

**ETHICAL RELATIVISM AND STATE SANCTIONED DEATH PENALTIES: A CRITICAL ASSESSMENT**

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**Abstract** – The overall objective of this study was to generally examine the practice of capital punishment, also known as the death penalty from an ethical perspective. We examined a number of moral arguments advanced for and against the practice especially using ethical relativism as a theory but also other theories and principles. Capital punishment, also known as death penalty, is a government sanctioned practice whereby a person is put to death by the state as a punishment for a crime. Since at present many countries, including the USA, which is considered to be the lighthouse of the Western economic and human development, still practice it. While we realize that a lot of other academic research has already been carried out about this topic, we however found it necessary to conduct a moral analysis of this fundamental socio-legal phenomenon.

**Keywords:** Capital punishment; death penalty, Ethical Relativism

**General Introduction**

Capital punishment, also called death penalty is the execution of an offender sentenced to death after conviction by a court of law of a criminal offence. Capital punishment should be distinguished from extrajudicial executions carried out without due process of law.<sup>1</sup> In this study we will use the terms capital punishment and death penalty interchangeably.

It is possible to be a relativist either about all truths whatsoever or only about truths in certain domains—for example truths about law (or aspects of it), religion or ethics.<sup>2</sup>

The question as to whether or not it is morally acceptable for the state to execute people, and if so under what circumstances, has been debated for centuries. The ethical problems surrounding this question include both the general moral issues of punishment and the specific one of whether it ever is morally right to deprive a human being of life.

Ethics usually examines the morality of human actions using ethical principles and theories. While there are several principles and theories that can be used to evaluate capital punishment, we have opted to employ the theory known as ethical relativism. Ethical relativism is the approach which emphasizes the exercise of cultivated moral judgement rather than the rote application of extant moral rules<sup>3</sup>

<sup>1</sup>Roger Hood, Professor, Centre for Criminological Research, University of Oxford. “*The Death Penalty: A Worldwide Perspective*”. <https://www.britannica.com/topic/capital-punishment>. Last accessed on 12/8/2020 at 11:41 am.

<sup>2</sup>James R. Beebe, Dept. of Philosophy, University at Buffalo. <http://www.acsu.buffalo.edu/~jbeebe2/relativ.htm>. Last accessed on 7/8/2020 at 7:59 am.

According to [Hugh LaFollette](#) in his article entitled "The Truth in Ethical Relativism" published in the *Journal of Social Philosophy*, 1991, 146-54 [[pdf version](#)],

Ethical relativism is the thesis that ethical principles or judgments are relative to the individual or culture.<sup>ii</sup>

Although the term 'ethical relativism' may be totally unfamiliar to some people, others may have probably heard of relativist slogans such as:

- What's right for you may not be what's right for me.
- What's right for my culture won't necessarily be what's right for your culture.
- There are no absolute moral truths.
- No moral principles are true for all people at all times and in all places.
- No ethical principle is any better than any other.
- All ethical opinions and worldviews are equally right.

Although some people may claim to be relativists about all truths across the board, it is not uncommon today for people to be relativists about ethics and to be absolutists about truths in other areas, like science and mathematics.<sup>3</sup>

There are two basic kinds of ethical relativism: namely, subjective and conventional (or cultural). These two kinds of relativism are defined as follows:

Subjective ethical relativism is the view that:

- (i) There are no absolute or universally true moral principles; and
- (ii) The truth of moral principles is relative to individuals.

Conventional ethical relativism holds that:

- (i) There are no absolute or universally true moral principles; and
- (ii) The truth of moral principles is relative to cultures.

It should be noted that both the views deny the existence of absolute or objective ethical truths (a similarity). The view that there are absolute or universally correct moral principles is called 'moral absolutism.' The only difference between two fore mentioned relativist views is that they disagree about which specific ethical truths or principles are supposed to be relative. Each category of ethical relativism, then, comprises both a negative and a positive element— hence while the negative claim that there are no absolute or objective ethical truths, the positive account views ethical truths are relative. For subjective Ethical relativism, the rightness or wrongness of an action is completely up to a moral agent to decide. One is sovereign over the principles that can tell you what to do and what not to do.<sup>4</sup>

According to Conventional ethical relativism on the other hand, what is right for a given moral agent or a law enforcement agent for that matter depends upon what the culture of either of the two parties dictates. If for example, the culture of the law enforcement agent allows the application of the death penalty, then, the death penalty ought to be applied regardless of what others think. The culture is the deciding authority on the ethical life of each member of its society. Consequently, the individual law enforcer's or executioner's decision has lamentably to be in tandem with the ethical imperatives of that enforcer's own culture.

### Conventional Ethical Relativism on the Death Penalty

In the following section we attempt to persuasively consider some arguments for and against ethical relativism with particular reference to the practice of capital punishment in states today.

<sup>3</sup>James R. Beebe, Dept. of Philosophy, University at Buffalo. <http://www.acsu.buffalo.edu/~jbeebe2/relativ.htm>. Last accessed on 7/8/2020 at 7:59 am.

