

# Justice and Benevolence: A Westerner's Perspective on the Views of Chikuro Hiroike and Lawrence Kohlberg

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In the Christian Bible there is a parable about the owner of a vineyard and the men who work for him. As the day dawns, the first man comes to work in the vineyard. The owner sets his wages for the day and the man agrees. As the sun rises, many more come to work. Later in the day, the last man seeks work in the vineyard and the owner agrees. At nightfall, the owner pays the men, he pays the last the same amount as the first. Some cry, "Such unfairness!" Others cry, "Such kindness!" How do we reconcile these perspectives? The owner kept his agreement with the first and thus treated everyone fairly. And he believed that the needs of the last man were as great as the first, so he paid the last according to his needs, with benevolence.

## **Introduction**

I am honored and humbled to have been asked to present the views of Chikuro Hiroike and Lawrence Kohlberg on justice and benevolence here in the intellectual home of Dr. Hiroike. I am happy to be here on my fourth trip, and to be meeting many of you again after several years. I am pleased to have this opportunity to offer my ideas about commonalities as well as differences in Chikuro Hiroike's and Lawrence Kohlberg's ideas about how to live a moral life with this impressive group of Japanese and international scholars and leaders. Lastly, I am gratified to be able to learn more about your country again and spend these days in the beauty of this Institute—the beauty of its campus and its people.

I was a post-doctoral fellow and then colleague of Kohlberg from 1976 to his death in 1987. My work at the Center for Moral Development and Education at Harvard focused on conceptualizing the moral reasoning subtypes A and B, developing and evaluating the just community approach to moral education, and the study of moral development in relationship to work commitment in adulthood. In 1985 Lawrence Kohlberg and I came to this Institute to intro-

duce his thinking on the development of moral reasoning, his 6 stage theory, to discuss our work in moral education, the just community approach, with Dr. Nobumichi Iwasa, at that time Kohlberg's doctoral student, and to learn about moralogy. The conversations we began then continue to inform my own thinking in moral education. However, today I will only talk about Kohlberg's stage 6 and his ideas of moral living, what he called a metaphorical stage 7.

This presentation will offer points of agreement and contrast toward the goal of trying to better understand not only the views of these two teachers but also toward trying to understand the subject to which they dedicated their lives: the function and practice of morality in the lives and development of individuals and society. As I thought about what I was reading and re-reading, I was struck by commonalities amidst philosophical, psychological, and sociological differences as well as those differences created by writing in two very different historical periods. The personal commonalities are striking. Both men suffered chronic illnesses for much of their lives; neither man felt their work was complete when they died; and both hoped and trusted that serious work understanding morality would continue. This institute and this conference as well as the international Association for Moral Education are aspects of that realization.

I would like to set the tone of my presentation by sharing some conclusions I have made about these men as teachers and scholars: Both sought truth, timeless and universal truths about how people should and do treat each other. Second, they used the scientific knowledge and theories of their times as well as various philosophies to express their ideas about the truths they sought. Third, they sought truth everywhere, both read widely, and sought out people with ideas new to them and different from their own. In this paper I focus my attention on commonalities as well as differences between their views of morality as the relationship between benevolence and justice.

### ***Beginning with Likeness***

Let me begin by presenting what I believe are strikingly parallel statements about the relationship of justice to benevolence made by Hiroike and Kohlberg.

In talking about difficult circumstances rather than those of daily life, Hiroike, wrote: "In such cases, it is very difficult to settle our problems by means of nicely balanced sentiment and justice; a too strict adherence to justice leads to lack of human sympathy, while an excess of sentiment clouds our sense of justice" (p. 158).

Kohlberg, Boyd, and Levine (1985) stated a similar idea this way, "... although these two attitudes are in tension with each other, they are at the same

time mutually supportive and coordinated with a Stage 6 conception of respect for persons. This coordination can be summarized thus: benevolence constrains the momentary concern for justice to remain consistent with the promotion of good for all, while justice constrains benevolence not to be inconsistent with promoting respect for the rights of individuals conceived as autonomous agents" (p. 6).

