General Semantics, Stare Decisis and Change Through Considerations of a New Ethics

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My paper today is entitled General Semantics, Stare Decisis and Change Through Considerations of a New Ethics.

I begin this talk with an expression of gratitude to Gerard Nierenberg for his latest book Workable Ethics, 2/ which brought me to a rereading and a new appreciation for Alfred Korzybski's Manhood of Humanity. 3/ The principles and precepts set forth in this earliest known work of Korzybski form the basis for Nierenberg's definition of workable ethics and for the foundation of this paper.

In a recent column in the New York Times, 4/ Russell Baker observed that there are "two categories of words: abstract words and stract words". That "there are two kinds of words because there are two kinds of minds: the abstract mind and the stract mind". Since I could not find a definition for the word "stract", I understood that he was being humorous. He did not have a problem, he said, with a word like "cat" which he could visualize as a "sneaky, furred, quadruped torturing a mouse to death", whereas a word like "amortize" left him mentally paralyzed because he could not visualize an amortizing.

1/ Administrative Law Judge, New York State Department of Labor. This paper was first presented to the Institute of General Semantics at Yale University on July 28, 1988, and is reprinted here by permission.


Reading his column, I realized some of the pitfalls I would face delivering a paper on three such abstractions as general semantics, stare decisis and ethics. Although I had a more difficult time trying to visualize Baker's cat with his "stract" word "cat" (while visions of my own playful, winsome pussycat, Schroedinger, kept dancing through my mind), than I had with the word "amortize" since I had been schooled in a circumscribed definition of that word, I feel that I must offer some definitions lest I cause those of you who have had no prior experience with such terms as "general semantics", "stare decisis" and "ethics" to become mentally paralyzed.

Except for the term "stare decisis", for which I will offer a straightforward, dictionary definition, I may lead you down the garden path somewhat, in defining general semantics and ethics. You will hear me defining and redefining, sometimes telling you the meanings ascribed by others to these terms and sometimes telling you what they think these terms do not mean.

I offer you, first, some definitions for "general semantics" The first such definition I take from Alfred Korzybski himself, the founder of General Semantics, which I found in the Introduction to the 2nd edition of *Science and Sanity* (1941, p. vi): "General semantics is not any 'philosophy' or 'psychology', or 'logic', in the ordinary sense. It is a new extensional discipline which explains and trains us how to use our nervous systems most efficiently. It is not a medical science, but like bacteriology, it is indispensable for medicine in general, and for psychiatry, mental hygiene, and education in particular. In brief, it is the formulation of a new non-aristotelian system of orientation which affects every branch of science and life. The separate issues involved are not entirely new; their methodological formulation as a system which is workable, teachable and so elementary that it can be applied to children, is entirely new."

Stuart A, Mayper, Prof. Emeritus of the University of Bridgeport, Ct., offers the following definition of "general semantics": "General Semantics is a study of human behavior from the


point of view of up-to-date knowledge of neural processes and their interaction with language."

A. E. Van Vogt, in *Players of Null-A*, a science-fiction work, describes general semantics as follows: "Semantics has to do with the meaning of meaning or the meaning of words. G.S. has to do with the relationship of the human nervous system to the world around it, and therefore it includes semantics. It provides an integrating system for all human thought and experience."

George Doris, a management consultant from London, England, describes "general semantics" as: "A comprehensive, systematic way of understanding and working with 'my' world which I find psychologically and emotionally satisfying."

Kenneth G. Johnson, Prof. Emeritus of the University of Wisconsin-Milwaukee, says: "G.S. tries to keep our solutions from becoming our problems."

Through G.S., I learned that there are not categories in nature; that we, as humans, create the categories through which we see relatedness, and so we can put together any two, three or infinite number of things and find relatedness. Therefore, I attempt to bring together such seemingly unrelated constructs as G.S., stare decisis and ethics.

With these various definitions and descriptions of G.S., you will no more be able to comprehend the immensity of its aspects without more and more study and experience with it, than I can envision Russell Baker's cat without myself having seen it and experienced it, time and time again.

