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978-0-521-58097-7 - Ethics and Activism: The Theory and Practice of Political Morality

Michael L. Gross

Excerpt

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Introduction

Ethics and politics can be strange bedfellows. If, as some suggest, “political morality” is an oxymoron, then it stands without question that politics, policy, and politicians cannot – maybe should not – be moral. Politicians are inevitably both imprudent and immoral, serving self-interest at the expense of the common good; public policy is not moral but the product of Realpolitik and sectarian concerns.

But this depiction is a caricature. Until one defines political morality with greater precision, no one knows exactly what or whose interests political officeholders and the policy they pursue are supposed to serve. While most may not be self-serving, their motivations for seeking office may be less than altruistic. Some clearly serve a special interest, but this may not be bad or immoral. In fact, it may be just the proper thing for them to do, particularly in a democratic system bent on interest-group competition.

The language of political morality is incomplete, imprecise, and often venal, a confused amalgam of mostly pejorative statements that reflect the perceived immorality of politicians and skewed interest of public policy. To condemn political immorality and to reasonably police public policy, however, demands that we have some inkling of what ethical political behavior should be, and more importantly, what ideals we, as citizens of a reasonably well-ordered state, can understand and live up to.

The qualities demanded of democratic citizenship stand in stark contrast to what we expect from public officials, and in spite of our professed cynicism about political morality in general, we have extraordinarily high expectations of the average citizen. We believe the ideas of obligation, responsibility, and accountability are not entirely vacuous, that public policy is constrained by recognized moral limits, and that citizens are enjoined to resist political injustice. Political morality describes the moral principles governing public policy and the cognitive and behavioral mechanism citizens use to preserve the ethical foundation of civil

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[More information](#)

Introduction

society. Intuitively, it is predicated on the understanding that citizens know what moral principles regulate public policy and recognize violations of public trust, and, armed with this knowledge, should undertake competent political action by voting, protesting, and even rebelling.

Public policy is constantly scrutinized and examined for moral defects, a vital process that confers political legitimacy and guarantees social stability should the much-vaunted structural checks and balances of representative democracy buckle. When breaches of fundamental principles of justice are answered with intense political activism, we applaud the perspicacity of the citizenry and the resiliency of democracy – Denmark’s rescue of its Jews was, in the eyes of many, a successful test of its democracy. When egregious injustice is overlooked, the condemnation and national self-flagellation are so intense that one wonders how the polity was able to err to begin with. Witness, for example, the belated response of the American public to the deportation and incarceration of Japanese-Americans during the Second World War.

Yet each of these tasks – recognizing fundamental ethical principles and undertaking aggressive political action – is profoundly complex, investing citizens with the clarity of thought and conviction of purpose usually only reserved for moral philosophers. Ethical activism, for example, is central to Locke’s (1963) idea of fiduciary trust. The citizen-trustor is, by virtue of reason, endowed with the moral acumen to detect great and small breaches of the fiduciary trust lodged with the sovereign, to judge their seriousness, and to rectify serious deviations from natural law. It surfaces vaguely in Bentham’s (1988) justification of revolution, but then quickly recedes in the face of self-evident utilitarian logic. Nevertheless, Bentham’s revolutionary citizen is endowed with cognitive faculties not unlike Locke’s ideal citizen, or Rawls’ civil disobedient and Habermas’s social activist. Each knows when and how to exercise ethical activism. All make extraordinary cognitive demands on the moral faculties of the citizenry.

The cognitive demands of moral acuity and behavioral demands of political activism characterize models of *strong* political morality. Strong political morality offers a tidy package of ethical precepts to guide political behavior, together with an array of epistemological and psychological canons to substantiate the demand for judicious political action. But is strong political morality correct? The components of strong political morality – first principles, astute moral judgment, and concerted political activism – remain remarkably complex. Are philosophical authorities, like their ecclesiastical predecessors, too quick to prescribe duties, responsibilities, and actions without pausing to ask whether they are necessary in our everyday lives, capable of execution or even comprehensi-

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Excerpt

[More information](#)*Introduction*

ble? Strong political morality charges an active citizenry with the overwhelmingly difficult task of political redemption. But does it demand too much? The answer is yes, and there are substantial theoretical and practical benefits in a *weak* formulation of political morality, one characterized by marginalized moral judgment, complacent social learning, and mundane political participation. Weak political morality, not the strong variant, offers the most secure basis for concerted activism, social stability, and the protection of moral and political interests. Moral competence, on the other hand, long thought to be the linchpin of a viable and vibrant democratic polity is of no great political consequence, and bears little relationship to successful social activism.

