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Patricia H. Werhane   *Editors*

Systems Thinking and Moral Imagination

Rethinking Business Ethics
with Patricia Werhane

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Preface

This book is dedicated to the presentation of and reflections on the work of Patricia Werhane, who studied philosophy as an undergraduate at Wellesley College and pursued her interests at Northwestern University where she completed her doctoral work. Although Werhane is best known as one of the founders of contemporary business ethics, she focused her doctorate on the writings of the later Wittgenstein, and her dissertation is refracted and refined in the publication of "Skepticism, Rules and Private Language" (Werhane, 1992). Subsequently, however, having been requested to teach business ethics at Loyola University Chicago, she and Tom Donaldson developed one of the first textbooks on that topic, *Ethical Issues in Business*, now in its 8th edition. From that perspective, she initially focused on employee rights in her first monograph, *Person, Rights, and Corporations*, from which a chapter has been excerpted for this collection. Later Werhane developed the idea of moral imagination as key to ethical decision-making in practice.

Werhane gives insights to the development of her notion of moral imagination when she describes attending a 1994 conference on social psychology and business ethics: "listening to these papers challenged my ingrained assumptions about the application of ethical theory to business" (Werhane, 2007; p.ix). What confronts Werhane in practice is that managerial ignorance of traditional ethics was not an adequate explanation of the ethical failures in day-to-day business. By retracing Mark Johnson's (1993) work in cognitive science to clearly identifiable strands of moral imagination in Adam Smith (1976 (1759)), Werhane – as we shall see later – renovates the concept for contemporary applied ethics and business ethics.

Systems thinking was a further deviation from the traditional linear thinking that characterized the early writings in business ethics including her own; by the mid 1990s, her work in applied ethics and business ethics breaks out. This new form of analysis is also reflected in her writings on organizational issues in health care, women in leadership, and her latest writings on business ethics. We include excerpts from all these topics.

The main body of the book is presented in five sections. In the Introduction, we trace Werhane's positions in mainstream ethics and suggest aspects of her work that point to her departure from the potentially restrictive prejudices of philosophers.

Part I follows the development of mental models and shows the way in which Werhane's critique of scientific linear models of business ethics yields a more holistic, processual and systemic paradigm. In Part II, we discuss the development of systems thinking and consider the scope of such an approach to the rethinking of business ethics. Part III revisits Werhane's careful and demanding readings of Adam Smith's ethics, including her explicit refutation of a purely selfish and, from her perspective, inaccurate appropriation of Smith as a poster boy for the Chicago strain of instrumental neoclassical economics. The final part is devoted to some of her voluminous writings on business ethics for which she is best known. Together, these narrative text-based interventions manifest the evolution of Werhane's practice. Referring to our title's theme of rethinking business ethics, her more recent practice has expanded to include film and television media. This later work is exemplified in her Emmy Award winning series Big Questions.[1] In these documentary films Werhane confronts topics familiar from her work on issues of inequity in the complex relationship between business and society and brings to our attention an array of the immanent, if unintentional, consequences of globalization.

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[1] These can be viewed at www.bqnow.com

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Introduction

At a recent celebration of her work at the University of Virginia, Patricia Werhane introduced her work with an apocryphal story about William James.

> William James, the father of non-Freudian psychology and brother of the famous author Henry James, tells of meeting a woman who told him the Earth rested on the back of a huge turtle. "But, my dear lady", Professor James asked, as politely as possible, "what holds up the turtle?" "Ah", she said, "that's easy. He is standing on the back of another turtle." "Oh, I see", said Professor James, still being polite. "But would you be so good as to tell me what holds up the second turtle?" "It's no use, Professor", said the woman, realizing he was trying to lead her into a logical trap. "It's turtles-turtles-turtles, all the way down!" (Wilson 1983; p. 25)

The "turtle" story links directly to all of Werhane's work, since she goes back and forth between a foundationalist perspective – a bottom turtle, so to speak – and the challenge to any foundationalist "bottom" point of view. These back-and-forth projects begin with her work in linguistic philosophy. One version of the "linguistic turn" in philosophy can be traced through to John Locke in the *Treatise of the Understanding* (Locke 2008 (1689/90)), in which he attributes a role to words and language in the "workmanship of understanding," or the construction of knowledge. But the concept was comprehensively updated and refreshed in the mid-twentieth century in the later writings of the Austrian-British philosopher Ludwig Wittgenstein (1953). It is that version of the linguistic turn that informs the basis of much of Patricia Werhane's thinking. Her doctoral dissertation (1969) and her subsequent book, *Skepticism, Rules and Private Language* (Werhane 1992), outline and extensively develop that thinking. In this introductory section we have reproduced "The Constitutive Nature of Rules" (Werhane 1987), an article which was later to be developed as a central part of that book.

There, Werhane, following Wittgenstein, argues that language is inexorably rule-governed. Indeed, it could not be otherwise if it is a form of communication through which we are intended to understand each other. This is not to conclude or interpret that such rules are a strict set of rails that we must follow; rather that the rules themselves are dynamic. These rules, like grammar, may even be abandoned. But the routine communicability of a shared language depends on a level of consistency in

its use and a reliance on a mutual understanding of the rules of grammar or the values of any changes in that grammar. Further, as Hilary Putman has succinctly noted, "Elements of what we call 'language' or 'mind' penetrate so deeply into what we call 'reality' that the very project of representing ourselves as being mappers of something 'language-independent' is fatally compromised from the start" (Rorty, 1993.443 quoted from Putnam, 1990, 28).

So – returning to the opening quotation – language is the bottom turtle, so to speak, beyond which one cannot further conceptualize without positing yet another turtle, that is, without speaking or writing about that "bottom," or foundational, turtle. It is that thinking that we find reflected in Werhane's later approach to, and adoption of, forms of social construction.