With these definitions, however, I intended to convey to you my belief that G.S. is the methodology by which we can examine the problems we have gotten ourselves into and find solutions before it is too late.

The definition of "stare decisis" which I will give to you is taken from Black's Law Dictionary. It is taken from the Latin and is defined as follows: To stand by decided cases; to uphold

7/ Personal communications.
8/ Personal communications.
9/ Personal communications.
precedents; to maintain former adjudications. Doctrine of stare decisis rests upon the principle that law by which men are governed should be fixed, definite, and known, and that, when the law is declared by court of competent jurisdiction authorized to construe it, such declaration, in absence of palpable mistake or error, is itself evidence of the law until changed by competent authority. *Stare Decisis Et Non Quieta Movere* -- To adhere to precedents and not to unsettle things which are established.

Therefore, when a client comes to his attorney and asks the question, "Is it legal?", the attorney then researches the law to find similar fact situations which have been decided by the courts and which stand as precedents upon which similar cases must be adjudicated similarly because of the rule of stare decisis. If the fact situation brought by the client is different, to the degree that the difference makes a difference (a phrase which triggers a reaction in General Semanticists because they recognize that there is a difference to some degree between any two similar situations or things) and there is no precedent for this fact situation, the attorney tries to establish a new precedent in bringing this case to court.

You will note that the question asked of the attorney is "Is it legal?" not "Is it right or ethical?"

Korzybski made some harsh evaluations about the law. Quoting from *Manhood of Humanity*, he said: "Laws, legal ideas, date from the beginning of civilization. Legal speculation was wonderfully developed in parallel lines with theology and philosophy before the natural and exact sciences came into existence. Law was always made by the few and in general for the purpose of preserving the "existing order," or for the reestablishment of the old order and the punishment of the offenders against it. Dogmatic theology is by its very nature, unchangeable. The same can be said in regard to the spirit of the law. Law was and is to protect the past and present status of society and, by its very essence, must be very conservative, if not reactionary."

Korzybski's indictment in 1921 could be echoed today.

Recently, the Supreme Court, which, as it is presently constituted, has a conservative majority, voted to reconsider a major case.

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1976 civil rights decision. The case involves a Reconstruction era law providing that all people have the same right "to make and enforce contracts" as "is enjoyed by white citizens". The Supreme Court's 1976 decision turned the little used statute into a potent weapon, permitting its use by private plaintiffs to sue discriminating private schools and to seek damages for racial discrimination in private business dealings generally.

A further example of conservative judicial reactivism is the attempt to restore through the Court the power of state legislatures to restrict abortion rights.

In what has been called "judicial reactivism" to the perceived excesses of a then liberally constituted Court, it now seeks to overrule or circumvent its own judicial precedent. We realize the immensity of the power conveyed in our presidential elections when we realize that one of the great prizes of victory for the executive branch of our government is the opportunity to make appointments to the Federal district courts and recommend appointments to the highest Court in the land.

The factors involved in precedent and change with regard to our courts appear to be, then, the political and ethical persuasion of our jurists. Nothing significant appears to have changed with regard to jurisprudence since Korzybski wrote in 1921: "And now what must we say of the so-called sciences -- the pseudo sciences -- of ethics and jurisprudence and economics and politics and government? For the answer we have only to open our eyes and behold the world. By virtue of the advancement that has long been going on with ever-accelerated logarithmic rapidity in invention, in mathematics, in physics, in chemistry, in biology, in astronomy and in applications of them, time and space and matter have been already conquered to such an extent that our globe, once so seemingly vast, has virtually shrunken to the dimensions of an ancient province . . ." He goes on to say that although a new ethical wisdom is demanded, the social sciences, the so-called sciences of ethics and jurisprudence, have lagged behind and asks "Why?" they have lagged behind. He goes on to say: "The answer is not far to seek nor difficult to understand. They have lagged behind, partly because they have been hampered by the traditions and the habits of a bygone world -- they have looked backward instead of forward; they have lagged behind, partly because they have depended upon the barren methods of verbalistic philosophy -- they have been metaphysical instead of scientific; they have lagged behind, partly because they have been often dominated by the

lusts of cunning "politicians" instead of being led by the wisdom of enlightened statesmen; they have lagged behind, partly because they have been predominantly concerned to protect "vested interests," upon which they have in the main depended for support; the fundamental cause, however, of their lagging behind is found in the astonishing fact that, despite their being by their very nature most immediately concerned with the affairs of mankind, they have not discovered what man really is but have from time immemorial falsely regarded human beings either as animals or else as combinations of animals and something supernatural."

