

Moral Minimalism in the Political Realm *

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There are various diverging answers to the traditional questions concerning the correct assessment of the relations between morality and politics. From Plato and Aristotle to Macchiavelli, Hobbes and Kant, philosophers have elaborated different conceptions of these relations which could be interpreted as involving a form of subordination of politics to morality, or, on the contrary, of morality to politics. Contemporary liberal thinkers are usually suspicious of any talk about the need for a “moralization” of political life, to the extent that it may hide an objectionable commitment to the promotion of some substantive ideal of the good as a collective *political goal*. However, they often admit that they do respect and sustain a kind of political morality conforming to the values of liberal democracies¹. The political morality they are ready to defend is sometimes associated with what is characterized as a *minimalist* approach to moral issues. The aim of this paper is to cast light on some aspects and versions of this approach, the interest of which goes beyond the concerns of liberal political philosophers, and to try to cast light on the more or less “thin” moral concepts which constitute its core. Minimalism here implies a substantial restriction or attenuation of the demands of morality and not a negative

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¹ I am not interested in dwelling on arguments supporting political liberalism. The issues that I intend to emphasize are related to discussions probably concerning metaethics and moral philosophy more than political philosophy or politics.

stance of indifference or rejection of moral values or principles, which would amount to some form of thorough-going amorality.² It will be argued that the normative model to be adopted should include both deontological and consequentialist components, that we may want to ascribe a priority to the former, and that its minimalist character will depend mostly on the construal of its central principles and on the way they are supposed to be implemented.

Let us begin with a few introductory remarks regarding the interpretation of the concepts of ethics and politics on which we intend to concentrate. In fact, there are alternative construals of the notions of the *moral* and of the *ethical*, on the one hand, and of the *political*, on the other, which one should eventually take into account. Here, we will begin our discussion by seeking a preliminary specification of their content allowing us to get a first picture of their complex relations. Thus, morality could be conceived as consisting of a set of norms for the assessment and the guidance of one's actions, insofar as their outcomes affect not only oneself but also the lives of other persons and sentient creatures. It should be noted that, although the terms "morality" and "ethics" are often taken to be coextensive, the word "ethical" is used by many philosophers to refer to broader issues regarding the good life and the values that constitute it, or are conducive to it, while the word "moral" is employed in the more narrow sense of what conforms to a set of abstract principles regulating one's conduct.³ Morality, as we understand it in the modern era, comprises norms entailing duties and obligations, while ethics is interpreted as involving a richer set of concrete evaluative properties, includ-

² For a conception of forms of ethical minimalism which involve egoism or even nihilism, see Shelly Kagan, *The Limits of Morality*, Oxford: Clarendon Press, 1989, 5-6. Of course, the term "minimalism" is widely used in many areas. The notion of minimalism is usually associated with styles of modernist visual art and music, but the idea has also become fashionable in philosophy, especially in the philosophy of language and in relation with a certain conception of truth, discussed by Pascal Engel in his *Truth*, Chesham: Acumen, 2002, 65-98.

³ This distinction between the "ethical" (ethisch) and the "moral" (moralisch) is elaborated in the writings of Jürgen Habermas. The notion of the moral is supposed to capture the proper, other-regarding goals of right action. See the discussion in Rainer Forst, "Ethik und Moral", in Lutz Wingert & Klaus Günther (Hrg.), *Die Öffentlichkeit der Vernunft und die Vernunft der Öffentlichkeit*, Frankfurt: Suhrkamp, 2001. See also Stephen Darwall, *Philosophical Ethics*, Boulder, Colorado: Westview Press, 1998 and Kieran Setiya, *Reasons without Rationalism*, Princeton: Princeton University Press, 2007, 2. More recently, Ronald Dworkin has proposed to use the terms "ethics" and "morality", to refer respectively to "the study of how to live well" and to "the study of how to treat other people". See his *Justice for Hedgehogs*, Cambridge MA: Harvard University Press, 2011, 19, 191 and *passim*.

ing character traits, that is virtues and vices. This distinction is often summarized in the contrast between “thin” and “thick” concepts, such as, on the one hand, good, just or right, and on the other, generous, honest, courageous, magnanimous, jealous, cruel, etc.⁴ There is a clear analogy with the opposition put forth by Hegel, between *Moralität* -a system of principles adopted by the moral agent-, and *Sittlichkeit* -morality embodied in social institutions-, although the two distinctions are not equivalent in meaning.

In any case, we are not going to proceed by taking for granted the details of the distinction between the meanings of the terms “morality” and “ethics”, to which we may return in our concluding reflections. However, even if one is occasionally willing to speak more loosely, and use the two terms interchangeably, one should not fail to take into consideration the deep going differences between modern and ancient philosophical conceptions of morality, the paradigms of which are, respectively, Kant’s deontology and utilitarianism, and Aristotle’s ethics.⁵ It is generally agreed that Greek philosophers, who lay emphasis on the *thick* ethical dimension, clearly espouse the priority of the “good” over the “right”, and that the opposite is true in the case of modern thinkers who employ mostly *thin* notions. Actually, according to the analysis that has prevailed in contemporary moral theory, the priority of the good, construed in an abstract, thin sense, is also attributed to teleological and consequentialist accounts of moral norms, put forth in the modern era, and the clear priority of the right over the good is thought to characterize only those who defend deontological views. The rightness of an action, or of a rule of action, depends on the amount of non moral value (“goodness”) realized in the states of affairs brought about or aimed at by this action, or the rule to which it conforms.⁶

⁴ See the discussion in Bernard Williams, *Ethics and the Limits of Philosophy*, Cambridge MA: Harvard University Press, 1985, 129, 140, 143-145, 162, 193, 200 and in Michael Walzer, *Thick and Thin: Moral Argument at Home and Abroad*, Notre Dame: Notre Dame University Press, 1994, *passim*.

