but raised in the United States, returned to her country of birth to undergo the cutting that is traditional in her Kono tribe.⁵⁰ She disputes a claim often made in criticism of the practice—that it diminishes sexual pleasure for women, arguing that the criticism presupposes an excessively mechanical picture of sexuality, omitting the role of the most important sexual organ—the mind. One of the other counterarguments given is that critics of the practice assume a controversial conception of the human body as complete and given at birth. Others point out that Western critics conveniently forget this when the time comes for plastic surgery or other forms of bodily enhancement. In light of such variety in form and rationale, some have cautioned against one-dimensional or superficial evaluations of the ritual practice.⁵¹ They have also cautioned against the automatic assumption that patriarchal control must always be the underlying function of the practice, noting the diversity of meanings and circumstances of the practice and the fact that women are among the defenders of the practice.

All this forms the background for the problem that confronted the Seattle hospital. It serves a large immigrant community and makes it a priority to be sensitive to the distinct cultural practices of the people it serves. On the other hand, the medical staff could not contemplate performing anything like a traditional cut on girls. Some of the immigrant parents themselves suggested the compromise solution of performing a symbolic pricking of the clitoris to produce a drop of blood. The hospital agreed, partly on the grounds that the parents expressed their intentions to send their daughters elsewhere to have the procedure done if not in the hospital, and hospital staff believed that if done elsewhere the procedure would likely be far more radical and dangerous. However, the hospital was forced to withdraw its compromise policy in the face of a firestorm of protest against anything that could be remotely construed as a concession to the traditional practice. This last event constituted a missed opportunity for a successful negotiation between important values. On the one hand, there is the value of respect for cultural and religious beliefs and practices, the meaning and true rationale of which can be

49. For an informative survey of the rationales and meanings of the practice, see Ellen Gruenbaum, *The Female Circumcision Controversy: An Anthropological Perspective* (Philadelphia: University of Pennsylvania Press, 2001).

50. Fuami Ahmadu, "Rites and Wrongs: An Insider/Outsider Reflects on Power and Excision," in *Female "Circumcision" in Africa: Culture, Controversy, and Change*, ed. Bettina Shell-Duncan and Yiva Herlund (Boulder, Colo.: Lynne Rienner, 2001), 283–312.

51. See L. Amede Obiora, "Bridges and Baricades: Rethinking Polemics and Intransigence in the Campaign against Female Circumcision," *Case Western Reserve Law Review* 47 (1997): 275–378.

47. Something like this worry is expressed by Stephen Rockefeller in his comment on Charles Taylor's essay, in Taylor, *Multiculturalism and the Politics of Recognition: An Essay*, ed. Amy Gutmann (Princeton: Princeton University Press, 1993), 87–98.

48. See Doriane Lambelet Coleman, "The Seattle Compromise: Multicultural Sensitivity and Americanization," *Duke Law Journal* 47 (1998): 717–80.

multifarious and/or extremely elusive. This is no less true of the dominant cultural and religious practices in the United States. On the other hand, there is an imperative to assert the unacceptability of at least the extreme forms of the practice that can be reasonably construed as serving patriarchal control and in any case as posing the threat of severe medical harm. The Seattle's hospital's proposal seems a reasonable way of negotiating between these values, but it was ultimately defeated by those who took uncompromising opposition to anything like female circumcision, and though I do not share that position, I can certainly respect the concern for gender equality that underlies it.

The anthropologist Richard Shweder has proposed that liberal, pluralistic societies should try to accommodate groups that desire to engage in the practice in case two conditions are met: first, that only minor procedures such as those proposed by the Somali parents and the Seattle hospital should be performed on those below the age of consent (no major irreversible alterations of the body); and second, that those who have reached the age of consent should have the right to alter their bodies in substantial ways.⁵² I think this is an appropriate form of compromise that expresses both respect for a group's cultural practices and the value of autonomy, applied not just to the group but also to individuals who choose to have the practice performed.