This is a provocative claim. Strong political morality, exemplified in this book by the highly charged moral philosophy of John Stuart Mill, John Rawls, and Jürgen Habermas, enjoys a hallowed place in contemporary political theory. While one can challenge these philosophers on theoretical grounds, assessing competing formulations of political morality is not just a speculative exercise. There is, to be sure, a philosophical concern. Answers to questions such as “What ought I to do?” or “How should I behave?” provide important normative guidelines for moral judgment and political action. But there is another question, long the purview of social psychology, that is not often addressed by political theorists – “What can I do?” What are the behavioral constraints of moral judgment and political action? This is an empirical question that can only be answered with firm sociological data and compelling psychological theory.

These questions highlight the philosophical and psychological dimensions of ethics and activism. They affect one another at the most basic level of inquiry and articulating each in relation to the other is the first step toward developing a cogent theory of political morality.

BETWEEN PHILOSOPHY AND PSYCHOLOGY:
AN OUTLINE FOR MORAL INQUIRY

To navigate the turbulent waters between normative theory and political psychology, John Stuart Mill draws a clear distinction between art and science. Art is philosophy. “The propositions [of art],” writes Mill, “do not assert that anything is, but enjoin or recommend that something should be. They are a class by themselves. A proposition of which the predicate is expressed by the words *ought* or *should be*, is generically different from one which is expressed by *is* or *will be*” (Mill, 1974: 949, italics in original). Science, on the other hand, *is*, empirically anchored in

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Excerpt

[More information](#)*Introduction*

inductive or deductive truths. The relationship between the two is intensely interactive and culminates in vibrant moral inquiry:

The relation in which rules of art stand to doctrines of science may be thus characterized. The art proposes to itself an end to be attained, defines the end, and hands it over to the science. The science receives it, considers it as a phenomenon or effect to be studied, and having investigated its causes and conditions, sends it back to art with a theorem of the combinations of circumstances by which it could be produced. Art then examines these combinations of circumstances, and according as any of them are or are not in human power, pronounces the end attainable or not. The only one of the premises, therefore, which Art supplies, is the original major premise, which asserts that the attainment of the given end is desirable. Science then lends to Art the proposition (obtained by a series of inductions or of deductions) that the performance of certain actions will attain the end. From these premises Art concludes that the performances of these actions is desirable, and finding it also practicable, converts the theorem into rule or precept (Mill, 1974: 944-5).

Philosophy proposes, science disposes. Science does not “do” philosophy. No amount of empirical data can discern philosophical truths. But science can set reasonable limits. Mill’s investigative model provides the plan for this book as it guides the study of political morality through philosophy (art), then psychology (science), and back again to philosophy (art). As art, political philosophy provides first principles of ethics, a justificatory epistemology, and prescriptions for normative political behavior. Political psychology and sociology then offer baptism by fire: confirmatory theory and data about moral judgment and political action in the real world. Science provides the hard parameters of normative discourse. Philosophy, now aware of its limitations, is then offered a second chance to refine or reassess its position, an opportunity that it rarely avails itself of, unaware perhaps of the gauntlet science sets before it.

ART, OR THE PHILOSOPHY OF POLITICAL MORALITY

The Lockean paradigm

John Locke serves an important but paradoxical role in the development of modern political morality. Whether directly or indirectly, no modern conception of political morality can do without Locke’s well-entrenched individualism, his subordination of the political realm to fundamental first principles, his moral and political epistemology and theory of action. In many ways, Locke offers a complete theory of political morality, a paradigm that resonates in very different contemporary models of political morality. Herein lies the paradox. In spite of what appears to be Locke’s uniformity, elements of his moral and political philosophy have been appropriated by incompatible and contradictory models of

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Excerpt

[More information](#)*Introduction*

political morality – namely, the morally flaccid weak model and the morally saturated strong model. How can a single theory have such diverse ramifications?