The next article (Werhane 1994) on the normative-descriptive distinction in business ethics reflects this take on the linguistic turn. Here she argues the traditionally sharp moral distinction between descriptive – or, what *is* – and normative – or, what *ought to be* – traceable to David Hume (2000 (1740)) is misleading: not only do these two concepts themselves overlap, but also the language in which we refer to these positions also frequently overlaps.

Despite this fairly rigorous anti-foundationalist stance, elsewhere in her early work, and particularly in her book, *Persons, Rights and Corporations* (Werhane 1985), she endorses a foundational point of view by arguing that human beings, just because they are human, have basic inalienable rights, which cannot be abrogated despite what is often one's own best intentions. Werhane adopts this acutely Lockean position with regard to a theory of rights not only to defend what she finds the critically important idea that all human beings, just because they are *human*, have "basic rights," but also in order that she may defend the rights of employees against various common-law principles, such as the widespread American practice of employment-at-will. Such common-law principles, still enforced in some states, allow employers to hire, fire, promote or demote people "at will" as they see fit, and Werhane advocates against such inequity as a violation of human rights. However, as Norman Bowie contends in a recent paper (Bowie 2018), this earlier rights position contradicts Werhane's later take on the Wittgensteinian linguistic turn. This contradiction lingers in all her work.

In the subsequent and later article in this collection (see Chapter 10, Werhane et al. 2014), this contradiction is engaged within what is cast as a social constructivist position on human rights. That paper argues that human rights are complex "socio-politico-legal-philosophical" (2014) constructions and, where there is broad consensus, may often be treated as universals. Moreover, if one thinks of human rights as moral minimums – for example, do not violate others' freedoms; do not deliberately harm, torture or murder others; do not treat people unfairly in the labor market or in commerce; play fair in business relationships, etc. – then, there is a stronger case for such formulations to be globally and generally acceptable though not absolute or unchangeable. Such a social constructivist perspective on human rights also allows for flexibility and contextual revisions and additions to those rights. (See Chapter 10, Werhane and Wren, 2014 and Walzer, 1994.)

This introductory section concludes with an early paper on the notion of the self (Werhane 1997). In that paper, Werhane takes issue with a communitarian analysis of the self as a personality created solely by reference to the context of one's community. Any personality is a bundle of socially constructed and always-changing perspectives. The communitarian notion of the self explains how individuals change and develop their identity, or identities, throughout the course of their lifetimes. This can arise commonly as the result of new experiences and the exposure(s) to differing social relationships, education, cultures, religions and ideas. Michael Walzer (1994) calls this socially constructed self the "thick self." However, such a description of the self, Werhane argues, cannot explain the existence of the subject self itself – Walzer's "thin self." For Werhane, this "I," or subject ego, persists throughout these changes. It is that subject self, an idea that is derived from what Kant (1999 (1787)) calls the "transcendental unity of apperception," that Werhane argues accounts for human choices and the ability to step back and study our thick selves and, thus, for the ability to make the choices that may steer oneself in another direction. It is the thin self that Werhane identifies as the locus of our moral responsibility. From a foundational perspective, we might ask: is this thin, subject self the bottom turtle of each individual? Werhane does not tackle that issue; although if language or the linguistic turn is the bottom turtle, then that provides its own answer to such speculation.

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Chapter 1
The Constitutive Nature of Rules

Patricia H. Werhane

In a recent article, "A Private Language Argument," Jack Temkin argues that according to Wittgenstein, "the general practice of the community is constitutive of its linguistic rules."[1] This quotation summarizes what has become a popular interpretation of the later Wittgenstein. According to at least one version of this view, a position I shall call a Community View (or Views),

> Wittgenstein's point [in the private language arguments] . . . is a . . . radical one, that what it is for a person to be following a rule, even individually, cannot ultimately be explained without reference to some community.[2]

So, according to this interpretation of Wittgenstein, a language or a language-game would lose its point outside a community which generally agrees with its practices."[3] While there are different versions of the Community View, all proponents hold that "[t]he general practice of the community is constitutive of its linguistic rules."

Rather than attack each of these views, positions that are not identical despite my lumping them together as "Community Views," in this essay I shall make the counter argument that "linguistic rules are constitutive of the general practices of a com-

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munity." It will be concluded that rules, not social practices of a community, are the "bedrock" of language and human activities, and it is the notion of a rule, not that of a community, that precludes the possibility of a private language.

I

Let us try to imagine an extreme situation where, *per hypothesis,* in developing a language, a person, S, has no access to rules or guidelines for uttering sounds, and where S is unable to develop any such conventions. In this instance S would merely utter sounds at random, some of which would occur in the presence of sensations S was experiencing. This is not the same as making private ostensive definitions. For in that case S would operate under at least one associative directive, namely, "Utter a sound when a sensation occurs," and that sound would denote the object at hand at the time of the utterance. In this instance however, S is to operate under no rules at all. Uttering sounds would be a chance act not necessarily related to the occurrence of a sensation that might be experienced at the time of the utterance. Obviously, then, without applying any patterns to his utterances so that S consistently uses sounds in some way, a language cannot develop in any sense.

This illustration may be developed into an argument showing that under the conditions specified, a private language is an absurdity. But this argument is in one sense trivial, because in order to carry it out one must stipulate conditions which are themselves almost absurd. One must imagine that S would *try* to develop a language when he does not even understand that making sounds is a significant act. There is an obvious distinction, then, between uttering sounds with some regularity and using sounds as words. However, it will turn out that that distinction does not depend on differentiating between developing a language in isolation and learning a language in a community.