I do not mean to suggest by this paper that the motivations of our esteemed Court are venal or in any way self-serving, but that its ethical standards are shortsighted and backward looking.

Which brings me to a consideration of the meaning of ethics and, finally, to a proposal of a new ethical standard.

The Shorter Oxford English Dictionary (published 1933) gives this definition of ethics: "The or a science of morals. The moral system of a particular writer or school of thought. The rules of conduct recognized in certain limited departments of human life. The science of human duty in its widest extent, includes, besides ethics proper, the science of law whether civil, political, or international."

After that has been said, it is anybody's guess what ethics means to any individual.

Since Korzybski wrote Manhood Humanity, we have had another World War, many other wars in many parts of the world, the creation of atomic and hydrogen bombs, a nuclear accident at Chernobyl, environmental pollution, acid rain, the warming of the earth through the "greenhouse effect", overpopulation concerns, drug wars and AIDS.

How are all of these disasters possible if human beings are governed by ethical considerations?

Cassius Jackson Keyser, writing on Korzybski's concept of Man, says, "It is often said that ethics is a thing which it is impossible to teach. Just the opposite is true -- it is impossible not to teach ethics, for the teaching of it is subtly carried on in

all our teaching, whether consciously or not, being essentially involved in the teacher's 'philosophy of human nature'.

Lester C. Thurow, 14/ dean of the Sloan School of Management at the Massachusetts Institute of Technology, in a recent article in the New York Times considers the necessity for improving business ethics and says: "Ethical dilemmas arise when a person's actions may contribute to the common good of the community but at the same time hurt his self-interest. Choosing to sacrifice one's appetites and self-interest is at the heart of ethical action."

It is this equation of ethics and self-sacrifice which is, for me, at the heart of the "old" ethics and demands a new way of looking at ethics. If I choose to exercise my right to pollute the air, whose air am I polluting? If I choose to make war, sell "crack", defoliate our forests or cause an opposer in a negotiation to be a "loser", who is the ultimate loser?

If I choose not to do these things, what am I sacrificing?

If I concern myself with "who will get the last piece of pie", how am I using my creative abilities to make more pies?

Korzybski 15/ gives us a new basis for defining ethics when he says: "... human beings possess a most remarkable capacity which is entirely peculiar to them ... the capacity to summarize, digest and appropriate the labors and experiences of the past; ... use the fruits of past labors and experiences as intellectual or spiritual capital for developments in the present; ... employ as instruments of increasing power the accumulated achievements of the all-precious lives of past generations spent in trial and error, trial and success; ... the capacity of human beings to conduct their lives in the ever increasing light of inherited wisdom; ... the capacity in virtue of which man is at once the heritor of the bygone ages and the trustee of posterity ..." Because humanity is just this magnificent natural agency by which the past lives in the present and the present for the future, he defines Humanity 16/ as the Time-Binding Class of Life.


15/ Manhood of Humanity, loc. cit., page 59.

16/ Ibid., page 63.
It is only when we recognize the dimension and capacity of human beings that "we look forward to an ethics, a jurisprudence... a science and art of human life and society... destined to endless advancement in accord with the potencies of Human Nature".

To help us recognize our full potentiality and our relatedness to the world around us and to keep us from making our solutions part of the problem, I see a great need for the study of G.S.

I see a great need for the Courts to recognize that "process" and "change" (that factor of time which is the "difference that makes a difference") -- process and change can allow for changing precedents. Stare decisis is not immutable but the Courts must not be shortsighted or backward-looking in seeking change, but must be forward-looking and ask with each new decision, "How does this decision affect the generations yet unborn?"