"Reasoning about Ethics Crafting a Minimum Common Ground"

Aejaz Ahmad*

Wani Ethics and Politics (SM133/411065) (MA.PS.Final), Department of Political Science, University of Delhi, Delhi, India

Abstract

When we face moral situations, we either act impulsively or instinctively or intuitively or we act after careful deliberation (i.e., reasoning). In this paper, I shall show/explicate, first, how reasoning meticulously (to reason about issues) creates what I shall call a "Minimum Common Ground" (MCG) which is a pre-requisite condition for proper domain of ethical reasoning. This Minimum Common Ground is defined as a minimum arrangement in which parties involved in an ethical issue appreciate and acknowledge each other's reasonable viewpoints, which if not acceptable to all, must not hurt anyone. Second, I shall argue, with plausible examples, that none of the other ways such as acting impulsively, acting intuitively or acting instinctively succeed in creating that 'Minimum Common Ground'. This use of reason must have a streamlining effect to cure the extra-demanding or excessive traits of biases, prejudices, interests and so on for a proper exercise of ethical reasoning. In other words, the task would involve the identification of rational instincts, rational impulses, rational intuition and so on for the creation of more viable and effective MCG. Finally, I shall discuss two Indian experiences - India's move toward Non-Alignment Movement and the Indian story of multiculturalism- to show how Indian state have crafted that "Minimum Common Ground" when confronting ethical problems just after her national liberation.

Prelude to Ethical Reasoning

The domain of ethics is indeed a space of deliberations, contestations, disputations, debates, agreements, and what not, for in it we are concerned with what is right and what is wrong. The buck doesn't stop here, it proceeds with how and why it is right or wrong. Historically speaking, the domain of ethics has travelled from classical times with its close linkages with religions, laws etc to its contemporary form when the role of reason in it and its autonomous character is accentuated on. The province of ethical reasoning is predicated on the exercise of organizing our thinking in a responsible and reasonable manner. That in which a reasoner directed by his/her evaluation/assessment of his/her reason endeavors to reach a "well-supported answer to a well-defined question" [1]. Ethical reasoning faces two vital challenges [2]. The first is how to recognize the issues/considerations that are ethical and what are the disagreements among them and how they make us to act? The second is to consider their potentiality for garnering insights about the 'how we ought to' from 'how we reason about it [3]. What makes an issue ethical? Ethical reasoning can be individual as well as collective, though latter is what we are essentially concerned with. While we do not normally justify our personal issues in public, but when an issue is broader in terms of its influence or impact, it takes the character of 'public'. In other words, an issue that concerns a larger people would be more important than the one concerning the few or an individual. By the same logic, the former could be more controversial than the later. The connection between political and ethical domains is evident here [4]. One way of understanding the location of ethical reasoning is to look in between the two substantial questions of "what moral truths are there?" and "what makes these moral truths, if there are any, true?"[5]. The first question is trenchantly contested by both Utilitarians who apply their usual principle of 'greatest happiness of the greatest number' or the 'cost and benefit analysis' to determine whether are the universal principles or moral truths that shall guide us in all moral situations, and the deontologists or Kantians who recognize different principles to approach it (in the light of Categorical Imperative). The second question is what seems blurring the very exercise of ethical reasoning. In determining what makes moral truths as true, Skeptics and moral relativists pose serious challenges to the universalizing tendencies of the debaters of the first question. Some of these challenges are acknowledgeable [6]. The terrain in between these two questions constitutes the location of ethical reasoning (Henry, Richard). An alternative way of situating moral reasoning is generated through this analysis in which 'Minimum Common Ground' as an effective arrangement which will require the streamlining of our impulses, instincts, interests and intuitions through a rigorous exercise of effective reasoning for wider acceptability. Therefore, in the first part, I shall explicate how acting reasonably in moral situations evinces the common ground (MCG) that require an effective streamlining of impulses, instincts, interests and intuitions which is imperative to resolve the ethical questions. In the second part, I shall discuss two cases pertaining to India's recent past that shall demonstrate. India's reasonable approach to the most important moral situations.

