



## The Demands of Decency

Martin Krygier

Ladies and Gentlemen, let me start by confessing that, though I've lectured here before, I feel unusually apprehensive tonight. Since I fancy that is a predicament often faced by speakers to gatherings of this sort, and not merely a personal condition, I will explain why. There are several reasons. The first is that here you have assembled leading experts on ageing, and I am not one. Apart from participant observation, intimate acquaintance with my own sags and bulges, ageing is not my subject.

Secondly, and perhaps worse, I've learnt from reading the materials that, not only does my ignorance make me no part of the solution, I – born in 1949, an archetypal babyboomer – represent the problem. This symposium is set up to deal with a serious development, perhaps crisis, and it turns out I'm it. That's good reason for me to shut up and listen. Yet instead I've been asked to speak.

Being the 'values (lay)man' among a group of experts has real dangers too. For unanchored talk of values can quickly move along any or all of three paths, that many people like to follow but that lead nowhere. These paths have been well charted by two eminent philosophers, about the only two I know who have written about this sad subject, and I will briefly report what they have mapped. One is the Princeton philosopher, Harry Frankfurt, and the other, Avishai Margalit, an Israeli who is an intellectual hero of mine and the hero of this talk.<sup>1</sup>

The first is 'hot air'. As Frankfurt observes, 'When we characterize talk as hot air, we mean that what comes out of the speaker's mouth is only that. It is mere vapor. His speech is empty, without substance or content. ... No more information is communicated than if the speaker had

merely exhaled'. Hot air is generated wherever there are what Margalit calls 'discussions with no concern for truth but only for the creation of a warm, uplifting atmosphere'.

The second is sermonising or preaching, which, Margalit observes, is 'not necessarily indifferent to truth [indeed typically passionately concerned with it], but has no interest in argumentation or making distinctions'.

The third, and the most intensively analysed by Frankfurt, is, to use the technical term, bullshit. The essence of bullshit is not that it's false, as lying is, but that it's phony. It's not concerned with truth or falsity, but merely with making some sort of impression. And bullshit is a terrible danger when people talk about values in public. For, as Frankfurt wisely notes:

Bullshit is unavoidable whenever circumstances require someone to talk without knowing what he's talking about. Thus the production of bullshit is stimulated whenever a person's obligations or opportunities to speak about some topic are more excessive than his knowledge of the facts that are relevant to that topic. This discrepancy is common in public life, where people are frequently impelled ... to speak extensively about matters of which they are to some degree ignorant. Closely related instances arise from the widespread conviction that it is the responsibility of a citizen in a democracy to have opinions about everything, or at least everything that pertains to the conduct of his country's affairs.

This, by the way, characterises with rather painful accuracy one peril of becoming a Boyer lecturer.

Given this battery of dangers, a prudent person in my position would stop at this point. Though I won't do that, you were warned. The reason I don't sit down now is that I've observed two sorts of value-related missteps in experts' talk of things that really do matter. It might be worth identifying them, and then sketching a way of talking that tries to avoid them, as well, of course, as avoiding hot air, sermonising and bullshit.

One is what is called in organisational literature 'goal displacement'. That occurs when proposals or practices originally intended to serve certain purposes or ends come to be identified with those ends, either because they are taken to be the best, perhaps the only, means to them, or even because they come to be treated as ends in themselves. That assumed, it is easy to forget the goals altogether and remember only the means, or just identify the two and then only talk about the means. When means effectively displace ends, people keep doing things, often with great conviction, but with little idea of why. These means are often the stuff of institutional fashions, and when one forgets what was supposed to justify them, organisations are often stuck with them until fashions change. And if they're public organisations, we're all stuck with them. It should never be forgotten that means are just instruments which are not self-justifying. Unfortunately, they're often self-perpetuating.

One example: we want good government, and it becomes fashionable to suggest small government is better than big government, and then we spend the rest of our time trying to shrink government. But what if it doesn't



always produce good government? We know we want *better* government. That is virtually an *a priori*, in principle goal. It is a contingent and variable matter whether that will mean a smaller, less active, or weaker government. In some spheres it might, in others not. And it might mean other things too. It is a mistake easily made to forget the goal and become obsessed with what come to be taken, for a time, to be self-evident means to reach it. Until fashions change, and other means become self-evident in their turn. So, one reason it is important to think carefully about values is to remind ourselves of why we are or should be doing what we do, or perhaps why we shouldn't and why we should do something else.

