Patrick Giddy

University of Kwazulu-Natal, School of Religion, Philosophy and Classics, Howard College Campus,
ZA–4000 Durban
jpgiddy@gmail.com

More Than Tolerance:
Ethics for a Multicultural Society

Abstract

Contemporary multicultural societies for the most part frame themselves in terms of a procedural rather than substantive ethics, by emphasizing rightness rather than goodness, and elevate tolerance to key value. But this cannot of itself replace a substantive and motivating norm of the good life and can be experienced as a loss, disaffecting citizens. It will also fail to confront the limits of acceptable action, the unconditionality associated with the moral point of view. The classical tradition in ethics, proposing a norm of human flourishing, can be re-expressed to bring out this unconditionality. I point to the counter tradition of ethical reasoning in terms of proportionality, exampled in the case of war ethics, as useful and draw on an alternative concept of democracy in terms not of formal or substantive rights but of an ethic of participation.

Key words

ethics, classical Greek philosophy, rightness/goodness, multiculturalism, tolerance, Spaemann, unconditionality, proportionalist reasoning

1.

Contemporary multicultural societies seem to call for a procedural rather than a substantive ethical framing of public debate. The state must not afford any *one* version of the good life – say, one put forward by a particular religion – preference over any other. The rights of all individuals must be given equal consideration, and the state must be neutral with respect to particular cultural practices. In his reaction to the atrocities committed by "cultural Christian" Anders Breivik, the Norwegian Prime Minister reiterated his government's commitment to a policy of tolerance of all cultural and religious social expressions. A good example of the importance of this is the case of South Africa, which has transitioned from a non-democratic state with one normative religious tradition, Christianity, to a democratic multi-cultural society, and intolerance of "the Other" is strongly proscribed. In a manual for teachers distributed to schools nation-wide, whereas previously "Christian National Education" had been the policy, now "toleration" is put forward as the key value of the new society. In the 2003 government policy on Religion in Education, "parity of esteem" is mandatory toward all religions and worldviews.

In spite of the obvious and uncontroversial good points in this kind of progress, I want to argue that the procedural approach is in the final analysis inadequate to cope with religion as a permanent factor in the social

SYNTHESIS PHILOSOPHICA
54 (2/2012) pp. (363–376)

364

P. Giddy, More Than Tolerance: Ethics for a
Multicultural Society

life.[1] "Tolerance" as a value cannot bear the weight it is given – it is only in theory that citizens present themselves as rational individuals disengaged from any particular moral outlook. The desire to build and take part in a community constituted by common beliefs about common values would seem to be there by nature. The degree of difficulty of this in a multicultural society should not deter. In the case of South Africa, again, the explicit inclusion of substantive goods (housing, education, health and so on) in the Constitution has not succeeded in fostering a participatory citizenship, in the judgment of a recent commentator.[2] It is clear that not enough thought has gone into how this might be achieved.

Inevitably, at any rate, society has to confront issues to do with tolerance of the intolerant. At this stage, and in order to avoid the inadvertent creation of ghettos within the dominant culture, some public judgment must be made about qualities of character or virtues, among which is the virtue of tolerance or forebearance: the latter should be fostered among all citizens, *regardless* of religious or cultural convictions. However much this would seem to run counter to liberal intuitions, the secular state has to take on board the question of what constitutes authentic religious practice and what must from time to time be judged as falling outside of this. In point of fact the procedural state *already* has an implicit commitment to a set of values, a substantive view of human flourishing. It cannot avoid such a framing norm, and it is precisely this, critically developed, that can serve to anchor its approach to religion in the public sphere. It has to make an appeal to the religious traditions to articulate themselves in a way that is enhancing of our common life together. It has to *invite* these traditions to join the public debate, if it is not to spawn extremist fundamentalist groups.[3] In this paper I am concerned with how such debate can best be framed.

So a procedural approach, foregrounding the equality of world-views, does not work. In the following Section I discuss the oversights associated with such an approach – the need to make a call on what in fact is the substantive human good of which tolerance is one useful virtue among others contributing to this good; and secondly the related problem for any procedural ethic of motivation: only an ethic framed in terms of a substantive good that makes sense to citizens will have any chance of being efficacious and not simply a theoretical ideal. Section 3 then develops the idea that there is no option but to express the ethics of the public space in terms of a substantive view of the human good. Any ethic worthy of the name would seem to mark out limits beyond which one cannot go: there is an unconditional aspect to it, and the procedural approach stresses the *inalienability* of human rights. I am suggesting however that this cannot deal with the need to pronounce on a substantive ideal of character when confronted with the attitude of intolerance. Any absoluteness in ethics seems to be a barrier to its acceptance by all (there seems to be some bedrock of further unjustified principles, which others not belonging to this particular moral tradition might not find intuitively appealing). But in the alternative approach I am suggesting this idea of unconditionality is rephrased in terms of an ethic of proportionality (not to be confused with the very different consequentialist kind of ethical reasoning), which draws on a notion of human flourishing which puts itself forward as in principle common to all citizens. I illustrate this (Section 4) by reference to the ethics of war. In my discussions I will draw on some little known writings of Robert Spaemann in his rethinking of the classical human flourishing approach to ethics, in order to demonstrate that there is nothing arbitrary about it (and therefore

inappropriate for a multicultural society), as might be thought. This ties in very well with a novel interpretation of the idea of democracy I find in the writings of political theorist Claude Lefort.

2.

