

St George's House 2017 Annual Lecture

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For many centuries, discussions of justice and ethics were very closely linked in European thought and culture, but I think, and I hope this evening to suggest to you, that they've now diverged in marked, interesting and quite unsettling ways. European traditions have seen these discussions as offering distinct but deeply linked answers to the classical question: What ought we do? Duties of justice were seen as setting requirements on states, on other powerful institutions and on individuals, which we intended to structure the public domain, typically by their incorporation into law, and by use of legal sanctions. Ethical duties also set requirements for some institutions and for individuals, but these were to be secured by individual or cultural efforts rather than by law and sanctions. Yet, by the start of the 21st century, claims that justice and ethics were complementary and linked domains of duty, although that is deeply embedded still in European languages and culture, were very often questioned, ignored, even sometimes explicitly rejected.

Today I think it's widely assumed that while standards of justice have universal scope and high importance for all societies, ethical standards, or you may say other ethical standards, do not have universal scope. In many views they're seen either as a private or an individual matter, or a matter of the views of some specific community or culture. In either case, without wider normative importance, principles of justice, in particular of those now seen as setting human rights standards, are seen as setting universal standards that should shape law and regulation and thereby institutional and individual action in all jurisdictions. But ethical principles are widely thought of as anchored in specific cultures or individual choices or preferences, and as lacking wider scope or justification. These, I think, we can all agree are momentous changes, and it's not immediately obvious either why or how they've come about. I'm going to begin with some very sketchy reminders of past views of duty, and of some of the changes that have led so many people to see justice, often identified with human rights standards, as fundamental and universal, to be embodied and enforced by law, but ethical standards as the creatures of specific cultures or individual choice and preference.

I'm going to suggest that some reasons for this divergence between the justifications proposed for duties of justice and for ethical duties can be understood, and then I'm going to ask how complete and convincing the separation is, and whether justice can be realised without taking ethical duties and their justification seriously once again. Let me do some very sketchy intellectual history, and I'm not an intellectual historian. This is quite naughty of the

philosopher to trespass in this way but I think it helped me to understand what's going on. Both philosophical and popular conceptions of justice and ethics have traditionally centred on duties. In Europe, duties were central to normative debate since antiquity. Think of Cicero. They had shaped religious, philosophical and popular discussions of how institutions should be shaped and how lives should be lived. Rights, if they were discussed, were seen either as special rights created by particular transactions, or as general rights that were corollaries of certain so-called 'perfect' or 'complete' duties that specified who had a right and could claim performance of that duty.

But ethical duties, for example duties of beneficence, loyalty or courage, were seen as imperfect. Meaning just incomplete duties, because they were seen as duties that didn't have counterpart rights. Many people thought of them traditionally as duties of virtue, because respect for them depended on character and culture rather than on compliance with enforceable requirements. Given that duties do not have to be matched by counterpart rights, normative reasoning that focuses on duties can, in principle, give us a much wider perspective than can be reached by taking rights as fundamental. For if rights are taken as fundamental, no account can be given of any duties that lack counterpart rights.

So I'm going to talk a little bit now about the decline of duty. What happened? Where did it go? Where, and how, did it disappear? Both philosophical and popular conceptions of justice and ethics were traditionally centred on duties. In Europe, they've been central since antiquity and shaped everything else. But given that they don't have to be matched by counterpart rights, normative reasoning that focuses on duties could in principle offer us a wider perspective. For if rights are taken as fundamental, no account can be given of those duties that lack counterpart rights. They are going to be invisible.

Now, this is not always obvious and as you will know, many contemporary advocates of human rights claim that their approach extends or strengthens, rather than restricts, older accounts of what ought to be done to secure justice. But while treating rights as foundational might support stronger claims about sanctions, and about enforcement, than reasoning that treats duties as basic can support, the scope of rights claims will usually be narrower and cannot be broader than that of claims about duty. In the main, this huge change in views about duty took place in the 20th century, but there were earlier signs of unease. Duty was still preeminent in discussions of what ought to be done at the start of the 19th century, when it remained centre stage across the spectrum from Immanuel Kant's late *Practical Philosophy*, to William Wordsworth's 1805 'Ode to Duty' which confidently equates duty with divine demand.