The foregoing also illustrates the importance of rules even in simple language-forming situations. In making ostensive definitions, one first learns that making sounds is in itself a meaningful act, and one understands, in some simple sense, the idea behind some referring principle in order even to denote a particular with a sound. Making ordinary ostensive definitions requires that one can consistently reassociate the same sound with the same kind of object. The grounds for making ostensive definitions, then, are not merely sound-object associations. Rather, to make ostensive definitions one must first learn or have at hand certain "principles" of association which prescribe formulas for linking particular sound-object associations into definitions of classes of phenomena. For if one does not grasp some idea of reiterated pointing, for example, one cannot even *seem* consistently to reapply the ostensive associations to similar objects. Moreover, the context of the association, e.g., the language-game including the kind of object or phenomenon to be named, is also important for ostensive definition to make consistent sense.

So to use sounds to express words, e.g., class terms, which are consistently reapplicable to a variety of similar objects, one must first understand "… how to go on"

and "how to go on in the same way." In speaking, one uses certain principles or patterns that can be reapplied in new speaking contexts. Consistently using a word or expression according to certain patterns entails that one understands, or can understand, what would count as an incorrect use of a word and what would count as using the word in the same way on different occasions. What we shall call rules of a language are these patterns for the correct application of words and expressions in that language. They are guidelines for "what counts as going on in the same way." A language rule, then, may be defined as a convention governing the uses of words or expressions in a language so that not every utterance of a sound as a word or expression constitutes a correct (or incorrect) use of that word or expression.

In talking about following a rule Wittgenstein says that "[i]t is not possible that there should have been only one occasion on which someone obeyed a rule."[4] Wittgenstein does not mean that literally there could not be a case where a specific rule was obeyed only once. Rather, a rule specifies the formal conditions under which one may repeatedly use words and sentences consistently and in the same way. For sounds to be used as words these sounds must be used according to certain patterns that can be correctly or incorrectly applied in a multitude of ways on a variety of different occasions. A rule specifies the parameters of reiterative rule-following activities. So a rule could *in fact* be obeyed only once; but a rule specifies conditions for rule-following which allow the rule in question to be followed an infinite numbers of times.[5]

What sorts of "rules" would result if the criteria for the use of a word followed no patterns? Without that characteristic, any use of a word would be said to "follow some rule" and thus no use would either be appropriate or inappropriate. Hence it could not be said that they were rules at all, and the resulting 'language' would be like S's, since it makes no sense to speak of the "randomness" or the "logical indeterminacy" of a rule. Therefore if "speaking a language" is not to be defined as "uttering random noises," the notion of a rule is necessary to the formation or learning of any language.

II

If it is true that some sorts of rules are necessary for the construction, development, and/or learning of a language, the question to be answered is: Is a "private rule" and hence a private rule-guided language possible? Can one construct, develop, or learn a language where the language follows rules understood only by the language user even when that language is heard or read by persons other than its speaker? The

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[4] Ludwig Wittgenstein, *Philosophical Investigations*, trans. G. E. M. Anscombe (New York: Macmillan and Co., 1953) p. 199.

[5] See Carl Ginet, "Wittgenstein's Claim that There Could not be Just One Occasion of Obeying a Rule," in *Acta Philosophica Fennica 28: Essays on Wittgenstein in Honour of G. H. Von Wright,* ed. Jaakko Hintikka (Amsterdam: North-Holland Publishing Company, 1976), pp. 154–165.

issue is twofold. First, (1) can one derive a language from one's own *rules* in the absence of standards other than one's own ideas for using linguistic patterns? A Community View argues that one cannot. Secondly, (2) if, counter to a Community View, a language could be so derived, is such a language a private language?[6]

First we shall discuss the question, "Can the notion of a rule be developed and function without appealing to external standards?" If so, then this is a counter argument to a Community View. Then in the next section we shall apply this discussion to the question, "Is the language so derived a private language?"

Many defenders of a Community View argue that a person in physical isolation, e.g., Robinson Crusoe, might be able to follow rules and develop a language.[7] Let us examine a more difficult case, a situation where one tries to develop a language privately from one's own conventions. Let us discuss the case where Janet Crusoe, Robinson's cousin, tries to develop a language about her sensations, by herself, "from scratch." In this instance whenever Janet feels what she thinks is a certain kind of sensation, she tries to distinguish it from other kinds of sensations. To make these distinctions Janet must understand that, in general, using sounds to refer to sensations is a meaningful activity. In so differentiating the first kind of sensation from other kinds of sensations Janet must think she is employing certain patterns for associating like sensations. Let us suppose that Janet calls the first kind of sensation she experiences "E," and let us call the first pattern of association Janet thinks of as "following rule x."

It would appear that if Janet thinks she is following some rule, x, for reidentifying like objects, she must have some idea of the supposed contravention of x, x´. In this instance Janet must have some idea what it would be to name what seemed to be similar sensations with different names, to call unlike sensations by the same name, to mix up names, or even not to refer to her sensations at all. Even if Janet only *seems* to be following a rule, x, she must have some idea of what it would be to think she was not following this rule in order for the former to make sense to her. Otherwise she would have no basis for trying correctly to rename sensations, for there would be no reason why Janet could not call any sensation "E." Without the idea of "seems different from" she would have no reason systematically to differentiate one sensation from another. Therefore Janet must have or develop some counter principle to "following think-rule x," e.g., "follow think-rule x´," or even another rule-following activity, e.g., "do not follow rule x," or "follow rule y," by which she can judge whether she thinks she is following rule x.