The aporia faced by a public ethic guided by tolerance as central value is well explained by Paul Van Tongeren. He gives two arguments for the self-defeating nature of the attitude of tolerance, in other words of the attempt to accept the other culture, and the other person's perspective, as necessarily of equal value as your own:

1. If all difference in cultural perspective can be reduced to chance circumstances, in other words if there is no really relevant difference, I err in giving these differences a significance they do not have. It would not be intolerance, but rather unjust discrimination, if I were *not* to treat all cultures completely neutrally. In point of fact, this is precisely what people often mean by tolerance. And talk of "tolerance" can be a subtle way of promoting the values of our own dominant culture (i.e. by *claiming* that no cultural differences are significant), in other words, keeping the status quo.

2. In promoting the virtue of tolerance, are we not secretly affirming that the forbearance that characterizes our own culture and convictions, marks out our culture as superior in some way, as more enlightened? It is we, after all, who understand that no single lifestyle is truer or better in some absolute way than the others, and thus we understand more than those who still believe in the objective truth of their convictions (2003: 115–116).

Van Tongeren goes on to suggest that the attitude of indifference to culturally determined differences, if truly accepted for one's own culture too, can become an attitude of cynicism. If one interprets tolerance rather in terms of forbearance, it is revealed as a virtue which assumes an idea of our positive, common moral good, our ties or bonds to one another in spite of our differences.[4] Again, something like a normative idea of our common human flourishing is drawn upon here to resolve the difficulty.

---

[1]
See Küenzlen, 2010. He is referring to the new power of Islam in the European cultural make-up.

[2]
Bob Mattes (2011: 94). He gives evidence to show that for the majority of citizens, "democracy" means better jobs, better housing, equal education – and not so much freedom to criticize the government, for example. The procedural dimension to justice is largely overlooked, and along with that, the valuing of the attitude of tolerance. The idea of a substantive concept of justice was firmly brought in by the 1996 Constitution of the RSA, entrenching not simply the standard liberal rights of freedom of speech and so on (which are there to guarantee equality of voice) but also for example a non-harmful environment, adequate housing, just administrative practices.

[3]
As did the previous government in the USA in the case of bioethics discussions, a programme, The President's Council on Bioethics (see the collection *Human Dignity and Bioethics*, 2008), unfortunately halted by Obama. See the discussion of this in Evans (2010).

[4]
Pointed out by Bart Van Leeuwen (2001: 771; my translation): "It is conceptually impossible to determine what humiliation is independently of an idea of the moral good. Respect for difference should not thus simply be understood as the avoidance of humiliation. The negative formulation of respect for difference points indirectly to a distinguishing mark of the human condition that has a positive moral significance, and that is, our bonds to one another."

SYNTHESIS PHILOSOPHICA
54 (2/2012) pp. (363–376)

366

P. Giddy, More Than Tolerance: Ethics for a
Multicultural Society

We can also appreciate that a procedural public ethic faces a problem of motivation. This is well illustrated in the attempt of South African authorities to move away from a substantive public ethic. In the *Handbook for Professional Ethics for Educators* (2002), distributed to schools throughout the provinces of South Africa, the authors focus on the idea of the universality of human rights. While trying to instil a sense of professional ethics in teachers, the authors of the *Handbook* take very seriously the multicultural context of our society and the danger of moral or religious absolutism. It is argued that *any* ethical framework, religious or otherwise, from utilitarianism through to egoism, from Christianity through to Buddhism, is compatible with following the ethical code for educators (2002: 120). The principles expressed in the code, articulating basic human rights, are presented as *autonomous* of any motivational framework. The *Handbook* takes the position that, in a multicultural society, there can be no reasons convincing to everyone given the particular moral hierarchies in their various traditions.

But we can ask a critical question here about why any agent, in this case the educator, should be motivated to follow the particular principles in the code. Surely the code has become necessary precisely *because* the moral traditions, giving identity, are in disarray (have been for some time!) and need to be in some way re-invented. What is being presented here, on the contrary, is a starting point beyond any moral tradition. And without reference to one's sense of moral identity as a crucial element it is difficult to see the code being efficacious.

The first to pick up on the loss of a public discourse of how social players are subjectively motivated, is more than likely to be a novelist. The interest of the reader of the novel lies in seeing how a particular character confronts and meets, or fails to meet, the challenges to *grow* in self-understanding as circumstances press upon them. But the temptation of a multicultural state is to assume the attitude of being *above* all such subjective struggles, any such particular world-views or religious commitments, so as to adjudicate among them by means of a politically constituted set of further unjustified moral rules, or rights. The inner life is neglected, at least in the public domain. The novelist J.M. Coetzee (1999: 35ff) highlights the tendency of a society with great technological and organizational power to have a blind spot with regard to this need, in our common world, to give living space to others, to appreciate "what it is like to be" them – other less advantaged persons, other generations, other cultures, other species. He focuses on our attitude to the environment, bringing to light the extent to which our human existence is a shared one, and because of this there are certain boundary conditions to the exercise of our free will and compares the Jewish holocaust with the meat production system associated with our own societies' abattoirs – a virtual non-issue in contemporary public space. He is concerned to question the attitude that we can do anything we want, and, as his protagonist puts it, "come away clean". We are, seen in this light, a certain *kind* of creature, our feelings are structured in a particular way, with a particular orientation, towards the fulfillment of our natural needs.