Although there is certainly parallelism, there are also important differences underlying these statements. One is that Hiroike suggests that although justice and benevolence need to be balanced in difficult situations, finding the balance defines a higher level of morality, that which he termed Supreme Morality. From the viewpoint of Supreme Morality, the power of morality brings peace because it is based on the practice of benevolence, a practice which makes up for deficiencies in others and constitutes self-sacrifice. Even in difficult moral situations in which justice adjudicates, a benevolent attitude removes conflict.

On the other hand, for Kohlberg, the necessary characteristic of Stage 6 principled thinking is to coordinate justice and benevolence in an active process. This is what defines Stage 6 as the endpoint of his structuralist stage theory, as the form of moral reasoning that most fully embodies the principle of respect for persons, or respect for the dignity of personhood, the fundamental moral principle according to Kohlberg. It entails actively taking "the moral point of view" which I will discuss later. Although a Stage 6 perspective is especially sensitive to seeing moral issues and problems, moral decision-making still has a discrete quality. We are not always making moral decisions. Moreover, even though everyone involved a moral situation that is solved using Stage 6 principles should ideally agree with the solution, in reality that is not the case since most of us seek solutions to moral problems using the less adequate stages of 3, 4, and 5. Thus, not only may the decision-making process be conflictual, but substantive conflicts may remain as well among those who do not understand or use a Stage 6 perspective.

In explicating this difference, another is revealed; that is, that Hiroike's theory of Supreme Morality is a theory of living the moral life, of one's character, thoughts, and actions on a daily basis. Kohlberg's theory is one of moral reasoning about conflicts between legitimate moral values; it is not a theory about how to live a moral life. He did, however, offer different ideas about how to live an ideal moral life; they are captured in his writings on a metaphorical Stage 7. Thus, in order not to compare apples with oranges, I will consider that Kohlberg has a theory of the moral life which is Stage 6 and metaphorical Stage 7 combined.

It is important to note that both Hiroike and Kohlberg take a phenomenological approach to morality; that is, both thought that the true value of morality is discerned in a person's intentions and that actions themselves cannot be classified as moral or not. At the same time, neither thought that morality was subjective. Both thought morality can be judged by criteria of adequacy and universality.<sup>1)</sup> For Kohlberg, these criteria are the substance of his developmental stage theory of moral reasoning. A person's moral reasoning becomes increasingly adequate, that is, giving full consideration to all viewpoints both in the present and future for any given set of circumstances, and more universal, that is, resonating with the deepest values of mankind, as it moves toward the theoretical developmental endpoint, Stage 6. To gain insight into a fully adequate and universal view of morality, Hiroike looked to what are the shared essential teachings of the Great Sages of the world, which he deemed to be the closest expressions of Universal Law that human beings have. He also looked to self-examination and self-reflection for insight. Keeping these ideas in mind, I will first consider Hiroike's views on benevolence, followed by Kohlberg's, and close with their views of the relationship of benevolence with justice.

### **Hiroike's Views of Benevolence**

The motivating power of Hiroike's idea of a higher or supreme morality comes from his view "... that the moral character of individuals alone can be regarded as supplying the fundamental principle on which human society should be built" (p. 106-7). Hiroike's idea of supreme morality always serves two purposes simultaneously, that of enlightening the individual and society. He makes clear throughout his work that Supreme Morality has motivating power to guide people to right action and genuine self-reflection, which in turn has the potential to create moral nations. The path to these twin goals is through individuals' practice of Supreme Morality as the spirit of Benevolence, Tolerance, and Self-examination. For the individual this means living life without complaint and in "a spirit of acquiescence towards universal law or the divine law of the universe" (p. 54).

Hiroike describes two kinds of morality, traditional morality and Supreme Morality. Traditional morality embodies such virtues as "sympathy, kindness, compassion, and chivalry" (p. 67) but these exist as extensions of self-interest. They are emotional and ultimately selfish in nature. They are based in and debased by the instinct for self-preservation. He also viewed traditional morality as one in which *the ends justify the means*. However, these emotions of sympathy, kindness, etc. can be transformed by the practice of a higher

morality—Supreme Morality—into the spirit of Benevolence, Tolerance, and Self-examination that leads to Self-renunciation and atonement or sorrow for past wrongs. Additionally, he sees traditional morality as transient, ungrounded, and relativistic because it is not tied to Universal Law and it is not motivated by the spirit of benevolence (see p. 127). Kohlberg makes similar arguments about conventional societal morality. According to Hiroike, people who practice traditional morality may flourish and succeed through their own powers, but their success will not be permanent nor will their character become refined.