This is true even in simple identification and naming situations. Let us suppose that Janet experiences only one kind of sensation, e, and never experiences another kind of sensation. And let us suppose that she has no idea of the possible existence of sensations other than e, such as e_1 or f, and that Janet experiences sensation e continuously so that she cannot experientially compare "having a sensation" to "not having a sensation." Janet utters the sound "E." Obviously Janet could repeatedly

[6] Merrill Hintikka and Jaakko Hintikka argue that language rules could be private. See their forthcoming *Investigating Wittgenstein* (Oxford: Basil Blackwell, 1986), p. 242.

[7] See for example, Kripke, p. 110.

utter "E" whenever she liked, and one could not say whether or not she was referring to her sensation or that she was wrong in the way in which she named her sensations, because all of Janet's sensations are alike and continuous. But in this instance Janet has, at best, merely a "language" consisting of one sound, "E." She has no idea of how to use "E" to refer to her sensation, nor has she any idea of what it would be to misname it.

If Janet is truly to name her e sensation, she must have some idea of how to refer to a sensation with a sound, and she must have some idea of how to misname the sensation, e.g., to call e "F." If "E" is to be a word in a language in which there are other words, and if "E" is to apply to a certain kind of sensation, e, rather than merely to Janet's sensation, then Janet must be able to determine whether she is naming what *seems* to be a continuous identical sensation correctly. She must be able to understand what it is to misapply other words to her sensation and to use the word "E" to refer to sensations other than her own. In other words, Janet must have, develop, or at least implicitly understand, at least two rules such as Rule X, "apply the same sound to what seem to be similar sensations," and Rule Y, "apply different sounds to similar sensations," two rules with which she can decide whether she seems to be following Rule X or Y correctly or incorrectly in applying the sound "E" and other sounds as words to her sensation. Therefore, even in the most simple language situation Janet must use at least two "think-rules," "seems the same" or "seems correct" and "seems different" in order successfully to reidentify and distinguish objects or sensations and meaningfully apply sounds as words.

A Community View grants that Janet by herself can distinguish between thinking she is following a rule and thinking she is not doing so. According to at least some versions of a Community View, what Janet lacks is the distinction between rules and rule-following so that she can evaluate her think-rule-following activities.[8] I want to argue that if Janet can distinguish between thinking she is following a rule and not doing so, she is distinguishing between what seems to her to be correct from what seems incorrect in the application of sounds as words. In being able to develop and make those distinctions she implicitly assumes a regularity of the think-rule-following practices she engages in. This consistency is not dependent on Janet's particular rule-following activities nor on how she develops her own idiolectic speech habits, but it is the basis for any sort of rule-following activity to occur. So if Janet thinks she is following a rule, she is implicitly applying a rule in these activities. Thus if one grants that Janet can distinguish between seeming to follow a rule and not doing so, a point granted by a Community View, then Janet is at least implicitly appealing to rules that are independent of her particular practices.

Can Janet develop and employ "think-rules" and thereby distinguish what seems correct from what seems incorrect, a distinction that depends on her being able at least implicitly to distinguish the notions of "correct" from "incorrect"? In the foregoing we pointed out that Janet cannot say that one sensation seems like another, and hence that both should be called "E" unless she has some understanding of the distinction between "seems the same" and "seems different." In deciding whether

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[8] See for example, Peacocke, pp. 72–98.

she is following a rule, Janet cannot even think she is, or is not, following a rule if she does not have some grasp of notions by which she can compare "seems the same sensation" to "seems different," and "I think I am following rule x" to "I think I am making a mistake." Janet could not even *think* she was using rule x to identify her sensations nor could she reapply that rule unless she was able to separate a seemingly correct from a seemingly erroneous application of a sound so that she knows what counts as "using a word in the same way," or "applying rule x correctly" and can use rule x consistently and repeatedly in the implicit context of rule x'. Otherwise any application of rule x would count as "correct," and Janet would not be following rules or developing a language at all.

Following Wittgenstein's claim that

> … to *think* one is obeying a rule is not to obey a rule. Hence it is not possible to obey a rule 'privately': otherwise thinking one was obeying a rule would be the same thing as obeying it.[9]

A number of philosophers argue that whatever it is that Janet is doing, she cannot develop a language merely from her own "think-rules" in isolation from, or out of context with, some sorts of independent standards with which she can distinguish what she *thinks* is a correct application for the sound "E" for example, from what she *thinks* is an incorrect application. This is because without such independent standards Janet has only memories of her past uses of "E," and thus she has no way to evaluate which uses are correct or incorrect ones. According to this point of view, Janet has " . . . no criterion of correctness. One would like to say whatever is going to seem right to me is right."[10] This is "as if someone were to buy several copies of the morning paper to assure himself that what it said was true."[11] The general idea is that one cannot evaluate rule-following without having at hand rules that are independent of rule-following since in these cases one has no criteria for comparison that are different from x. Any "rule" would be all right and indeed could be called "x."[12]

There are good reasons, however, to think that this argument is inappropriate to this case. Janet *does* have independent criteria that she uses in constructing and evaluating the application of her think-rules, the criteria she uses for distinguishing following a think-rule and seeming to misapply it. For example, in trying to name pain sensations Janet may have some criteria for feeling intensity, other criteria for pain duration, and still other criteria for exactness of the comparison between two sensations. In all cases, however, being able to apply sounds consistently serves Janet in a general way as a rule to establish a variety of criteria to evaluate her own rule applica-

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[9] Wittgenstein, *PI*, 202.

[10] Wittgenstein, *PI*, 258.

[11] Wittgenstein, *PI*, 265.