The other pathology I have observed takes values seriously, sometimes too seriously, but does so in a *mechanistic*, somewhat leaden, fashion. The food chain goes something like this: philosophers think complex thoughts about values, 'ethicists' abridge them into slogans, eg. 'the greatest happiness for the greatest number' or 'treat all persons with respect' or 'practice beneficence', and practitioners who feel a need for ethical guidance wheel the slogans around and apply them mechanically and unobtrusively as sort of 'one size fits all' criteria of moral value, all complexity shorn off, to real-world situations which, within their own field of expertise, they know to treat with care, sensitivity, and concern for particulars.

Both pathologies should be avoided. One can't ignore the values that do or should animate important practices, but one can't afford to be slave to some or other rendition of them either.

How to say something which skirts these pitfalls? What I propose to do is make myself a very small target, by employing two stratagems. One is to introduce you to some themes from three writers who have greatly influenced my thoughts on these matters, buttressed by extensive and eloquent passages quoted from two of them. So, if you don't like what I say, blame them not me. And if you do like it, blame them also, and, I would recommend, read them as well. Apart from Margalit, whom I've mentioned and who is most to blame for what follows, I draw on Philip Selznick (see in particular his *The Moral Commonwealth*) and Judith Shklar. Her *Faces of Injustice* from which I will shortly quote, is a book at once intellectually powerful and moving, as are several other works by her. She is indeed one of the most pungent and astringent writers on public morality I've read.

My other stratagem is to focus my remarks on just one short but arresting passage which I found quoted in the symposium reading materials. I'll argue for a particular way of taking it seriously, as well as try to draw out a few of its implications. The passage is that taken by Professors Gray and Kendig from Confucius: 'The master said: "Nowadays people think that they are dutiful sons when they feed their parents. Yet they also feed their dogs and horses. Unless there is respect, where is the difference?"' Of course, people should be fed, clothed, nursed, medically treated etc., and I imagine that how to manage to do this on a large scale is central to all your discussions. I just want to pursue *this* remark, since it seems to me to pick up what is easy to lose sight of when people practice generalised

benevolence, as modern carers, one hopes, seek to do. Even when they seek, even when they do, justice, they might do it unrespectfully, which is a pity and often more than a pity.

Respect is one of the great themes of western, particularly Kantian morality, and as we see from the passage quoted, not only western or Kantian. Associated with it is dignity, a term often invoked in discussions of the aged, sick and dying. It is often in precisely those contexts that one hears a disproportionate amount about dignity: dying with dignity and living with dignity as well. For some reason, no one seems particularly concerned with Kylie Minogue's dignity at the moment, they're concerned with different aspects of her person. But in 50 years things might change. How best to seek to go about treating people with respect, having a regard for their dignity? In particular what does it mean to ask this of institutions, sometimes huge ones, operating on a mass scale. What constraints do these values impose? What qualities do they require?

My first, unoriginal but not uncontroversial suggestion, is that, even when your ambitions are idealistic and positive, as I believe they should be, your primary measures and motives should be realistic and negative. A great deal of hot air, sermonising and bullshit can be heard both in praise of high positive, maximalist, ideals and in denunciation of them. On one side there are universalist preachers, utopians, dreamers, who demand the realisation of some large vision, often ignoring constraints, costs, obstacles, in general terms realities. On the other,

there are 'realists' who fancy themselves hard (rather than thick)-headed, and deride the pursuit of high ideals, or even the very project of discussing them, as a waste of time, maybe even a dangerous one.

I do not find anti-idealism a particularly persuasive general position, but I do believe that idealism untempered by realism is irresponsible. And one form of such tempering is to insist that, whatever your final destination, you should *start* by resisting evils before going on to pursue goods. Here I'm drawing a general point made variously by Margalit, Selznick and Shklar. These writers are very different from each other and support different values, but they all agree on one basic methodological point: the avoidance of great evils has priority over the achievement of great goods.

Shklar, for example, insists that we should ask of our public institutions above all that they deliver us from fear. Therefore we should focus on vices before we do on virtues, and among the vices we should 'put cruelty first':

This is the evil, the threat to be avoided at all costs. Justice itself is only a web of legal arrangements required to keep cruelty in check, especially by those who have most of the instruments of intimidation closest at hand.