Hiroike contrasts Supreme Morality with traditional morality, seeing them as qualitatively different, in some very rough way similar to how Kohlberg characterizes the difference between conventional and post-conventional morality, or perhaps more accurately between the kinds of reasoning definitive of the first 5 stages and the reasoning of stage 6 as explicated. Even though Hiroike sees a radical break between traditional morality and Supreme Morality, his view also has a developmental aspect. He holds that people must first practice all aspects of traditional morality before it is possible for them to proceed to the practice of Supreme Morality.

*Benevolence.* Hiroike defines benevolence as multidimensional and multi-purpose. First, benevolence is always constructive; it is love for all humanity, placing material, business, and monetary aspects of life as secondary. It is universal love of humanity, not biased by any distinctions of race, nation, or religion. However, it is informed by a principle of rewarding good and punishing evil; therefore, it is consistent with universal love or benevolence that people who differ on good and evil should be treated differently. Thus, while showing equal love to all, people can also exercise necessary discrimination.

Another dimension of benevolence stresses the importance of not concluding any enterprise until it has reached a state of perfection. Hiroike gives an interesting example of this in childrearing. Parental love includes scolding and punishing children at times to ensure their moral education. Benevolence as metaphorical parental love serves as a guide to how people should act toward others because it first and foremost brings a sincere spirit to guide, enlighten, and educate as well as discriminating judgment that informs differential treatment depending upon others' actions.

A critical dimension of benevolence for Hiroike is that it enables people to tolerate and even be resilient in the face of real difficulties and thus to sacrifice in order to benefit others. At the same time, benevolence is exemplified by straightforwardness in making one's own needs clear in order to be considerate of other's plans and needs. It is here that Hiroike introduces the need for

justice as a coordinating operation in both daily life and in difficult circumstances. He sees justice as a coordinating operation; an idea fairly congruent with Kohlberg's notion of justice as a procedural principle; however, Kohlberg sees justice as both a procedural and a substantive principle. Hiroike says that the attitude of benevolence should not only be demonstrated in a constant and unvarying manner to all people in all circumstances, but it should also be expressed in every act toward others every day of one's life however painful one's life condition is. Acting always for the benefit and development or enlightenment of others is the basis for human prosperity. Finally, benevolence includes renunciation of the ego in the sense that one's being and actions should voluntarily conform to the Universal Law or God. Faith in this broad sense as consistency with the Will of Nature or God, Hiroike sees as divorced from any religion but as an integral link between the universe and the every day conduct of people. One must know and rid oneself of desires and past and current wrongs in order to practice benevolence that truly harmonizes sincerity or sympathy with a sense of justice.

*Self-renunciation.* What seems like a point of true difference between Kohlberg and Hiroike is Hiroike's inclusion of the idea of self-renunciation as integral to any notion of higher morality. He defines Supreme Morality as the complete eradication of egoism because ego, in his view, is grounded in the instinct of self-preservation (p. 131). Certainly this or any similar idea is not apparently embodied in Kohlberg's Stage 6. But wait, before we think that such a view is totally absent in Kohlberg's Stage 6, consider what it means to take *the moral point of view, the sine qua non* of Stage 6. Taking the moral point of view is seeing one's own interests from the same moral, impartial, just, and sympathetic stance as one sees others' interests and using that viewpoint to determine the right, just, or best—in the sense of most morally good—decision. I don't believe that taking the moral point of view has been discussed by Western philosophers as including atonement for past wrongs, although it may be helpful to do so; but it does include a genuine form of self-renunciation—that is, renouncing of one's desires for a favored outcome and desiring, not just agreeing to, but actually desiring, a just or morally good outcome.

### **Kohlberg's Stage 7**

It is now time to bring in another of Kohlberg's ideas, that is his metaphorical Stage 7, and ask if its orientation shares aspects of Hiroike's orientation to a higher morality.