Marilynne Robinson is another writer of fiction who also remarks on the way public discourse elides this sense of what makes sense to us, which she identifies with a broadly religious attitude. What she calls parascientific accounts have launched an attack on the self, "the solitary, perceiving, and interpreting locus of anything that can be called experience" (2010: 7). (She has in mind the use by writers such as Daniel Dennett and others of evolutionary science

SYNTHESIS PHILOSOPHICA
54 (2/2012) pp. (363–376)

367

P. Giddy, More Than Tolerance: Ethics for a
Multicultural Society

to make pronouncements on life as a whole.) It is this that William James identifies with a sense of religion. The modern malaise, Robinson contends, is not because of our multicultural and self-critical society, but rather, in part, because of the "exclusions of the felt life of the mind from accounts of reality proposed by the oddly authoritative and deeply influential parascientific literature" (2010: 35). The example of one parascientific writer, Steven Pinker, is illustrative. He argues that the reason that people express themselves by means of an inner narrative, and try to live by it, is because they have a too high estimate of the human mind. But, he claims, they are deluded. There are basic "imponderables" which, argues Pinker, we must admit as such: Robinson gives his list of these: "consciousness, in the sense of sentience or subjective experience, the self, free will, conceptual meaning, knowledge, and morality"! Pinker claims that it is probable that these are not tricky because irreducible or meaningless and so on, "but because the mind of Homo Sapiens lacks the cognitive equipment to solve them. We are organisms, not angels, and our brains are organs, not pipelines to the truth" (in Robinson, 2010: 128). Such claims are needless to say self-contradictory – or, more precisely, self-stultifying: Pinker thinks he reaches the truth, even if his brain, as an organ, cannot of itself do this.

It is a loss of this sense of what we are that is highlighted in writings as different (in other respects) as C.S. Lewis' *The Abolition of Man,* and Horkheimer and Adorno's *Dialectic of Enlightenment.* This sense of "how we fit in" is a normative exigence to which the proper response is an attempt to balance legitimate demands and aspirations, both our own and those of others. Without this balance, our human rationality could amount merely to an exercise of unbridled power over others, and a rationalization of such power, for example through talk of morality and "rights".[5]

3.

I have been arguing that we can't get away from the need for some overarching normative notion of human flourishing.[6] The attitude of the tradition-free democratic individual is likely to be that apart from the social rules necessitating respect for the freedom of others – conventional rules – there is nothing holding back the individual in their pursuit of whatsoever meets their desires. This resonates very much with the problematic that spurred Socrates and others to articulate a theory of what is truly fulfilling of human persons. We can recall, as as Spaemann does (2002, Ch 14), Plato's classic attempt, in the *Gorgias*, to refute the argument that moral rules are merely social conventions. In this dialogue, Socrates invokes the idea that for almost everyone certain realizations of our freedom (one example is that of the freedom of a

---

[5]
This was the case in the pre-1994 Apartheid South Africa, as pointed out by David Dyzenhaus. He writes that what mattered during Apartheid was "whether the legal order was committed to a substantive or merely formal conception of legality or the rule of law" (2011: 235). What was heartening was that there were indeed lawyers and judges who did *not* accept that "the principle of legality imposes requirements of form alone." And it is important now not to think that form alone matters. Courts have to judge whether

any particular demand on the state to provide these are reasonable or not, i.e. proportional, given the limitations on resources and so on (2011: 234).

[6]
The last few decades have seen a significant revival in English-language philosophy of this (reformulated) classical approach to ethics, associated with the names of Alasdair MacIntyre (1981), Charles Taylor (1989) and others.

SYNTHESIS PHILOSOPHICA
54 (2/2012) pp. (363–376)

368

P. Giddy, More Than Tolerance: Ethics for a
Multicultural Society

catamite to realize his desires) are considered degrading to our humanity and thus unenviable (*Gorgias* 494e).[7] Socrates' argument seems convincing. Ethical reasoning is framed within a certain already given normative idea of what it is to be a human being, what we today would call our sense of identity. That framework, however, should not be thought of as simply relative to culture, but as essentially a cross-cultural normative identity: when we feel something is morally unacceptable, we think that this is the case for anyone in that situation, other things being equal.

I am not suggesting that this negative aspect, this boundary condition, is the whole of ethics. Rather, it points to the normative aspect of our identity, putting us under certain guidelines, to be called upon in moments of decision. We are biological beings with the restrictions associated with that, but also we have a social identity, and this means we are oriented by the meaning we attach to our various needs and the needs of others, and by the meaning we give to our goals and the goals of our society. And thus we are the kind of being that has to take responsibility for itself, and this responsibility exhibits a certain normative structure: openness to greater self-understanding and willingness to grow in response to such developing insights. This sense of responding to and taking up one's identity understood as an ethical framework (and yet one which in the course of one's response gets further developed) adds a truly new dimension to the classical human nature tradition in ethics. While for the classical thinkers, human essence was a part of unchanging cosmos, for contemporary thinking humanity is a cultural product. This latter approach can however be seen to be in continuity with the classical tradition (on the side of Socrates rather than of Sophists such as Callicles) when the notion of "identity" is foregrounded. We speak, in ethical reasoning, within a tradition that to some extent reflects the necessary normative structure of any person's moral identity. In considering the appropriate means to be taken in the particular situation, we work out further implications of our ideals under changing conditions.