Selznick, an altogether sunnier writer than the others (he lives in California, after all; Shklar was a refugee from Latvia who ended up in Boston, Margalit lives in Jerusalem), nevertheless starts, though he doesn't stop, at the same place: we should take care of conditions of survival before we move on to flourishing. When such conditions are secure, it might be safe to aim higher, but first things first.

This priority of fighting evils over seeking goods does not necessarily mean chronological priority. It might make sense to avoid evils and reach out to goods at the same time, for the two endeavours might in particular circumstances be mutually supportive, even enhancing. But it does mean normative priority: avoiding evils has a prior normative claim to achieving goods. I like to think our institutions should strive to do both, but they should never be allowed to forget the former in pursuit of the latter; still less to subordinate the former to the latter.

Why should this be so? The best answer I know comes from Margalit's book *The Decent Society*, and since he raises the themes that I will be focusing on, let me give his answer. Margalit defines a decent society, not as a society whose institutions show respect for those dependent on them, but as one whose institutions don't humiliate those dependent on them. Why? He gives three reasons, all of which I think can be generalised for other values, for characterising the decent society negatively, as nonhumiliating, rather than positively, as one that, for example, respects its members:

One is moral, one logical, one cognitive. The moral reason stems from my conviction that there is a weighty asymmetry between eradicating evil and promoting good. It is much more urgent to remove painful evils than to create enjoyable benefits. Humiliation is a painful evil, while respect is a benefit. Therefore eliminating humiliation should be given priority over paying respect.

The logical reason is based on the distinction between goals which can be achieved directly and intelligently and those which are essentially

by-products and cannot be achieved directly ... Perhaps we simply grant respect through acts intended for other purposes, so that the respect granted is only a by-product. In contrast, there are specific acts, such as spitting in someone's face, that are humiliating without being by-products of other acts.

The third, cognitive, reason is that it is easier to identify humiliating than respectful behaviour, just as it is easier to identify illness than health. Health and honor are both concepts involving defense. Disease and humiliation are concepts involving attack. It is easier to identify attack situations than defense situations, since the former are based on a clear contrast between the attacker and the attacked, while the latter can exist even without an identifiable attacker.

Now this shows up a limitation in a lot of ethical writings: they aim the other way. Evils to be avoided are treated just as a sort of negative, distasteful prelude to the main game, which turns out to be disquisitions on goods to be attained. Think of all the philosophical books you know of about justice. Then try to think of one, just one, about injustice.

There is one, actually, Shklar's *Faces of Injustice*, but it is precisely the exception that proves the rule. For Shklar begins her book with a chapter titled 'Giving Injustice its Due', in which she laments that though:

every volume of moral philosophy contains at least one chapter about justice, and many books are devoted entirely to it. ... where is injustice? To be sure, sermons, the drama, and fiction deal with little else, but art and philosophy seem

to shun injustice. They take it for granted that injustice is simply the absence of justice, and that once we know what is just, we will know all we need to know. That belief may not, however, be true. One misses a great deal by looking only at justice. The sense of injustice, the difficulties of identifying the victims of injustice, and the many ways in which we all learn to live with each other's injustices tend to be ignored. Why should we not think of those experiences that we call unjust directly, as independent phenomena in their own right? ... Indeed, in all likelihood most of us have said, 'this is unfair' or 'this is unjust' more often than 'this is just'. Is there nothing much more to be said about the sense of injustice that we know so well when we feel it? Why then do most philosophers refuse to think about injustice as deeply or subtly as they do about justice? I do not know why a curious division of labour prevails, why philosophy ignores iniquity while history and fiction deal with little else, but it does leave a gap in our thinking.

In another book, *Ordinary Vices*, Shklar makes the same point about cruelty that she makes here about injustice. Again, we have bookloads about the pursuit of happiness; what about the prevention of deliberate harm, or insult. As a result, our understandings of what evils to be alert to and seek to avoid, how they manifest themselves, how they can go unnoticed, how they can accompany the best of motives, is far less complex and intellectually textured, at least by philosophy, than our appreciation of goods. But the end of life is rarely the happiest time in one's life, and it's not easy to make it so. It might be easier,

and arguably more urgent and important, to guard against some of the most pervasive evils, some of them resistible, that afflict that time.