<sup>4</sup>James R. Beebe

## Cultural Diversity

The argument from cultural diversity seeks to support conventional relativism by appealing to empirical facts about the wide variety of cultural practices around the world. The argument goes like this: Centuries ago, when cultures were relatively isolated and little information was known about distant lands, it might have been reasonable to think that the traditions and practices of one's own culture represented the only right path to doing things. But now we know that each of our conventions and norms reflects only one out of an endless number of possibilities and that other cultures have opted for opposed ways of doing things the contemporary world of communication and information it is no longer reasonable to view the practices of one's own culture the only ethical or moral judge over other cultural practices.<sup>5</sup>

According to the present argument, to think that a people's or even an individual's established culture's way of doing things is decidedly the most ethical reflects an unfortunate ignorance of the wide range of the cultural diversity that has always existed in our world. The study of foreign lands and peoples should and ought to open people's eyes and set them free from any cultural and ethical mind-sets that are inherent in their own culture. Faced with the tremendous cultural diversity the world offers, it is simply not reasonable to think that one set of cultural practices can be the only universally accepted ethical standard. Hence, we must conclude that all cultural practices have some ethical importance especially when one looks at the cultural fundamentals such as the sense of right and wrong, true and false, divine and mundane.<sup>6</sup>

## Avoiding Ethnocentrism

Ethnocentrism is basically judging another culture through the eyes of your own culture and not trying to see things from their perspective. This almost inevitably leads to thinking that one's culture is superior to others. The first argument in favor of conventional relativism uses facts of cultural diversity to argue against moral absolutism. The second argument claims that there is something intrinsically wrong with the view of moral absolutism itself. Moral absolutism implies that some cultures are better, ethically speaking, than others. Conventional relativists, however, argue that such a claim is ethnocentric. Most people today agree that ethnocentrism belongs to the same category with racism, sexism and other unacceptable forms of discrimination.

T. Burnett. confirms this when she writes:

To be racist is to think that, simply because someone belongs to a different ethnic group, that person is inferior. To be sexist is to think that, simply because someone is a member of the opposite sex, that person is inferior. All forms of bigotry and prejudice involve judging other people solely on the basis of their group membership. Ethnocentrism is not any different. Instead of looking down on other races or sexes, the ethnocentric person looks down on and devalues other cultures.<sup>iii</sup>

Hence it is becoming abundantly clear that the anti-capital punishment crusade is based on a culture that is alien to the beliefs, ideals and practices of Societies; it is ethnocentric. Conventional relativists claim that their position—unlike moral absolutism—is not ethnocentric. Because conventional relativists maintain that all cultures are equally valid and that no culture is any better than any other, they claim their position avoids any kind of ethnocentrism. Because ethnocentrism is a pernicious form of discrimination, the apparent fact that conventional relativism avoids it and moral absolutism seems to uphold it, is enough good reason for choosing conventional relativism over moral absolutism.<sup>7</sup>

## Culturally Conditioned Values

Another argument for relativism begins by concentrating on the source of our values and beliefs about morality. Evidently, people have acquired most of their views about what is right and wrong, through a process of socialization for example. From their infancy the parents and the State have sought to inculcate into the offenders

<sup>5</sup>James R. Beebe, Dept. of Philosophy, University at Buffalo. <http://www.acsu.buffalo.edu/~jbeebe2/relativ.htm>. Last accessed on 7/8/2020 at 7:59 am.

<sup>6</sup>James R. Beebe, Dept. of Philosophy, University at Buffalo. <http://www.acsu.buffalo.edu/~jbeebe2/relativ.htm>. Last accessed on 7/8/2020 at 7:59 am.

<sup>7</sup>James R. Beebe, Dept. of Philosophy, University at Buffalo. <http://www.acsu.buffalo.edu/~jbeebe2/relativ.htm>. Last accessed on 7/8/2020 at 7:59 am.

the values of their society. Friends, books, television, movies, and sometimes priests or preachers have also contributed to helping people internalize these values. Absolutely however offenders in Kenya today grow up thinking that being caned is an outdated habit. Not so long ago, offenders in Kenya grew up with different views because their peers impressed upon them a different set of values. Most Law enforcement agencies in some countries had previously been accustomed to the practice of administering capital punishment to offenders. Because they were surrounded by a culture that did not place a high premium on the rights of persons, most of them simply internalized the values of their society and accepted them as true. People are conditioned by their respective cultures to assimilate the ethical values and beliefs that they have.

If Westerners or foreigners were to try to make judgments about the rightness or wrongness of the practices of Societies culture(s), their thoughts would inevitably reflect the beliefs and values of their own culture. If culture X's practices are different from culture Y's, how is a person from culture X going to assess the practices of culture Y? If that person were to rely upon the standards of culture X, the practices of culture Y would obviously be viewed as wrong because they deviate from what culture X thinks are the

Right standards. Of course, if one were to ask someone from culture Y about culture X, one would get the same result .that out rightly that demeans culture X.

Alasdair Dowd concurs with the above abbreviation when he says:

If we were somehow able to throw off all of the cultural baggage we have inherited from our social environments and to break free from all of the cultural conditioning that has shaped our minds, our emotions and our personalities, we might then be able to formulate a completely neutral and objective assessment of some other culture.<sup>iv</sup>

Therefore, any time one tries to pass a judgment on other cultures, he or she would be doing just like the hypothetical people from culture X and culture Y above: that is one's judgments will simply reflect the values of his/ her own society's culture; since this is the fundamental human condition, there is no reason that the judgments any person makes about some other culture regarding punishment, will have any objective validity or truth. Thus the judgments will always be subjective and culturally conditioned. It is as though one is wearing tinted glasses, the particular tint of one's glasses being a function of his/her upbringing and cultural background consequently. People from different societies wear cultural glasses that are tinted different colors from each other. This cultural fact explains why different people, from different cultural backgrounds view reality differently. Therefore, no one can take off their glasses and see reality as it really is in itself. No one can view truth or reality, except through the distorting lenses of their own cultural biases.