Ethical reasoning, then, makes sense only if one considers that there is a sense in which certain kinds of behaviour are completely unacceptable. This point is linked to the fact that ethical theory comes into play when moral tradition, delineating what is acceptable and what, in normal conditions, is not, is challenged, and the tradition is in disarray. This is the case with the development of the theory of utilitarianism and of deontological ethics, and the same is true also of the approach we are considering here, using the idea of the kind of being we are (our place in nature and our normatively structured sense of identity, more or less reflected in our traditions.) The Greek Sophists, and also Plato and Aristotle, turned to the concept of nature, *physis*, as an answer to those who, discovering the wide discrepancy among moral rules in different cultures, questioned whether custom, *nomos,* could have any critically judged worth for the individual. Or are perhaps customs simply conventions, opposed to how things are *by nature* (as Callicles argues, *Gorgias* 483), either imposed by the majority to prevent the strong few from completely overriding their interests, or by the ruling minority to prevent the majority from asserting their place in society? Plato and Aristotle attempted to show that nature and convention are not contradictory. What Socrates attempts to convince his critics of, including the limit case of a truly unenviable but unforced exercise of the free will, is that the abstract confrontation of an individualistic, free, asocial human nature with social convention does not correspond to how things are. If the wish of humans to survive and to live well is "only attain-

SYNTHESIS PHILOSOPHICA
54 (2/2012) pp. (363–376)

369

P. Giddy, More Than Tolerance: Ethics for a
Multicultural Society

able in a life in society, then sociability belongs to human nature" (Spaemann, 2000: 159). And this means that we reason ethically from the starting point of certain given traditions, articulating that sociability. The kind of thing we are, our placing within a greater whole, is not limited to our structure of natural instincts, including social instincts. We also live by meaning. So "natural" and "rational" are not opposites. Tradition and custom are needed if we are to be able to rely on others and so have space to develop our reasoning abilities. It is in terms of this *function* of traditions that they can of course be criticized. We can distinguish between rational and irrational conventions because convention as such is not irrational.[8]

An ethics of responsibility might at first sight seem to undermine our original suggestion that ethical reasoning only really makes sense when one can refer to some behaviour which is thought of as completely unacceptable, degrading to our humanity. Spaemann (2000: viii) notes that the approach which aims at the best possible realization of value, the eudaimonistic approach, "always leads to merely hypothetical rules of prudence, which makes the un-conditionedness of morality disappear." It is however in our ability to discern and put into action the truly good, and the conditions for this agency, that the unconditionedness re-appears. This is because our choices can sometimes not represent what we really are. The idea of our "real" wants is crucial here. The notions of "right" and "wrong" have at least two meanings. If action is defined as the intentional bringing about of something, then that action which rests upon error (I drink poison thinking it is lemonade) appears to be counterfeit action (by definition it is not bringing about of something by the person *qua* agent). According to Plato, every morally wrong action (this is the second meaning of "right" and "wrong") has this character of counterfeit action.

"What is presupposed by this idea is that there is something like a final intention of acting, a last for-the-sake-of-which and that this for which our actions take place is not itself the result of a choice, but rather it defines "by nature" our being-for-something." (Spaemann, 2000: 4)

<hr>

7

Callicles would rather not consider these, for him, extreme cases. "Are you not ashamed, Socrates, to drag our discussion into such topics?" It is difficult to find a present-day equivalent precisely because the idea of some normative "good life" has so little purchase; however the notion of being psychologically disturbed or ill (and therefore "unenviable") would tend to be applied to, say, someone who claimed they enjoyed living in the ex-treme conditions of the ghettos or concentra-tion camps in Nazi Germany (we can think of the performance of Charlotte Rampling in *Night Porter* depicting someone seeming to enjoy being degraded.)

8

An alternative approach is suggested by Martha Nussbaum (1997), namely to bypass particular conventions through adopting a Stoic cosmopolitanism. Seeing oneself as a "citizen of the world" would mean identify-ing oneself with rational humanity rather than any local group or culture. To my way of thinking there is no doubt that this picture

of human identity has much going for it. To the extent that it convinces, however, the job would still remain to show how one's own particular tradition does indeed reflect (or so some extent fail to reflect) this vision. What needs to be emphasized is how any particular case requires the agent to make a reasoned judgment about the values at stake. If the in-junctions collected under the rubric of what is "politically correct" (according to Nuss-baum (1997:23) an idea unjustly maligned) do indeed give expression to such values (in particular the value of equal respect for all), then they should of course be followed. What we have emphasized is that there is no short-cut here, and the moral effort which goes into discerning what is truly worthwhile doing is at the same time creatively advancing the tradition. Without this creative engagement (the need for which we have mined from the classical moral tradition) the danger is an un-thinking imposition of ideas which then get labelled as "ethnocentric vestiges of Western imperialism" (Nussbaum 1997:24).

SYNTHESIS PHILOSOPHICA
54 (2/2012) pp. (363–376)

370

P. Giddy, More Than Tolerance: Ethics for a
Multicultural Society

And we can be mistaken about *this*, and the means to get it. A standard extrinsic to our efforts would not be of relevance for these efforts but here we have one immanent in these efforts. The falseness lies in the fact that what we take to be the ultimate and for which we strive is not, in the end, our ultimate desire. And so we fall into contradiction with ourselves. We want what we do not want. So our idea can still hold good, that ethics only makes sense when there are some things which are thought of as completely unacceptable, there is an unconditionality in ethical reasoning.[9]

4.

