Moral Law

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What is the moral law and what role does it and should it play in political theory and political practice? In this entry we will try to answer these important questions by first examining what the moral law is, before investigating the different ways in which the relationship between morality and politics can be conceptualized.

The Moral Law

The moral law is generally understood to be a law that applies *universally* and *categorically*. The moral law applies universally because it applies to *all* actions or, at least, sets moral boundaries which *no* action may ever rightfully exceed. As such, we cannot undertake an action that falls outside of the scope of the moral law. The moral law applies categorically because it applies *unconditionally*. The moral law says: do this or don't do that *without condition*. The moral law does not say: abide by the moral law only *if* it is in your self-interest or only *if* your particular culture demands it. If, for example, it is in my self-interest to lie but the moral law forbids it, then the advantage that I will derive from lying does not undermine or limit the force of the moral duty not to lie. We are bound by the moral law in all that we do and the moral law trumps all other considerations and reasons.

But what is the *content* of the moral law? According to a common distinction, the moral law is either a consequentialist or a deontological law. According to the consequentialist, it is consequences alone that matter morally. Act-utilitarianism is the most prominent version of consequentialism (Bentham 1970; Mill 1972). According to an act-utilitarian the moral law says: always act in such a way that you maximize overall utility, where utility is usually understood in terms of pleasure or happiness. According to this view, I ought to do that act which would lead to the most happiness. For example, if in a particular situation I only have a choice between lying and telling the truth, and lying will lead to greater overall utility (that is, greater overall happiness) than telling the truth, then the moral law demands categorically that I tell a lie on this occasion. But if on another occasion telling the truth will lead to greater overall utility than telling a lie, then the moral law categorically demands that I tell the truth on that occasion.

According to the deontologist, it is not consequences alone that matter morally. Other things matter morally, such as a person's intentions or maxims, or the moral fact that certain actions are contrary to duty independently of the consequences. According to a simple version of deontology the moral law says that certain listed act-types, such as lying, cheating, torturing, stealing, murdering and so on, are morally forbidden. These listed act-types are morally wrong, come what may, and under any circumstances. For example, if lying is forbidden by the moral law, then I may not lie no matter what the consequences. On a more complicated version of deontology, such as Immanuel Kant's (1996a) categorical imperative, the moral law says that we must only act on maxims that we could will to be universal laws for all rational agents or, on another version, that we must always act in such a way that we treat all persons as ends in themselves and never as mere means. Kant's categorical imperative is more complicated than the simple version of deontology listed above because it does not, at least directly, simply list various act-types, such as lying under any circumstances, as morally forbidden. For example, while Kant's categorical imperative does forbid lying simply in order to enrich oneself, it is at least a matter of debate whether the categorical imperative sometimes permits (or even requires)

lying under other circumstances, such as lying in order to defend one's life or property (Formosa 2008a). But on both versions of deontology I must always abide by the moral law whatever the consequences.

A third version of the content of the moral law, which goes under the rubric of virtue theory, says that the focus on *actions* as the primary subject of an *abstract* moral law is a mistake. Instead, virtue theorists understand the primary subject of the moral law to be a person's character and his or her character traits. Virtue theory directs us to develop certain character traits called virtues, such as honesty and courage, and to avoid other character traits called vices, such as meanness and cruelty (Aristotle 1984; Hursthouse 1999). According to some versions of virtue theory the moral law says that on any particular occasion you ought to do what a moral sage, who has fully developed all the virtues and has none of the vices, would do in those circumstances. For example, if a moral sage would respond with a certain degree of justified anger in a particular context, then I ought to respond with the same degree of justified anger in that same context. Of course, this is only a very quick and simplistic overview of these important and complex accounts of the content of the moral law, but this shall suffice for our purposes here.

The Role of the Moral Law in Politics

When we ask, what is the relationship between the moral law (and thus morality) and politics, we need to keep two distinct questions in mind. First, what is the relationship between the moral law and *political theory*? Second, what is the relationship between the moral law and *politics* or *political practice*? We shall look at each of these questions in turn.