Moral relativists claim that those who believe in moral absoluteness are simply blind to the cultural influences that have shaped their ethical opinions. Absolutists think they can view reality as it is in itself, when in fact they can only see a prejudiced and subjective view of reality. However, even Immanuel Kant argues that no one is capable of knowing the thing in itself but can know a thing as it appears to him. Since we are incapable of freeing ourselves from the cultural influences that have shaped our ethical views, what kinds of judgments should we make about other cultures? According to conventional relativism, we should stop judging other cultures altogether. We should stop pretending that our ethical judgments and opinions about capital punishment of offenders reflect anything more than the contingent, historical forces that have shaped our lives.

### **Lack of Knowledge**

The argument from lack of knowledge makes explicit a theme that is probably implicit in some of the earlier arguments for relativism. According to this argument, if there is some absolute or objective fact about which caning as a cultural practice is the right one, we simply have no way of discovering what this fact is. Even if we wanted to believe in moral absolutism, we would be faced with the daunting—and perhaps unanswerable—question, “How can we tell for certain that these particulars cultural practices but not those others are morally correct?” Where would we seek an answer to this question? Some people suggest that certain sacred texts contain the answers we seek. But the question that arises for these people is, “How can we tell for certain that this sacred text but not that one contains the absolute truth?” How do we know that any sacred text reveal to us the truth? Once again the conventional relativist will point out that people who have been brought up to believe in one sacred text will tend to think that theirs contains the truth, but people raised to believe in another sacred text will think that theirs is the only true sacred text.

For those who do not want to bring philosophy, law and character into the debate, the question is equally challenging. There are just as many shades of opinions about what is right or wrong. Since nobody seems to have any privileged access to the absolute truth about morality, convention discourages the treatment of ethical statements and opinions as indubitable because every culture has its own view of morality and therefore, there cannot be a view that is ethically superior to others, each view should be given the benefit of doubt.

### Universal Conscience

Some people respond to the relativist's arguments—especially the culturally conditioned values argument—by claiming that almost all people have an innate ethical ability to judge whether administering capital punishment is right or wrong. The source of this said ability, they say, is one's conscience. One's conscience dictates what the right thing to do is, and creates guilty feelings any time something deemed wrong is done. Because moral absolutists believe everyone has a conscience, they use the possibility of one using the above cultural conditioning he/she has received from our social environments. Contrary to what moral relativists maintain, we can take off our tinted spectacles. Our conscience shows us the truth about morality—not what our culture says is the truth, but the truth itself.

James R. Beebe views this position in the following way:

Our conscience is not something that rises above the cultural conditioning we have received throughout life. Instead, it merely reflects the values of the society we grew up in.<sup>v</sup>

In response to the relativist's culturally conditioned values argument, some moral absolutists might want to argue that only part of us is subject to cultural conditioning. There is, they claim, another part of us that is immune to cultural conditioning—a part that can really tap into the absolute truth about morality without reflecting the contingent values of our society. Even our consciences appear to be shaped by the values of our society. .

### Conflicting Cultures

Relativism appears to work fairly well when one considers a culture other than one's own, especially when that culture meets the following conditions:

- (a) The culture is non-Western and non-industrialized.
- (b) The culture would be described by ethnocentric Westerners as "primitive."
- (c) The culture is monolithic or homogeneous, meaning that there is (or at least appears to outsiders to be) only one uniform social structure that defines the culture's social relations.

Condition (c) is simply another way of saying that the culture is not pluralistic. In other words, it does not contain a variety of overlapping and sometimes conflicting cultures that cause problems for relativism. It is doubtful that "primitive" cultures are ever as uniform or homogeneous on the inside as they appear to Western observers who have only limited and superficial exposure to them. But even if Western stereotypes of these cultures were accurate, the fact remains that relativism could not be made to work very well when applied to an obviously pluralistic and modern society like our own. Each of us belongs to many different subcultures, and this sometimes results in conflict. It seems much more plausible to say that each, as individuals, should be given an opportunity to decide what is right and wrong than to say that "our culture" (whatever that is) determines what is right or wrong. In short, subjective relativism seems like it might work better in Kenya than relativism.

If there is some kind of activity you would like to engage in but that is viewed as immoral by the rest of society, take heart. According to relativism, if you are someone who believes that the death penalty is good all you have to do is to convince a few of your associates to go along with you, and—Voila!—you will have made the previously questionable activity of administering capital punishment morally correct for you.

Writing in The Philosophical treatise *The Ethics of Today*, Bernard L. Bradshaw argues that:

It is absurd to think that any seemingly evil practice can become morally good simply by convincing a few other people to go along with it. And yet that is what relativism seems to imply.<sup>vi</sup>

Conventional relativism subordinates the will of the individual to the will of the cultural majority. What is right for you as an individual is not up to you to decide. What is right for you is what your culture says is right. Think about what conventional relativism implies about reformers like Martin Luther King, Jr., or Mahatma Gandhi. Reformers are

People whose beliefs and actions run contrary to those of their surrounding culture and who strive to change the beliefs and actions of their culture for the better. If Gandhi's culture says that those Indians belonging to the lower castes should not be allowed to eat at the same lunch counters, drink out of the same water fountains, attend the same schools, and sit in the same seats on crowded buses as those in the high castes, then it was morally wrong for Gandhi to want equal treatment of all Indian citizens. If the culture says that lower castes should be treated as second-class citizens, then according to conventional relativism you are morally obligated to treat such persons as second-class citizens. It is morally wrong for you to resist the system. The system is always right. In the eyes of conventional relativism, reformers are—by definition—always in the wrong. The enactments made in the justice systems sanction capital punishment were wrong.