Need for the "Minimum Common Ground"

What do we do when we confront the moral situations in our day to day lives? Answers may be numerous [7]. We may perhaps act impulsively, instinctively or intuitively or act reasonably (to reason about meticulously) [8]. These are indeed acts that are common in our lives. Which act will come into play will depend on the circumstances as well as the mental balance of the person in consideration. Since the use of these possibilities are contingent on circumstances, we take into consideration the Ceteris Paribas [9] assumptions, or assuming that the circumstantial changes be constant. This assumption is tentative though. Let's analyze each of them separately to figure out their respective reliability in the domain of ethical reasoning and to figure out whether these options can be the best way of dealing with the moral situations. We begin with the impulses; we may act impulsively or

***Corresponding author:** Aejaz Ahmad, Wani Ethics and Politics (SM133/411065) (MA.PS.Final), Department of Political Science, University of Delhi, Delhi, India, Tel: 011 2700 6900; E-mail: danishwani.du@gmail.com

spontaneously. Acting impulsively means acting without deliberation. But in that hustling, we may miss or lose the other plausible considerations in the case. For instance, if I am walking on a footpath and suddenly collide with another person walking there. If I tumble down or get hurt, out of anger, I may abuse that person in reaction. This is certainly an impulsive (somehow instinctive as well) act. But here I may have overlooked the possibility of my own mistake. Such verbal spats are very common in our societies. Another important point is pertinent here. Think about our altruistic tendencies. Sometimes, we are happy and have the propensity to give away a considerable amount of our money or possessions to the poor or the destitute. But once that euphoria evaporates, we feel reluctant to offer anything. We are certainly acting impulsively here. In one of the game-changing philosophical essays of Peter Singer, "Famine, 'Affluence and Morality", he argues that it is not justifiable that some people thrive in the Eden of Affluence while others starve in the meantime. He suggests that if we are able to, we must donate a part of our money income to poverty eradication. Increasing the comfort level beyond what is already better will not have more moral worth than saving a poor person's life [10]. In the similar vein, I argue that we can't just wait for our impulses, like happy moments or when our conscience clicks us, to approach the issue of poverty and its containment. The indispensability of reason is evident here. Second, we may act instinctively or according to our natural feelings. Friedrich Nietzsche in his groundbreaking magnum opus, "On Genealogy of Morals", passionately celebrates the naturalistic tendencies of human beings and argues for the identification of 'real' instincts rather than religious decrees and other conventions. Relinquishing the other governing factors would usher into what he calls a "Superman". So in his analysis, identification of 'real' instincts become the basis of morality and moral judgments [11]. But many a time following instincts may also be misleading. For example, a year ago in the US, 26-year-old Tyson Jerome Barnette, a postal worker, was shot dead when an allegedly white man mistook him for a prowler or a potential intruder [12]. The shooter had certainly acted instinctively. Nietzsche ostensibly contributed towards the liberation of morality from religious underpinnings. But, in our example,Nietzsche's accentuation on instincts seems to miss the element of balance that we expect our approach to create. So we have seen that acting impulsively or instinctively are perhaps not reliable ways to draw plausible conclusions regarding what we ought to do or in the words of Michel Sandel's "What is the right thing to do?"[13] Now, let's analyze 'intuitions', as an approach at ethical/moral situations. Much has been inked about intuitionism or what is popularly called as ethical intuitionism. Since intuition has been significant particularly in John Rawls' 'Theory of Justice' (1971) it is instructive to discuss comprehensively the pros and cons of Intuitionism. Intuition is "a natural ability or power that makes it possible to know something without any proof or evidence: a feeling that guides a person to act a certain way without fully understanding why"[14]. Intuition may be of two types-intuition as a priori (non-inferred) and intuition as beliefs based on experience. In the moral philosophy, the former is a contested issue while as the latter is commonly understood. In Kantian analysis, intuition as a priori is the faculty of human mind that casts the external intuitions (space) and the internal intuitions (memory or thought in the form of time) [15]. Later, in this paper, I will explicate how the latter becomes a matter of debate between the Rawlsians and the Utilitarians which apparently chocks the whole contestation. The use of intuitions in Rawls' 'Theory of Justice' (1971) is apparently clear. Rawls theory of justice states that under carefully arranged order, rational people would select the principles that shall overlap with their intuitive or basic idea of distributive justice. In order to test the viability and stability of the