⁵ See Elizabeth Anscombe “Modern Moral Philosophy”, *Philosophy* 33, reprinted in *Collected Philosophical Papers*, vol. III : *Ethics, Religion and Politics*, Minneapolis: University of Minnesota Press, 1981, Alasdair MacIntyre, *After Virtue*, 2nd ed., Notre Dame: Notre Dame University Press, 1984, Williams, *op.cit.*

⁶ Charles Larmore criticizes philosophers who speak of a priority of the good over the right in modern teleological and consequentialist theories in his monograph *The Morals of Modernity*, Cambridge: Cambridge University Press, 1996, 19-40, 22. A characteristic target of his criticism is William Frankena, (*Ethics*, 2nd ed. Englewood Cliffs: Prentice Hall, 1973, 14-17) and extends to John Rawls’, *A Theory of Justice*, Cambridge MA: Harvard University Press, 1971, 30-33. Although I agree with the main idea behind Larmore’s argument to the effect that such a priority is primarily found in ancient ethics, I think that there is a clear sense in which we may acknowledge

Now, politics can be taken to refer to a set of practices aiming at the effective satisfaction of needs and at the prevention and the eventual adjudication of conflicts among the members of a society, or, at a higher level, among different societies. Moreover, we often describe politics as an art, rather than as a science, of governing people and of managing the central institutions of organized, complex communities. Thus, it is generally accepted that, at least in Western liberal societies, politics is conceived as “primarily concerned with public order and safety and the protection of freedom”.⁷ Even in different cultures and in distant historical periods, which present us with ambitious and far reaching political ideals, deriving from religious, metaphysical and ethical accounts of social life –what Rawls describes as “comprehensive” doctrines or conceptions– the fundamental function of political activity in securing the peaceful coexistence of citizens seems to come first. Of course, such basic political activity may be complemented by much richer and more ambitious “policies” aspiring to the realization of different conceptions of the good. In fact, one may be interested in the moral appraisal, both of political activity in its more general form and of the particular policies designed and implemented by governments and political parties.

It is, I think, evident from the above, more or less uncontroversial conceptions of the moral and of the political dimensions of human life how they can and do come into conflict. On the one hand, we often acknowledge the attraction of the realm of ethical ideals, the demands of the *deon* or of the moral *telos* of actions, and of the quest for perfection. On the other, we are obliged to live in the actual world and we must be ready for compromise, limiting and adjusting our moral aspirations. In other words, we have to display “realism” in dealing with the political context in which we find ourselves. In fact, it may be inevitable that we violate some moral principle and we “dirty our hands”.⁸ Thus, as we have already observed, we come across philosophical models and real life circumstances in which it could be said that morality is subordinated to politics, or politics to morality.⁹

that rightness of action, or of rules of action, is given full priority only in modern *deontological* theories. See Stelios Virvidakis, *La robustesse du bien*, Nîmes: Éditions Jacqueline Chambon, 1996, 209n.

⁷ See Edward Kainz, *Ethics in Context*, Houndmills, Basingstoke and London: Macmillan, 1988, 125.

⁸ Here, I shall not dwell on particular moral dilemmas confronting politicians which are often described as instances of the problem of “dirty hands”. On this, see Bernard Williams’, “Politics and Moral Character”, in Stuart Hampshire (ed.), *Public and Private Morality*, Cambridge: Cambridge University Press, 1978, 55-74. *ere*

⁹ Indeed, it could be argued that Hobbes’ *Leviathan* and Macchiaveli’s *Il Principe*, properly

The problem is that both the political and the moral approaches to our practical concerns express important and apparently irreducible dimensions of the life of members of any human society—and we believe we should avoid subordinating either one to the other. We would like to retain the relative autonomy of both. Hence, we may appeal to the conception of moral minimalism which would do justice to our intuitions concerning the moral justification of actions, but would not aspire to determine the central goals of political activity. We want neither an excessively *moralized politics*—leading to dangerous utopianism, or to the imposition of moralistic controls on the function of democratic institutions—, nor a clearly *politicized morality*—an attitude which amounts to loosening or jettisoning altogether ordinary moral standards and betrays skepticism about any moral constraints on political conduct, thorough-going relativism, or cynicism and nihilism. Thus, we need to determine the central components of such a minimalism and the extent to which it could help us resolve the tensions between morality and politics.

The idea of a “minimal morality” is introduced by Michael Walzer in his critical study of concepts and principles which could provide a moral framework for liberal democracies.¹⁰ Walzer refers to the existence of minimal moral *senses* of terms such as “justice” or “truth”, which seem to be easily understood by most people belonging to different societies and cultures. The possibility of a common, elementary construal of moral discourse provides a kind of “moral Esperanto” allowing them to communicate at a basic level and, more importantly, to reach a point of view from which they can also criticize the “thick” notions employed in their actual practices. However, Walzer clearly rejects the ambitious project, embraced by some liberal thinkers, to build a robust universalist ethics on such a minimal basis. He believes that at the end of the day one cannot avoid appealing to the “maximalist”, “thick” and plural, partly particularist interpretations of the common moral vocabulary adopted in a variety of contexts.