It is difficult to stomach the idea that the majority is always right and that the status quo should always be respected. The people whom we treat as our greatest heroes were people who stood up to the system and fought against the tyranny of the majority. But according to conventional relativism, anyone who takes courageous stands against the injustices of their society is wrong. The fact that conventional relativism implies that reformers are always wrong provides a strong reason for thinking that conventional relativism is false.

### Cultural Differences

Consider the following case: Masher is a member of the outlawed Mungiki sect who. Raping, killing are central to Mungiki's barbarian culture. One day Masher and his band of warriors set off for Busia, a quiet little town on the Kenya-Uganda border. The residents of Busia are peace-loving people who, when they are not tending to their businesses and small-scale farms, work as strong advocates for conventional relativism. When Masher's gang arrives in Busia, the residents of Busia are faced with a dilemma: Should they defend themselves against the Mungiki attack or not?

You may be thinking, "Dilemma? What dilemma? How can the question of whether they should defend themselves against an unwanted attack be difficult to answer? Of course, they should defend themselves!" Despite the plausibility of this response, it is

Important to see that the Busia residents' belief in conventional relativism poses a problem for them. As conventional relativists, they believe that the right thing for Masher to do is determined by his culture. But supposing Masher's culture says that adult men should display their bravery and strength by slaughtering at least one man in each Kenyan town (preferably one with a machete) per year. So, according to conventional relativism, it is morally right for Masher's and his gang to terrorize Busia. Since it is morally correct for them to do so, it doesn't seem right for the residents of Busia to try and stop the Mungiki attackers. They would be keeping Mungiki from doing what, according to their own moral standards, is the morally right thing for them to do. However, if the people of Busia do not defend themselves against the Mungiki, they will be brutalized and killed.

Another problem that would be generated by any attempted defense of Busia concerns ethnocentrism. One of the main motivations for conventional relativism is that it supposedly allows us to avoid ethnocentrism—the view that our culture is superior to others. A great deal of harm has been done throughout the ages by people who have forced their way of life upon other cultures. By claiming that all cultures are morally equal and that no culture is morally better than any other, conventional relativism is supposed to help us lead more tolerant lives. But killing barbarians doesn't seem to be a very good way to display tolerance for barbarian culture. By keeping the Mungiki from committing atrocities in Busia, the residents of Busia would be ethnocentrically forcing the Mungiki sect to accept what they think is right in opposition to what the latter think is right.

It is difficult to see how the people of Busia could be morally justified in fighting against the Mungiki sect. Their belief in conventional relativism would seem to undermine any moral justification they might have for fighting. Keep in mind that I am not asking whether they would fight against Masher and his associates. I am asking about the morality of their actions. I want to know whether conventional relativism can provide a reason for thinking that the defeat of the Mungiki would be a morally good thing. I am unable to see how conventional relativists could provide such a reason.

Since it is absurd to think that it might not be justified for them to defend themselves, the case of Masher and his Mungiki cronies provides a reason for thinking that conventional relativism is false. By the same token, can any attempt by an authority to stop law enforcement agencies from administering capital punishment to offenders (when such law enforcement agency is obeying the dictates of his culture) be morally justifiable?

One of the most common ways to argue in favor of relativism involves appealing to facts about cultural diversity. Relativists say, "How can you believe in moral absolutes? Just look at all of the moral diversity in the world. It should be obvious that no moral truths about capital punishment are universal or absolute." This line of argument, however, involves confusion.

To sort out the confusion Louis Pojman distinguishes between the following two claims:

### **The Diversity Thesis:**

What is considered morally right and wrong varies from society to society, so there are no moral principles that all societies adhere to.<sup>8</sup>

### **The Dependency Thesis:**

What seems to be morally right and wrong depends upon what different societies hold to be is morally right or wrong.<sup>9</sup>

The diversity thesis makes a claim about people's moral opinions—about what they think is right or wrong. It simply says there is a wide diversity of human opinion about morality. Taken by itself, that claim is pretty harmless and indeed uncontroversial. The diversity thesis itself does not make any value judgments about this diversity of opinion. It simply reports the existence of the diversity.<sup>10</sup>

Some people try to suggest that there really are some moral principles that all societies accept. It is difficult to know whether this is really true because so many social scientists disagree about this issue. Some say that the ban on incest is the only universally accepted

Moral rule, while others claim there are dozens of other such rules. Many social scientists claim there are no universally accepted moral rules at all. It's hard to know who to believe. We do not, however, need to resolve this issue in order to consider the heart of the controversy concerning conventional relativism. The most important of the two claims above is the dependency thesis, not the diversity thesis.<sup>11</sup>

The dependency thesis says that moral principles depend upon cultural acceptance for their validity or correctness. In other words, if a culture accepts some principle, then it will be right for the members of that culture. If they do not accept another principle, that principle will not be right for that culture. The heart of conventional relativism is the claim that cultural acceptance determines morality.

To illustrate the differences between the two theses, think about what a moral absolutist like Socrates would say about the diversity thesis. Would he think it was true or false? Many offenders are initially tempted to think that Socrates would disagree with the diversity thesis. But think carefully about it. The diversity thesis simply claims that people disagree about what is right and wrong. How could Socrates deny that this is obviously true? A moral absolutist need not (indeed should not) deny that people disagree about morality. The difference between the conventional relativist and the moral absolutist concerns how the two parties view the diversity of moral opinions. Conventional relativists think that everybody is equally right, while moral absolutists think that only some moral opinions are right while the rest are all wrong. According to moral absolutism, the fact that there is an extremely wide diversity of opinions about morality simply shows that there are a lot of very mistaken people in the world.<sup>12</sup>

Distinguishing between the diversity thesis and the dependency thesis allows us to see that—contrary to what most conventional relativists think—demonstrating how much diversity of opinion there is in the world does not in any

<sup>8</sup>Louis Pojman. *Ethics: Discovering Right and Wrong*, 3rd edn. Belmont, CA: Wadsworth, 1999: 37-38.