These will be very familiar lines to many of you: 'Stern Daughter of the Voice of God!

/ O Duty! If that name thou love / Who art a light to guide, a rod / To check the erring, and reprove; / Thou, who art victory and law / When empty terrors overawe; / From vain temptations dost set free; / And calm'st the weary strife of frail humanity!

But by the middle of the 19th century claims of duty evoked occasional patchy unease. And sometimes even some hostility. Some people felt the undermining of moral certainties and clarities. But there were others who were positively eager to see duty downgraded. Fear, I think, is evident in Matthew Arnold's wistful sadness about the waning of Christian faith and the ebbing of duty. Here's Arnold:

'The Sea of Faith / Was once, too, at the full, and round earth's shore / Lay like the folds of a bright girdle furled. / But now I only hear / Its melancholy, long, withdrawing roar, / Retreating, to the breath / Of the night-wind, down the vast edges drear / And naked shingles of the world. / Ah, love, let us be true / To one another! for the world, which seems / To lie before us like a land of dreams, / So various, so beautiful, so new, / Hath really neither joy, nor love, nor light, / Nor certitude, nor peace, nor help for pain; / And we are here as on a darkling plain / Swept with confused alarms of struggle and flight, / Where ignorant armies clash by night.'

Wistful, but not hostile. Less than 30 years later, however, Friedrich Nietzsche claimed that there was nothing but gain in doing without duty. He wrote this: 'What destroys a man more quickly than to work, think and feel without inner necessity, without any deep personal desire, without pleasure - as a mere automaton of duty?' Although their attitudes to the decline of duty are far apart, both Arnold and Nietzsche see the alternative, it seems, as an increasing emphasis on personal and subjective standards and concerns. In this I think they were prophetic. Claims that personal and subjective choices are the successors to the claims of duty once you get beyond the domain of justice, gained increasing prominence in the 20th century. Indeed, at the very start of the 20th century GE Moore's *Principia Ethica* ends with a surprisingly influential chapter that endorses a wholly privatised vision of ethics, centred on individual experiences of beauty, pleasure, friendship and knowledge, but no longer on families, institutions, communities, nations or their action, and least of all on duty.

However, the decline of duty was uneven. The slow retreat of support for duty among intellectuals and poets didn't undermine the ethics of duty in day-to-day life. Indeed, as I read it, certain appeals to duty gained new prominence during the first war when they took the form of widespread, sometimes enthusiastic, insistence that you ought to do your duty, which is above all to serve, and even to kill or be killed for, your country. Of course, most who took that view saw duty to King, or Kaiser, and country as the public face of duty, to be honoured

alongside duties to God, to family and friends, to neighbours and to the poor. Yet a belief that patriotic duty had distinctive, even overriding, importance became briefly and wildly popular. I find it very sobering to remember the fervour with which the outbreak of war in 1914 was greeted, and how widely killing for a patriotic cause was seen as a matter of duty, even of noble duty. Some even represented, or you may think misrepresented, patriotic duty as an ethic of sacrifice. Those killed in conflict were seen as making the ultimate sacrifice, even if they were conscripts who did not choose their fates.

The idea that being killed for a cause and killing for a cause were forms of noble so-called 'blood sacrifice', was very widely discussed at the beginning of the last century. Some supporters of the Easter 1916 Rising against British rule in Ireland described those who lost their lives in attacks that they had initiated as martyrs. This terminology is still popular in some quarters, particularly at present in the rhetoric of so-called Islamic State. Classically, of course, martyrs defend a noble or principled cause and then are killed by others for doing so. Something quite different is going on, when those who kill themselves for a cause, for example hunger strikers, or kill others who are no threat to them, for example suicide bombers, are called martyrs. This, it seems to me, is evidence of an ethical tradition falling into disarray.

