

to its "natural" uses may always be justified on ecological grounds, and in that same sense, on the basis of protecting the public. But these statutes should not be sustained if their economic effects are grossly unfair to individuals.

How do courts determine whether these effects are unjust? They rely generally on rules of thumb, that is, they look out for particularly common injustices. They ask: is the economic loss imposed by the challenged statute terribly severe? Can the aggrieved property owner still make reasonable and profitable use of his land? Is the benefit to the public sufficient to warrant the burden the statute imposes on individuals? Are the restrictions reasonably appropriate and necessary to obtain the desired results? Does the regulation burden relatively few landowners — too few, perhaps, to represent their interests in the majoritarian political process?

Courts typically raise questions of these kinds — not theoretical questions about the nature and extent of property rights — in settling takings cases. The courts thus try to determine whether the plaintiff's interests have been treated equitably. This requires that the

courts have a working concept of justice and fair play. It does not require that they apply a sophisticated theory about property rights and the police power. The Fifth Amendment bears upon environmental policy, then, not by grounding a theory of property rights, but by assuring that the laws that protect the environment do not do so at the expense of justice.

— Mark Sagoff

Quoted in this article are: *Just v. Marinette County*, 56 Wis. 2d 7, 201 N.W. 2d 761 (1972); Richard Epstein, *Takings: Private Property and the Power of Eminent Domain* (Cambridge, Mass.: Harvard University Press, 1985); *Monongahela Navigation Co. v. United States*, 148 U. S. 312, 325 (1893); John Locke, *Second Treatise of Government*, chapter 5; and *Armstrong v. United States*, 364 U. S. 40, 49 (1960).

To order *The Economy of the Earth* by Mark Sagoff at the special discount for QQ readers, see page 15.

Learning Morality

The "ethics crisis" is box-office boffo these days. Political corruption, insider trading, racial bigotry, Abscam, Watergate, Contragate, street crime, vandalism, divorce, teenage pregnancies, Ivan Boesky, Gary Hart, selfishness, greed, pornography, Joseph Biden's plagiarism, Jim and Tammy's fall from grace — these and countless related subjects fill our headlines and dominate our airwaves. And, as usual with a crisis in our society, our first instinct is to look to education. President Reagan and his Secretary of Education are only the most visible of the many who urge renewed teaching of morality in the schools. Derek Bok, President of Harvard University, is in the vanguard of those who urge the colleges and universities likewise to attend to the moral growth of their students. So we might ask: what is moral judgment, how does it develop, and how can the schools assist or retard it?

Moral Learning

Start with a simple analogy: learning morality is like learning how to write. It is not like learning geography or mathematics. Learning how to write consists in learning a few elementary concepts — noun, verb — and a few simple pieces of grammar — subject and predicate should agree in number — and then *doing it*, that is, writing over and over and over, with the ad-

vice, recommendations, and corrections of those who already do it well.

Moral education is the same. The child in his earliest experiences and interactions on the playground and at home picks up rudimentary concepts such as taking turns and simple rules such as don't hit people and don't call them names. In his interactions within this simple framework and under the tutelage of adults, the child will come to attach feelings of shame and regret to bad behavior, experience the pleasures of sharing and giving, and feel appreciative and grateful for benefits and resentful at wrongs. With this elementary foundation, moral learning is set in motion: it is simply, as Aristotle says, learning by doing. There is not a science of moral judgment any more than there is a science of writing. Instead, in both cases, we get better through increased experience and practice, which enables us to make finer and sharper discriminations. We develop the capacity to *see* a sentence or a paragraph as clumsy, graceless, plain, clear, or needed, and to *see* a moral action as ungrateful, cowardly, generous, or obligatory.

Rules and directives play a part in this development, just as "rules of good composition" aid learning to write. The young moral learner is told not to lie and not to take other people's property. The novice writer

is told that every paragraph should have a topic sentence and that no sentence should end with a preposition. The point of the rules in both cases is the same. The good writer does not mechanically guide his composing by the "rules of good composition" and frequently violates them. This is because, as a result of early practice according to the rules, the good writer has come to see through the rules to the underlying values of clarity, economy, and grace the rules are meant to serve, and is able to serve them directly without mechanical guides. Likewise, moral judgment, as Aristotle observed, is not a kind of rule-application but a "judging of the particular." By early training according to the simple, basic moral rules, the moral judge learns to see through them to the underlying values of respect and well-being they are meant to advance.

The Role of Stories

Now, with this extremely rudimentary sketch in place, let us ask how education can assist, or at least not seriously retard, moral development.

If moral learning is essentially learning by doing, then the central and ongoing resource for moral education is experience, real or vicarious. The school can make room for assigned responsibilities where, for example, students oversee and help other students; but limitations of time, place, resources, and structure mean that any major broadening of moral experience must come by way of vicariously living through the moral lives of others. This is accomplished principally by a curriculum in literature and history. Through stories, historical and fictional, the child enters imaginatively into the moral lives of other people and sees the various moral concepts exemplified in action.