<sup>9</sup>Louis Pojman.

<sup>10</sup>Louis Pojman.

<sup>11</sup>Louis Pojman.

<sup>12</sup>Louis Pojman. *Ethics: Discovering Right and Wrong*, 3rd edn. Belmont, CA: Wadsworth, 1999: 37-38.

way undermine moral absolutism. Many relativists think that conventional relativism can be (and has been) proven true simply by doing enough anthropological research on the divergent beliefs and practices of people around the globe. All of this anthropological research, however, simply supports the diversity thesis. But it provides no reason for believing the dependency thesis. Consequently, the argument from cultural diversity fails to show that conventional relativism is true.<sup>13</sup>

### Subjective Ethical Relativism on the Death Penalty

Relativism says that what is right for you is up to you. Regardless of what the majority says or what anyone else in your culture thinks about the death penalty, you are the one who should decide what kind of lifestyle or what kind of values you will adopt. If you want to be a reformer and you want to challenge the society around you, relativism says you are acting rightly if you are true to yourself.<sup>14</sup>

### The Importance of Individual Liberty

By relativizing ethical truth to individuals rather than cultures, subjective relativism is able to give more consideration to the importance of individual liberty. In Kenya now we place an extremely high value on our freedom, our ability to direct the course of our own lives. Relativism makes individual liberty and freedom central to morality. According to subjective relativism, it is not right for anyone to try to force their oppressive morality upon you against your wishes. The only morality that is right for you is one that you have autonomously chosen.<sup>15</sup>

Moral absolutism says that you don't have any choice about what is right for you. The moral absolutes that define morality are all predetermined ahead of time, and you have no say in the matter. Because relativism respects individual liberty more than moral absolutism, subjective relativists claim this is a reason for choosing relativism over these other views.

### Tolerance

Relativists argue that emphasis on tolerance of other perspectives is good but that it does not go far enough; relativism says that no culture is better than any other and that we should treat them all as being equally valid. However, it does not make tolerance of other people within a society a priority. Relativists claim that it is not only cultures but individuals as well who deserve to be treated with tolerance. Relativism claims that no individual's ethical opinions, values or lifestyle is any better than any other individual's. All opinions about morality and lifestyles should be treated as being equally good. Tolerance of other individuals, then, is an important part of subjective relativism.<sup>16</sup>

Think about all of the injustices that have been committed because of intolerance. In the recent times people from different religions and ethnic groups have slaughtered each other by the thousands because each side would not tolerate the religious or cultural views of the other side. Terrorism, racism, genocide and ethnic cleansing all involve an unwillingness to tolerate other people who are different from us. Relativists believe that most of the world's intolerance results from a belief in moral absolutism. If you believe in moral absolutes, you think there is only one right way to do things. Moral absolutists think that everybody who disagrees with them is dead wrong. It is this kind of belief that has led people throughout the centuries to think it is OK to abuse and slaughter other people. They are the pagans, the barbarians, the heretics. So, it is only right to rid the world of their violent way of dealing with the errant or deviant in society.<sup>17</sup>

Relativism promotes tolerance and takes its advocacy of tolerance farther than any other ethical position does. They say that Moral absolutism seems to lead to intolerance; relativists think the choice is clear: subjective relativism is preferable to moral absolutism.

<sup>13</sup>Louis Pojman.

<sup>14</sup>James R. Beebe, Dept. of Philosophy, University at Buffalo. <http://www.acsu.buffalo.edu/~jbeebe2/relativ.htm>. Last accessed on 7/8/2020 at 7:59 am.

<sup>15</sup>James R. Beebe.

<sup>16</sup>James R. Beebe, Dept. of Philosophy, University at Buffalo. <http://www.acsu.buffalo.edu/~jbeebe2/relativ.htm>. Last accessed on 7/8/2020 at 7:59 am.

<sup>17</sup>James R. Beebe.



Relativists ask, “Who’s to judge what is really right and wrong for everybody? What person has the entitlement or authority to sit in judgment on the rest of us?” Their answer according to Gilson, Etienne in his book *Moral Values and the Moral Life*, is this:

“Nobody”, when you judge other people, you are placing yourself above them and pretending that you have the authority to decide what is right and wrong for them. But you do not have any such authority. So, it is inappropriate for you to judge other people. If you actually did have the authority to make such judgments, there might not be a problem. As it is, however, there is nothing that entitles you to pass judgment on anyone else. You’re no better than the rest of us. Thus, you have no business judging us.<sup>vii</sup>

There is however something problematic about the act of judging itself. Judging someone else displays intolerance for the judged person’s way of life. To judge another person is to do something unkind to that person.

Relativism urges us to admit that we are not entitled to stand in judgment over other people. According to subjective relativism (from what it implies), we should view other people’s opinions about capital punishment, their lifestyles, their habits, or even their actions as being as equally valid as our own. It is only by adopting relativism that people can learn to stop judging others.

### Lack of Knowledge

To the relativists none of us can really tell for sure what the absolute truth about morality is. Whether we should support or condemn capital punishment is something that we each have to make up our own minds about. They correctly note that none of us has an infallible access to absolute truth, but they go wrong in concluding that what is right for you is something to be determined by your culture. It is ultimately a personal decision. You have to decide for yourself what the right way to live is.