One can, of course, try to adapt positively-directed moral philosophies to focus on evils to avoid and ways to avoid them, though one will do so without much philosophical guidance. One can, for example, reverse the principle of pursuing the greatest good of the greatest number and argue for securing the least misery for the greatest number. And that negative utilitarian goal is a good one which, I've no doubt, guides a great number of public health decisions. And so it should. The conference papers show that these are huge problems involving millions of people and dollars. Some grounds of allocation on a mass basis have to be devised, and utilitarian considerations come in refined and sophisticated forms that can help here. And you might think that if the numbers of aged are increasing as much as they seem to be, then utilitarianism will take care of them, since they are among the big numbers and so their interests and preferences will weigh in any utilitarian calculations of aggregate happiness and misery.

But that's the rub. It's *aggregate* happiness and misery that utilitarians are concerned with, and, as both Ursula Le Guin's story in the materials and our refugee policy illustrate, that can be bought at a high price paid by vulnerable minorities. And the aged, and sub-groups among them, like sufferers from debilitating and terminal diseases, can easily be found in such positions. I am drawn to the insistence of people like Simone Weil and after her Raimond Gaita, that there is something precious in the view that no

human should be rejected from our common humanity, and that that view demands a rather strenuous respect for human individuality and needs even in the most extreme and difficult of circumstances. It requires, in Kant's terms, respect for persons. How to go about that, particularly under the self-denying ordinance I've insisted on?

Margalit's answer, to which I'm drawn, is that we start by ridding our institutions of their humiliating aspects. And in relation to the aged, I suspect that there are a lot of such aspects, even when our intentions are completely honourable with regard to the aged, as – unlike with regard to refugees – I take them usually to be. Margalit himself, like most philosophers, has nothing to say about the aged, for he sees humiliation as something that only humans or their institutions can inflict, not natural events like age or illness which people might *find* or *call* humiliating (as they may call them unjust), but which aren't rightly so called because they are not inflicted by human agents. He is interested in minority groups, outcasts, *rejects*. But whatever the sources of the vulnerability of the aged, it is we who respect it or exploit it, and so his book is directly relevant to anyone who deals with the aged. Anyway the book is marvellous, treats a phenomenon both pervasive and ignored by philosophy, and so full of refined sensibility and insight that if I do nothing more than merely alert you to it, I will think I have done something worthwhile. What follows is an attempt to bring some of his insights about the nature of humiliation in general, or as experienced by particular groups, to bear on what I imagine are issues you come across.

Margalit calls a society *civilised* when its members don't treat each other in humiliating ways, but his concern is with something else, a *decent* society, and for him a society is *decent* when its *institutions* don't humiliate those dependent on them. The essence of humiliation is *rejection*, and two general ways in which people are likely to be humiliatingly rejected by social institutions are when they are not treated as human by them, the second when they are denied control over their vital interests. What do such characterisations amount to?

Of course, we have shocking examples of people being treated as sub-human, but the worse the example the rarer, and the easier to identify. However, we don't have to go to extermination camps to find humiliating rejection. We can see it far more prosaically and frequently in hospitals, homes, government departments, indeed pretty well everywhere, whenever we are 'human-blind', when we fail to 'perceive the human aspect in a human being'. A "human-blind person sees humans under a physical description without the capacity to see them under a psychological one". We don't literally fail to see them, bump into them as if they were invisible, nor do we often think of them literally as machines or dogs, at least we rarely do things of that sort, but we can easily *overlook* humans, and this, as Margalit observes, "does not necessarily mean turning one's gaze away ... Overlooking human beings means, among other things, not paying attention to them: looking without seeing. ... [it] does not strictly mean seeing them as things, but rather not seeing them fully or precisely".

Typically this is not an individual decision, where you size someone up and decide to see through them. More common is what Margalit calls 'mediated rejection', rejection of the groups to which people belong and through them individual members of those groups. Colonised peoples, servants, other races, but also I think the aged, are at best categorised commonly according to some general attribute they share, and sometimes that attribute – visible at a glance – is all we need to then 'see through' countless members of a particular group, to attribute incompetence to them, to at best treat them patronisingly, at worst genocidally, but in very many cases humiliatingly. And mediated rejection can humiliate when you are not personally the recipient of it; it is enough to know that members of a group to which you belong are regarded in this way for you to feel humiliated by identification with that group.