[12] A number of people have made this point including Benjamin F. Armstrong, Jr., "Wittgenstein on Private Languages: It Takes Two to Talk," *Philosophical Investigations*, 7 (1984), pp. 46–62, Anthony Kenny, *Wittgenstein* (Cambridge: Harvard University Press, 1973), Chapter Ten, Robert Kimball, "Private Criteria and the Private Language Argument," *Southern Journal of Philosophy,* 18 (1980), 411–16, and others.

tions. Janet has some notion of consistency so that she can judge whether she is "going on in the same way," and she can "verify" that by comparing her applications of a think-rule to her "independent" set of rules. Of course Janet can "cheat" and change her rules or allow exceptions, but this happens under more public circumstances as well. In the foregoing situation, if someone were to translate Janet's language and suggest corrections to her identifications and uses of words and rules, she could distinguish (1) what seems to her to be right (think-rule applications), (2) her "objective" rules she has set aside to evaluate her applications, and (3) what, by some other public standard, was considered a correct use of rules and words.[13]

How, then, is one to understand 202 ("… to *think* one is obeying a rule is not to obey a rule …")? In this context Wittgenstein is not contrasting individual think-rules with social practices. Rather, what Wittgenstein is saying is that "if rule-following were private in the sense of being a condition or process of consciousness, then self-ascriptions of rule-following would be infallible."[14] That is, if rule-following is merely idiosyncratic dispositions or nonreflective "processes," or habits, one would be merely trying to follow think-rules. Language development, including the uses of signs as words, entails being able not merely to engage in rule-following activities, but also to evaluate one's linguistic habits and dispositions in terms of criteria for the proper and improper uses of words. This process does not preclude a context in which one learns language through social training where the rules for correct and incorrect applications of signs as words have been established. But the point is that the notion of a rule is not necessarily identified with a *social* practice. What Wittgenstein is implying is that Janet, for example, needs independent criteria to separate what she thinks is right in a particular case. But the distinction between what Janet thinks is right and what is right does not preclude her making these distinctions herself so long as she can separate criteria for evaluation from particular applications of rules.

A communitarian will respond that while it is true that we make the distinction between the notion of a rule and following a rule, (we have just been doing so,) conditions for making this distinction are missing for persons in isolation from social practices. But, is a community in a better position than Janet to arrive at the notion of a rule? If a rule reflects or is developed out of a consensus from community habits and dispositions there is no reason that Janet cannot develop this notion by herself from her habits and dispositions. Moreover, in 201 Wittgenstein says,

> … there is a way of grasping a rule which is *not* an *interpretation,* but which is exhibited in what we call "obeying the rule" and "going against it" in actual cases.

Therefore, rules are normative conditions for rule-following and not merely interpretations. Consensus, then, is neither a necessary nor a sufficient condition for the

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[13] See Simon Blackburn, "The Individual Strikes Back," *Synthese*, 58 (1984), 281–302, Stewart Candlish, "The Real Private Language Argument," *Philosophy*, 55 (1980), 85–94, and Chris Swoyer, "Private Languages and Skepticism," *Southwest Journal of Philosophy,* viii (1977), pp. 41–50 for other versions of the same kind of argument.

[14] Colin McGinn, *Wittgenstein on Meaning* (Oxford: Basil Blackwell, 1984), p. 80.

development of a rule. So Janet is in no better nor worse position than a community to develop a language.

III

To review, the argument to this point has been the following:

(1) In principle, one can develop a language from one's own rules without appealing to standards other than one's own, so long as one can distinguish the notions of "seems correct" from "seems incorrect" and consistently apply these ideas by setting up one's own independent standards of correctness.
(2) Accordingly, these distinctions are necessary conditions for one's developing language and therefore are not dependent on the particular rules one uses in a specific language.
Therefore, (3) The possible privacy of a language, then, depends on whether the notion of consistency or the concepts of "same" and "difference" could be private, and it is clear that they cannot. If Janet employs rules in her so-called private rule language, these think-rules are at least implicitly tied up with the notions of "same" and "difference" even when Janet uses what she thinks are merely her own rules. Because these ideas are interrelated with the notion of a rule, they are part of any rule Janet uses or any kind of syntax she develops. They are necessary for using a word or speaking a language. Hence, a language cannot be developed without appealing to, or implicitly employing, concepts which are general ideas present in any language and which are not developed merely within the language in question. Even if Janet develops a completely new syntax so that her language does not employ grammatical patterns familiar to speakers of, say, a Germanic language, her language will be internally coherent, and the grammatical patterns or rules her syntax generates would be used repeatedly and consistently, whatever "applying a rule correctly" would mean in this syntax. It is this kind of repeatability and consistency that is necessary for any language. These ideas are independent of any think-rules Janet might have developed in the sense that they are not derived from her own rules or rule-following nor depend upon the particular way Janet follows a rule in a specific instance.

A language cannot be called a necessarily private language merely if it was spoken by, or in the mind of, only one person, because this circumstance does not necessarily imply that the language in question is logically incomprehensible to others. A rule cannot be logically private in the sense that it is incomprehensible *per se* to persons other than the speaker of the language. A so-called private-rule language is not a private language, because the construction or development of one's own personal rules or even of a complete personal and unique syntax depends on one's applying sounds consistently and distinguishing what seems correct from what seems different. This is the basis for one's acting in any organized way whatsoever. If the idea of a rule is an integral part of a language, then a language

which is incomprehensible to persons other than its speaker because of the way in which it is structured is impossible in principle. Whenever Janet speaks, in using a language rule she speaks (or writes) with a repeatable consistency that allows the language she has developed to be understood by others.