They say that:

Moral absolutists think they have everything all figured out. They think they know what is right for everybody, and they try to force their morality on everyone else. It is arrogant of them to think they know what the absolute truth is. No one person has any better access to the truth than the rest of us. So, none of us should presume to speak on behalf of everyone else. What is right for you is something for you to decide and no one else.<sup>viii</sup>

The arguments offered in favor of subjective relativism can sound very convincing to many people. There are, however, some serious problems for the view lurking just below the surface.

Moral relativism would have us believe that no opinion about morality is any better than any other and that no lifestyle is any better than any other. All moral opinions and lifestyles are equally valid, they say. Consider now the lifestyle of the Mungiki sect killers. If no lifestyles are any better or any worse than any others, then it means that the lifestyle of the Mungiki is not any worse than the lifestyles of Kenya’s law-abiding citizens.

We ought to be tolerant of all lifestyles and opinions. The view that capital punishment is good or useful is no better than the opinion that capital punishment is morally wrong. Both opinions are valid. But, Can anyone seriously believe that the relativist’s assessments of the Mungiki lifestyle and ethical views are correct? Subjective relativism’s claim that all lifestyles and all opinions about morality are equally valid cannot be true.

The relativists claim that it is wrong to be judgmental about those who administer capital punishment, that we should not judge other people. Something about this claim seems reasonable. However, relativism’s claim that we should not think that anyone else’s lifestyle or opinion is wrong seems absurd. But if forming an opinion about someone else is judging them, how can we accept the first relativist claim and reject the second?

The key to understanding this issue is realizing there is an ambiguity in the phrase “judging someone else.” In the most basic sense of this phrase, to judge someone else is to form an opinion about them. For example, Kenyan voters were not so long ago asked to decide whether the constitution should be changed. Voters had to form an opinion about what was the best thing to do. Regardless of which side you may have voted for (orange or banana), no one will condemn you for having “judged other people.” That’s what you were supposed to do. In this sense of

“judging,” it is impossible not to judge other people and their views. In fact, it is necessary in order to get along in religious or secular society.

The foregoing example reveals that there must be another sense of the phrase “judging someone else” that is reasonably taken to be objectionable. When we speak of judging someone else in a negative sense, what we sometimes have in mind is an inappropriate rejection of the person being judged:

A couple’s estranged daughter has finally come home. He has been gone for, and they have hardly spoken since he left. The mother weeps tears of joy. However, the daughter has brought with her a “special friend,” and he has some important news to share: “Mum, Dad, I’m pregnant.” he father disowns the daughter and will not speak to her because she has an unwanted pregnancy and is still in school. He says, “You are no longer my daughter” and orders her to leave his house. We have probably all seen an episode of some television show with the following theme:

The father is intolerant, unloving and verbally abusive. When we call the father “judgmental,” we are not merely saying that the father has formed some opinion or other about his daughter. We mean there is something about his opinions and the way he is acting upon them that is inappropriate. To judge other people in this negative sense means that you will shun them, disown them, cut off whatever relationship you had with them, refuse to associate with them, look down upon them, exclude them, or deny them the same privileges as those who have not been so judged. Relativists claim that judging in this negative sense is wrong. That seems like a reasonable suggestion. Responding in a hateful way to another person is usually going to be a bad thing.

However, this does not mean that we should stop judging them in the first sense discussed above, but this is what subjective relativists recommend. Couldn’t the television father continue to believe that his daughter’s ‘immoral’ sexual lifestyle was morally wrong but embrace and love his daughter anyway? Disagreeing with another person does not (and should not) always lead to shunning, excluding or disowning that person. In other words, “judging some law enforcement agent” in the first sense of forming an opinion about that law enforcement agent, does not always lead to “judging the capital punishment administering law enforcement agent” in the second sense of taking disciplinary action or imposing a fine or a judicial sentence on jail for such law enforcement agencies. You can still put up with someone with whom you disagree.

Relativists, however, do not distinguish between these two senses of “judging other people.” They argue that, since the second sort of judging is inappropriate, so is the first. But this conclusion does not logically follow. It is possible to judge in the first sense but not the second. However bad the second sense of judging may be, this does not mean that the first sense is also bad.

### Deciding for Yourself

Relativists claim that you should get to decide what is right for you. Something about this claim seems very true. As autonomous, rational agents, we have the ability to make our own decisions, and our autonomy and rationality should be respected by others. However, it seems absurd to think that the Mungiki killer should be free to decide that crime and murder are right for him. We need to distinguish two different senses “deciding for yourself.” Moral relativists slide from using one sense of “deciding for yourself” to using a completely different sense, without acknowledging this is what they are doing.

In one sense, you must decide for yourself what to believe not only in ethics but in every area of your life. You must evaluate the evidence that is available to you, the arguments for and against various positions, and make up your mind about what you think is true. For example, if you are unsure about whether to believe that there is continued practice of capital punishment in states, you can go to the library, check out some books, read some journal articles, consult internet sources and familiarize yourself with the various facts and arguments that have been put forward. Then, you must decide for yourself whether you think the evidence supports or does not support an assertion that caning is still practiced in states. Talking about “deciding for yourself” in this sense seems unobjectionable.

However, subjective relativists also like to talk about “deciding for yourself” in another sense. In this second sense, subjective relativists claim that the fact that you chose lifestyle X for yourself makes lifestyle X right for you. To see that this sense of “deciding for yourself” is different from the first, recall the capital punishment case.