Here, I shall not try to analyze Walzer’s subtle arguments, which involve a careful balancing of liberal and communitarian insights and sustain the defense of his notion of “complex equality”, supposedly pursued in distinct

interpreted, constitute examples of the first form of subordination, while Plato’s *Republic* and Marx’ *Critique of the Gotha Program*, instances of the second. For specific, real life examples of the subordination of morality to politics and of politics to morality, see Kainz, *op.cit.*, 125-130.

¹⁰ See Michael Walzer, *op.cit.*

“spheres of justice”.¹¹ Indeed, one may endorse his remarks concerning the importance of the “thick” dimension of ethical concepts in sociopolitical debates and still remain interested in the prospects of some form of moral minimalism, for the purpose of casting light on the main elements of an adequate *political* morality - a morality mostly appropriate for the public domain and for the regulation of political activity at different levels. Of course, it must be doubted whether such a minimalist attitude can lead to a satisfactory, comprehensive account of all aspects of public and private morality.¹²

However that may be, the discussion that follows will rely on a variety of criteria which can be invoked in order to isolate a more or less determinate essential core of moral minimalism and provide a basis for further assessment of its different construals. Thus, I am going to dwell on common *platitudes* concerning the nature of morality, on methodological issues pertaining to the construction of moral theory and to the specification of its aims, on *principles* and the norms or values constituting the moral reasons that they are supposed to express, and finally on the question of the scope and the authority of such moral reasons. I shall argue that determining the components of the minimal morality we think we need depends to an important extent on the conception of the content of normative principles that we will eventually decide to accept and to the interpretation of their role and scope of application. I will conclude my analysis by returning briefly to the issue of the suitability of the alternative minimalist options, which could be thus isolated, for moral agents in the political realm.

1. *Recognition of platitudes*

To begin with, we should take into account certain generally accepted platitudes concerning our moral concepts and the moral judgments in which they are employed. In fact, among the platitudes appealed to by Michael Smith in the course of his investigation of metaethical issues in *The Moral Problem*, we cannot ignore the role in our thinking of those regarding the *practicality*,

¹¹ See also Michael Walzer's earlier, *Spheres of Justice: A defense of Pluralism and Equality* New York: Basic Books, 1983.

¹² For a general defense of a minimalist ethics in all areas and at all levels, see Ruwen Ogien, *L'éthique aujourd'hui, Maximalistes et minimalistes*, Paris: Gallimard, 2007. For doubts concerning the liberal distinction between the private and the public domain, see Raymond Geuss, *Public Goods, Private Goods*, Princeton: Princeton University Press, 2001.

the *objectivity* and the *substance* or *content* of moral judgments¹³. As Smith points out, the idea that moral judgments have a *practical* significance entails that “if someone judges her f-ing to be right, then, other things being equal, she will be disposed to f”; acknowledging their objectivity amounts to maintaining that “when A says that f-ing is right and B says that f-ing is not right, then at most one of A and B is correct”; the acceptance of a more or less definite conception of their *substance* means that one is ready to endorse certain limitations on what may count as a moral requirement, as opposed to non-moral requirements, and to recognize the importance of the promotion of specific values such as human flourishing, or equal concern and respect for other persons.¹⁴

To be sure, it is obvious that focusing on such platitudes by itself doesn’t entail the adoption of a *minimalist* or a *maximalist* approach. Most of the platitudes we mentioned could be construed either in a maximalist or in a minimalist spirit, although some seem to be more suitable for a minimalist stance. Moreover, there are intricate metaethical and normative issues that have to be settled by the moral theory or theories which will be eventually selected before one is able to uphold the commitment to a satisfactory conception of minimal morality. Nonetheless, we may determine the direction that will have to be followed in the quest for the essential core of such a conception, precisely on the basis of the platitudes that we consider to be a plausible, more or less pre-theoretical starting point.

Thus, we could perhaps agree on the following suggestions: a) We don’t have to espouse a strong *internalist* position concerning the relation between moral judgments and the will or the disposition to act, in order to acknowl-

¹³ See Michael Smith, *The Moral Problem*, Oxford: Blackwell, 1994, 39–41. Smith’s list, which is not presented as exhaustive, also includes assumptions regarding the *supervenience* of the moral on the natural and the *procedure* by which we seek rational agreement on moral issues. Universalizability of moral judgments, defined as the requirement to treat exactly similar cases in the same way, could also be regarded as a platitude connected to the idea of supervenience. One may object that some of the items on Smith’s list are controversial and wouldn’t be accepted as platitudes by everybody, but we may provisionally agree on the importance of most of them.