Let us specify the conclusion that the notion of a rule, and that notion alone, precludes the possibility of a private language by relating it to another example. Let us suppose that our friend Janet Crusoe developed a language as we have described it, that is, a language based on a grammar developed by herself alone and whose subject matter was merely her sensations. Moreover, Janet is a strange person who experiences unique, unusual, and weird sensations. Then let us suppose that Q came to Janet's island. Janet might keep her language a secret by never uttering its words aloud or otherwise revealing it. But let us specify that Janet spoke her language to Q. The point of this argument is that *if* Janet speaks her language, then by observing Janet's patterns of word use, Q could, at least in principle, interpret this language even though Q could not observe the subject matter of Janet's language nor even experience similar sensations. This is because unless Janet incorporated certain patterns or rules into her way of speaking she could not develop a language, and these patterns of speaking, because they are *patterns,* give Q a foothold into understanding this language if Q hears or reads it. In order to use language rules Janet *must* act with a consistency and a regularity which is comprehensible to others. Thus, Janet's language is at least theoretically understandable to others even when she has created the rules employed in that language by herself, even when the subject matter is perceivable only to Janet, and even when the language exists only in her own mind.

IV

There is an important objection to the preceding argument, an objection to which George Pitcher alludes in his article, "About the Same." Pitcher grants that one needs what he calls "sameness-establishing conventions"[15] to speak a language. He points out, however, that there are a wide variety of such conventions. "Sameness" (and thus "difference") is not one concept but a multiple of concepts which vary depending on the context in which they are employed. For example, the "same color red" might mean an exact shade of red, a variety of shades of red, or a family of similar shades. "The same pain" might refer to a continuing pain, my repeating identical or similar pain, or a pain of yours which seems similar to mine. The pitch "C" on the musical scale might refer to middle C or any other Cs on the piano. Are they the same note? Sameness, then, is not a natural relation, according to Pitcher. Nor is it an "It" at all, but rather, a multiple of social conventions, practices, and habits which are necessary, albeit in different ways in different contexts, for naming

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[15] George Pitcher, "About the Same," in Alice Ambrose and Morris Lazerowitz, eds., *Ludwig Wittgenstein: Philosophy and Language* (London: Routledge and Kegan Paul, 1972), p. 135.

and other language functions. Pitcher acknowledges that these conventions are essential for reidentification and language, but they are nevertheless merely a plurality of *conventions.* Sameness-establishing conventions, then, are conventions functioning in language-games. So different language-games embody different sameness-establishing conventions, and the plurality of sameness-establishing conventions reflects the plurality of languages and language-games.

Pitcher's view opens the wedge for the argument that language and language rules grow out of community agreement or consensus. In the context of the arguments of this essay, Pitcher's position is contrary to my view about the ways in which the notions of "rule" and "sameness" function in language and language development. If "sameness" is merely series of "sameness-establishing conventions," then a number of conclusions may be derived, some of which are inconsistent with others. (a) Language could develop only in a community context where sameness-establishing conventions are agreed upon as the basis for language practices and customs. From this it follows that (1) Janet cannot develop a language in isolation, or it follows that (2) if Janet *could* develop her language in isolation from a community, this isolation would be only physical isolation, and her language would fit into a community should we ever have a chance to chat with her. In the last sections we questioned that conclusion. (b) Because sameness-establishing conventions are different in different contexts, different language-games and thus different languages could use conventions that were incommensurable with each other so that some languages are incomprehensible, thus not translatable, and therefore "private." From (b), (c) it could be the case that I would not be able to know whether my language rules were similar to another community's, since each language could employ different sameness-establishing conventions. (d) Worse, if Robinson could develop a language in physical isolation, he could develop a language whose rules depended on sameness-establishing conventions which agreed with those of a nonexistent or alien community. Should this occur we could not understand Robinson should we meet him.

Conclusion (b) (from which (c) and (d) follow) hits at the heart of the arguments of this essay, because if it is correct, then the private language problem reappears, albeit on the level of same-establishing conventions. But there is something strange about (b) and indeed with Pitcher's discussion of sameness-establishing conventions. It is true that we apply terms differently in different contexts. "Going on in the same way" makes different demands depending on the particular situation in which it is used, so that there is no one-and-only-one rule for it. On the other hand, there are some "sameness" criteria or "principles" that are identical in different contexts. These include (at a minimum) consistency of application of whatever convention one is applying, e.g., the same shade of red, the same family of shades, the same number, the same pitch of "C," etc. to the context in question. Moreover, sameness-establishing conventions are applications of the "principle" of sameness just as following a series, e.g., 1002, 1004, 1006, 1008 … is an application of a rule. "How do I know I am going on the same way?" or "How do I know I am applying a rule correctly?" are questions having to do with the *way* I "go on" (1007 will not do, pink

is/is not in the family of reds), that is, the way I employ a particular sameness-establishing convention in practice. At the same time I am able to evaluate whether I am following a rule, whether I am applying a sameness-establishing convention correctly or whether a new convention, e.g., pinks joining the family of reds, is a consistent convention, that is, whether it makes sense to try to enter pink in the red class, and whether I can reuse this convention consistently so that it makes sense to me and other conventionaires (language users or color freaks), and so that I can distinguish and reasonably defend this use of a color convention from others which exclude pink from the red category. I can engage in this evaluative process because I can "stand back" from any use of a sameness-establishing convention, judge its consistency, and compare it to other conventions. If I merely had at hand particular sameness-establishing conventions and lack a more general notion, I could not judge, accept, or change the conventions themselves.

Is there, then, a meta-concept, "sameness," a universal of which sameness-establishing conventions participate? If I ask my students to bring in "sameness" to class tomorrow, they will be at a loss, or they would bring in some application, that is, some sameness-establishing convention. But suppose I reject each of the students' examples. "What I want," I say, "Is the concept or principle by which you are able to sort out, distinguish, and evaluate the sameness-establishing conventions you have brought in." Of course, as Kant has taught us some time ago, the project is doomed to failure. Yet its failure is not because there are merely disparate sameness-establishing conventions and no sameness *per se.* Sameness (and consistency, similarity, and difference) are not concepts one can bring into class. Rather, these concepts provide the conditions through which sameness-establishing conventions are developed, are understood, and are evaluated. These notions are not "somethings" but they are not nothings either. They are, if you like, the "bedrock," the ways in which we go about anything including speaking a language; they are the preconditions for our way of living. We cannot get at them because they are the basis for "getting at … ," and they make "getting at" possible.