Stage 7 is Kohlberg's attempt to address the issue of why *practice* morality, why be moral in an unjust world? Both Hiroike and Kohlberg accepted the



world as immoral; however, the writings of both men encouraged acceptance of traditional morality, that is, they encouraged people to conform to the laws and norms of the societies in which they live in most circumstances, and both men argued that doing so would not stand in the way of practicing either Stage 6 or Supreme morality. Traditional morality also does not interfere with reasoning at Stage 6 or taking the moral point of view in all of one's life. This Kohlberg saw as the embodiment of the metaphor of Stage 7.

He illustrates one aspect of Stage 7, rationality and justice, with the Stoic Marcus Aurelius. Kohlberg helps us understand this perspective, which is predicated on but goes beyond *the moral point of view*, by saying it is glimpsed in experiences such as standing at the top of a mountain or on the shore by the ocean and being flooded by the insight that one is no longer the figure to the ground but that the universe is figure, and one is but a speck within it. Marcus Aurelius wrote of how freeing it is to recognize one's importance from the perspective of the cosmos; for him, it made conforming to what he understood as the divine law of nature possible. "Mortal life cannot offer you anything better than justice and truth, that is, peace of mind in the conformity of your actions to the laws of reason....You yourself are a part of that universe. Remember always what the world-nature is and what your own nature is and that your nature is such a small fraction of so vast a whole. Then you will recognize that no man can hinder you from conforming each word and deed to that nature of which you are a part" (from Kohlberg, 1984). Kohlberg used Marcus Aurelius for the purpose of showing that a person without special gifts but who has the courage to think through the human condition can achieve moral and spiritual maturity, an understanding that is available to all of us.

Kohlberg also wrote about agape, or living a life imbued with love for all humanity and expressed in dedication and sacrifice to specific individuals as another version of Stage 7. His exemplar was an elderly American woman, Andrea Simpson, whom he interviewed several times. She was dedicated to her mentally challenged brother and others at the institution where he lived. Kohlberg says, "Agape has two essential characteristics, first, it is nonexclusive and can be extended to all, including one's enemies; second, it is gracious and is extended without regard for merit" (1981, p. 347). Agape presupposes justice principles. It is an attitude, functioning similarly to the attitude of benevolence as described by Hiroike. Acts of agape cannot be demanded or expected, but are acts of grace. Agape is superogatory; it is an ethic of responsible, universal love, service, and sacrifice.

However it is expressed, Stage 7 begins with despair. Kohlberg suggests that feelings of despair in the face of the meaninglessness of our lives are a

necessary step into Stage 7. This may be the radical break and despair that Hiroike spoke about in his own life that led him to seek a higher morality. For Hiroike personally, despair led to self-examination and the realization of the need for atonement as the first steps in his search for a higher morality. Although Kohlberg did not refer to his own chronic illness in writing about Stage 7, during his life it seemed that its pain engendered despair which at times gave way to contemplation and the stark recognition of his small place in an infinite universe, the recognition of which gave him periods tranquility and acceptance. It seems that both men were trying to capture the same experience; that is, the experience that catapults the open minded into a qualitatively different view of, and attitude toward, their lives.

Although Kohlberg never addressed the ideas self examination nor self renunciation directly, we can see some evidence of them in both Stage 6 and Stage 7. In Stage 6 it is expressed in the moral point of view. In Stage 7, it is captured by the experience of seeing oneself realistically as only the tiniest momentary trace which enables one to choose to act consistently with the laws of Nature and with integrity. Self-renunciation is also evident in the experience of agape—living a life of service to others as an expression of universal love. Both stages 6 and 7 are egoless. While Kohlberg characterized Stage 7 as coming to a self-realization more so than as self-examination, it is certainly self-examination of the sort that Hiroike discusses—that is, understanding deeply one's place in the universe.