¹⁴ *Ibid.* Smith appeals to supposedly platitudinous ideas about the substance of morality elaborated by philosophers including James Dreier, Philippa Foot, Ronald Dworkin and Will Kymlicka. Here, one could rely on a historical or genealogical account. Thus, according to Philip Kitcher’s evolutionary genealogy of morals, the ethical project has a primary original function or “remedying altruism failures” and a derivative one of “enhancing human possibilities”, thus contributing to human flourishing. See his *The Ethical Project*, Cambridge, MA and London: Harvard University Press, 2011. The primary function seems to point to a substantial element of the minimalist core of morality.

edge their practicality.¹⁵ All we have to accept is the *status* of moral reasons as *prima facie* reasons for action, which do not leave us indifferent. We will eventually have to examine issues concerning their authority and their strength. b) Similarly, a minimalist interpretation of the objectivity of moral judgments may allow for important limitations or qualifications of its grounds. One doesn't have to search for a realist moral *ontology*, which might provoke the objections of various philosophers and especially of certain liberals.¹⁶ A certain form or degree of moderate relativism could be regarded as compatible with the ideal of objectivity guaranteeing the rationality of moral debates and could even go together with a weak form of moral realism.¹⁷ Not even cognitivism is indispensable, provided one can develop a plausible quasi-realist supplement to expressivist models of moral thought, such as the intricate account elaborated by Simon Blackburn¹⁸. However, what may eventually prove necessary is the commitment to a conception of moral truth which would be *minimally realistic* in the sense defined by Pascal Engel, that is, our assertions in the moral domain may have to display truth-aptness for relevant debates to be possible.¹⁹ c) Finally, concerning substance and content, it can be argued that the core we are looking for should combine deontological and consequentialist elements that cannot be neglected. Their particular form and the way in which they have to be combined depend in part on the political values informing our minimalist goals.

¹⁵ On the contemporary debates between internalists and externalists, see Smith's discussion, *op.cit.*, *passim*.

¹⁶ See Dworkin's objections to the pursuit of a moral ontology and his more general objections to metaethical investigations disconnected from first-order normative inquiry in his "Objectivity and Truth: You'd Better Believe It", *Philosophy and Public Affairs* 25 (1996):87-139 and *Justice for Hedgehogs*, *op.cit.*

¹⁷ See Stélios Virvidakis, "Stratégies de modération du réalisme moral", in Ruwen Ogien (dir.), *Le réalisme moral*, Paris, Presses Universitaires de France, 1999, 420-456.

¹⁸ On quasi-realism, see Simon Blackburn, *Essays in Quasi-Realism*, New York: Oxford University Press, 1994 and *Ruling Passions*, Oxford: Clarendon Press, 1998.

¹⁹ See Pascal Engel, *op.cit.* To be sure, Engel doesn't openly endorse commitment to moral realism or even cognitivism, although he is clearly inclined to opt for cognitivist views in most areas of philosophical inquiry. See also the positions put forth by Michael Lynch, in his *True to Life. Why Truth Matters*, Cambridge MA: The MIT Press, 2004. On the importance of a commitment to truth in liberal, democratic politics, see Joshua Cohen, "Truth and Public Reason", in his *Philosophy, Politics and Democracy*, Cambridge MA and London: Harvard University Press, 2009, 348-386. See also Bernard Williams, *Truth and Truthfulness, An Essay in Genealogy*, Princeton: Princeton University Press, 2002, 205-232 and Engel's debate with Richard Rorty concerning the normativity of truth in Richard Rorty and Pascal Engel, ed. by P. Savidan and tr. by W. McCuaig, *What's the Use of Truth?*, New York: Columbia University Press, 2007.

2. *Further methodological and epistemological observations*

Now, before proceeding to any study of the necessary components of the content of a minimal morality appropriate for political activity, we should pause to reflect upon certain methodological and epistemological issues concerning our investigation. To the extent that minimalism entails the rejection of strong foundational claims and we wish to pursue the justification of our judgments without seeking to ground them in some form of infallible basis, we will probably opt for a coherentist model of justification. Moreover, the ideal of a *reflective equilibrium* among well considered moral judgments or intuitions and general principles, which was recently elaborated by John Rawls and could be traced back to Aristotle's dialectical approach to ethics, may be regarded as the expression of the most popular and dominant coherentist conception of justification and even truth in moral philosophy.²⁰ Indeed, despite well known objections to coherentism, and, more particularly to the method of reflective equilibrium, minimalists, recognizing the need for moderation in their cognitive aspirations, would probably prefer it to alternative accounts of justification. Thus, political considerations which will presumably help us decide about the proper construal of moral concepts and principles shall be an integral part of the ideally coherent set of theoretical and practical beliefs constituting reasons of action.

However, it is not clear whether the minimalist model we want to arrive at entails a preference for either a *particularist* or *generalist* paradigm of moral thinking. On the one hand, the coherentism that we believe we should favour goes along with a holistic account and holism about reasons provides key premisses for some of the strongest arguments in favor of particularism. On the other, many particularists tend to espouse strong versions of moral intuitionism and realism, often associated with virtue ethics at the normative level,