In the first case we are asking a question about how the moral law relates to our theorizing about politics, rather than our practice of politics. But what is political theory about? One common answer is that political theory is about developing a theory of justice. Justice, following John Rawls (1999), is a theory about what form the basic structure of a society should have so that it can be justified to any reasonable person living within that structure. For Rawls the basic structure of a society includes all those institutions that have a profound, deep, and lasting impact on how well a person fares in that society. Rawls includes as part of the basic structure of a society the government, the rights that persons enjoy, as well as markets, systems of property ownership, and the family. On this view political theory is a *normative* theory about what form the basic institutions of a society ought to have. Once we have developed a theory of justice we can use that theory to judge how well our existing institutions live up to that ideal. We can contrast morality and political theory so understood in this way: whereas morality is about what an individual ought to do on a particular occasion, or what sort of character traits an individual should develop, justice is about what form the basic institutions of a society ought to have. Of course, it is a separate question, and one that we shall return to below, whether the moral law should play any role in our political theory about what counts as a just basic structure.

Another common answer is that political theory should not be about developing a theory of justice, but about describing how the basic institutions of real societies actually operate. On this view political theory (or political science) is understood to be a *descriptive* theory about how in fact the basic institutions of a society operate. Once we have developed that theory we may use it to predict outcomes, as a strategic tool, or as a basis for reform. Power will be a key focus of any such theory. The key political questions will be about how power is acquired and maintained, strengthened or weakened, and exercised effectively or ineffectively. The aim of such a theory is not to imagine some ideal political form, but to understand what form political institutions actually take. We can contrast morality and political theory so understood in this way: politics is about the effective attainment and exercise of power and, as such, questions of morality are not relevant

to our theorizing about politics except insofar as morality can be used as a means of attaining or exercising power.

In the second case we are asking a question about how the moral law relates to our practice of politics, rather than our theorizing about politics. Here the question is not about what form the basic institutions of a society ought to (or do) have, but rather about how political actors ought to (or do) act within that institutional setting. While political actors might be understood broadly to include all citizens in a democracy, for our purposes we will restrict our scope to *powerful* political actors, such as political leaders, high officials, and leaders of powerful organizations (including the media). The reason for this limited scope is that it is usually only these political actors who have the power to directly make important decisions and influence important outcomes. Having this power means that they will face difficult questions about the relationship between morality and politics that the average citizen does not normally face.

How should powerful political actors view the moral law? Again, there are at least two prominent views. First, that political actors ought to always act morally. The reason for this is that the moral law applies categorically and universally. Politicians are therefore bound by the same moral law that the rest of us are bound by, and they ought to live up to it just as we ought to live up to it. This view belongs to the *idealist* tradition. Second, that political actors ought to at least sometimes act immorally. The reason for this is that political actors have special responsibilities and duties as powerful political actors. If political actors were to always act morally then this would have disastrous consequences for the political community they represent or lead. These special political responsibilities mean that political actors are either not always bound by the moral law (thereby denying the universality of the moral law) or are in situations in which the moral law is overridden by political considerations (thereby denying the categoricalness of the moral law). This view belongs to the *realist* tradition (Morgenthau & Thompson 1985).