Consider the parable that Nathan tells David in II Samuel 12: "There were two men in the city; the one rich, and the other poor. The rich man had exceeding many flocks and herds: But the poor man had nothing, save one little ewe lamb, which he had bought and nourished up: and it grew up together with him, and with his children; it did eat of his own meat, and drank of his own cup, and lay in his bosom, and was unto him as a daughter. And there came a traveler unto the rich man, and he spared to take of his own flock and

of his own herd, to dress for the wayfaring man that was come unto him; but took the poor man's lamb and dressed it. . . . And David's anger was greatly kindled against the man; and he said to Nathan, As the Lord liveth, the man that hath done this thing shall surely die: And he shall restore the lamb fourfold, because he did this thing, and because he had no pity."

Children who read this story will have the same reaction as David, one directly responsive to the palpable ugliness of the rich man's behavior. This reaction will anchor their understanding of selfishness — of "having no pity" — and will guide their future reactions to other instances of selfish behavior. By living through a rich variety of stories, real and imagined, simple and complex, straightforward and ambiguous, young people sort out their moral emotions and acquire moral concepts that help them develop their powers of moral discrimination.

The Failure of Primary and Secondary Schools

Schools fail to provide the resources of moral learning by impoverishing their offerings of literature and history. This failure works in two ways: schools provide little enough history and literature as it is, and what they do provide is not selected and shaped with an eye toward moral development. This problem is especially acute in the teaching of history, which for some decades now has been subordinated to a social studies curriculum infused with the concepts of the social sciences. History as moral and political narrative is replaced by history as indirect sociology, designed to explain to the student the social, economic, psychological, and cultural forces that shape her life.

These kinds of explanations work at cross-purposes to moral education when they replace, rather than augment, moral narrative. They view human action not from the point of view of the participant's self-understanding but from the perspective of the outside observer. Your explanation of why your anger, like David's, is kindled against the rich man is that he was *without pity*; you bring your response under a justifying moral concept. The sociological or psychological explanation of your anger will leave out of account or explain away your own justifying point of view. History as indirect sociology is bereft of the very concepts that

From Pogo Even Better



© 1984 by The Walt Kelly Estate

young people need to acquire for "judging the particular."

Nor is this deficiency adequately made up by instituting explicit courses in moral reasoning. Moral reasoning is reasoning *about* experience, not a substitute for it. It would not make sense to set up a course in critical reflection on good writing for students who had very little experience writing, and it is generally useless, if not counterproductive, to put students with limited moral experience in courses to talk about moral reasoning. Because they are in the early stages of their moral development, students have limited capacity to "judge the particular" and will disagree about even exemplary moral cases (just as writing students may be a long way from seeing that George Eliot and Henry James are good writers). Teachers can try to cope with these disagreements in three ways: (1) adjudicating them by appealing to their own broader experience and maturer understanding, (2) abdicating a directive role by letting student discussions take their own course, and (3) adverting to rules and principles as effective and objective ways to get conclusions.

The first way is almost never taken. Teachers in high school lack confidence in their own moral knowledge, older students there are too swell-headed to listen to anyone, and there is no reigning educational dogma to give this way support. The second way produces variations on values clarification. Students are set free to "clarify" their own experiences. Not much clarifying takes place, of course, since no more structure is brought to the discussions than what the students can bring themselves, which is very little. The third way drives courses in the direction of the intellectualist fallacy, the belief that mechanical and deductive manipulations of rules and principles will yield answers where discussion of particulars won't. Disagreement about cases is transposed to the level of disagreement about rules and principles, where it is thought that there are theoretical and philosophical solutions.

Ideally, high school students should take away from courses in moral reasoning a variety of intellectual virtues: how to listen, how to clarify a point of view, how to assess arguments, and how to respect honest differences. Instead, students come away from these courses, and from their school experience generally, not very well grounded in the practice of morality, limited in their capacity to make discriminations, and suspicious about the whole enterprise. In short, they come away ready for college.

The Failure of Higher Education

And here we wait, ready to fail them, too. What college students need is what younger students need: richer and richer experience. Now, colleges can't help but provide great opportunities for growth. After all, students have to take charge of their own lives once in college and the curriculum is varied and broad-ranging. Even so, we hardly maximize these advantages. We take in students with limited moral concepts

and experience and let them spend their college careers in the social or physical sciences or in some form or another of vocational training. At most we require them to take a shallow core of humanities.

One idea coming into vogue is to have all students take courses in ethics. This is good for keeping philosophers in business but is unlikely to do students any good. What our students need is experience; what we philosophers give them is theory.

The English Department takes the middling writers it gets out of high school and sets out to make them better by making them do more writing and reading, not by introducing them to theoretical linguistics. We philosophers take *our* students, who have very limited moral experience and relatively impoverished moral concepts, and dose them up on utilitarianism and Kantianism and existentialism and other exotic exhibits from the museum of moral theory. Why do we do this? It is because philosophy teachers are deeply wedded to the view, as one philosopher puts it, that "normative ethical theories...offer a means of determining in specific circumstances whether an actual or proposed course of action is right. . . . Normative theories compete as to the best general means of arriving at particular normative judgments." This view is representative of a widespread approach in introductory ethics courses. But we don't serve students well with our theory-mongering.