These difficulties are traced to two distinct aspects of Lockean theory. First, the theory is far from consistent. While scholars differ on the extent of this problem (Barber 1984; Dunn 1969), it cannot be denied that Locke never completed his great epistemological enquiry, never quite integrated his moral epistemology with his more general non-moral sensory epistemology, and never succeeded in demonstrating the veracity of moral law. As a result, conflicting positions are labeled Lockean. Lockean epistemology, for example, has been pigeonholed by his well-known idea of *tabula rasa* – a psychical blank slate laid bare to sensory scribbling and social learning. But this ignores his determined efforts to demonstrate the veracity of moral knowledge, and immediately leads many to assume a dualistic and perhaps even contradictory element in Locke's philosophy. Explanations of his moral epistemology have been characterized to differing degrees as psychological hedonism, "rational naturalism," or even some ingenious combination of the two: knowledge of things as they are and knowledge of things as they should be (Barber 1984: 57-9; Colman 1983: 235). Are these readings compatible? And what effect might they have on a theory of political morality? The fact is that Locke's dualism, apparent or real, has led to its very appropriation by diverse models of political morality.

These ambiguities are further exacerbated by the second aspect of Lockean theory – namely, the unique events of Locke's historical period. He is a historical as well as a theoretical precursor of contemporary models of political morality. There is, for this reason, a certain irrelevancy about Locke's political writings. If Locke wrote primarily to incite or justify revolution in a period of political unrest dominated by disputes between an aristocratic parliament and recalcitrant monarch, what, we might ask, can this possibly have to do with the principles of political morality that undergird a modern democratic state? Locke, after all, was far removed from anything faintly resembling a democratic state, nor was he particularly concerned with maintaining the then-existing state. Richard Ashcraft (1987: 13) correctly admonishes us that our understanding of the *Treatises* cannot be complete unless they are understood as part of a larger effort to "restructure the relations of power in seventeenth century England." But do they have any significance beyond that context? After all, restructuring political power is not the purview of contemporary political morality.

In spite of these reservations, nearly all Locke's basic concepts infuse modern discussions of political legitimacy, obligation, and responsibility. All surface in some form in the models of political morality examined in

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Excerpt

[More information](#)*Introduction*

this book. On the one hand, Locke's ideas find expression in weak models of political morality. In these models, moral principles and ethical reasoning are relegated to the margins, citizens are socialized in straightforward and unexciting ways, and moral and political learning anchored in ethical rationalism is no longer necessary. On the other hand, Locke's ideas clearly lend themselves to a strong theory of political morality that moves morality from the periphery to the center. Such a theory must adopt a far more dynamic epistemology than complacent social learning processes and pushes to incorporate moral and cognitive development. Thus it is possible, and indeed probable, that Lockean theory has been used and abused to fulfill the needs of different theories of political morality. In this way, its contribution has been enormous.

Contract and trust: the foundation of Locke's political morality. Two legal metaphors – contract and trust – delineate for Locke the entire range of domestic political intercourse. Contract describes the relationship between citizens as they exchange the natural freedom of pre-political society for a commonwealth designed to protect life, liberty and property. Trust defines the relationship between the members of the commonwealth and its rulers. As long as the state fulfills its fiduciary role and protects the rights of its citizens, it is worthy of respect and obedience. Once it violates that trust, it loses all legitimacy and crumbles, reverting to the contractual commonwealth. Each metaphor invests the individual with the right, and perhaps even the duty, to take concerted action when threatened by injurious monarchs. This right is expansive. “Every Man” (not only the aggrieved party), writes Locke, “has a Power to punish the Crime, to prevent its being committed again, by the Right he has of Preserving all Mankind” (T 11; parenthetical remarks added).¹ Natural law and the preservation of life, liberty, and property it engenders drive political consciousness and guide citizens toward the judicious exercise of political action as they build and later defend their political community. A “crime” – that is, any breach of natural law – obligates responsible citizens to resist. Resistance is an antidote, albeit a drastic one, for the ills of a corrupt political society. By undertaking vigorous political action, the body politic can eventually restore political order and return civil society to its proper ethical footing. This is the function of strong political morality.

Moral knowledge and political action. Knowing natural law, recognizing injustice, and undertaking proper action are epistemological, cognitive

¹ Refers to paragraph numbers in *Second Treatise of Government* (Locke 1963), hereafter abbreviated as “T.”