²⁰ In fact, Michael Smith includes the coherentist conception of moral reasoning among the platitudes about morality that he takes as a basis for his investigation. See Smith, *op.cit.*, 40 and above note 14. However, I am not so sure that coherentism can be considered to be the most *evident* and *natural* model of justification that most people would presuppose when engaging in moral thinking and arguing, unless, of course, one isolates the platitudes in question in the discourse of philosophers. For the compatibility of coherentism and moral realism, see, among other, David Brink, *Moral Realism and the Foundations of Ethics*, Cambridge: Cambridge University Press, 1989 and Stélios Virvidakis, *La robustesse du bien*, *op.cit.*, 113-115. In fact, I do propose to include the adoption of a coherentist approach among the strategies of moderation of moral realism, in Virvidakis, "Stratégies de modération du réalisme moral", *op.cit.*, 440-451. For a summary of recent discussions regarding the notion of reflective equilibrium see my article "Reflective Equilibrium", forthcoming in James Wright (ed.), *International Encyclopedia of Behavioral and Social Sciences*, Oxford: Elsevier.

which do not seem to conform to the requirements of the minimalism explicitly or implicitly defended by most of the contemporary thinkers reflecting on the proper understanding of the relations between ethics and politics.²¹ Moreover, anti-theoretically minded particularists do not recognize the need for even some general principles, which could be employed by moral and political thinkers in order to systematize our central intuitions and serve as *prima facie* guidelines for action.

At this point, we can perhaps bypass the particularist challenge and submit that the minimalist is entitled to follow traditional principled approaches. Of course, this doesn't mean that we may completely ignore the lessons to be derived from moderate versions of particularism.²² In any case, we have to acknowledge the epistemological peculiarity of the domain of human action, first emphasized by Aristotle in his *Nicomachean Ethics*. It would be foolish to aspire to the construction of a moral theory conforming to the standards of a scientific or logical theory. Nor could we propose the adoption of strict, exceptionless principles, or the use of some form of algorithmic decision procedure for the application of moral rules in real life.²³

3. Which principles? - deontological and consequentialist reasons

Philosophers who pursue the central aims of a normative theory of conduct often try to come up with an "economical" set of moral principles, which would serve as norms helping us assess and eventually guide action. In other words, they formulate very few general principles, presumably embodying the criterion -or criteria- of moral rightness and enabling us to justify the derivation and employment of more particular moral rules. Kant's *categorical imperative* and Mill's *principle of utility* are well-known traditional examples of such over-arching principles that are supposed to capture the essential

²¹ For such arguments for an extreme form of particularism, see Jonathan Dancy, *Moral Reasons*, Oxford: Blackwell, 1992 and *Ethics without Principles*, Oxford: Oxford University Press, 2004. For a more balanced account of the debate between particularists and generalists, see Brad Hooker & Margaret Little (eds.), *Moral Particularism*, Oxford: Clarendon Press, 2000.

²² A plausible and sophisticated generalist stance is elaborated in Sean McKeever & Michael Ridge (eds.), *Principled Ethics. Generalism as a Regulative Ideal*, Oxford: Clarendon Press, 2006.

²³ Concerning these issues, see George Anagnostopoulos, *Aristotle on the Goals and Exactness of Ethics*, Berkeley and Los Angeles: University of California Press, 1994 and Onora O'Neill, "Abstraction, Idealization and Ideology in Ethics", in J. D. G. Evans (ed.), *Modern Philosophy and Contemporary Problems*, Cambridge: Cambridge University Press, 1989, 55-70.

core of moral thinking and acting. There are various descendants of such basic norms, elaborated by contemporary philosophers who recognize the need to take into account more than one criteria and to go beyond monistic conceptions, in attempting to combine different elements from the platitudes that we highlighted in the preceding discussion. In fact, as we also remarked after the initial recognition of the importance of a few platitudes, economy in the selection of principles or criteria, which is thought to ensure simplicity and efficiency²⁴, doesn't necessarily imply a commitment to minimalism.²⁵ What matters is not their number but their content, their interpretation and their implementation.

Indeed, we realize that we shall have to deal with the crucial issues of the authority, the scope and the force attributed to the principles in question and to the central moral reasons that they are supposed to express and codify. At this point, we can refer briefly to the nature or content of such principles and of the corresponding reasons appealed to in their articulation, which we believe should constitute an integral part of minimal morality.

Some of the recent models of normative theory that we characterized as economical, include a small number of principles, which are taken to cover both deontological and teleological or consequentialist dimensions of moral thought. Among the examples that may provide us with the more or less essential components of the minimal core we are interested in, one could mention drafts of theories offering a mixed package, made up of materials that are elsewhere encountered as basic constituents of principles of Kantian and of utilitarian inspiration.

For instance, William Frankena, in his classical introduction to moral philosophy, proposes a "mixed deontological theory of obligation", consisting of a *principle of (distributive) justice* and of a *principle of beneficence*.²⁶ The former is supposed to express deontological constraints without which we would fail to conform to some of our most basic intuitions about what counts as moral thinking and acting. Comparative treatment of individuals involves not only *meritarian* but also *egalitarian* criteria. In fact, the notions of impartiality and of equal concern and respect for each individual, underlying

²⁴ See J.P.De Marco, R.M.Fox, (eds.) *Moral Reasoning : A Philosophical Approach to Applied Ethics*, Fort Worth, Chicago : Holt, Rinehart and Winston, 1990, 173-174.

²⁵ Here, one could think of a very strict divine command theory, containing just a single central principle such as "Obey whatever moral rules have been dictated by God in the Holy Book or imposed by the authority of the Church", which it would be wrong to describe as minimalist, in so far as it would impose an austere and thorough-going regulation of all aspects of our conduct.