There will be hope for sustaining a diverse community when the value of accommodation is reinforced by other considerations. Earlier, I suggested that understanding how other cultures differ from one's own can involve understanding how the others affirm values familiar to us. It is important to affirm commonality as well as difference, and to seek common purpose in promoting shared values. A multicultural education can be a civic education if it affirms commonality and the possibility of shared purposes as well as difference. Remember Feinberg's attempt to understand the Japanese drive for dependency not so much as the denial of Western values of freedom and independence but as the affirmation of the human need for relationships of unconditional trust and care. Recognition of such commonality and the will to form common purpose based on commonality helps to mitigate the divisive effects of difference. Furthermore, the value of diversity itself helps to hold a diverse society together. If we recognize that no culture could maximize all the things human beings prize, if we recognize that we may learn from other cultures because of the values they emphasize, we will see a diverse society not as a necessary evil but as a good thing, and have that much more reason to hold it together.

We must be careful, moreover, not to accept the implicit assumption underlying many versions of the balkanization worry: that it is cultural and ethical differences that cause conflict and partiality for one's own group. This assumption is too simple an analysis of the causes of conflict. Consider one of the most highly charged conflicts between groups in our society: that between whites and African Americans. There are

some on both sides of this conflict who see this as a cultural conflict, but even they will admit that it is more than that. We should look not merely to cultural difference but to the causes of inequality among groups. And once we do, we may conclude that the proper emphasis should be the correction of inequality, not the elimination of cultural difference. We lack very clear measures for determining what cultural differences are "big," but the cultural gap between white Americans as a group and African Americans who have been in the United States for more than two generations is not among the largest gaps even within the United States. If there is particularly intense conflict between these two groups, it cannot be put down to culture.

For one thing, the group of African Americans is becoming increasingly diverse (in education and socioeconomic status) in ways that reflect the population of the larger society. Even the so-called culture of the urban "underclass" in the United States could be said to be an extension of larger cultural trends. Many of the signs of social breakdown in this class are reflected throughout the larger society, regardless of race and class. As Jennifer Hochschild has observed, "fewer Americans of all races and classes are holding jobs, getting or staying married when they have children, abstaining from illegal drugs."⁵³ I noted earlier that imbalance in the power relations between two groups may present barriers to accommodation between them. My point here is that power imbalance, along with the perception of injustice, may be the primary cause of conflict and not cultural difference.

We must take into account the role of inequality when addressing the tensions between racial and ethnic groups in schools, colleges, and universities. For an example of such tensions, consider a study of white and African American students' attitudes toward diversity in the University of California at Berkeley.⁵⁴ Many of the white students who were interviewed expressed a desire for interaction with students of other racial and ethnic groups. They felt frustrated by a climate of heightened racial consciousness, and by proliferation of organizations along racial-ethnic lines. On the other hand, African American students indicated a preference for same-group friendships, social activities, and organizations. They appreciated the opportunity to discover and explore their racial identity with other African Americans.⁵⁵

This experience at Berkeley may be interpreted as indicating the tensions between the ideals of diversity and interracial community. But we must consider the reasons why social interaction along racial and ethnic lines is so emotionally charged. It is charged, for one thing, by the perception of many African American students that progress toward racial equality has stalled and that white society has permitted them

53. Jennifer Hochschild, "The Politics of the Estranged Poor," *Ethics* 101 (1991): 568.

54. The entering class of 1991 at Berkeley was 32 percent Asian American, 30 percent white, 20 percent Chicano/Latino, and 7.5 percent African American. See Institute for the Study of Social Change, *Diversity Project: Final Report* (Berkeley, Calif.: Institute for the Study of Social Change, 1991), iii.

55. Institute for the Study of Social Change, *Diversity Project*, 14, 28, 37.

52. Richard Shweder, *Why Do Men Boil? Recipes for Cultural Psychology* (Cambridge, Mass.: Harvard University Press, 2003), 206.

to achieve as much equality as it is willing to tolerate. It is charged, for another thing, because African American identity includes a common experience of oppression.⁵⁶

The apparent tension between diversity and interracial community cannot be understood without the context of enduring inequality and injustice. Furthermore, the preferences of African American and white students can be described in other ways that make the conflict something more complicated than one between diversity and interracial community. While African American students preferred same-group affiliation on the level of individual day-to-day interaction, they favored programs that promoted interracial understanding. The conflict between the preferences of white and black students, then, may be described as one between two different conceptions of community, in which diversity and commonality of experience and outlook are both valued in different ways and given different emphases. To mitigate the conflict, it is necessary to provide opportunities for individual interracial interaction for those who desire it. But at this point it is difficult to fault those who seek through intragroup interaction to affirm their racial and ethnic identities when they have for so long been subjected to domination and shaming. The ideal of individual and interpersonal interracial community may have to wait until more justice is achieved.