I do not think there is any knock-down argument for the kind of framing of ethical questions I am proposing here. We can recall Michael Smith's depiction of any "human flourishing" substantive rather than procedural ethic as "simply a mob forcing its commonly agreed standard on another group whose agreement they do not have" (Smith, 1994: 91). And Van Tongeren describes well the dominant problem with anyone holding to one specific such ethic: it seems to go hand in hand with an attitude of intolerance:

> "We call those intolerant who hold dogmatically to the correctness of their own conviction, who fail to see, or do not want to see, the relativity of their own perspective, and who thereby show that they are not truly part of the modern world. Because if one thing characterizes (post)modern men and women, then it is precisely the realization that our convictions are historically and culturally limited, that *the* true lifestyle does not exist." (2003: 114–5; my translation)

Be that as it may, I want to argue that when one brings in the fact of an initial situation of unequal power, the case in every present-day society, decisive value judgments are called for, which – one hopes – hold true for all, objectively. The most prominent example is that of war. To the extent that global culture has become self-consciously multicultural and liberal, there has been a marked preference for a broadly utilitarian ethical approach. This is modified by Kantian deontological principles which issue in a sense of the fundamental rights of each individual. In the case of war, however, a very different kind of approach, that of the "Just War", is adopted.[10] We can also note, in the second place, that in both the (reformulated) classical tradition and the modern (broadly liberal) approach there is a clear distinction between particular ideas of what, concretely, is morally *good*, and how we should decide on what is morally *right*. Different cultures might hold differing ideas on the content of the good, but could agree on procedural grounds for ethical decision-making. I will now argue that this goodness/rightness distinction can throw light on why, in contemporary refection on the ethics of war, a different approach to the usual is adopted.

I want to suggest that the "justified war" approach is preferred to the utilitarian precisely because of the greater danger here of *the abuse of power* (and this is a theme which we will bear in mind below.) The individual is called upon to do something – destroy property, take human life, perhaps – which seems at first sight to go against the normal social conditions for the exercise of individual human rights and individual autonomy. The principle of double effect (the basis for the Just War idea) distinguishes between consequences which are directly intended (the death of a soldier who is also, for example, some mother's loved son, some small child's adored father) and ones which are not intended (what is intended is simply an end to injustice) but are foreseen as almost inevitable (nothing else will stop the unjust enemy's advance). The latter are permissible if the harm resulting is not disproportionate to the resulting good.

SYNTHESIS PHILOSOPHICA
54 (2/2012) pp. (363–376)

371

P. Giddy, More Than Tolerance: Ethics for a
Multicultural Society

Problems immediately occur to one. Who judges that the envisaged result is "good"? How is the death of one mother's son to be compensated for by, say, any amount of political freedom? This rhetorical question, however, is not in the line of "Just War" thinking, for which the starting point is not each individual's autonomy but rather a vision of the good life, in which individuals and the normal conditions for their happiness are indeed taken into consideration but for the most part and not in absolutely every case (conditions justifying war would be an exception). Whatever the culture or particular tradition of those groups involved in the conflict (let us suppose we are in a multicultural context), it is clear that what is being assumed in this approach is some *commonality* of vision of a good, peaceful and just society, in other words of a "just end" (the first Just War principle: that the end be just.) Only then could one ask, Are the means *proportionate* to the end? In other words, how *grave* is the injustice being committed, and perpetuated? Ethics is not seen in terms of formal principles of moral reasoning (rightness) no matter to which substantial vision of the good life one subscribes. For it is precisely the *extent* to which the implementation of this substantial vision is being made impossible that calls for the use of (proportionate!) justified force.

In a culture dominated by thinking along the lines of ethical principles of rightness rather than goodness, the case of war is the one exception: we assume that all parties can call upon some overarching idea of the good life. To some extent the issue is obscured through legalistic interpretations of the basic principles – for example the stipulation that the judgment that the injustice is indeed very grave must be not one individual's version of this but a pronouncement by the relevant authorities who also have to ensure that non-violent means have been exhausted. (Of course one has to judge that these particular authorities do in fact have (morally) legitimate political authority.) Furthermore, what is "proportionate" in waging war is further stipulated: intentional killing of non-combatants is never proportionate to the political good of justice and peace.[11] Still, it is clear that these principles are binding because they are seen as expressing what is objectively true about the nature of the human good, and this good limits one's freedom of legitimate action, circumscribing the idea of responsible agency. Not everything is permissible in achieving otherwise just goals.[12] And the principle of "just intention" requires that the agent should carefully consider their own motivation or intention in

9

See Spaemann 2000, esp. Ch 15. For further clarification of how this idea of responsibility relates to religious faith see Spaemann, 1994. For general overviews of Spaemann's central philosophical approach see Zaborowski, H. 2001; Madigan, A. 1997; Duhamel, A. 1999.

10

Both sides to the conflict in Libya – the Gaddafi regime, and the UN forces – argued in terms of Just War conditions, in particular evoking the criterion of proportionality.

11

In his excellent survey of moral atrocities in the twentieth century Jonathan Glover chooses to base his judgments on "the sense of moral identity" (Glover, 2001: 406). Thus he justifies the directly intended killing of (a small number of) civilians from Norway when the

aim is the prevention of the development of nuclear weapons but (inconsistently, from our point of view) regrets the breaking down of our moral barriers in the intentional harming of the German civilian population through a naval blockade.

12

The consensus reached in the Truth and Reconciliation Commission amounts to a similar idea. The fact that all parties tried to show that their acts of violence had a kind of rationale to them, in the minds of those perpetrating them, shows, as commission chairman Bishop Tutu, notes "that they do accept that the use of force is subject to moral judgment and distinctions." (*TRC*, Vol I, Ch 1, 53) In other words, some kind of proportionalist approach to ethics is accepted.