principles that the people would select, Rawls makes the use of Reflective Equilibrium, the idea that which was already existing but received systematization under Rawls. The aim of the ethical exercise in Rawls theory of justice is to underscore or to set-up "fair terms of cooperation" that should administer over all what he calls, as free and moral agents. In his hypothetical experiment called as Original position, these moral agents are deprived of any knowledge about themselves and their interests (to avoid the biases in the selection process), however, in which they have a basic economic and psychological understanding. By this basic sense or what he calls "a sense of justice', Rawls imply the intuitions of the free and moral agents [16]. He assumes that they have an understanding of what is right or wrong in rational terms. (e.g., killing is wrong, all are entitled to equal treatment and so on) Then Rawls bring in his two principles of justice as an alternative to the Utilitarianism. So, using Reflective Equilibrium, Rawls states that the rational people will choose his principles of justice, rather than utilitarianism and this selection of principles is termed as "justice as fairness" by Rawls. However, the condition is that the selected principles must coincide or match the considered judgments of people or their intuitive ideas of justice. The intuitions or the basic moral conceptions are assumed to be having some initial importance or weight for they have emerged along the people's experience [17]. This overlapping of the principles of justice with the intuitive ideas of justice, or the already existing conceptions of justice that the rational people have, is popularly termed as Overlapping Consensus. In other words, it explicates how the upholders of different normative beliefs are reconciled with the particular principles of justice. This works in a comprehensive reflective manner in which the principles of justice reflect the intuitive conceptions of justice and vice versa. The analytical tool of reflective equilibrium keeps the scope of an alteration possible if an inconsistency occurs in their overlapping. In some lucid words, if the principles of justice don't overlap with the basic judgment of people, then we can go back to the selection process and re-calibrate our assumptions or induce necessary changes and finally ensure the matching [18]. In Rawls's words, we can "work from both sides, pruning and adjusting as we go" [19]. It still doesn't address the question: what should be the basis of those 'intuitive judgments' or conceptions that Rawls would like to take as 'given' and then pitch them to match with principles of justice, thereby creating what he calls "an overlapping Consensus"? The nature of these intuitions becomes the fertile ground for the Utilitarians to attack Rawls theory of justice. In fact, it would be interesting to see how both Rawlsians and Utilitarians fall in the same trap and fail to account for credibility of intuitions. Utilitarians, such as Richard Brandt, have claimed that intuitions may be the result of cultural indoctrination, bias or making some beliefs coherent and therefore, must not used for any proper moral construction or ethical exercise. That there is no prior or initial justification to the intuitions and therefore, reliance on our intuitions seems again a problematic[20]. This is indeed a forceful flaw in Rawl's theory of justice. Rawls can't even hide himself under the garb of what the earlier philosophers called as universal principles since the contemporary supporters of reflective equilibrium reject any foundational claims. Not just Rawls, but Utilitarians also fail to address this question. Utilitarianism was criticized for giving moral principles that conflict with the ordinary morality of the people against which some Utilitarians recognized some intuitive conceptions of morality which are essentially consistent with the Utilitarianism (e.g. Mill) [21]. Intuitions, after all, emerge in the social structures. In nutshell, the initial credibility of intuitions emerges as an impasse here.

Towards a Streamlined Reason

Now lets us turn to our last and the crucial variant, that is, 'acting reasonably' or simply acting through reason. By acting reasonably, I mean to approach moral situations with our reason, reason that attempts to cooperate and appreciate other's viewpoints and strive to strike a balance. To start our analysis, we can ask a question in the very inception; what is reasoning? Merriam Webster Dictionary defines reasoning as "the process of thinking about something in a logical way in order to form a conclusion or judgment" [22]. According to Hugh Lafollette, "reasoning is a careful, systematic and thoughtful reflection on practice" [23]. Pertinently, that reasoning, in this sense, must be different from other ways of thinking such as, say, interests, selfish inclinations, sentiments, insensitivity and so on. To put it in other lucid terms, reasoning must be well-groundedin terms of its wider acceptability. Simon Blackburn's words get it across aptly, "something much grander would be a reason that everyone must acknowledge to be a reason, independent of their sympathies and inclinations". In order to avoid the confusion, it can be capitalized as "REASON". Here is crucial point to note. We reason about issues that are unclear, controversial or that considerably affect others or the issues that have a public character. By streamlined, I mean the use of reasoning in a way that would avoid the excessive and over-demanding characteristics of our intuitions, instincts, impulses and so on. This is what Hugh LaFollette implies when he doesn't consider simple moral rules such as 'not lying', 'not killing', 'speaking the truth' as the proper questions of ethics because certain acts are clearly immoral like these.