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Excerpt

[More information](#)*Introduction*

and behavioral conundrums Locke tackles with great resolve. The results, however, are ambiguous. While Locke's general epistemology depicts an impression model (Scheffler 1966) of social learning, his moral epistemology moves beyond general impression toward demonstrative knowledge. This kind of knowledge, unlike sensory knowledge, functions to give some universal import to moral law, and in particular, natural law. If it were nothing but sensory impression, the moral law would be culturally relative (E I, 3, 9-13),² and if intuitive, it would be too narrowly defined to include anything but the obvious (E IV, 2, 1). Moral knowledge, like belief in God or complex mathematical proofs, must therefore be demonstrative, methodically constructed from simpler, logical truths. But Locke could not make it work. He could never prove the veracity of moral truths in any way resembling that of mathematical truths. Instead he had to fall back on God (Colman 1983: 237; Dunn 1969: 19-26; Strauss 1952: 166, 170). Religion, God, reason, and natural law are inseparable and interdependent: if one falls, they all fall.

Aware that political morality cannot protect civil society unless some individuals act on their considered judgments, Locke returns to hedonism to drive his theory of action. While sensory knowledge may not provide the foundation of natural law, it can offer in an increasingly sophisticated grasp of human psychology, a compendium of what brings happiness and what causes pain. Hedonism, in Locke's view, provides all important reasons for action. Individuals are moved to action, including political action, when overcome with "uneasiness of desire, fixed on some absent good, either negative, as indolency to one in pain; or positive, as enjoyment of pleasure..." (E II, 21, 33). While hedonism motivates political action, Locke is not content with mere psychological hedonism. Linking pleasure with good and pain with evil, he pushes on to ethical hedonism, further blurring the line between hedonism and rationality that plagues his moral theory (E II, 21, 42).

As Locke waffles between ethical rationalism and psychological hedonism, he creates no small measure of distress for contemporary readers. His commitment to ethical activism permeates the *Second Treatise* and builds on the epistemological and psychological groundwork laid in the *Essay*. But what Locke wants he cannot always get. Uneasiness, coupled with Locke's demonstrative epistemology, will motivate individuals to act when reigning sovereigns violate natural law and their fiduciary duty. While uneasiness can follow from causes ranging from personal distress to broad social injustice, ethical activism is inexorably linked to the latter. Recall the earlier citation: "Every Man has a Power to punish the

² Refers to book, chapter, and verse number of *An Essay Concerning Human Understanding* (Locke 1975), hereafter abbreviated as "E."

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Michael L. Gross

Excerpt

[More information](#)*Introduction*

Crime... by the Right he has of Preserving all Mankind" (T 11). Any party rendered "uneasy" by the actions of his government enjoys the right of rebellion. However, this conclusion, which follows directly from a simple hedonistic (and relativist) interpretation of moral judgment and political action, cannot be what Locke had in mind. His hedonism was not that simple. At the end of the *Second Treatise*, therefore, Locke tries to draw a line between capricious and legitimate political activism:

Who shall be Judge whether the Prince or Legislative act contrary to their Trust? This, perhaps, ill affected and factious Men many spread amongst the People, when the Prince only makes use of his due Prerogative (T 240).

"Ill-affected" sounds curiously close to "uneasy." Clearly not all kinds of uneasiness justify resistance. What else is required? In rapid succession, Locke describes three arbiters of injustice and fiduciary breach. First, "God in Heaven is Judge... Judge of the Right" (T 241). Second, "every Man is Judge for himself" (T 241). Third, "the Body of the People" shall be the judge (T 242).

Locke easily moves past relativism by grounding any legitimate challenge to existing political authority in both intersubjective consensus (the Body of the People) and objective authority (God in heaven). Objective authority removes the element of relativism, while intersubjective authority reflects some widespread understanding that the law has been violated. Although this removes the element of caprice, the individual remains suspended between these two authorities. He can follow his own judgment only when it reflects the judgment of God and natural law *and* the judgment of his fellow citizens, the body politic. Locke, however, probably assumes these judgments are roughly identical. If reason is rooted in divine prescience, and the precepts of natural law are demonstrable, then all men should reach similar conclusions. One may err, but consensus buttressed by reason and divine will cannot. Uneasiness arises under many conditions, but the uneasiness necessary to precipitate political action (in this case rebellion) arises only when natural law has been violated.