SYNTHESIS PHILOSOPHICA
54 (2/2012) pp. (363–376)

372

P. Giddy, More Than Tolerance: Ethics for a
Multicultural Society

undertaking the proposed action. In the final analysis the hope is that protagonists consider their action in the light of the shared values of the social world common to all those affected by their actions. Certain ultimate ends (implicit rather than explicit) are therefore presupposed by the principles of decision-making laid down in this approach. Furthermore, because in a multicultural society such ends – summed up in a normative view of our humanity – might be given *expression* in very different kinds of ways by different groups it is prudent to look more at the rightness of the action than the goodness of the person or how the action reflects the ideal of the good life.

For an effective application of the (reworked) classical "human nature" tradition, then, the goodness/rightness distinction is crucial. The focus is on ensuring that the right thing continues to be done, that it makes sense to debate on ethical issues even in a multicultural society with different ideas about goodness or about what makes up the concrete ideal of human living. Thus a physician who develops a new therapeutic device of great benefit to people might be motivated by selfish reasons. His act is, then, morally bad but morally right.[13] The person who gives alms where it is desperately needed but does so because of the desire for praise, to use the classic example, is doing the right thing, and should not be told to stop doing it because it is in our sense strictly speaking a morally bad act, as the criterion of good intention is not met.

The rightness/goodness distinction might, however, be understood in a very different way. It could be thought that one should opt for a focus on rightness rather than goodness because of the assumption that in a multicultural society, there can be *no reasons* convincing to everyone given the particular moral hierarchies in their various traditions. There is a sense in which this is the case in the present emphasis on recapturing a sense of the moral or ethical dimension in public and private life in contemporary South African society. Ethical handbooks for professionals tend to focus on "ethical competence", which means being able to defend one's moral choices, in accordance with one or other ethical framework, say utilitarian or deontological.[14] In the absence of a proper understanding of its implicit assumptions (mentioned above) the possible contribution of the classical human nature tradition to social problems involving ethical decision-making, might be lost.[15] I want to suggest that the key element in this approach, that of the requirement that the agent take responsibility for their actions (both intention and results are highlighted), is a necessary corrective to much ethical discourse which sidelines the power dimension in our social interaction and thus gives applied ethics the reputation of being merely a rationalization for doing whatever one can get away with and would have done anyway.

5.

The procedural public ethic has sway in contemporary debates, as tied into the very idea of democracy. But a way of conceiving a democratic ethos more consonant with our intuitions has been developed by Philippe Van Haute (1994) with reference to the ideas of French political philosopher Claude Lefort (1998; 2000). Van Haute argues against the idea that the struggle between different convictions and opinions should be resolved simply on a pragmatic basis, achieving harmony with the least restriction possible of individual freedom. Rather, he argues, what is happening in a democratic culture (in parliament, community councils, etc.) should be understood as a kind of "ritual of reconciliation" (*verzoeningsritueel*) whereby the different protagonists can acknowledge one another as equal. What makes this possible is a communal

SYNTHESIS PHILOSOPHICA
54 (2/2012) pp. (363–376)

373

P. Giddy, More Than Tolerance: Ethics for a
Multicultural Society

rejection of a transcendence that escapes us (and thus, in our terms, a rejection of intolerance). "The other in the democratic debate is respected precisely because and insofar as it is recognized that he too stands 'before the law'" and not simply under some measure which escapes others (Van Haute, 1994: 181). And what van Haute, or Lefort, means by this is that there is something, an ought, to which we must submit, and which does not necessarily coincide with our subjective wishes. This idea can be developed by noting that on this account there would seem to be nothing stopping the whole process going completely wrong, or taking a wrong turn: in other words, people demanding completely inappropriate "rights". What would seem in effect to prevent this are the practised virtues of listening to the other and seeking the truth. The exigencies of rationality tied in to the direction of our common life, are not abandoned, as they seem to be in the case of a purely formal interpretation of democratic procedures. We respect the other precisely as someone who can likewise participate in intelligent consideration of the proposals put forward in the democratic debate. We lose respect insofar as the other appears to us as simply an opportunist, seeking his own interests and unlimited self-realisation.

This understanding would have a direct implication for our understanding of our own problematic, modifying the idea of proportionality to mean taking into account the importance of allowing the democratic process to continue. It would refer not simply to a pragmatic compromise but to the attempt to achieve, to the best of one's ability, what actually is most just and of value. The furthering of the always fragile democratic ethos would be part and parcel of what is aimed at in the process. This would have implications for decisions in the applied ethics of various spheres, where the responsibility would be to further this ethos, tied in as it is to seeing persons as morally responsible ("before the law"), not simply negotiating their own interests, but negotiating their *just* interests. We could think, to take a prominent example in recent British public life, of how this could frame the value of press freedom: whatever brought down this respect for persons could arguably be said to be not in the "just interests" of the press. It might be argued, for example, that the tradition of the "page three girl" devalued a section of the community and thus would not necessarily be a proportionate means to the necessary and just interests of the press in maintaining a reading public. Similarly with telephone hacking. The justice to be discerned here cannot be reduced simply to a question of voluntary consent (of readers and writers, or consumers and produc-

13
See Hoose 1987: 46. I am indebted for this part of the paper to his discussion on goodness and rightness.

14
To take South African examples only, for example, David Benatar (2002); Lucas Oosthuizen (2002); Deon Rossouw (2002); also the SACE *Handbook* (2002), discussed below. Rossouw takes MacIntyre's analysis of the current malaise in ethics as uncovering our assumptions about moral relativism. But lack of moral consensus, Rossouw argues (2002: 68), does not imply a relativism, and a definite procedure (the RIMS strategy) can assist responsible debate. I support the procedure but suggest a different framework for it; my

understanding of MacIntyre, and the possibilities for ethics today, is more along the lines of traditional Aristotelian ethics.