Choosing to believe in the continued practice of capital punishment in Kenyan or other states elsewhere in the world does not make such a practice a fact. When it comes to issues like capital punishment, your choices determine your beliefs, but they do not determine the facts. You hope that your belief in the continued practice of capital punishment corresponds to the facts. But the facts do not depend upon you believing in them in order for them to be the facts. The facts are the way they are, regardless of what you think about them.

By contrast, relativists claim that in ethics your choices determine not only your ethical beliefs but also the ethical facts. If one decides that spanking a schoolboy or girl is morally permissible, that makes spanking morally permissible for that agent. The agent never has to wonder or worry whether ethical beliefs correspond to the facts. It is beliefs that create the ethical facts. Without beliefs, there would be no ethical facts about what is right for the agent. So, there is never any possibility that one could be wrong about what is right for right; that no one would be doing anything wrong if such a person believed that it was right. Believing so makes it so!

Relativists assert that, because we must obviously decide for ourselves what to believe (in the first sense of “deciding for yourself”) in ethics, we are also able to decide for ourselves (in the second sense of “deciding for yourself”) what the ethical facts are. In their discussions of “deciding for yourself,” they never distinguish the two senses and use the plausibility of the first sense illicitly to support the second sense. But the fact is that the first sense gives no support to the second sense. Consequently, any subjective relativist (law enforcement agent) that administers or even supports capital punishment cannot appeal to the importance of autonomous decision making to show that his or her view is true.

In any case punishment is a practice that involves two parties. One of the parties is the punishing party; the other is the party receiving the punishment; the authority and the offender. The authority, in this case the government or educator does not seek the offender’s consent. This does not mean that the offender is not under the authority of such a government. Nevertheless, morally speaking there ought to... always be a minimum moral or ethical consent or attitude which one party should have toward another party in order that a second party can regard the infliction of suffering or loss upon itself by the first party as “punishment”...Without this minimum ethical consent a party loses its legitimacy and hence its authority to punish the other. This consent is essential for solidarity and order in every nation or state.

The ethical relativism position also seems to misunderstand the psychology of belief. Relativists believe it is OK for you to think that capital punishment is right but that you should not think the opinions of those who oppose capital punishment are any less correct than your own. Think about that for a minute. Is what they recommend even psychologically possible? How can I believe that position A is true and yet at the same time believe that those who think that position A is false are just as right as I am? That sounds like nonsense. If I believe position A is true, I am committed to believing that anyone who thinks position A is false is wrong. Relativism seems to be asking us to do something that is not humanly possible.

Consider the following simply question: Do moral relativists believe that subjectivism is true? This may seem like an utterly ridiculous question, unless you think carefully about it. At first glance, the answer seems obvious. Of course, they believe that relativism is true. That’s what makes them relativists. However, this seemingly obvious answer causes serious problems for the relativist.

Relativists deny that there are any absolute truths in ethics. No ethical principle, they say, is true for all people at all times and in all places. The problem, however, is that relativists think relativism is the TRUTH about ethics. They do not merely think that relativism is true-for-them. They think it is true for all people at all times and in all places. They seem to be contradicting themselves. Relativism also claims that no moral view is any better than any other. Since ethical relativism is itself a moral view, this means that it is not any better than any other moral view, such as moral absolutism. And yet you will never meet a relativist who does not think that moral absolutism is just plain wrong. They contradict themselves once again.

Is there any way for the relativists to keep from contradicting themselves? There might be one way, but it has some serious drawbacks. Instead of claiming that subjective relativism is TRUE, subjective relativists could argue that subjective relativism is simply true-for-them and not necessarily true-for-others. So, if you are a moral absolutist, this kind of relativist would not try to tell you that you are wrong—even if you were intolerant and ethnocentric. The subjective relativist I am imagining would claim that, while subjective relativism is true-for-them, moral absolutism would still be true-for-you. This kind of relativist does not fall into self-contradiction.

However, the moral relativist's position is no longer a very interesting one. The features that make relativism an attractive position for a lot of people are no longer present: the emphasis on trying to get other people to be more tolerant, the opposition to ethnocentrism, the critique of the injustices done in the name of moral absolutism, etc. Relativists want other people to become relativists, too. They want to tell those who believe in moral absolutes that they are really wrong for being absolutists. Relativists of all stripes are continually criticizing people who believe in absolute moral truths for being closed-minded, intolerant, dogmatic, politically incorrect, and just plain wrong. But if belief in moral absolutism is merely wrong-for-the-relativist but not necessarily wrong-for-you, then the relativist is not in a position to criticize you for being an absolutist. Going with the option under consideration avoids a contradiction, but only by making it impossible for the subjective relativist to disagree with absolutists.

Consequently, although the position sketched above is logically possible, you will never meet a subjective relativist who believes in it. All of the subjective relativists you will ever come across will believe that subjective relativism is the fundamental, objective and universal truth about morality. This is not something they can believe in without contradicting themselves.

Relativists seem to suggest that the only way for us to live together in peace in a pluralistic society like ours is for us to treat everyone else's opinions and lifestyles as being as equally valid as our own. They suggest that moral absolutism leads to intolerance and injustice. If we all stopped thinking that our opinions and ways were superior to those of other people, we would have a more peaceful, more egalitarian society.