²⁶ Frankena, *op.cit.*, 45-52f.

the idea of fair treatment,²⁷ seem to pertain to the *form* of morality, and to be related to the concept of the *universalizability* of moral judgments.²⁸ The latter makes it possible to endow moral action with *content*, by specifying its goals and/or consequences as involving the realization and promotion of non-moral value. Frankena acknowledges that some regard the principle of beneficence as entailing not a real duty or obligation, but just *supererogatory*, praiseworthy, though not morally required acts. He distinguishes between its stronger negative parts, namely, “avoiding to inflict, preventing and removing evil or harm” and the weaker requirement to “do or promote good”. The latter could perhaps be complemented by a version of the *principle of utility*, (conceived as an additional fifth part of the principle of beneficence), if we could manage to measure value in a reliable way that would enable us to seek the greatest balance of good over evil.²⁹

One comes across similar examples of hybrid theories, proposing analogous principles, also including a general norm of respect of freedom or autonomy,³⁰ or, on the contrary, combining all indispensable criteria of rightness in one dense principle. It is sometimes argued, by thinkers drawing on the great religious traditions, such as the German theologian Hans Küng, that the complementary principles expressing the most basic approaches to the value of humanity can all be derived from the “Golden Rule”, properly interpreted and elaborated.³¹

There are various interesting proposals for a synthesis of consequentialist and deontological considerations, such as the central norm of James Rachels’ theory of “morality without hybris”: “We ought to act so as to promote impartially the interests of everyone alike, except when individuals deserve particular responses as a result of their own past behavior”.³² A preference for con-

²⁷ It is precisely this idea which informs Rawls’ conception of distributive justice. Of course, there are different ways one can construe and defend fairness, including Rawls’ own thought experiment of the *original position*.

²⁸ See above, note 14.

²⁹ Frankena, *op.cit.*, 46-48. Here, it is worth comparing Frankena’s suggestions, which are not presented as minimalist, to Ogien’s recent defense of the two basic principles of “no harm to others” and of “equal consideration of everybody”, complemented by a third principle of “moral indifference towards oneself” (justified by an alleged moral asymmetry between the relations to others and the relations to ourselves). See Ogien, *op.cit.*, 153-159.

³⁰ See De Marco & Fox, *op.cit.*, 176-187.

³¹ See, Hans Küng, *A Global Ethic for Global Politics and Economics*, tr. by John Bowden, New York and Oxford: Oxford University Press, 1998, 97-98ff. For a critical discussion of Küng’s project for a “Global ethic”, see Aleksi Kuokkanen, *Constructing Ethical Patterns in Times of Globalization: Hans Küng’s Global Ethic Project and Beyond*, Leiden and Boston: Brill, 2012.

³² James Rachels, *The Elements of Moral Philosophy*, 2nd ed., New York: McGraw Hill, 1993,

tractualist approaches may make us focus on the central directive of Thomas Scanlon's account of moral wrongness: "An act is wrong if its performance under the circumstances would be disallowed by any system of rules for the general regulation of behavior which no one could reasonably reject as a basis for informed, unforced general agreement";³³ or to the similar principle 'U', put forth by Habermas in his theory of communicative action: "A moral norm is valid just in case the foreseeable consequences and side effects of its general observance for the interests of each individual could be jointly accepted by all".³⁴ The quest for a convergence of Kantian, consequentialist and contractualist conceptions of morality could lead to the formulation of Derek Parfit's ambitious "Triple theory": "An act is wrong just when such acts are disallowed by the principles that are optimific, uniquely universally willable, and not reasonably rejectable."³⁵

Now, most of the above attempts at the construction of a moral theory employing one or very few complementary principles, may qualify as versions of minimalism, regardless of the original aspirations of their authors. However, one still has to assess their real purport and the modalities of implementation of the normative guidance they seem to provide. In any case, we should note some of their salient features, which can be regarded as tokens of a minimalist orientation:

- a) The clear absence of any commitment to a particular substantive and comprehensive conception of the good to be promoted, which could be detected in the principles referred to, guarantees the neutrality of the State towards diverging ideals. There is room for the peaceful coexistence of a

185. In the most recent edition of Rachels' book, the central principle to be adopted is presented as expressing "a multiple-strategies utilitarianism", since "perhaps the single moral standard is human welfare". See James Rachels and Stuart Rachels, *The Elements of Moral Philosophy*, 6th ed., New York: McGraw Hill, 2012, 196-197.

³³ See Thomas Scanlon, "Contractualism and Utilitarianism", in Amartya Sen, Bernard Williams, (eds.), *Utilitarianism and Beyond*, 103-28, 110 and his *What We Owe to Each Other*, Cambridge MA: Harvard University Press, 1998, 4.

³⁴ See Jürgen Habermas, *Moral Consciousness and Communicative Action*, tr. by C. Lenhardt, S.W. Nicholsen, Cambridge MA: The MIT Press, 1990, 65.