That exaggerated emphasis on patriotic duty of the early years of World War One was not universally shared, and it was indeed explicitly rejected by some who were close to, and sympathetic to, the cause of Irish independence. For example, WB Yeats explicitly rejects it in his wartime poem 'An Irish Airman Foresees His Death', which contrasts patriotic duty with personal choice. Here's Yeats:

'I know that I shall meet my fate, / Somewhere among the clouds above; / Those that I fight I do not hate, / Those that I guard I do not love; / My country is Kiltartan Cross, / My countrymen Kiltartan's poor, / No likely end could bring them loss / Or leave them happier than before. / Nor law, nor duty bade me fight, / Nor public men, nor cheering crowds, / A lonely impulse of delight / Drove to this tumult in the clouds; / I balanced all, brought all to mind, / The years to come seemed waste of breath, / A waste of breath the years behind / In balance with this life, this death.'

Of course, the crowds who cheered in 1914 felt otherwise, but unsurprisingly enthusiasm for patriotic duty waned as the war proved more catastrophically brutal and destructive than had been expected, or even imagined. Hostility to the narrow conception of public duty as patriotism in wartime mounted. It became, as we all know, a leading theme of the poetry of the first war, and it animates EM Forster's much quoted aphorism from the 1930s,

'If I had to choose between betraying my country and betraying my friend, I hope I should have the guts to betray my country'. The thought that personal loyalties are more important than patriotic duty resonated and spread, and criticism of patriotic duty expanded into wider questioning and criticism of all duties.

But this was not, by any means, the end of the story. Between the two wars, initially only in rather limited academic circles, a much more systematic retreat from duty gained ground. The startling success in the 1930s of logical positivism, with its uncompromising insistence that only empirically verifiable and analytical claims are meaningful, and that ethics, aesthetics, metaphysics and theology should all consequently be rejected as literally meaningless, had to reject both duties of justice and ethical duties. Logical positivism, as I'm sure you all know, did not offer convincing arguments for these claims, and those it did offer were rather soon questioned, rejected or dismissed. Nevertheless, its influence spread from narrow philosophical circles in Berlin and Vienna, partly because so many of its early exponents were driven into exile across the world. But while logical positivism failed to show that claims about justice and ethics were literally meaningless, it did succeed in spreading widespread scepticism about their justification.

Doing without an account of duty however has costs, high costs. In the face of the further catastrophes of the Second World War, it was widely agreed that standards mattered, especially for the public domain. The Universal Declaration of Human Rights was adopted by member states of the United Nations in the late 40s, and signalled a wide commitment to a certain range of supposedly universal standards of justice. But it differed from older accounts of justice in three ways. Indeed, it was weaker in three ways. First, it addressed justice from the recipient's, rather than the agent's, perspective by setting out a list of human rights which would require others to carry the counterpart duties. Second, it was silent about ethical duties and third, it was on the whole justified by appeals to authority.

The last of these differences is surely significant. Appeals to declarations or conventions, or other legal instruments such as constitutions, treaties or statutes, are also appeals to authority, and they can offer convincing justifications only to those who accept the authority to which appeal is made. While the post-World War Two affirmation of human rights does not endorse logical positivism, it frequently relies on arguments for authority and thereby on various forms of legal positivism. Those who hope to justify human rights by appealing to authority ignore the methodological claims, the flamboyant claims of those logical positivists, but they too marginalise or reject demands for deeper justification. Both the Universal Declaration of Human Rights and the slightly later European Convention on Human Rights,

Council of Europe 1950 - by the way drafted by someone who later became Conservative Lord Chancellor - these assumed that if the relevant instruments are endorsed by a state agreement and ratification, that's going to secure their authority.