The relationship between morality and politics is clearest in cases of the *conflict* between them. But whether there really *is* a conflict between morality and politics in any particular case will depend on how we understand both morality and politics. For example, imagine that the only way to prevent a ticking time bomb from exploding in a crowded city is to torture the innocent child of a terrorist who has planted the bomb in order to find out the bomb's location in time to defuse it. It is no good torturing the terrorist himself since he won't reveal the information that way. The only way to get the information from him is to torture his innocent child in front of him. Many act-utilitarians will claim that the moral law demands that the relevant political leader order the torture of the terrorist's child since this is the way to maximize utility by preventing the bomb from exploding and killing many civilians. Many deontologists will instead claim that the moral law absolutely forbids torturing the terrorist's innocent child. Next, assume that we understand politics in terms of the effective exercise of power in the self-interest of a political community. According to this understanding of politics it is politically "necessary" to order the torture of the terrorist's child (Coady 2008). As such, we only have a conflict in this case between morality and politics if we accept a deontological rather than an act-utilitarian rendering of the moral law. Otherwise there is no real conflict. But note that if there is a real conflict here, it arises because a deontological morality forbids us from ordering an action that is deemed politically necessary. But the conflict can also work the other way around. Imagine the same example, but this time we understand politics to be the practical realization of the principles of justice. Next, assume that those principles of justice, at the very least, absolutely forbid the torturing of innocents. As such, we only have a conflict in this case between morality and politics if we accept an act-utilitarian rather than a deontological rendering of the moral law. And if there is a real conflict here, it arises because a justice-based understanding of politics forbids us from ordering an action that is deemed morally necessary.

Keeping in mind that how we think of the relationship between morality and politics will depend on how we conceive of morality and politics, we can think of the conflict between morality and politics in the following four ways: the no conflict view, the morality trumps politics view, the politics trumps morality view, and the politics and morality as a negotiation view. On the first view there is no *real* conflict between morality and politics properly understood. Any conflict is only apparent and based on a misunderstanding of either politics or morality or both. On all the remaining views there is a real conflict between morality and politics. When they conflict, on the second view, morality always trumps politics, whereas on the third view, politics always trumps morality. On the fourth view, when they conflict neither necessarily trumps the other. Instead a case by case negotiation between them must be found in light of the specific circumstances. Note that the third and fourth views are premised on the rejection of the categoricalness of the moral law. Both views imply that at least under certain circumstances the moral law is trumped by political considerations. Finally, the focus on the conflict of morality and politics can lead us to ignore the way that morality and politics can be *mutually supporting* under favorable conditions. We shall briefly look at each of these five views below.

The No Conflict View

Kant defends a version of the no conflict view in his essay *Toward Perpetual Peace* in which he argues that "there can be no conflict of politics (*Politik*), as doctrine of right (*Rechtslehre*) put into practice, with morals (*Moral*), as theoretical doctrine of right." The only way that we can conceive of a conflict is if we understood politics as "a general *doctrine of prudence* (*Klugheitslehre*), that is, a theory of maxims for choosing the most suitable means to one's purposes aimed at advantage, that is, to deny that there is a [doctrine of] morals at all" (Kant 1996b: 338). We can paraphrase Kant's argument here as follows: if we understand politics as the practical

implementation of principles of justice then there is no conflict between politics and morality because morality demands that we practically implement principles of justice. A conflict can only arise if we understand politics as a doctrine of prudence rather than as an implementation of justice. But to understand politics as a doctrine of prudence is to deny the validity of the moral law because it is to deny either the universality or the categoricalness of the moral law by implying that the moral law does not apply to all political cases or does not always trump political considerations.

However, Kant does not ignore the strategic element of politics: "politics says, '*Be ye wise as serpents*.'" But he insists that "morals add" (as a limiting condition) "*and guileless as doves*" (Kant 1996b: 338). To illustrate his point Kant contrasts a "moral politician," who acts prudently within the bounds of morality, with a "political moralist," who crafts a morality to suit his political goals. A moral politician regards the question of what he ought to do as a moral question about what is required by principles of right. But a moral politician does not ignore strategic concerns, unlike the "despotizing moralists" who ignore political prudence by, for example, adopting measures "prematurely." Rather, a moral politician "takes the principles of political prudence in such a way that they can coexist with morals" (Kant 1996b: 340–1).