The notions of "rule" and "language rule" function similarly. Because "the use of the word 'rule' and the use of the word 'same' are interwoven,"[16] without being able to develop and apply patterned sound uses, there would be no language. Because consistent practices of organizing, using, and reapplying words and sentences are necessary to language, rules and rule-following are included in the notion of language. Yet it is only in developing and speaking languages, in formulating, using, and evaluating language rules that "rule" has any meaning.

To respond to the problem raised by (b), different sameness-establishing conventions are based on a notion of sameness or consistency so that rules of each individual language can be formulated, broken, and evaluated. Comparing sameness-establishing conventions of radically different communities I can understand Robinson's language even when his sameness-establishing conventions are seemingly incommensurable to mine, because these conventions depend on notions which are the basis for there being conventions of any sort.

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[16] Wittgenstein, *PI*, 225.

Applying these arguments to a Community View, the notion of "agreement" or practice is connected with the notion of a rule.

> The word "agreement" and the word "rule" are *related* to each other, they are cousins. If I teach anyone the use of the one word, he learns the use of the other with it.[17]

Community agreements and social practices, all of which employ sameness-establishing conventions, presuppose the notion of a rule as the condition for making any agreements or having practices. Similarly, language-games, each of which may use different sameness-establishing conventions, also depend on the notion of a rule. The idea of a "game" depends on the notion of consistency. While different language-games can have radically different perspectives or rule-following activities, no language-game is incommensurable with others, that is, in principle, incomprehensible, because no language-game can be a *game* without the notion of a rule, a notion that precludes the logical privacy of the game in question. "Rule" and "same" are constitutive of language-games, community agreements, and social practices.

V

Another important criticism of this interpretation of the importance of the notion of a rule in the *Philosophical Investigations* is that this view appears to support a "rules as rails" thesis.[18] This thesis argues that language rules are determinate of their applications. According to this view, rules and rule-following are independent of human reactions, customs, and responses so that there are certain determinate applications of rules that dictate "how to go on" and "how to go on in the same way." At its extreme this thesis is a form of Platonism that there are universals or universal principles independently governing correct (and incorrect) applications of rules or uses of terms. This view is contrary to Wittgenstein's description of the somewhat indeterminate character of rule-following in the *Philosophical Investigations.* Wittgenstein says, for example, "… the application of a word is not everywhere bounded by rules." Or in the *Remarks,*

> How can the word "Slab" indicate what I have to do, when after all I can bring any action in accord with any interpretation? … How can I follow a rule, when after all whatever I do can be interpreted as following it?[19]

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[17] Wittgenstein, *PI*, 224.

[18] For a discussion of this view see John McDowell, "Non-Cognitivism and Rule-Following," in Holtzman and Leich, pp. 145ff, and Gordon Baker, "Following Wittgenstein: Some Signposts for *Philosophical Investigations* 143–242," in Holtzman and Leich, pp. 52–55.

[19] Ludwig Wittgenstein, *Remarks on the Foundations of Mathematics*, (revised edition) trans. G. E. M. Anscombe (Cambridge: The MIT Press, 1983), VI-38.

In 185 of the *Investigations* Wittgenstein describes a recalcitrant rule-follower who follows the series 0, 2, 4, . . . to 1000 and then begins 1000, 1004, 1008, etc. About this situation Wittgenstein says,

> We say to him: "Look what you've done!"—He doesn't understand. We say: "You were meant to add *two:* look how you began the series!"—He answers: "Yes, isn't it right? I thought that was how I was *meant* to do it."[20]

So it appears to be Wittgenstein's view that every expression and every rule has a variety of uses and is open to a multitude of disparate interpretations in the same or different language-game.

If the "rules as rails" thesis is too strong, is Wittgenstein committed to an indeterminacy thesis about rules and rule-following? According to advocates of this interpretation, especially some advocates of a Community View,

> … no explanation of the use of an expression is proof against misunderstanding … we move towards the idea that understanding an expression is a kind of 'cottoning on'; that is, a leap, an inspired guess at the pattern of application … .[21]

This view allegedly is supported by Wittgenstein's statement, "When I obey a rule, I do not choose. I obey the rule *blindly.*"[22] So rule-following is either "blind" habits or dispositions, or rules function like a calculus: fully complete, objective and determinate of their applications.

The problem with both views is that they do not capture what is important in the notion of a rule. While Wittgenstein repeatedly questions the "rules as rails" thesis, at the same time he cannot be said to be committed to the indeterminacy view of rule-following either.

Hintikka and Hintikka interpret "When I obey a rule, I do not choose. I obey the rule *blindly"* not as a support of the indeterminacy thesis but rather as a conceptual point that

> what goes on in one's mind [e.g., "the presence of a formula"—a rule] is not a criterion whether a rule is being followed … On the contrary, rule-following has to be understood by reference to language-games.[23]

Rule-following is subordinate to the language-game in which the rule-following activity occurs. In some of these games rules do function like "rails," e.g., in the game of calculus, and in other games rule-following is less determinate. So the language-game sets the stage for the kind of rule-following that is to occur in a particular context. In each game "I follow the rule blindly," that is, the determinateness of the rule-following activity is a result of the kind of language-game in question rather than a result of the rule employed, and this is "accepted" in each context.

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[20] Wittgenstein, *PI*, 185.