As far as the newer immigrant groups are concerned, it is ironic that such a furor has arisen over the question of whether their cultures should be accepted and celebrated as part of the American mosaic. It is ironic because the most salient cultural differences have to do with the value the new immigrants place on family and on mutual support within the family and ethnic neighborhood. As one person has put it in an internet newsgroup on issues of concern to Asian Americans, Asian Americans are placed on the defensive for such values: as he sardonically puts the situation, "We apologize for respecting our parents' decisions! We're sorry we believe our family is more important than ourselves."⁵⁷ Such values remind us of the American past, rather than some strange and threatening foreign culture. If such values seem strange to us, it is an indication of how far we have strayed from past tradition.

9.13 DEMOCRATIC RITUAL AND ITS POSSIBLE ROLE IN BRIDGING DIFFERENCE

In his study of morality, politics, and power in a Chinese village during the 1970s, Richard Madsen utilizes a conception of ritual in which the

participants pour a rich variety of emotions into the performance of a series of stylized actions that are held to represent some phase of the fundamental meaning of their life together. The main symbols making up the rituals are

actions rather than words. In some cases these emotionally resonant symbols express a richer meaning than can be put into any discursive verbal argument. The emotional resonance and fertile noetic ambiguity is what gives rituals everywhere their integrative power. The participants in a ritual become a community of feeling and sharers in a common experience that is drenched with meaning but cannot be expressed by any single set of discursive ideas. They often experience the ritual as expressing a common primordial understanding that is the font of subsequent discursive understandings. This does not mean that one can discursively interpret a ritual in any way one wishes. There is usually a range of orthodox interpretations of a ritual and some clear ideas about which interpretations would be unorthodox. But often the range of orthodox interpretations is fairly wide, so that a ritual can unite a broad group of people with different approaches toward life. Thus regular participants in certain rituals can within limits argue about their common moral responsibilities to their community and yet recognize that they are united by a shared moral understanding that transcends their words.⁵⁸

What is especially morally valuable in this species of ritual, as Madsen describes it, is the openness and ambiguity of meaning corresponding to the shared understanding that transcends words. It allows harmony to be something different from agreement on a set of doctrines that are articulated at such a level of specificity such as to exclude many of the possible participants.

The obvious should be noted here: not all rituals function in this way. Rituals can be fashioned with the intent of cultivating and enforcing ideological conformity. Madsen uses the phrase "rituals of struggle" for practices that center on the stylized recitation of sacred doctrine, such as the cult-like performances that revolved around Mao's sayings. Rituals of struggle ought not to be confused with rituals that can foster a sense of commonality without insistence on belief on a specific set of doctrines. It might be objected, however, that there is no conceptual room for rituals that balance difference and commonality. In the absence of agreement on values and doctrines, it might be claimed, ritual delivers no real substance that grounds agreement but only some vague emotional connection between the participants. Even if ritual succeeded in creating emotional ties, how could it provide a stable balance between difference and commonality?

But as Madsen points out, there is a bounded range of orthodox interpretations for a ritual, even if the width of that range is significant. A wedding, the burial and mourning of deceased parents, and a village feast are rituals that embody and foster certain

56. A point made to me in correspondence by Laurence Thomas.

57. On the internet newsgroup, available at soc.culture.asian.american. Rev. March 24, 1998.

58. Richard Madsen, *Morality and Power in a Chinese Village* (Berkeley: University of California Press, 1984), 21–2. Madsen acknowledges his debt in conceptualizing this type of ritual to Victor Turner, *The Forest of Symbols: Aspects of Ndembu Ritual* (Ithaca: Cornell University Press, 1967), 19–20.