In contrast, a political moralist regards the question of what she ought to do as a purely strategic question about how she can most prudently achieve her goals, whatever those goals are. But while, for strategic reasons, political moralists do not publically "disown all allegiance to the concept of a public right," they do "frame a morals to suit" their own advantage (Kant 1996b: 340–1). For example, if it is in a political moralist's self-interest to lie or to invade another country, then she will invent a moral "justification" that suits her interests, rather than first testing whether the moral law authorizes her to act as she intends. A common "justification" that political moralists use, Kant notes, is to claim that, given how evil humans

are, if one does not act first against one's enemy then one's enemy will be sure to act first and then it will be too late to act. Further, political moralists tend to be guided in their actions by well-known, but mostly immoral, strategic maxims. These maxims include: "*fac et excusa*," act whenever conditions are favorable and success will be its own justification after the fact; "*si fecisti, nega*," when you act wrongly deny that the guilt is yours; and "*divide et impera*," divide your opponents and then conquer them (Kant 1996b: 342).

Against Kant's view it could be argued that Kant fails to take seriously the conflict between politics and morality. For example, a politician may believe that he or she needs to lie in order to win an election or to maintain his or her position of power. While Kant (1996b: 339) notes that honesty is not always "*the best politics* [in the prudential sense]," he still maintains that "*honesty is better than all politics* [in the prudential sense]." A politician's personal self-interest is no excuse for immorality. But what if it is not a politician's *personal* self-interest that is at stake, but the survival of a political community as an independent state? This question assumes that acting wisely in accordance with principles of justice can be incompatible with defending the existence of a political community against external threats. But why should this be?

Kant denies that acting justly will put the survival of a political community at stake. Indeed, quite the opposite, Kant argues that acting on principles of justice is likely to be prudent, especially in the longer term given the difficulties of accurately predicting the consequences of political actions, since it will lead to a more just domestic and international order. A more just domestic order is likely to be more stable as it will be seen to have legitimacy by all (or most) citizens. A more just international order is likely to be more stable as it will lead, Kant argues, to a condition of perpetual peace between democratic states and an international order which will be seen by all states to have greater legitimacy. In contrast, immoral political machinations in the domestic case will

imprudently undermine the state's internal legitimacy, and in the international context will imprudently maintain an international state of nature in which might and not right rules. In such an international state of nature the national security of each state is always under threat. As such, the most prudent way for states to maintain their national security is to do what international and cosmopolitan justice demands of them and that is to work with other states to develop and maintain an effective and permanent association or congress of states which can maintain a condition of perpetual peace. But in the meantime, Kant does not deny that a state may rightfully defend itself against an act of aggression, provided that it does not employ certain immoral means, such as political assassinations. By these sorts of arguments Kant seeks to undermine any insurmountable tension between meeting the demands of morality and justice and prudently maintaining national security.

Morality Trumps Politics

The possibility of conflict between morality and politics presupposes that morality and politics are distinct normative domains. There are distinct moral reasons and there are distinct political reasons and these two reasons can come into conflict. The only way to avoid the potential for conflict between morality and politics is to claim that morality and politics are not distinct normative domains. We can make that claim either by moralizing politics or by politicizing morality. We saw in the previous section that Kant adopts the first strategy by conceptualizing politics (properly understood) as the practical implementation of morality applied to the basic structures of a society and to the conduct of political actors. Many utilitarians will share Kant's strategy of moralizing politics although, of course, they give a different account of the moral law and thus of the results of applying it.

Alternatively, we can politicize morality by following Gilbert Harman in rejecting the existence of a moral law that is universal and