[21] Crispin Wright, "Rule-Following, Objectivity and the Theory of Meaning," in Holtzman and Leich, p. 100.

[22] Wittgenstein, *PI*, 219.

[23] Hintikka and Hintikka, p. 198.

Hintikka and Hintikka have captured an important point, namely, that rules function differently in diverse contexts, and these contexts are controlled by a language-game. From this Hintikka and Hintikka argue that language-games are primary, and rules are to be understood in reference to language-games. I have argued that rules, but not rule-following, are primary, so language-games must be ultimately understood in reference to the notion of a rule. Hintikka and Hintikka, then, have cleared up an important point concerning the "rules as rails" thesis, but it does not follow from this that language-games rather than rules are most primary, since the notion of a rule underlies both determinate and indeterminate rule-following activities as well as the language-games in which these activities are embedded.

Wittgenstein claims,

> A rule stands there like a sign-post . . . the sign-post does after all leave no room for doubt.
> Or rather: it sometimes leaves room for doubt and sometimes not.[24]

A consistent reading of Wittgenstein, then, is to argue that Wittgenstein takes a middle position between the "rules as rails" and the "cottoning on" theses. There are a number of reasons to adopt this moderate position. First, Wittgenstein wants to explain the diversity of rule applications, the myriad of ways a single rule may be interpreted even in grammar. Rules can have diverse applications because the way one follows a rule is specified by the language-game in which the rule is being applied. At the same time Wittgenstein notices that rules delimit certain kinds of ways of "going on" although they do not point The Way. This is both because the language-game in which a rule is applied limits the variety and acceptability of rule-following activities in that context or practice, and because rules are formal. Rules themselves set out the criteria for correctness, but they do not specify the content, that is, *what* must go which way, so in different contexts the same rule can be applied differently.

Gordon Baker describes Wittgenstein's view of rules as a "rules as instruments" view.[25] Baker depicts rules not as abstract criteria but rather as "symbols or instruments with particular uses or ranges of use."[26] Rule-following is not a passive activity but involves measuring the accuracy and consistency of the application against the rule or instrument in the context of a language-game. Although this may not be a perfect analogy, it is instructive, because the formal character of rules allows a variety of applications, but not every application is a correct one, and one can misinterpret a rule or be misinterpreted just as one can correct oneself or be corrected. The fact that there are misinterpretations of rules, according to Wittgenstein, would indicate that there are correct interpretations as well. The formal character of rules and the way they function in language-games as guides for diverse rule-following activities allow rules to be sign-posts but not railroad tracks. Rules, then, operate as norms or standards for correct and incorrect applications just as, conversely, patterns of application sometimes redefine or create a rule. That rules

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[24] Wittgenstein, *PI*, 85.

[25] Baker, "… Signposts," p. 54.

[26] Baker, "… Signposts," p. 59.

and rule-following can relate in this normative and open-ended way without being indeterminate is because the notions of sameness, difference, and consistency "regulate" the forms of rule-following in language-games not by prescribing which track a rule will be directed, but by proscribing derailment.

VI

Finally, an objection may be made to the project of this paper. The objection is this. The arguments as we have presented them are circular. If the notion of a language includes the idea of a language rule, and if the idea of a rule and the concept of "same" are interrelated, then because concepts are, by definition, general in nature, it follows by definition that no language could be a private language.

This is surely a valid criticism. Languages are, by definition, not the kinds of "entities" that are private in the ways in which pains or dreams, for instance, might be private. But this conclusion does not detract from the merit of delineating this argument in particular. In light of the arguments of the Community Views and their interpretation of the private language arguments, it is essential not merely to question these positions but also to present a plausible and valid alternate.

What the arguments of this essay have shown is that a language, any language, by definition employs rules which guide but do not prescribe the ways in which words are to be properly and improperly used and sentences are to be constructed. By the very nature of a rule, a rule is a formal procedure for consistent application; grammar is a specific formal procedure for consistency of word function, use, and reference. The consistency and repeatability of language precludes its privacy. The notion of a rule is basic to language, language development, and language-games. The ways in which rules are interpreted depend on the context—the language-game or practice in which the rule is applied. Social practices and community agreements, too, play a rule in the direction of these interpretative activities. But the notion of a rule is the bedrock for language-games, community consensus, and social practices, all of which are rule-governed activities. So rules are constitutive of the general practices of a community.

Chapter 2
The Normative/Descriptive Distinction in Methodologies of Business Ethics

Patricia H. Werhane

For some years there has been a friendly debate between philosophers and social scientists about the proper methodology of applied ethics. The social scientist's defense of empirical methodologies is well-known, and in criticizing philosophers they often contend that philosophers (and perhaps theologians too) are overpreoccupied with idealized normative considerations. Some of these criticisms include the following.

1. First, it has been suggested, philosophers have a pre-Darwinian approach to normative issues—that is—their methodology is ahistorical, presenting idealized models and arguments into which the data of our experience is to be molded.
2. Seldom do these philosophical academicians have any facts or data, indeed that they never study ethical *behavior* at all nor describe it.
3. A philosophical/normative approach is often focussed primarily on individuals, individual values, and individual decision-making. Philosophers do not adequately take into consideration socio-cultural milieu that influences ones choices and in which moral decision-making and ethical or unethical behavior takes place. That is, we philosophers ignore the context for ethical considerations.

This caricature of this critique of philosophers is an exaggeration, but these critiques are important as a means to address some of the concerns raised in this issue of *Business Ethics Quarterly*. Addressing first the alleged pre-Darwinian or ahistorical nature of some normative accounts, philosophers often begin with data, for example, a case analysis, a particular true-to-life situation in a social-cultural-political-institutional context. In such an analysis a philosopher might use stakeholder analysis

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