notions of proper human relationships. To advance the aim of affirming commonality, participants must have some significant degree of agreement on what it is these rituals embody and foster. Yet the degree of agreement needed remains open and ambiguous, partly because, as Madsen puts it so well, much of the meaning of ritual is carried by actions. Even when the meaning is carried by words, reconciliation can be achieved by regulating the degree of specificity of meaning. The effectiveness of ritual in reconciling commonality and difference gives fresh meaning to the homily that what is *not* said is every bit as important as what is said. As D. C. Lau remarks, one Confucian rationale for study of the *Book of Odes* is that it provides one with a store of quotations for delicate situations such as diplomatic exchanges and within which one can couch one's meanings in a sufficiently indirect and somewhat ambiguous way.⁵⁹

Rituals that bring together participants despite serious disagreements in value, then, do so through emphasizing the values the participants really do share while leaving ambiguous and indeterminate the areas of disagreement. One can grasp the value of such rituals from opposing metaphysical and epistemological perspectives on moral truth. If there is a final and single truth as to how the relevant disagreements should be resolved, it is not at all obvious to all reasonable and informed people of good will what that truth is. From the perspective of assuming the truth of such a possibility, there is a strong case that a tradition must remain open to continued attempts to deepen understanding of whatever the truth is. From the perspective that there simply is no final and single truth as to how at least some of these conflicts should be resolved, either in general or in certain contexts (i.e., that resolutions of some conflicts are a matter of collective choice and invention rather than discovery of a preexisting truth), a tradition acknowledges this state of affairs by leaving it open as to how such conflicts are to be resolved.

Chinese Confucians have always had a keen appreciation for the value of ritual. Western democratic traditions, I believe, can learn from this appreciation. It is a necessary condition for a viable democracy that there be widely shared values, but that is hardly a sufficient condition. Freud used the memorable phrase "the narcissism of minor differences" to indicate that groups predisposed to contend with each other will magnify apparently small points of disagreement into contests between Good and Evil.⁶⁰ On the other hand, a viable democracy is consistent with robust disagreement over how widely shared values are to be interpreted and ordered, as long as the areas of agreement seem more important than the areas of disagreement. Rituals can help in the task of making these areas of agreement more important. The sort of common democratic culture that is necessary partly rests on sufficient agreement on values, but it cannot rest solely on such agreement. It is as much an achievement as a discovery of

59. D. C. Lau, introduction to Confucius, *The Analects*, 42.

60. Sigmund Freud, *Civilization and Its Discontents*, trans. James Strachey (New York: Norton, 1961), essay 5, 61.

agreement. It is an achievement in which members of a common culture actively seek to understand one another well enough so that they do indeed discover the points of agreement. It is also an achievement in the sense that they must cultivate the dispositions to act on the points of agreement and attitudes of mutual respect for one another, at the same time that they contend with one another over their differences.

Let me conclude with some suggestions as what sort of moral and political rituals might be in accord with both the aim of combining respect for difference with commonality that supports respect for difference. *Voting* in an election is the quintessential democratic institution, and I think that something is learnt about its importance and role in a democracy by viewing it as ritual. Why should we vote? Most of us have probably heard urgings to vote because "you never know when it might be your vote that makes the difference." From the standpoint of the individual deliberating as to whether there is sufficient reason for her to go to the polls, the proffered justification will in most cases be unpersuasive. One knows that, in all likelihood, one's vote will *not* make any difference to the outcome. Another kind of justification for voting that is not as consequentialist in nature is that failing to vote is a morally objectionable form of free-riding. A democracy works only if enough people vote, and therefore the ones who yield to convenience or apathy and fail to vote are benefiting from the acts of those who do not so yield. This argument certainly has more force than the first, but can be circumvented by the argument that if something is owed to those who vote, then the payment need not take the form of someone else voting. Why not just issue voters a payment voucher? Given the desperately low participation in elections in the United States, it is difficult to reject that suggestion out of hand, but the reasoning behind it fails to explain why it is important for each individual citizen to vote. It is not just that those who choose not to vote would be free-riding on those who do vote. Even if those who voted were literally repaid precisely by the people who chose not to vote, it would still be a bad thing that those people chose not to vote. But why would it be a bad thing?