While many who stress the authoritative backing of human rights agree that appeals to authority aren't quite enough, and that human rights also really need moral justification, the justifications that are generally offered are, let's say, skimpy and they often take it for granted that the rights that are in the canonical declarations and charters will be what gets justified. Contemporary life, I suggest, remains very deeply influenced by versions of legal positivism, and it frequently avoids or evades questions about deeper justifications of the standards proclaimed. Parenthetically, however, I suspect that legal positivism isn't nearly as popular or widespread as appeals to arguments from authority in support of human rights might suggest to us. Despite uncertainties about deeper justification, lots of people who set stall by human rights international law, or by the rule of law, even by more detailed regulations of accountability, probably think that better justifications can be provided, that wider ethical backing for human rights standards is available. It's just, so to speak, that for everyday purposes they seemingly find it variously necessary, adequate or perhaps merely convenient, to appeal to authority and ignore those deeper demands.

In the end, the ancient alliance between ethics and political philosophy was, I think, not undermined by the inadequacy of justificatory arguments, but rather by the emergence of totalitarian regimes and the vast human and moral costs of their policies. Those same realities made it pretty obvious that consigning justice and ethics to the dustbin of history had been a pretty bad plan. But what emerged after World War Two was, after all, not a revised or improved version of the ethics of duty. If anything, appeals to duty became yet more suspect because they were repeatedly misappropriated to cloak official misdeeds under totalitarian regimes, from Eichmann to the Stasi so to speak. Morally rebarbative action by state officials was all too often mischaracterised and wrongly dignified by claiming that it was a matter of duty, 'I was only doing my duty'.

Can the human rights declarations carry the weight that we have sought to put on them in the last 70 years? It looks superficially as though they might at least reinstate an account of duties of justice, moreover one that's nicely shorn of metaphysical and theological presuppositions, and perhaps can rise above official misappropriation. But the reality, I think, is less clear and more troubling in several ways. I list some obvious difficulties which arise when we seek to detach an account of justice from deeper justification, and from a wider account of ethical duties.

First problem is that declarations and conventions simply aren't in the business of deeper justification. Of course, an appeal to authority means that human rights can be supported in many, but not all, contexts by pointing to the various instruments, and of the fact that some, although not all, states have ratified them. The downside is that these positive justifications can't provide reasons for states that don't accept the claims of the relevant authorities to start doing so. Appeals to authority, we know, may fall on deaf ears, and they may offer little reason for states to sign up to human rights instruments or to abide by them.

Secondly, the rights proclaimed in 1948 were not linked to any adequate account of the allocation of the necessary counterpart duties to competent agents. That is relatively unproblematic, where those counterpart duties must be held by everybody. For example, rights not to be coerced or not to be killed must be supported by duties that are held by all. However other duties, including duties that support liberty and rights such as duties to enforce or protect those rights, have to be held by specified agents or agencies, not by everyone. And duties to realise social and economic rights have to be allocated to identifiable and competent agents, if it's to be clear who ought to do what, for whom. Proclaiming rights without specifying the necessary counterpart duties and duty bearers leaves it obscure who ought to do what, for whom.

The drafting of the Universal Declaration had gestured, a bit confusedly, variously to nations, countries and peoples. But these all lack the integrated capacities for action and decision-making that are needed for agency. They cannot carry the complex duties to respect and realise the proclaimed rights. It's perhaps no wonder that a generation ago many people complained that the rights in the Universal Declaration were just manifesto rights of no adequate clear practical import. The criticisms were addressed, up to a point, by two United Nation Covenants of the 60s. The International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, which explicitly and specifically assign certain duties to states that ratify these instruments. However, a careful look at the covenants shows that they don't in fact assign the duties that have to be met to secure the rights to the states, rather what they assign to the states are second order duties to allocate and enforce some arrangement of duties that will secure respect for the rights in the Covenant on Civil and Political Rights, and will support the realisation of the rights in the Covenant on Economic, Social and Cultural Rights.