Having analyzed all these possibilities one by one let me proceed to construct my arguments. The whole exercise of ethical reasoning, in my view, is based on the assumption that what I reason about the issue, as per my understanding, must be appreciated from your reason, therefore, creating what I shall call a "**Minimum Common Ground**". When two or more person fight following a conversation or a debate on, say on terrorism, they essentially fail to build that common ground. So, in reasoning about the issues, we do expect to be creating the 'Minimum Common Ground' that sustains the argumentation and make resolution possible. As David Hume puts it, "When a man denominates another his enemy, adversary or an antagonistic, he is understood to speak the language of self-love". What is disputed now is how far we regulate our reasoning without letting our other inclinations to impact it?It is arguable that the ethical problems presuppose a certain minimum cooperation, and the requirement of creating MCG is what pushes us to take the recourse to reasoning, rather than interests, instincts and impulses. That this crafting of the 'Minimum Common Ground' makes the argumentation possible in an acceptable way without letting prejudices, biases to determine the outcome. To be more explicit, we live-up with numerous beliefs, choices, preferences, attitudes, motivations and these factors remain pivotal in our actions and the purpose of reasoning is to evade such influences in our analysis. That, reasoning has a streamlining effect just like Freudian concept of Sublimation. In the realm of psychology, Sigmund Freud's concept of **sublimation** is proximate to what I call MCG. He defines sublimation as mature strand of defense mechanism in which socially unacceptable impulses or behaviors are carefully rendered into socially acceptable acts, though in long term conversations. He believed that sublimation is the result of maturity to foster wider acceptability in our actions. Most of the time the aforementioned options are biased, prejudiced and we can't rely on them in any systematic and acceptable way. So the requirement of acting unprejudiced, unbiased creates an avenue for proper theoretical framework that can make our judgments reasonably more acceptable. However, we may disagree about the way in which

this needs to be done, but we shall not be going into that, we shall stick to the basic requirements of ethical reasoning as we did above. The categorical Imperative (CI) of Immanuel Kant seems to be addressing this requirement in a certain way, the reason that, he suggests, must be **autonomous** and not **heteronomous**. Kant contends that apart from being driven by pleasure and pain, we are essentially rational beings ... If the reason guides us we shall be able to choose independent of inclinations or nature. Even we find something in Jurgan Habermas's analysis that replicates this requirement. Habermas also looks at the possibility of arranging/marshalling of our reason to judge ourselves as well as what he calls our 'life-world' by which he means our society. This is in fact a crucial step in ethical reasoning to embody the different standpoints taken on any ethical issue before making conclusions about it. This exercise is meant to represent and give due credence to other view points. This must be done open mindedly and not with an intention to dismiss reasonable alternatives. When we take into account other alternative views, we essentially enrich our own position. In order to be robust in any ethical reasoning exercise, we must develop an ability to distinguish ethical issues from non-ethical ones. As Dr Richard Paul point out, "to be skilled at ethical reasoning means to develop a conscience not subservient to fluctuating social conventions, theological systems or unethical laws [20]. There is in fact a huge debate on whether ethics can be independent of religious morality. Peter Singer treats ethics completely independent of ethics. Singer contends that the theist's contention that ethics is dependent on religions or is informed by it involve a great dilemma. He writes. "God is good and so couldn't possibly approve of torture, but get trapped in their own making for what they possibly mean by the assertion that God is good? That God is approved of by God?" Though not all religious thinkers approve of it (e.g., Kant) [21]. The second important backlash against ethical reasoning is moral relativism. Moral relativism entails an idea that there are differences in moral judgments across people and cultures. In the realm of ethics, all moralities are equally good. Relativism seems so simple in principle and correct but it becomes problematic or may have noxious consequences once we meticulously think about it. There have been contentious debates regarding the 'Universal Declaration of Human Rights' because certain groups claim that cultures vary across places and human rights can't be universal (Cultural Relativism) or the issue of "Asian Values" in Singapore, or the 'Muslim Questions' in France or in the US [22]. All these pose real challenges to ethics. Singer's epitome is relevant here that shows the unpalatable flaw in relativism. He contends that if one country approves of slavery and the other disapproves it, we can't have a reasonable choice to choose in between. Here multiculturalism seems to chock liberalism. Synoptically speaking, we have analyzed each of the options that we utilize in moral situations and each of them fails to help in creating any effective consensus. Intuitions have received a particular attention in the recent times but it is yet to emerge from the 'initial credibility' flaw. The point here is that we can't completely deny the weight of each of them for they remain influential in our daily lives. An effective working out of reason in approaching the moral situations would, therefore, require streamlining of impulses, instincts, and intuitions in that shall flow them all in one direction that shall cut off their excessive and over-demanding characteristics. In other words, this task would involve the identification of rational instincts, rational intuitions, rational impulses and so on, and to converge such rational identifications for the creation of more effective MCG. As a matter of fact, the MCG merely evinces the purpose of ethical reason that agreement. However, it does make it conspicuous as wining, it doesn't venture into the substance of that common ground nor to explain what sustains hat must be done while approaching ethical issues. The use