Mediated rejection often issues in physical harm to the rejected group. But it needn't. Margalit observes that many colonies, particularly British ones, were often 'bridled' in their relations with their unwilling hosts. They didn't lay about and indeed often were 'more restrained in their physical cruelty than the regimes they replaced. Nevertheless, the colonial regimes were usually more humiliating, and more rejecting of their subjects as human beings, than the local tyrants, who considered their subjects their fellow nationals or fellow tribe members and thus equal to them as human beings'.

The groups and forms of humiliation I have analogised the aged to are often hated by those who reject them. This is rarely true of the aged, as a group. But the trick about humiliation is that it doesn't depend on perpetrators' hostile intentions. Partly that is because when we think about institutional humiliation often built into systems, subjective intentions are irrelevant. Here is one place where means can matter much more than intentions; 'humiliation can be felt even in the absence of a humiliating agent. It is possible to be humiliated by one's life conditions provided they are man-made ... In our case, since we are concerned with institutional humiliation ... we can ignore the subjective intentions of the humiliators ... This is especially justified when we are discussing the systematic humiliation that is not the whim of a particular individual in authority'.

Again, bureaucracies often are humiliating in their effects precisely when they do what they are supposed to do, operate by rules. This, on the one hand, is preferable to operating by grace and favour, and on the other hand and at the same time can convert recipients of its welfare into numbers.

And finally, don't think you'll escape the vice of humiliation if you accomplish what we in any case rarely do, justice in the distribution of goods. For not only can humiliation be visited on people whether or not that is the humiliators' intention, but, a deeper point, one can successfully accomplish benign intentions in humiliating ways. Thus Margalit reflects on the relationship between justice and decency, and he observes:

Rawls defines pure procedural justice as a case in which there is a just pattern of distribution according to some criterion external to the distributional procedures...

But the way distributors act should also be examined. The people distributing the goods may act in a humiliating way even if the end result is the best possible distribution of the goods. Efficiency, we recall, involves only the probability of obtaining a just pattern of distribution, and not a humane manner of distribution. The distribution may be both efficient and just, yet still humiliating.

The claim that there can be bad manners in a just society may seem petty – confusing the major issue of ethics with the minor one of etiquette. But it is not petty. It reflects an old fear that justice may lack compassion and might even be an expression of vindictiveness. There is a suspicion that the just society may become mired in rigid calculations of what is just, which may replace gentleness and humane consideration in simple human relations. The requirement that a just society should also be a decent one means that it is not enough for goods to be distributed justly and efficiently – the style of their distribution must also be taken into account ... a distribution may be procedurally humiliating in spite of being inherently just.

Let me draw to a close. There is, as Isaiah Berlin insists in the extract in your materials, and as he spent a very long lifetime insisting, no single value or even complex of values which will answer the demands of matters of moral complexity such as those with which you are concerned, seamlessly,

without tensions or tragic choices. Anyone who claims to have such a nostrum should be treated as you would quacks in the medical profession: run 'em out of town. I certainly have nothing like that to offer.

All I would suggest is that one might usefully and properly ask of any policy or program, including those directed to do nothing but help their targets, do they treat them decently? Of course, decency is not the only thing people want, at any age. In many circumstances it might be far from the most important or urgent. Even where it is important, our values are many, not all of them are compatible with each other and we are necessarily forced to choose between things we value, not merely between good and bad. Treating people with respect is different from and may even clash with dealing with them cost-effectively, efficiently, even fairly in some circumstances. It might clash with caring for them in the way most conducive to their health, or indeed survival. That means that hard, sometimes tragic choices often need to be made, and unrespectful choices might be among those. If so, one makes them, but one should avoid denying that something of value has been harmed in the process.

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<sup>1</sup> References are to Harry G. Frankfurt, 'On Bullshit' in his *The Importance of What We Care About: Philosophical Essays*, Cambridge University Press, 1988, and Avishai Margalit, *The Decent Society*, Harvard University Press, 1996. Later works mentioned are Philip Selznick, *The Moral Commonwealth*, University of California Press, 1992, Judith N. Shklar, *The Faces of Injustice*, Yale University Press, 1990, and *Ordinary Vices*, Harvard University Press, 1984.