My suggestion is that voting needs to be renewed as the central political *ritual* it is. It is not because one's vote might possibly decide an election, though there will be unusual occasions where they might indeed do that. It is not because one should avoid being a free-rider (even though one should avoid that), because there are ways to avoid free-riding that do not capture the importance of voting. It is because voting is a ritual that can foster and promote the reconciliation between difference and commonality that one has a civic duty to participate. The way that voting represents difference, of course, should be familiar. Consider, however, familiar actions that are part of the voting ritual: going to a common place to cast one's vote alongside others; and the act of walking past campaign workers who must assume in their actions that one is still open to their candidate or cause. Moreover, there is the ritual act of courteous response to their actions, to take the literature, to stop and listen for a short time, or simply to nod and smile, even if one has absolutely no intention of voting according to their wishes. Consider the related ritual acts of the candidates on election night: the speech of the victor verbally extending a hand in reconciliation; the loser extending congratulations

to the victor and, yes, calling for unity. Of course, there are mechanical and insincere performances of these ritual acts, but the more hopeful lesson is that we should insist on candidates with the character and perspective on their place in the scheme of things that would enable them to perform these rituals in genuine fashion.

John Stuart Mill at one time advocated the idea of the open ballot. The rationale was to promote a conception of voting as the deliverance of one's considered judgment on what would best promote the general welfare.⁶¹ By making one's judgment public, and therefore having to be prepared to defend it, one is prompted to enact a certain conception of citizenship. The rituals of declaring and defending one's position would be important not just because of what they might contribute to a useful debate on the issues but also because one is acting as if one's vote is based on a judgment that needs to be defensible to other citizens. And acting in this way is a way of strengthening the general disposition to do so. I agree with the aim of Mill's proposal, but I am reluctant to sacrifice the protections afforded by the secret ballot against various forms of coercive attempts to force a harmony among individuals that does not exist. Of course, there are contexts in which coercion is less of a factor: tenured professors voting on university policy might reasonably be required to publicize and defend their votes. In such contexts, the open ballot is a reasonable option.

Where coercion is a reasonable danger, however, an alternative practice that also expresses a renewed commitment to voting as central democratic ritual is to make it compulsory. A country such as Australia has achieved very high turnout rates with relatively modest fines for failure to vote. Requiring people to vote combats the idea that it is no one's business but one's own whether one votes or not. One may keep one's vote and one's views secret, but one must contribute to the process of collective decision. The ritual of voting, the way it brings citizens together for a decision, matters too much to make it purely optional. If voting is made compulsory, then a necessary second step in reform is to allow voters to express a sentiment they currently express by declining to vote: the opportunity to check a box labeled "none of the above." Disillusionment and alienation from dominant political agents, forces, and institutions should have a channel of expression in the most central of democratic political rituals.⁶²

To avoid misunderstanding of the proposal put forward here, let be noted that there is no intention to reduce voting to pure ceremony. Voting, of course, has a perfectly practical function outside of expressing a desired reconciliation between commonality and difference. The proposal rather draws attention to the ceremonial

dimensions of the activity without denying its other dimensions. Marriage and burial rites, two paradigms of ceremonial rituals, also have very practical functions. The Confucian perspective on ritual in fact notes the difference between these different expressive and practical dimensions. Xunzi (chapter 19) holds that the various different dimensions of ritual must be kept in balance. When the dimensions of form and meaning are emphasized to the point of slighting their emotion and practical use, rituals become florid. When their emotion and practical use is emphasized to the point of slighting their form and meaning, rituals become lean. The mean between these extremes is the thing to aim for.

Practices that simultaneously have ceremonial, emotionally expressive, and practical functions, such as voting, can be especially potent in moral and civic education. Pure ceremonies, unconstrained by practical purpose and unexpressive of civic feelings, may become stultifying and meaningless or insufferably pedantic. Ceremonies expressive of civic feelings but devoid of practical purpose may become merely entertaining displays. Purely practical activities, on the other hand, lack the recurrent dramatic structure of ceremonial rituals that enables them to evoke and express value and feeling. They therefore can have far less of a role in the evocation, training, shaping, and strengthening of attitudes and dispositions of character. When the ceremonial, expressive, and practical functions are all present and have intrinsic connections to one another, as they can in the case of voting, they may be the most potent instruments of moral and civic education.