One idea . . . is to have all students take courses in ethics. This is good for keeping philosophers in business but is unlikely to do students any good. What our students need is experience; what we philosophers give them is theory.

As moral experience develops, individuals acquire from the culture a variety of rules and principles, ideals of various stripes, knowledge of social practices, and so on, out of which they fashion reflections and arguments on moral action. Theories may help make some sense out of this welter of rules, principles, and particular experiences, but *not* by serving as decision procedures for arriving at particular normative judgments. The idea that we should throw out our acquired habits and knowledge of moral practice and guide ourselves instead by something like the principle of utility belongs right up there with the orgone box, the perpetual motion machine, and other single-nostrum solutions to all our difficulties.

Good moral theories don't offer competing answers to moral problems just as the contending schools in theoretical linguistics don't offer competing solutions to writing problems. Linguistic theories tell explanatory stories about the sentences all competent writers agree to be good sentences; moral theories tell explanatory

stories about the moral rules and judgments that good moral judges accept as sound and well-established. Rights-based, duty-based, and utility-based moral theories are all trying to account for the same core moral experiences and practices. No theory will produce a different evaluation of the rich man in Nathan's parable.

Students do need intellectual substance that well-conceived ethics courses can provide. Experience without concepts is blind (someone once said), and their grade school and high school background has given students few conceptual resources to work with. They don't have names for their moral emotions and for the virtues; they can't make elementary distinctions within moral considerations. They don't distinguish the good and the right, they confuse justifying and excusing, they conflate desert and entitlement, they commit the genetic fallacy with uncanny frequency, they can't separate attacks on a position from attacks on the person who holds the position, and on and on. Moreover, they already have their own dumb theories that need contending with: their relativisms, skepticisms, nihilisms, mysticisms, religious enthusiasms, and political schemes. There is no end to their need for opportunities at analysis, reflection, systematizing, and intellectual correction but these opportunities need to be conceived not as substitutes for moral experience but in concert with the provision of experiences profoundly rich and illuminating in their power to yield moral insight.

I have dwelt on how we fail our students in their

development toward mature moral understanding. But I don't want to overstate the seriousness of the failure. The young human animal seems able to bear without suffering too much damage almost any educational regimen we can inflict. It always manages, somehow, to get reasonably grown up and to lead a more or less normal and productive adult life. If we educators don't contribute a great deal to this process, we probably don't retard it a great deal either, except in one respect.

If moral development is a life-long learning through experience and reflecting on that experience, then the basic task of the schools is simple. It is not to produce a sophisticated and finished moral thinker but a person with a few basic tools and a love of reading and learning, who will continue to read and learn throughout her life. This modest and simple goal would seem achievable without effort, but in fact it is hardly achieved at all. This is the real crime we commit against our children. It doesn't really matter very much what we teach them so long as we generate in them the joy of learning and the pleasure of reading. If we do this, we have done well enough.

— Robert K. Fullinwider

My account of Aristotle and "judging the particular" leans heavily on Martha C. Nussbaum, *The Fragility of Goodness* (Cambridge: Cambridge University Press, 1986), Chapter 10, and M. F. Burnyeat, "Aristotle on Learning to Be Good," in *Essays on Aristotle's Ethics*, edited by Amelie Oksenberg Rorty (Berkeley, Calif.: University of California Press, 1980). The quoted material about ethics teachers is from Bernard Rosen, "The Teaching of Undergraduate Ethics," in *Ethics Teaching in Higher Education*, edited by Daniel Callahan and Sissela Bok (New York: Plenum Press, 1980).

Mark Sagoff

The Economy of the Earth: Philosophy, Law, and the Environment

\$29.95

SPECIAL DISCOUNT FOR QQ READERS: \$23.96

"*The Economy of the Earth* is one of the best criticisms of the economic approach to environmental policymaking to date. It is must reading for environmentalists and policymakers who are dissatisfied with policy based on cost-benefit analysis and are looking for a reasonable, defensible alternative."

—Eugene Hargrove

"Sagoff's unique polemical style entertains as it informs."

—Thomas O. McGarity

"This is not just a very good but also a serious book, full of passages worth rereading and ideas worth carrying forward. Mark Sagoff has important things to say, and he has said them well."

—Christopher D. Stone

"To any environmentalist who has ever thought economic analysis means 'we lose,' I say READ THIS BOOK. A new perspective on environmental law and regulation that will change the way many of us go about our work."

—Margaret Mellon

Cambridge Studies in Philosophy and Public Policy

To order, send checks or money orders to Cambridge University Press, 32 East 57th Street, New York, NY 10022. (All orders must be prepaid; residents of New York and California include sales tax.) To order by VISA or Mastercard call 800-872-7423. ISBN 0-521-34113-2. To obtain the special discount, use Order #796.