³⁵ See Derek Parfit, *On What Matters*, vol.I, Oxford and New York: Oxford University Press, 2011, 25, 404-419. Parfit defends a position that he describes as "Kantian consequentialism" and which he presents as pointing in the same direction as contractualism. A systematic study of previous large-scale efforts to combine deontological and consequentialist components of moral thinking should include the works of H. Sidgwick and R.M. Hare.

plurality of such ideals, freely chosen and pursued by individual members of contemporary liberal societies, who are not supposed to endorse a further *telos* of communal life.³⁶

- b) Many of the above formulations indicate *negative* duties which begin with the avoidance and prevention of evil rather than the promotion of the good. It is implied that it is easier to agree on what is experienced as *evil* than on what counts as good. The rightness of an action or of a rule may be harder to discern than its *wrongness*.³⁷ Here, one also brings to mind the liberal emphasis on negative rather than on positive rights, which would be more difficult to isolate and defend. Similarly, as we saw, according to Scanlon's contractualist approach, the proposed justification of moral rules would support directly those that it wouldn't be reasonable to *reject*, rather than those that it would be reasonable to *accept*.
- c) The deontological dimension that principles of justice render prominent, as a basic component of any theory of obligation, is usually interpreted in a way which lays emphasis on more or less formal characteristics and not on substantive conceptions, involving, for example, the aspiration to a thorough-going, revolutionary restructuring of society for the promotion of equality in property or resources, as in more thoroughly and substantially egalitarian, socialist models. Equality would be construed mainly as fairness, as equal concern for the protection of rights and liberties and eventually for the promotion of interests, which may allow for differential treatment, presumably according to norms established without coercion, through what is regarded as reasonable agreement or rather as "non-rejectability".

There are still many questions concerning the correct understanding of the basic core of moral thinking revealed by such mixed accounts of rightness, attributing particular importance to deontological elements. If one wants to conform to the requirements of minimalism of the strictest and most austere

³⁶ Concerning the alleged neutrality of liberalism and its limits, see Nancy Rosenblum (ed.), *Liberalism and the Moral Life*, Cambridge MA: Harvard University Press, 1989. See also, Charles Larmore, "The Moral Basis of Political Liberalism", *The Journal of Philosophy* 96 (1999): 599-625

³⁷ See De Marco & Fox, *op.cit.*, 176-187. ("Do no harm", "Do not be unfair", "Do not violate another's freedom") Such emphasis on negative formulations can be compared to the differentiation between perfect and imperfect duties, specified through the employment of Kant's categorical imperative.

kind, one should perhaps follow Stuart Hampshire in interpreting justice as a purely *procedural* notion which doesn't go beyond a "minimum fairness in established procedures of settling conflicts". As Hampshire puts it, "decent fairness ... is a value independent of any conception of the good... rooted in the fact that human beings have to some degree the habit of balancing contrary arguments and of drawing conclusions from them. Minimal justice is the elaborate application of this habit to interpersonal relations, entailing fair rules of procedure."³⁸ Moreover, consequentialist, and more particularly utilitarian norms, appeal to which is to a certain extent unavoidable in the pursuit of political goals, should be employed only in ways compatible with respect for fundamental deontological constraints imposed by basic principles of procedural justice and of negative freedom and by their corollaries. Hence, deontological reasons imposing the protection of rights and liberties would retain their priority except in cases of a serious threat to the survival or well-being of a society.

4. *Limits of the authority of moral reasons*

Our inquiry into the characteristics of the minimalist model constituting the background of a liberal political morality cannot be completed without a brief assessment of its scope and strength. It must be ensured that the construal and application of principles such as the ones that we have just examined doesn't betray their minimalist intent. Indeed, I want to highlight the fact that minimalism requires significant limitations of the authority of moral claims at different levels and in different senses. Here, it should be asked whether and to what extent we ought to regard moral reasons as *pervasive, overriding* and *stringent*.³⁹

Now, pervasiveness implies unlimited scope, in the sense that "no voluntary human action is in principle resistant to moral assessment"; overridingness means that moral claims always "defeat" the authority of other reasons, so that "it is never rational knowingly to do what morality forbids";⁴⁰ while

³⁸ See Stuart Hampshire, *Innocence and Experience*, Cambridge MA: Harvard University Press, 1989, 169.

³⁹ In what follows, I draw upon the distinctions and the penetrating analysis of Samuel Scheffler in his *Human Morality*, New York: Oxford University Press, 1992, although my construal and final positions may differ from his at various points.

⁴⁰ For an interesting, summary presentation of alternative assessments of the overridingness of moral reasons in the history of philosophy, see Thomas Nagel, *The View from Nowhere*, Oxford: Oxford and New York, 1986. According to Nagel's analysis, in ancient thought any real conflict

stringency expresses the “demanding-ness” of these claims “in whatever domain they apply”, and regardless of whether they may be rationally defined by appealing to other, equally, or more important considerations.”⁴¹