Listen to these words from the latter covenant: 'Each state party to the present covenant undertakes to take steps individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources with

a view to achieving progressively the full realisation of the rights recognised in the present covenant by all appropriate means, particularly the adoption of legislative measures'. Achieving progressively the full realisation of rights by all appropriate means is a matter of ensuring that unspecified others, individuals and institutions that are not identified, that may not or not yet exist, making sure that they discharge the complex duties needed to secure these rights. It requires states to construct institutions and to delegate tasks in order to secure one or perhaps another effective allocation of duties.

Whereas traditional discussions of duties of justice had focused on human duties to others, the discourse of human rights is notably more indirect. It focuses on second order duties to bring about some allocation of first order duties which, if it was observed, would secure the human rights that have been proclaimed. An advance, I suggest, but not quite what it's billed as. Was it a good idea to assign these complex second order duties to states? One answer might be, it was a jolly good idea, at least at the time because states alone had powers sufficient to secure respect for, and realisation of, rights. A second, more pessimistic answer might be that assigning the task of ensuring that everyone and all institutions respect and realise rights to the most powerful institutions, to states, is very problematic. It's rather like assigning the supervision of hen houses to foxes, a parallel of course illustrated by the fact that a large number of states have indeed been major and persistent violators of human rights.

A third answer might be that the allocation of duties which were the covenant's aim is simply obsolescent. 1966, if we look back just over half a century ago, was a high watermark of state power. The western colonial empires were being dismantled, a Westphalian world of independent states seemed to be emerging. Both old and new states were taken to have, and quite often had, well-defined boundaries, and some of them could exercise power effectively within these boundaries. Since then, however, globalisation has been transforming and reconfiguring power in ways that often make securing respect for, and realisation of, rights harder for states. Our world includes not merely a range of rogue states and failed states, but will not or cannot secure or respect rights for their inhabitants. But it is a world of porous borders in which many states find their powers are not adequate, and that they are constrained by a variety of very powerful non-state actors.

These fundamental changes suggest to me that it may now be less feasible for states that are party to international instruments to be the pivotal bearers of second order duties, to ensure that everyone respects and helps to realise all rights.

The declarations are unavoidably simply silent about duties without counterpart rights. They're silent about ethical duties, and it's far from clear that duties of justice, including those

that are the counterparts of human rights and standards, can be implemented if we neglect ethical duties. Duties, for example, of honesty or decency might be important for the effective realisation of justice. It's far from clear that treating rights rather than duties as fundamental can leave either justice or ethics unchanged. The cultural costs of prioritising recipients over action and rights over duties is, I think, high. And it prioritises a view of human beings as claimants or victims, and it may give undue prominence to passive and reactive responses such as resentment, rancour and blame. Very popular today. I'll return in a moment to consider whether justice can do without ethics.

I need to say a very little, or the argument will be deceptive, about the question of deeper justification. The contemporary landscape, I think, has some encouraging features, through some attempts at deeper justifications of principles of justice. In the early post-war period, many still assumed that logical positivism had undermined justice as well as ethical duties, and it was widely said that political philosophy was dead. It is no longer the case; it has flourished since the 1970s. Theories of justice, beginning with those proposed by John Rawls, Robert Nozick and Juergen Habermas, have been extended and elaborated on by many. They aim to offer a justification of standards of justice and they don't rely on arguments from authority. Yet, while the vast body of contemporary writing in political philosophy seeks deeper justification, and while it has often emphasised principles of distributive justice which the human rights approaches are less comfortable with, it often ignores ethical questions. The thought that we can provide deep, or at least deeper, reasons for justice, but not for other ethical principles was, for example, central to John Rawls' later work.