There are other examples of such practices that weave together the ceremonial, expressive, and practical. The *Mencius* puts forward a proposal for the *jing(ching)*-field system, commonly translated as the "well-field" system. A *jing* is a piece of land divided into nine parts.

If those who own land within each *jing* befriend one another both at home and abroad, help each other to keep watch, and succour each other in illness, they will live in love and harmony. A *jing* is a piece of land measuring one *li* square, and each *ching* consists of 900 *mu*. Of these the central plot of 100 *mu* belongs to the state, while the other eight plots of 100 *mu* each are held by eight families

that advance in technology is not in itself the engine of history. Nontechnological interests shape our decisions as to which technologies we use and when we use them. Consider that we have long had the capabilities of making registration for voting far more convenient and widespread among citizens (such registration can be conducted along with motor vehicle registration, for example). We have yet to seize upon this opportunity, and part of the explanation may be that some of our political leaders think they will be put at electoral disadvantage if greater proportions of the citizenry are registered to vote. Another objection in the spirit of "It's too utopian" is based on the observation that proposals such as mine have been made in the past and have never been taken up. I find this argument from induction unpersuasive, especially with reference to a relatively young nation such as the United States. In any case, there is not much warrant in proceeding as if arguments for the moral and political value of a possible practice, no matter how strong, can have no effect on the likelihood of its being adopted.

61. I owe my awareness of this fact to a former colleague at Brandeis, Andreas Teuber. See John Stuart Mill, "Thoughts on Parliamentary Reform," in *J. S. Mill: Collected Works*, ed. J. M. Robson (Toronto: University of Toronto Press, 1977), 19:331-8, and "Considerations on Representative Government," 19:488-95.

62. Some have objected that my proposal is far too utopian to stand a chance of being adopted. Some have argued more specifically that it runs against the trend of adapting electronic technology to make actions such as voting far more convenient and therefore more widespread. Part of my reply is

who share the duty of caring for the plot owned by the state. Only when they have done this duty dare they turn to their own affairs.⁶³

The proposed practice has a very practical point, of course. But it also expresses the reconciliation of harmony and fragmentation. The shared labor on the state-owned land represents harmony. The family-owned plots represent a kind of fragmentation. The *jing*-field system can be taken to represent their reconciliation. The practice of first sharing labor and of then turning to one's family affairs can become a ceremony for the participants. It can tell a story in words and actions that carries the meaning of that reconciliation in symbolic and expressive ways. The meaning goes beyond the concrete practical function of fairly dividing the burdens of taxation, but note that that concrete practical function does instantiate the broader meaning.

In a modern democracy, an analogy to Mencius's proposal might be some form of community or national service: not just the purely optional and underfunded gestures recently implemented, but at the least a serious call to service to a wide range of citizens that can only be set aside by an individual for good reasons, as in the American jury system. In fact, one of the possible ideas for service is calling on citizens to serve on juries or panels charged with making recommendations on initiatives, referendums, or policy issues. Experiments along these lines have shown that citizens called upon to serve on such a jury panel have taken their responsibilities seriously and have striven to formulate recommendations that transcend partisan interests.⁶⁴ As in the case of voting, one of the important functions of such service may lie in its ceremonial and expressive dimensions, and not just the practical recommendations that may result from the process. Participation on such panels might be a one-time event for individuals, but public knowledge of the general practice of drafting citizens can have a broader educative effect. Another idea along these lines is a component of service learning in our schools, with the added advantage of catching future or young citizens at developing stages.

I certainly do not offer the notion of democratic ritual as a comprehensive solution. I believe there is enough promise in these suggestions to recommend the work of discovering how much we share with one another to all of us who are hopeful for democracy. Indeed, I believe hopefulness to be a central democratic virtue, and one that must be cultivated through our rituals.

63. *Mencius* 3A3. Translation adapted from D. C. Lau, *Mencius* (London: Penguin, 1970), 99–100. A li is about 500 meters.

64. I first encountered this idea in Robert Kane, *Through the Moral Maze: Searching for Absolute Values in a Pluralistic World* (New York: Paragon House, 1994).

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