unconditional. Instead, Harman (1978: 114) defends a form of moral relativism by claiming that morality "rests on a tacit agreement or convention among a group of people." On this view different groups will have different moralities, none of which are more valid than any other, which reflect the different tacit agreements and conventions that exist among different peoples. People have reason to abide by these conventions only if they accept them, and they accept them because it is in their self-interest to do so or because they have been raised to believe in them. These conventions are the result of actual bargaining between members of that group and, as a result, they reflect the different bargaining powers of members of that group. Harman claims that he can use his account to explain why it is a convention that there is, for example, a strong moral prohibition to not harm others but only a weak moral requirement to help others, on the grounds that this convention is one that strongly favors the rich and the rich, who are powerful, will use their superior bargaining power to get a tacit agreement that strongly favors them. Since morality reflects our actual power in negotiating tacit agreements it follows that morality is "continuous with politics" (Harman 1978: 115). Morality is simply an implicit or informal version of power politics or politics as prudence. However, this is an implausible account of morality, since if a powerful group, such as men, make it a convention in their society that they, for example, are permitted to rape any unmarried woman they wish to, it would be implausible to claim that it was genuinely *moral* for men to rape unmarried women in that society. And when we claim that this practice is morally wrong, we do not mean that it is immoral for us but moral for them. Rather, we mean that it is immoral for anyone, anywhere, and it is a problem with relativistic views of morality that they cannot adequately even make sense of this claim. Politicizing morality therefore amounts to denying that there is such a thing as morality as we normally understand it.

But if we insist that morality and politics are distinct normative domains, and thus refuse to politicize morality or moralize politics, then the possibility of conflict between morality and politics arises. This possibility implies the endorsement of a form of value pluralism, the view that values are multiple and distinct and, as such, can come into conflict with one another. However, it is not only moral and political values that can come into conflict. Other values can also lead to conflicts. For example, economic values of efficiency can come into conflict with morality when unethical business practices will increase efficiency, and scientific values of increasing knowledge can come into conflict with morality when experiments involving the unethical treatment of animals will increase scientific knowledge. But in both of these cases it is usual to claim that when morality conflicts with economic efficiency or increasing scientific knowledge, morality trumps these other values. Why shouldn't morality similarly trump political values?

According to the morality trumps politics view, when morality and politics conflict, morality should always trump politics. If we understand politics as a technical doctrine of prudence, rather than as the practical implementation of principles of right, then Kant's view can also be described as a morality trumps politics view. When politics as prudence and morality conflict, morality trumps. "The right of human beings must be held sacred, however great a sacrifice this may cost the ruling power" (Kant 1996b: 347). For Kant this follows directly from taking seriously the view that the moral law applies unconditionally and universally. This means that all other normative considerations, including prudential political ones, are trumped by moral considerations.

A version of this view is famously defended by Erasmus in his *Education of a Christian Prince*, first published in 1516, just three years after Machiavelli completed *The Prince*. Erasmus (1997: 32), working within the context of a Christian morality, argues that Christian moral principles apply to *all* Christians, including Christian princes. This leads Erasmus (1997: 51) to argue that if "you can be a prince and a good man at the same time, you will be performing a

magnificent service; but if not, give up the position of prince rather than become a bad man for the sake of it." Erasmus (1997: 51) notes that the "roles of good man and prince seem to be very much in conflict with each other," but he is clear that when they conflict, morality trumps politics. A prince should abdicate and leave politics if he can't be both a good man and a prince since the duty to be a good man trumps all other considerations.

Politics Trumps Morality

The politics trumps morality view claims that when morality and politics conflict, politics always trumps morality. Machiavelli, in *The Prince*, defends one version of this view. Machiavelli tells us that his goal is to say something that will be useful to a prince who wants to maintain his rule given the way that people actually are. And, unfortunately, most people are morally vicious. This is a problem since the "man who wants to act virtuously in every way necessarily comes to grief among so many who are not virtuous. Therefore if a prince wants to maintain his rule he must learn how not to be virtuous" (Machiavelli 1995: 48). Machiavelli (1995: 49) argues that some virtues will hinder the prince's goal of maintaining his rule, whereas some vices will bring him "security and prosperity." For this reason the prince must not "flinch" from acting viciously when this is "necessary for safeguarding the state" (Machiavelli 1995: 48). As such, the prudent prince should not, for example, honor his word when this is to his disadvantage, even if this is morally vicious. Machiavelli, at least on some readings, is not denying the validity of the moral law, but rather emphasizing the *extra* political responsibilities the prince has which trump his moral responsibilities. The prince should put care for his state above care for his own soul. However, this conflict only arises because other men are not good. Machiavelli (1995: 55) claims that "if all men were good, this precept [of not, for example, honoring one's word] would not be good: but because men are wretched creatures who would not

keep their word to you, you need not keep your word to them." As such, the prince or ruler "should not deviate from what is good, if that is possible, but he should know how to do evil, if that is necessary" (Machiavelli 1995: 56). And evil is necessary at least whenever the security and glory of the state is at stake.