15
As is the case with Deon Rossouw's (2003) extra-ethical definition of the purpose of business enterprises (in saying business "creates value" he equivocates on the use of the term "value"). I have argued that the idea of proportionalism in the Just War tradition precisely rules out any extra-ethical determination of one's decisions. Proportional reasoning only makes sense within a tradition of (implicit, never fully articulated) common understanding of our orienting values.

SYNTHESIS PHILOSOPHICA
54 (2/2012) pp. (363–376)

374

P. Giddy, More Than Tolerance: Ethics for a
Multicultural Society

ers). We could think also, to take another fairly arbitrary example, of the sale of body parts. There is an expressive meaning here which might also devalue the kind of ethos that is at stake in a democratic culture, in which no one is to be thought of as merely a means to the advantage of another person. But there is also a purely pragmatic reason for the outlawing of the sale of body parts, which might be thought of along the model of willing seller willing buyer, and that is that such sale would give additional reasons to a person to commit a crime, even murder, to make a profit, and thus overly tax the already stretched police forces. The end in mind, namely the legitimate freedom of commercial trade, does not seem to warrant such a means, the value at stake here being disproportionate or unbalanced.

What Van Haute brings out is that our ethical framework in a democracy has much to do with our being brought into participation. Thereby we could say that we are together constituting the "moral authority" in our lives that was perhaps differently expressed in other political and social systems, or else positively undermined by those systems. It is an ethics of responsibility very much in line with the classical concern with a shared world of common values but that "sharing" has to be more self-consciously and deliberately pursued in our own multicultural context. It is an approach that of necessity brings into the public discussion the subjectively-validated cultural and religious commitments that actually motivate citizens. But we have suggested that there is much to be learnt in constructing standards for such discussion from the classical ethics of human flourishing, in particular as unpacked by means of the key idea of proportionality. "Tolerance" as key value is too thin to be sustained in the long term in multicultural societies but here we have a way of framing ethics that draws upon our sense of being part of something larger than ourselves, in which we make our way, and it precisely this – a religious or substantive norm, if you like – that motivates the attitude of tolerance and regard for the other.

Literature

Benatar, D. 2003. "Guest Editorial on Medical Ethics", *Continuing Medical Education*, 21: 7–8.

Coetzee, J.M. 1999. *The Lives of Animals*. Princeton: Princeton University Press.

Duhamel, A. 1999. "Spaemann, R. *Bonheur et bienveillance*", *Philosophiques* 26: 159–163.

Dyzenhaus, D. 2011. "Pasts and Future of the Rule of Law in South Africa", in Shapiro, R. and K. Tebeau (eds.) *After Apartheid. Reinventing South Africa?* Charlottesville, Va.: University of Virginia Press, 234–268.

Evans, J. 2010. "Science, Bioethics and Religion", in P. Harrison (ed.) *The Cambridge Companion to Science and Religion*. Cambridge: Cambridge University Press, 207–226.

Glover, J. 2001. *Humanity. A Moral History of the Twentieth Century*. London: Pimlico.

Hoose, B. 1987. *Proportionalism*. Washington: Georgetown University Press.

Horkheimer, M. and T. Adorno [1944] 1972. *Dialectic of Enlightenment*. Tr. J.Cumming. London: Allen Lane.

Küenzlen, G. 2010. "The Other Side of Globalization: the New Power of Religion as a Cultural and Political Challenge", *Synthesis Philosophica* 24: 219–231.

Lefort, C. 2000. *Writing: The Political Test*. Durham, N.C.: Duke University Press.

Lefort, C. 1988. *Democracy and Political Theory*. Cambridge: Polity Press.

SYNTHESIS PHILOSOPHICA
54 (2/2012) pp. (363–376)

375

P. Giddy, More Than Tolerance: Ethics for a
Multicultural Society

Lewis, C.S. 2001. *The Abolition of Man*. Zondervan Publishing House.

MacIntyre, A. 1981. *After Virtue*. London: Duckworth.

Madigan, A. 1997. "Robert Spaemann's Philosophische Essays", *Review of Metaphysics* 51: 105–132.

Mattes, R. 2011. "Forging Democrats", in Shapiro R. and K. Tebeau (eds.) *After Apartheid. Reinventing South Africa?* Charlottesville, Va.: University of Virginia Press, 72–104.

Nussbaum, M. 1997. "Kant and Stoic Cosmopolitanism", *The Journal of Political Philosophy*, 5: 1–25.

Oosthuizen, L. 2002. *Media Ethics in the South African Context*. Cape Town: Juta.

Plato 1989. *The Collected Dialogues* (ed. Hamilton, E. and H. Cairns) Princeton: Princeton University Press.

President's Council on Bioethics. 2008. *Human Dignity and Bioethics*. Washington, D.C.

Rossouw, D. 2002. *Business Ethics in Africa*. Oxford: O.U.P.

Rossouw, D. 2003. "Business is not just War. Transferring the Principle of Double Effect from War to Business", *South African Journal of Philosophy* 22: 236–246.

Smith, J. 1994. *The Moral Problem*. Oxford: Blackwell.

Taylor, C. 1989. *Sources of the Self*. Cambridge, Ma., Harvard University Press.