Therefore, when we wonder about the correct implementation of moral principles in the political domain, we understand why an appropriate interpretation of their content seems to involve a certain degree of moderation or weakening in most of these senses. We have already hinted at the fact that principles focusing on the goals or consequences of actions should not be taken to entail a missionary commitment to the attainment of the greatest balance of good over evil for the greatest number. Such a missionary mentality would be clearly regarded as supererogatory and could not be imposed as a political ideal at the expense of the free pursuit of a variety of conceptions of goodness by different individuals.⁴² Liberal, democratic societies embrace less demanding forms of utilitarian or non-maximizing teleological principles of beneficence, which are taken to dictate *prima facie* duties to avoid evil or harm and promote good, and are not supposed to contravene deontological obligations to respect rights and liberties. Only the minimal components of such principles of beneficence, and especially of principles of justice and au-

between the moral life and the good life would be impossible, because of the internal relations of the two notions. In the modern era, the tension between them is obvious in the thought of philosophers such as Kant and Nietzsche, who, in cases of conflict, respectively defend the overridingness of the moral life and that of the good life, while one may hold a middle position, arguing that “neither the moral life nor the good life consistently overrides the other”. Nagel expresses his inclination to accept a Kantian view, although he recognizes the force of the “middle position”. (195-200). For a novel approach to these issues one should turn to Dworkin’s unitary account of value in *Justice for Hedgehogs*, which introduces an interesting distinction between an ethically and morally laden ideal of “living well” and a neutral conception of “having a good life”. Dworkin sees a continuity between the *ethical* and the *moral* and acknowledges ethical responsibilities to oneself. His original and controversial proposals which try to integrate Aristotelian notions and a strong Kantian emphasis on the value of human dignity indicate a clear distance from the aspirations of moral minimalism, although he doesn’t renounce his commitment to political liberalism. See Dworkin, *op.cit.*, 191-210 and *Religion without God*, Cambridge MA: Harvard University Press, 2013. Here, it could be noted that in our discussion we have excluded virtue ethics from all the versions of minimalism the main aspects of which we have attempted to sketch, in so far as the appeal to notions of virtue is usually related to substantive ethical considerations.

⁴¹ Scheffler, *op.cit.*, 25-26ff.

⁴² For such strong and maximalist views, which one would be justified in regarding as betraying a “missionary” attitude associated with some forms of consequentialism and more particularly utilitarianism, see Kagan, *op.cit.*, and the works of Peter Singer. See, a.o. Peter Singer, *One World: The Ethics of Globalization*, 2nd ed., New Haven and London: Yale University Press, 2002. For a critical perspective on these and related issues, see Liam B. Murphy, *Moral Demands in Nonideal Theory*, Oxford and New York: Oxford University Press, 2000.

tonomy, interpreted as primarily negative and proceduralist notions, seem to entail stringent and overriding moral reasons, insofar as such reasons sustain the normative framework of a well-ordered communal life. The core of this normative framework is constituted by the idea of a mutual acknowledgment, by citizens functioning as moral agents, of one or more basic principles dictating “what they owe to each other”, to use the apt expression proposed by Scanlon. Hence, only rules derived through universal application of the latter principle(s), recognized as holding everywhere and for everybody, regardless of social conditions prevailing in particular cultural and historical contexts, would embody considerations which could override all other prudential, political or aesthetic reasons. Such considerations could also be described as *prima facie* pervasive since they couldn’t be ignored by rational human subjects acting voluntarily in any domain.⁴³ Still, they are not fully and thoroughly pervasive, always overriding or stringent in the sense that they would entail duties or obligations to oneself and would affect personal values endorsed privately by each individual.⁴⁴

Of course, this minimalist construal of moral notions doesn’t suffice if we are seeking an understanding of the whole of morality, and more generally, ethics, to return to the distinction we highlighted at the beginning of our discussion.⁴⁵ There are various, more or less widely shared values, virtues and conceptions of the good life, which may be of paramount normative significance for individuals and for social groups, whose existence would be seriously impoverished without them. However, they do not and should not concern political activity, at least directly and in ways that would threaten its contractual democratic framework and its implicit norms. In fact, it is by acknowledging the latter that one realizes why it would be wrong to present political life as totally dissociated from morality. One should not think that politicians, or any citizens of a liberal society, who stress the need for the respect of fundamental principles of beneficence, justice and autonomy, and

⁴³ Scanlon, *What We Owe to Each Other*, *op.cit.*, 348-349.

⁴⁴ See Ogien, *op.cit.*, 33-57. See also Thomas Scanlon’s forthcoming John Locke lectures, *Being Realistic about Reasons*, Oxford and New York: Oxford University Press, 2014, 105-123. Here, I would like to thank Professor Scanlon for permission to use the text of his unpublished Locke lectures and for our discussions of relevant metaethical issues.

⁴⁵ Here, one may be persuaded by Dworkin’s arguments to which we have already referred regarding the organic connections, if not the continuity or unity of ethical and moral values. See above, note 41.

for the promotion of the relevant values and virtues of truthfulness, honesty and fairness, are always either disingenuous or necessarily guilty of pernicious moralism.⁴⁶ Something like the minimal morality that we have tried to describe should not be absent from the political realm, provided, of course, politics aims at handling problems of social interaction in a decent way.

⁴⁶ On the important issue of moralism, see, a.o. Julia Driver, "Moralism", *Journal of Applied Philosophy* 22/2 (2005): 137-152, Robin Fullinwider, "On Moralism", *Journal of Applied Philosophy* 22 (2005): 105-120 and Craig Taylor, *Moralism: A Study of a Vice*, Durham: Acumen, 2012. For an interesting discussion of varieties of moralistic attitudes in international relations, see C.A.J. Coady, "The Moral Reality in Realism", *Journal of Applied Philosophy* 22 (2005): 121-136. At this point, one should go on to concentrate on the problems of *legal moralism* and of *moral paternalism* and on issues regarding the eventual need to invoke moral norms for the regulation of markets, pertinent to the further study of the relations among morality, the economy, law and politics, but such a task would require another paper.