of the word 'streamlining' would sound awkward, but it signifies how these excessive and over-demanding characteristics are lessened in any effective exercise of reasoning. Therefore, the question arises at last; is it possible for an effective working of reason to streamline the effects of intuitions, instincts and impulses? Does this possibility require a re-working of the entire epistemology of these options? Following two case studies illustrate this possibility of how the dominant intuitions or impulses were arranged in line with the MCG. These examples, I reckon, remain just examples without any proper theory.

Two Indian experiences

Having provided the context to my arguments, I shall now present two recent Indian experiences that supplement and illustrate the streamlined use of reason in difficult moral situations. The first is India's move towards Non-Alignment Movement in the context of Cold War and the second is the story of Indian multiculturalism. Both of them, I reckon, ushered in the form of the "Minimum Common Ground" and departed from the universalist tendencies of the West.

India's move towards Non-Alignment Movement

Non-Alignment Movement was an alternative to the ideological bi-polar system carpentered by the US and the Soviet. Some of the newly independent countries decided not to ally with either of the power blocks, instead sought to create a non-allying peaceful platform given their shared experience. As is well-known after national liberation, India, while having an open choice to join either of the power blocks during the Cold War, decided to push for the Non-Alignment Movement as an alternative to the alliance system. My contention is that India's decision to go with the NAM was not merely a pragmatic move, but rather a mixture of moral and pragmatic move. India had suffered under the yoke of imperialism for more than two centuries, and had really experienced a psychological and confidential crunch. Besides, with a non-violent ideology as a backdrop and an apathetic attitude towards warfare and made rat race of Cold-War power politics, India was certainly facing moral issues as well as the practical problems.

What provided life to the NAM was a "moral package" of "Panchsheel" (1954). Eventually, the organization was founded in Belgrade in 1961 immensely with Indian contribution as well as Egypt, Yugoslavia Indonesia, Ghana, Burma and other countries with an objective to express a strong commitment toward peaceful world rather than the constant hostilities inter se. In spite of numerous challenges and compulsions of realpolitik, India, along with the other countries, sought to create what I have called, "Minimum Common Ground" to deliberate on issues common to all countries who had been the victims of colonialism. Central to this common ground were a galore of social, economic, and cultural political problems. India could have acted impulsively by joining either of the blocks, the fate of which I would like to leave to foreign policy doyens; she could also have acted according to her narrow interests, but seeking of the self-interest only was not a reasonable choice. So, India thought of approaching towards something that if not acceptable to all was certainly not harmful to any country either. This is, I think, the purpose of ethical reasoning, to craft an acceptable way that would not be biased, harmful or prejudiced to anyone; otherwise we can't solve what we call ethical problems. Our reluctance to appreciate and acknowledge such a common ground would result in more conflicts, resistance, violence and therefore, endangers our very collective existence.