Whereas in his earlier theory of justice he had thought that justification should be of certain ethical principles as well as justice, his late work, particularly the book *Political Liberalism*, rejects all versions of what he calls 'comprehensive liberalism', that is liberalism that argues for ethical as well as political duties, in favour of a position that he calls, it's an odd phrase, 'political liberalism', which is silent and deliberately silent about ethical duties. A similar focus on justice without close links to ethics can be found in other leading writers. Habermas explicitly anchors justificatory arguments in the possibility of agreement reached via political discourse from which nobody is excluded. Nozick's libertarian arguments support a maximal private sphere in which individuals' choices and preferences are seen as decisive. And neoclassical economics has argued from similar assumptions. Much of the revived political philosophy of the last half century has left ethical duties and their justification firmly out of scope.

Let me turn now to the justification of ethical principles. The thought that justification

can support political but not ethical standards fits quite well with some aspects of traditional liberal ideals. Liberal thinking has always stressed the importance of protecting individual choice. But much as this matters it surely cannot be the whole story. Nobody thinks that it does not matter what individuals choose, or that every choice should be protected. Yet if deeper justifications support only an account of justice, the only choices that their adherents will find reason to criticise, sanction or forbid, will be those that reach a requirement of justice, for example, by violating others' rights. That's a much-treasured conclusion in certain writing.

It seems to me implausible to think that a convincing account of justice can be indifferent to everything that is not unjust. More is surely at stake and some choices are better than others. These issues are, I think, often obscured by a promiscuous use of the term 'value' to refer to whatever individuals happen to choose or prefer. This, I think, leaves it fatally obscure whether empirical or normative claims are at stake. Where empirical claims are made about individuals' choices or preferences, there's going to be no general reason to see anything, let alone everything that's chosen or preferred by some agents or some cultures, as valuable. Much that is chosen or preferred may be worthless or bad. Some individuals in some cultures choose self-enrichment or sadistic treatment of others. That doesn't show that self-enrichment and sadism are values, and the fact that some people in some cultures admire, pursue and prefer them does not, I suggest, make them into values.

Referring to whatever individuals happen to choose as values, confuses empirical claims about individuals' preferences with normative claims about what's valuable. It conflates empirical with ethical claims. Referring to whatever societies happen to admire or pursue as values, confuses empirical claims about social attitudes with normative claims about what is valuable. Once again it conflates empirical with ethical claims. Parenthetically, if we admire British values it is because of the values they are, not because of them happening to be British. Three snapshot illustrations of these confusions will have to suffice.

First, the fetishism about individual autonomy variously conceived, and very different from Kant's conception of autonomy I hasten to add. It's widely said to be a terribly important value. Yet individual autonomy can be used to adopt odious, as well as admirable, principles and decisions, and it's far from clear why it should count as a value at all if we can't offer any account of what makes some choices valuable. Second, appeals to individuals' choices and preferences are, of course, central to a lot of economic theory and to many consumerist ideologies. But if individuals' actual preferences are automatically deemed values, a covert and unsupported normative claim has been advanced. Promoting preferences by calling them values simply misleads. I think I will leave the third issue aside, that suggests the two I've given

you show us that what is often on offer is not a justification of values, but a devaluation of values.

So, to the question: Can we have justice without ethics? Those who think that ethical standards are a matter of individual choice or shared attitudes often conclude that aiming for justice is enough, and that the public domain need take no account of any other standards or of their justification. This view, I'm going to suggest, is not consistent with taking justice seriously. Working out how to realise justice requires us to take a view not only of standards of justice, but also of certain ethical standards that are needed for realising justice, and therefore of the justification of those ethical standards. It's widely assumed that duties of justice, and their counterpart rights, can be secured and realised simply by having just constitutions and laws, and complying with and enforcing their requirements. But while requirements of justice limit and constrain just action, at best they offer indeterminate guidance and not complete instructions for action. Even when legal instruments are reinforced with specific regulations, more guidance demanding forms of accountability, these proliferating rules can never fully eliminate indeterminacy. They cannot specify exactly what must be done and not done, if justice is to be respected or realised.