Unilever Ethics Centre, 2002. *Handbook to the Code of Professional Ethics for Educators*. (Commissioned by the SACE) Pietermaritzburg: Unilever Ethics Centre.

Robinson, M. 2010 *Absence of Mind*. New Haven, Ct.: Yale University Press.

Spaemann, R. 1994. "Christian Ethics of Responsibility", in Gormally, L. (ed.) *Moral Truth and Moral Tradition. Essays in Honour of P. Geach and E. Anscombe*. Dublin: Four Courts Press.

Spaemann, R. 2000. *Happiness and Benevolence*. (tr. J.Alberg) Edinburgh: T & T Clark.

Truth and reconciliation commission of South Africa final report. 1998. www.polity.org.za/govdocs/commissions/1998/trc/.

Van Haute, P. 1994. "Tussen relativisme en absolutisme: democratie en mensenrechten", *Algemene Nederlands Tijdschrift voor Wijsbegeerte* 86: 165–182.

Van Leeuwen, B. 2001. "Erkenning, Identiteit en Verschil. De morele logica achter multiculturalisme", *Tijdschrift voor Filosofie* 63: 751–784.

Van Tongeren, P. 2003. *Deugdelijk Leven*. Amsterdam: SUN.

Zaborowski, H. 2001. "R. Spaemann, *Happiness and Benevolence*", *Studies in Christian Ethics* 14: 109–118.

SYNTHESIS PHILOSOPHICA
54 (2/2012) pp. (363–376)

376

P. Giddy, More Than Tolerance: Ethics for a
Multicultural Society

Patrick Giddy

Više od tolerancije: etika za multikulturno društvo

Sažetak

Suvremena multikulturna društva velikim se dijelom okviruju u smislu proceduralne prije nego supstantivne etike, naglašavajući ispravnost umjesto dobrote, te uzdižu toleranciju kao ključnu vrijednost. No to ne može sâmo zamijeniti supstantivnu i motivacijsku normu dobroga života te se može iskusiti kao gubitak, otuđenje građana. Isto tako neće uspjeti suočiti se s granicama prihvatljivog djelovanja, neuvjetovanošću povezanom s moralnim gledištem. Klasična tradicija u etici, koja predlaže normu ljudskog blagostanja, može se ponovno izraziti kako bi iznijela na vidjelo ovu neuvjetovanost. Ukazat ću na korisnost suprotne tradicije etičkog rasuđivanja u vidu proporcionalnosti, primjerice u slučaju ratne etike, te razmotriti alternativni koncept demokracije ne pod vidom formalnih i supstantivnih prava, nego etike participacije.

Ključne riječi

etika, klasična grčka filozofija, ispravnost/dobrota, multikulturalizam, tolerancija, Robert Spaemann, neuvjetovanost, proporcionalističko rasuđivanje

Patrick Giddy

Mehr als Toleranz: Ethik für multikulturelle Gesellschaft

Zusammenfassung

Gegenwärtige multikulturelle Gesellschaften gestalten sich zumeist unter dem Aspekt der eher prozeduralen als materialen Ethik, indem sie die Richtigkeit anstelle der Güte herausheben, und werten die Toleranz zum Schlüsselwert auf. Dies per se vermag es immerhin nicht, die materiale und motivierende Norm des guten Lebens zu ersetzen, dagegen kann es als Verlust, als Bürgerentfremdung verspürt werden. Es versagt desgleichen in der Konfrontierung mit den Limits des akzeptablen Handelns, mit der moralitätsbetreffenden Bedingungslosigkeit. Die klassische Gepflogenheit in der Ethik, welche einen Maßstab der Menschheitsblüte nahelegt, kann wieder dargetan werden, um auf diese Bedingungslosigkeit Nachdruck zu legen. Ich deute auf die Nützlichkeit einer Gegentradition der ethischen Erwägung hin, aus der Perspektive der Proportionalität, exempli causa in der Angelegenheit der Kriegsethik, und stelle ein alternatives Demokratieschema auf, nicht im Sinne der formalen bzw. substantiven Rechte, sondern von der Ethik der Partizipation her.

Schlüsselwörter

Ethik, klassische griechische Philosophie, Richtigkeit/Güte, Multikulturalismus, Toleranz, Spaemann, Bedingungslosigkeit, proportionalistische Erwägung

Patrick Giddy

Plus que la tolerance : l'éthique pour une société multiculturelle

Résumé

Les sociétés multiculturelles contemporaines construisent pour la plupart leur cadre en termes d'éthique procédurale plutôt qu'en termes d'éthique substantielle, en soulignant la justesse plutôt que la bonté, et en élevant la tolérance au rang de valeur clé. Mais cela ne peut pas en soi-même remplacer la norme substantielle et motivante de la vie bonne et peut être vécue comme une perte, la désaffection des citoyens. Cela ne parviendra pas non plus à mettre les limites à l'action acceptable, l'inconditionnalité associée au point de vue moral. La tradition classique dans l'éthique, qui propose une norme de l'épanouissement humain, peut être ré-exprimée afin de faire ressortir cette inconditionnalité. J'indique que la tradition opposée du raisonnement éthique en termes de proportionnalité, par exemple dans le cas de l'éthique de la guerre, est utile, et je fais appel à un concept alternatif de démocratie en termes non de droits formels ou substantiels mais d'une éthique de participation.

Mots-clés

éthique, philosophie classique grecque, justesse/bonté, multiculturalisme, tolérance, Robert Spaemann, inconditionnalité, raisonnement proportionaliste