Indian story of multiculturalism

The cultural diversity has both been abhorred by those who are afraid of differences and celebrated by the champions of collective co-existence. India is widely known for her cultural diversity comprising several thousand languages, castes, and nearly a dozen religions. Despite of the partition on the religious lines in 1947, India continues to be a huge multicultural society and a constitutional democracy. In the West, in contrast, diversity has often been mourned about as an evil hindrance in the way of the formation of modern political community or nation-states. Relinquishing of the individualist identities has been seen as a pre-requisite condition for the formation of modern nation-states. In other words, it was based on the homogenizing project. This has been symbolized by the term 'melting pot' in the multicultural studies [20]. Given the formation of nation-states in the West, on the eve of independence, many, including Winston Churchill and the early nationalists had considerable doubts about the potentiality of India to form nation-state in the modern sense of the term and therefore, its continuity, seeing her diversity as the biggest bottleneck in its way [23]. Of course this doubt was rooted in the context of the formation of nation-states in the West. Today we see the fate of India. Indian experience has certainly falsified the early skeptical claims about the very existence of India as a nation-state. India has survived for more than six decades now, and its continuity is guaranteed by these six decades with a working and thriving constitutional democracy. India worked out its own programme of integrating diverse cultures and identities on equal terms with the constitutional sanctity. This has been analyzed by the Indian social Scientist, Yogendra Yadav in term of what he and Alfred Stephan and Linz have collectively termed as '**State-Nation**'. After independence, a galore of moral issues were awaiting response. One of the most difficult moral situations was the decision of a considerable Muslim population to stay back in India at the time of partition. The division on religious lines would have meant total transfer of Muslim populace to Pakistan or their forcible transfer which was seemingly a possibility. But India made a remarkable example by giving equal weight to the Muslim subjects. India orchestrated a just constitutional arrangement by giving equal status to all identities irrespective of their social backgrounds. So like in the West mostly, people in India didn't give up their identities, rather retained it and that too with the constitutional protection (provisions of cultural preservation in the Indian Constitution). It is pertinent to note here that I don't opine that this transition was all milk and honey; it has rather been the most difficult journey. Moreover, I don't claim that these identities and cultures didn't create problems. This cultural integration is certainly an ongoing project; still the state is meddling with such issues- be it religions, caste, or language. However, the broader picture tells us that India's story of multiculturalism in the form of what is called as 'Salad Bowl' definitely proved the skeptics wrong. Indeed the state intervened through its institutional framework to avoid the intricacies of the cultures and identities to form what is called as con-sociational democracy. My objective is neither to discuss Indian multiculturalism nor its pros and cons, nor to show how it defied the Western the model. Rather my aim here is show how India approached the moral issues on the eve of independence and sought to create a "Minimum Common Ground" in the sense of treating every person as equal. The constitution makers and the India's long assimilative tradition realized the need of this common ground and hence multiculturalism. In fact, accepting multiculturalism per se seems to be the outcome of that common ground. India could have rejected multiculturalism by forming a theocratic state as the division was based on religious lines. But she didn't and displayed an exemplary epitome of ethical reasoning.

Conclusion

In conclusion, it is imperative to underscore the main arguments made in this paper. Ethical reasoning is undoubtedly a daunting

exercise of identifying the centralities and most possible/plausible solutions in the issues manifested in the question – "what we ought or ought not to do?" These questions are, more often than not, unclear and vexed involving multiple contesting positions. These questions require a space wherein the different positions are adequately addressed and given due weight. This space must not be bending or inclined toward any particular positions taken, rather it must be mutually decided realm with wider acceptability among the contesting positions. This has been termed as "Minimum Common Ground" in this paper, somewhat analogous to Rawls' 'Overlapping Consensus', Freud's 'Sublimation' and Habermas' 'marshalling of reason'. However, MCG differs from all these in that while Rawls focus on intuitions, MCG involves the identification of rational instincts, rational impulses, rational intuition and call for a reasonable framework for any effective ethical reasoning. It has been argued in this paper that our impulses, and instincts and intuitions can't and don't form this "Minimum Common Ground" without which we can't address ethical questions in any systematic and acceptable manner. Further, effective use of reason can streamline the influence of all these options and make itself an effective tool to deal with the moral situations. Various examples have been given from the real life experiences to test the plausibility of these options.

Therefore, it is only the "reason" that succeeds in crafting that minimum consensus and it has a further scope for streamlining the influences that interests, instincts and intuitions have on it. It allows us to avoid the inclining tendencies of our interest, instincts and impulses that make reasonable argumentation a Gordian knot. This reason, described as responsibly conducted thinking, is, therefore essential to approach the ethical issues. Finally, two recent Indian historical experiences discussed in this paper epitomize and illustrate that responsible thinking in practice. By recognizing implausibility of the other options available, India made reasonable moves to set eloquent examples of proper ethical reasoning in practice (praxis).

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