### **Hiroike's and Kohlberg's Views of Justice**

In considering justice, Hiroike draws on the Sages' teachings as expressions of truths that characterize the universe as equilibrium, the mean, average, or harmony. The essential method to attain equilibrium for Hiroike is justice (Volume 3, p. 24). He looks to both Eastern and Western philosophies and systems of law as well as to the Sages to develop his idea of justice. Among others he draws upon Sakyamuni's teachings who worked to raise the standard of human justice for all mankind, to create a transcendental view of law free of greed, anger, and delusion based on the middle path or the mind of Buddha. Hiroike argues that the standpoint of universal justice is radically different than the standpoint of human and social justice. He sets forth the premise that to imbue human and social justice with the power of transcendental universal law, people must first take the point of view of universal justice; something he thought could only be accomplished by a person who has already freed himself of all selfish desire.

Kohlberg worked within the structuralist paradigm developed by his



predecessors, especially Jean Piaget (1932/1999) but also Claude Levi-Strauss (1963). Again following Piaget (1932/1999), he developed a dialogue or interview in which an interviewee responded to realistic, hypothetical moral dilemmas. He used responses from longitudinal studies conducted in the United States, Israel, and Turkey to conceptualize and validate that people's reasoning develops through the first five stages. Because structuralism holds that there are underlying patterns of thought in all forms of human activity that are transcultural and transhistorical (Levi-Strauss, 1963), Kohlberg and other researchers subsequently conducted hundreds of studies in many diverse cultures to substantiate his theory that from childhood to young adulthood, reasoning about moral problems develops from an egotistic perspective at what he termed the pre-conventional level, Stages 1 and 2, to a generalized other perspective at the conventional level, Stages 3 and 4. This research also showed that in adulthood, a substantial minority of people across cultures reasoned using a prior-to-society perspective which represents the post-conventional level or Stage 5. Interviews with several people in a few cultures provide examples of Stage 6 principled reasoning; however, no longitudinal data demonstrate movement to that stage in any culture.

In developing his moral theory, Kohlberg argued that justice is the only principle that "does justice to" or adequately embodies the viable core of the less developed ways of thinking at the lower stages. He sought a view of morality that could be universally shared as well as being developmental. Focusing on justice provided a minimal conception of morality that he thought would hold true, and does hold true, regardless of personal, cultural, and historical differences.

Kohlberg discussed role-taking as the active process that promotes moral development. Role-taking has a psychological unity characterized by empathy and justice together. He argued that the motivator for moral decision-making is the feeling of sympathy for others; without that, we would not put ourselves in another's place nor adopt the view of the impartial spectator in order to try to reach a fair solution; we might just take everything we could get. Entering moral decision-making with an act of empathy (what Rawls, 1971, called taking the original position and what Kohlberg called playing moral musical chairs) leads to a more just decision, one that is more clearly reversible. Sympathy of this sort becomes refined throughout development, and becomes a new perspective, *the moral point of view*, in Stage 6.

### **The Relationship of Benevolence with Justice**

According to Hiroike, people of traditional morality resort to human

justice as the only means of solving problems. He says they become unyielding in their understanding of justice as both the means and the end and this results in conflict. A higher morality can achieve resolution without conflict because it combines benevolence with justice.

Hiroike advocates that justice be used as a compass to indicate the amount and intensity of benevolence needed in specific cases. When people act unjustly or with malice, Hiroike claims that to respond with a benevolent attitude is not enough. He does not give up on benevolence; rather he molds it together with justice and forges a virtue he calls courage, so that one can love her enemies while treating them with justice.

Hiroike also advocates the use of justice between two good people who are in conflict, saying it should be used within the context of mutual respect and modesty—that is within the framework of benevolence. Making mutual respect and modesty conditions for entering into moral decision-making with another is as true for Stage 6 reasoning as it is for Supreme Morality. However, Kohlberg would argue that to some a lesser degree mutual respect is evident at his earlier stages. More importantly, the processes involved in moral decision-making, especially taking another's perspective, are the building blocks of mutual respect and evident from stage 2 onward. For Kohlberg, it is the act of people engaging in genuine dialogue about moral issues with each other that creates mutual regard, an important condition for the development of morality.