Providing more and more explicit procedures and deploying and applying rules has of course its place, particularly in the procedures of courts and tribunals of arbitration and administration. Doing so can help established authorities decide how to proceed, they can show whether a decision was reached by a duly constituted authority using appropriate procedures. But these justifications are limited. They can show whether due process was followed, but not whether decisions made or action undertaken were ethically acceptable, let alone optimal, in actual cases. Principles of justice, like all principles of action, are indeterminate, and indeterminacy, as has often been said, goes all the way down. This point is neither new nor trivial. Aristotle, Kant and Wittgenstein - and you can't have a much heftier trio - all pointed out that rules of all sorts, principles, standards, guidelines, regulations, are intrinsically incomplete and that indeterminacy can't be eliminated by adding more rules, more requirements, more regulations or more guidance. I think there are certain institutions that might think about that.

There's no way of extending the paraphernalia of institutional life that is going to fix sharp boundaries between compliance and infraction for every situation. Trying to offer complete rules, instructions or guidance is, I think, in principle, impossible, not to mention daunting and depressing for those who are meant to live up to them, who may conclude that even compliance demands too much, and may end up ignoring, flouting or gaming the prolix

rules they encounter. Practical judgement is needed to shape action, to fit standards of justice in particular contexts and there can be no complete methods, that is to say no algorithms, for practical judgement.

Practical judgement is a matter of combining a clear sense of standards for what may and ought to be done, that is to say the plurality of rules and standards that must be respected, with a grasp of a range of further considerations that bear on actual cases. In living up to standards of justice, we may need to take account not only of those standards but of the feasibility, the consequences, the affordability and the ethical acceptability of specific ways of implementing, or living up to those standards.

Doing so cannot be done simply by relying on hunch, or individual preference, or subjective choice, or simply invoking widely accepted standards. Nor can freedom of expression provide an adequate discipline for identifying or assessing standards of action. Freedom of expression is indeed necessary for agents to encounter other views and arguments, including ones that challenge their current beliefs and attitudes. But it is not sufficient to ensure systematic or effective consideration of established beliefs and attitudes, or to expose them to searching check and challenge. Reliance on Habermasian engagement in social settings that permit participation, or on serendipitous encounters with others, is not going to provide a sufficiently robust discipline for good judgement.

Practical judgement is more likely to be robust if it's formed and informed by encounter and communication with positions that are structured and disciplined, and can bring a diversity of practical and cultural standards and considerations to bear on situations and on action. Practical and cultural disciplines are, I think, the way to provide sustained and informative challenge to received beliefs and attitudes and also to the shaping of actions in ways that respect the requirements of justice, and also the wider range of ethical and practical demands.

Now, I'm not saying that cultures provide algorithms for action, far from it, but at their most effective they can provide a formative discipline for individuals and institutions. Closed, corrupt or enclaved cultures and subcultures often cannot do so. They're more likely to trap thought and action in silos of conformity, that insulate received views from check and challenge. Wider and more open cultural processes can, however, avoid this danger by opening practical, including ethical, judgement to a range of more rigorous forms of check and challenge, adjustment and moderation, and to realistic consideration of the multiple ways in which one might live up to a plurality of standards. They can allow for, they can foster, ways of respecting the requirements not only of justice, but of ethics and of wider cultural practical and technical requirements.

It follows, I think, that if cultures are needed for enacting justice, the ethical standards embedded in cultures and their justification also matter for justice. Many proponents of justice point out that there are corrupt, destructive, divisive and dishonest cultures. Surely true. But there are cultures that do not face in these ways. I suggest that the insouciant marginalisation of ethical justification that positivist, subjectivist and also communitarian views of ethics, have endorsed, have celebrated, simply overlooks the importance of ethical standards. I do not know entirely how we can move at this point but I conclude that if we think justice matters, we cannot be indifferent to wider ethical standards or to their justification. Thank you very much.