Strong political morality and weak political morality

Strong political morality adopts the more morally aggressive and epistemologically demanding components of Lockean political morality. Moral reasoning is a constant but cognitively complex feature of political cognition, a tortuous process of "pains and attention" (E IV, 2, 4). Erudite citizens are charged with no less than safeguarding the integrity of the state and undertaking political action, not only when their own interests or the general welfare is threatened, but particularly when minority interests are imperilled. Fairness and equity are subject to the constant vigilance of the citizenry. Whether by exercising the vote, the right of

Introduction

political participation, or the duty of civil disobedience, democratic welfare rests ultimately with those individuals capable of autonomous judgment and concerted political action. If Locke leaned on political morality to remedy abuses of natural law, contemporary theorists are equally demanding. For John Stuart Mill and John Rawls, for example, strong political morality is restorative, charging citizens with the obligation to undertake activism and restore civil society to its moral foundations when it deviates from democratic values. For Jürgen Habermas, whose idea of political morality moves from the restorative to the redemptive, ethical activism is the engine driving social evolution, pushing democratic society toward novel forms of social organization. It is precisely for these reasons that moral development and education aimed at the ultimate transformation of the individual are so crucial if the restorative or redemptive vision of political morality is to be realized.

But this is not the only paradigm Locke offers. Epistemologically, ethical rationalism cannot but be moderated by hedonism and social learning. Socially, even Locke's much vaunted individuality must be tempered by what Ashcraft (1987) has termed a "moral community" – the pre-political social entity that forms the basis for civil society and perseveres on the dissolution of government. This post-contractual, but yet unpoliticized commonwealth remains the fundamental building block of political society. Political action is collective. It is not taken at the instigation of isolated individuals but only on the basis of consensus and general agreement. This part of Locke's theory suggests an alternate, weak model of political morality that severely constrains the moral demands of the strong model.

Unlike the stronger version, weak political morality remains morally eviscerated, not because moral principles play no role but because this role is extremely subdued. In this model, moral laws are very early on codified and enshrined in law. Thereafter they vanish as targets of moral knowledge, and remain in the guise of positive law. Once enshrined they act as an invisible and often forgotten backstop against which self-interest is played out. Political stability is not found in moral competence but in informed (one hesitates even to call this enlightened) self-interest and institutional regulation. Weak political morality pervades "protective" democracy, so named because it is designed solely to protect individuals from the harsh realities of political life – corrupt leaders, unjust majorities, and ill-tempered neighbors. It makes no pretense to transform, enlighten, or overcome self-interested parochial behavior, and at best seeks only benign regulation and non-violent participation. It dominates Madison's carefully crafted design for representative government and is overtly championed by contemporary interest-group pluralists. Rampant self-interest coupled with the firm belief in technological determinism and

Introduction

natural wealth form a delicate but enduring balance of political stability. Self-interest coupled with limited parochial concerns, not the common good, is the basis for responsible political behavior. Social learning and cultural reenforcement rather than complex cognitive development lie at the foundation of moral learning and political psychology.

Each model of political morality appears in only rudimentary form in Locke's thought, but each suggests radically different profiles of ideal political actors and the psychological processes governing their behavior. Although we might be more inclined to read Locke as an advocate of strong political morality, this variant, in its present form, did not appear until appended to the developmental democracy of J.S. Mill. In the interim, democracy preferred a more limited role and political morality was decidedly weak. Self-interest joined social learning to form the image of a determined, self-assured, but cognitively constrained individualist, an image of political man that has lost little force in the twentieth century. Strong political morality slowly questioned each of these assumptions as self-interest gave way to more expansive visions of moral interest and social learning theory bowed to elegant theories of cognitive moral development. As these views develop in the context of fledgling democracies, they bear directly on the image of the ideal citizen that animates political theory and practice. Which view is correct? Which view ought to guide our intuitions and institutions? Locke provides different directions but no unambiguous answers. As a result, theories as diverse as liberal democracy, communitarianism, and interest-group pluralism draw support from Locke's arguments. But the philosophical claims can only go so far. To sort them out, we turn to political psychology, the modern variant of Mill's "science."

SCIENCE, OR THE PSYCHOLOGY OF POLITICAL MORALITY

Strong models of political morality rest on broad epistemological and psychological claims denied by the weak models. The psychological dimensions of political morality draw from an array of social learning and cognitive developmental theories that can provide the tools to investigate the competing conceptions of moral learning and action, autonomy, and political behavior that characterize each model of political morality. Psychological theory offers two important clues about the development of moral judgment. First, there is considerable evidence to seriously question the epistemological claims of strong political morality. Strong political morality leans heavily on cognitive developmental psychology, driven by its vision of universal moral reasoning that is the culmination of human moral development. But these powers of moral