In 1984 in *The Current Formulation of the Theory and Reply to Critics*, Kohlberg broadened his psychological study from a concern with justice most obviously to a concern with both justice and responsibility. He did this by highlighting moral problems of a certain kind—those of special relationships and obligations among people affiliated with one another—in families, with friends, and with others with whom there are ties of trust and community. He drew on our experimental Just Community Schools, where teachers and students know each other, practice self-governance, and value community and trust. The teachers and students look to both justice and responsibility for solutions; they have to—such are their dilemmas. For instance, while it may be strictly fair to punish Billy the same as James because they both violated the same rule, is it also the most responsible or caring thing to do? What punishment would be constructive for Billy? What one for James? Responsibility means taking care of, seeing after the well-being of another, and to not always do what he wants but to do what is best for him. As I noted earlier, one aspect of benevolence stressed by Hiroike is the love a good father has for his children. Thus, the idea of responsibility is mirrored in these two theories.

Earlier I referred to Kohlberg's final elaboration of Stage 6, written in 1985.

The core principle of Stage 6, *respect for the dignity of each person*, had been elaborated in terms of rights, reciprocity, equality, and equity prior to that time. In his final statement, Kohlberg, with Boyd, and Levine, discussed *active* sympathy as an essential component of respecting the dignity of persons. They claimed that in order to take *the moral point of view*, one must consciously coordinate active sympathy or benevolence with justice. Together benevolence and justice function sometimes as principles and sometimes as an attitude. Ideal role-taking done by a lone thinker is one method of doing this that minimally satisfies Stage 6 requirements. However, they say at Stage 6, there should be an additional requirement. When faced with real moral problems, showing respect for the dignity of persons obligates people to enter into dialogue with each other about their disagreements, when at all possible. This dialogic expression of respect is a necessary initial step in taking the moral point of view. It is, perhaps, the most important step; for it is in true dialogue when we listen carefully and express our true views, beliefs, and feelings with each other that we both give and feel genuine respect and consideration—when we experience justice with benevolence.

### Summary

In summary, both men characterize mature morality as the necessary indivisibility of justice and benevolence. For Hiroike, morality is primarily benevolence. It underlies and infuses all moral decisions and judgments and the actions that flow from them. For Kohlberg, justice is primary but activated by sympathy or concern at all levels; however, at the highest level, benevolence completes justice as expressed in the moral point of view. Combining Stages 6 and 7 gave us a view into what may have been the beginning of Kohlberg's theory of the moral life. Learning about Hiroike's theory of Supreme Morality has given me, and I hope others, real appreciation for his attempt to create a practice adequate to living a moral life.

### Note

- 1) Professor Eiji Hattori at this conference and the UNESCO symposium *Cultural Diversity and Transversal Values* (2006) called attention to the use of the word, universal, saying it is problematic because it embodies a Western worldview, may be incapable of capturing essential aspects of Eastern and other worldviews, and is seen as assuming unity and homogeneity, with relativism as its only alternative. Hattori and others (e.g., *Planning, and Human Rights*, edited by Tovi Fenster, 1999; *Feminist Approaches to Social Movements, Community, and Power, Volume Two: Partial Truths and the Politics of Community*, edited by Mary Ann Tetreault & Robin L. Teske, 2003) have called for use of the term *transversal* which they argue shows mutual respect among nations and

groups, can represent values that resonate among cultures, eliminates having to choose between universalism and relativism, and through genuine dialogue has the capacity to move toward the development of common value systems or the creation of choices by understanding differences, even irreconcilable ones. Although I believe that the idea of transversalism can positively focus discussions of power and difference and perhaps promote progress in difficult, current political situations, it is not a term I can take up in this paper.

Neither Kohlberg nor Hiroike used the term and neither understood universalism as meaning only unity and homogeneity. By contrast, in his theory of moral reasoning development, Kohlberg used the term, universal, in at least two ways: one, to indicate principles and values that all cultures appeal to in contested situations of practice; and two, to suggest that the structures of human morality align with natural law, God, or the Cosmos. For a discussion of these points see *From Is To Ought: How to Commit the Naturalistic Fallacy and Get Away with It* (Kohlberg, 1981). Hiroike also did not suggest homogeneity as essential to universalism. From my understanding of Hiroike's intent as given in the English translation, he said the best of human morality is universal because it expresses Godly ideals, most adequately captured in the teachings and practices of the four Great Sages but also in the practices of Supreme Morality to the extent that he thought he could accurately capture the practices of Godly ideals.