These relativists, however, misunderstand what democracy is all about. Living together peacefully in a democracy does not mean having no opinions about what is right and wrong. It means living together in peace with those with whom you strongly disagree. It is ridiculous to think that we will never have a peaceful, just and fair society as long as Authorities are convinced that Law enforcement agencies are wrong with regard to opinion about capital punishment ( and vice versa), pro-lifers are convinced that pro-choicers are wrong (and vice versa), evangelical Christians are convinced that dealers of pornography are wrong (and vice versa), proponents of the death penalty are convinced that opponents of it are wrong (and vice versa), and proponents of affirmative action are convinced that opponents of it are wrong (and vice versa). Subjective relativism makes the absurd suggestion that the only way to live together in harmony is to stop having any convictions about what is right or wrong. Subjective relativists want us to stop thinking that anybody else's opinion is wrong. As long we think that, they say, we will be intolerant, judgmental and unjust. Such a position completely misunderstands the splendor of democracy.

Citizens in a democracy are expected to respect the rights of others and to find peaceful means of resolving their disagreements. A judge or magistrate does not have to agree with the legislators and other law enforcers, but such a law enforcement agency is not free to abuse them or deprive them of their rights to legislate or enforce the capital punishment statutes simply because that law enforcement agent disagrees with those authorities. You are free to debate, to persuade, to campaign and even to demonstrate in an attempt to promote your interests. But you are not free to harm those with whom you disagree. That's democracy: peaceful disagreement. It's not (as subjective relativism suggests) a lack of any real disagreement.

Ethical relativists contradict themselves not only in claiming that relativism is true but also by believing in the following absolute moral truths:

- Every person deserves to be treated with dignity and respect, regardless of race, religion, class, color, creed, age or status.
- Different lifestyles and cultures should be treated with tolerance.
- Intolerance is morally wrong.
- The basic human rights of every individual should be defended by a free and just society.
- We should strive to provide the citizens of our nation with as much individual liberty as is compatible with the free exercise of everyone else's liberty.
- It is wrong to deprive those with whom one disagrees of their right to make their voices heard in an arena of public discourse.
- All forms of hateful discrimination are unjust and have no place in an equitable and peaceful society.

Every relativist one meets might believe in the aforementioned ideals. And they do not merely believe that these tenets are true-for-them. They believe also believe that these truths apply to all people in all cultures at all times and in all places. In other words, relativists (subjective and conventional) treat these principles as moral absolutes. Thus, contrary to the explicit statements of their own position, they do believe in moral absolutes after all.

### General Conclusion

Not only are self-contradictory positions necessarily false, they are also impossible to put into practice. You couldn't really live your life in accordance with subjective relativism if you wanted to.

Suppose that public hangman X deliberates about what he should do in the following manner:

- (a) One is morally obliged to keep one's promises made under oath.
- (b) I promised Kenyan Public Service Commission (P.S.C.) that I would administer capital punishment.
- (c) I am morally obligated to keep the promise I made to the P.S.C.
- (d) I want to do what is right according to the law.
- (e) Therefore, I will administer capital punishment whenever it is so ordered by judicial officials.

Statement (a) is an expression of a universal principle about what is morally right or wrong. (b) is a statement of descriptive fact regarding public hangman X's interaction with the employer (P.S.C.), (c) states a logical consequence of (a) and (b). (d) expresses one of public hangman X's desires, which provides him (let us suppose) with sufficient motivation for dispensing capital punishment (c) and for following through with what he knows to be legally right. Finally, (e) expresses that law enforcement (hangman's) decision or determination to undertake the specified course of action.

Suppose, however, that the hangman X is a subjective relativist and therefore considers what effect this might have on his practical deliberations. Since he denies that there are any absolute moral truths, the moral principle in (a) can only be interpreted as being true-for-him, if he has decided to believe in it. But hangman X could just as well have chosen to believe in any of the following, incompatible moral principles:

- (f) One is morally obliged to keep one's promises, unless it is inconvenient to do so.
- (g) One is morally obliged to keep one's promises only if one has promised to do something pleasurable.
- (h) One is not morally obliged to keep any of one's promises.

Which one of these is right-for-hangman X? Whichever one he happens to believe in. Remember: According to subjective relativism, what is right-for-him is whatever he thinks is right-for-him. So, none of the above options can be any more accurate or true than the others. Since, according to subjective relativism, whatever hangman X believes to be right really is right-for-him; there is no reason for him to worry that his beliefs might be wrong-for-him. They are right-for-hangman X of necessity.

How is X supposed to choose which one to believe or adopt with regard to capital punishment? His relativism cannot be of any help in this matter. If X had chosen (f) instead of (a), then (f) would have been right-for-X. Choosing (g) would then render (g) to be right-for-X. And so on. There would be no belief choice that X can make which will be 'wrong-for-X.'

In such circumstances, it is difficult to see how genuine practical reflection can still be possible. To deliberate is to weigh one's options in light of one's evidence, reasons, consequences and background beliefs. But no process of weighing is applicable in the relativist's case because every belief has equal weight or merit. Regardless of what ethical beliefs Law enforcement agent X may have (execute or not to execute offenders), each of them is 'true-for-him.' Subjective relativism seems to make it impossible for law enforcement agent's practical choices to be anything but arbitrary.

We have seen that conventional relativism and subjective relativism are both subject to very serious objections in as far as the issue of capital punishment is concerned. However, one should not forget that both forms of relativism also put forward some very challenging arguments against moral absolutism. Relativists seem to be right about tolerance. Both forms of relativism also try to promote a seemingly healthy respect for other ways of life and other

people. Both relativists and absolutists face philosophical objections they must answer if their views of morality are going to be fully adequate.

Finally, in our relativist but objective opinion on this matter of capital punishment, the verdict is in for us, we condemn any form of sanction of the death penalty by any state! We say that our verdict is relative because it is our opinion but objective because every reasonable man or woman does not want to be killed

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