Against Machiavelli's view we could insist on a clearer differentiation between the personal self-interest of the ruler and the security of the state. An immoral action might be beneficial to the ruler or prince, but hardly necessary for maintaining the state. May the prudent prince ignore his moral duty in such a case? But if the personal self-interest of a mere citizen does not trump morality, why should the personal self-interest of a ruler or prince trump morality? Instead, if we claim that certain supposedly immoral actions are politically required only when the very survival of the state (not the ruler or prince) is at risk, then we only have a conflict of politics with morality on the assumption that morality absolutely forbids self-defense against an aggressor. While some versions of a deontological morality forbid all violence, such as a Christian ethic that forbids self-defense (a "turn the other cheek" code), there are also many other understandings of the moral law that permit the use of force (within certain limits) as a means of self-defense. Only in the former case is there a real conflict between morality and politics.

Carl Schmitt, in *The Concept of the Political*, endorses the pluralist thesis that there are distinct normative domains, such as the moral, the aesthetic, the political, and the economic, each of which has its own values and norms. Morality is the realm of "good and evil," aesthetics the realm of the "beautiful and the ugly," and politics is the realm of the "friend and [the] enemy" (Schmitt 1996: 26). Schmitt denies the universality of the moral law since he claims that there is an independent sphere of political action which must be judged by political and not moral standards. Schmitt advocates seeing political questions in strategic (friend–enemy) rather than moral (good–evil) terms. As such, Schmitt endorses the politics trumps morality

view, since he thinks that, when judging political actions, politics always trumps morality. The political enemy is not necessarily evil or ugly, but they are "existentially something different and alien, so that in the extreme case conflicts with him are possible" (Schmitt 1996: 27). While war is not the aim or purpose of politics, war (whether civil war or war between states) is an ever present possibility of the political realm. Schmitt cautions against "moralized" conceptions of the political enemy as evil and inhuman since this can lead to a "war of humanity" which will involve "the most extreme inhumanity" (Schmitt 1996: 54).

Schmitt is surely right that we should not *demonize* our political opponents as inhuman monsters (Formosa 2008b). But that does not mean that we should not think about the moral implications of strategic political action. Indeed, Schmitt seems confused on just this point. For he does not say that we may do *anything* that is in our strategic political interests, such as exterminate our enemy without provocation. He claims that "if there really are enemies in the existential sense … then it is justified, but only politically, to repel and fight them physically" (Schmitt 1996: 49). In other words, Schmitt seems to be claiming that only a war of self-defense is *politically* permissible. But, as became clear in our discussion of Machiavelli, there is only a tension here between politics and morality if we think of morality as forbidding self-defense.

A very different conflict between morality and politics emerges in Rawls's work on political liberalism. Rawls contrasts a *political* conception of justice with a *comprehensive* moral conception of justice. While Rawls (1993: 11) concedes that his preferred political conception of justice is, in a sense, "a moral conception" of justice, it counts as a *political* conception because it is a "freestanding view" that is neither a *general* nor a *comprehensive* moral doctrine. A moral doctrine is general and comprehensive when it at least "applies to a wide range of subjects" and "includes conceptions of what is of value in human life, and ideals of personal character … and much else that is to inform our conduct"

(Rawls 1993: 13). A conception is freestanding when it can be "expounded apart from, or without reference to," any comprehensive doctrine, even though it "fits into and can be supported by various reasonable comprehensive doctrines" (Rawls 1993: 12). Both utilitarianism and Kant's moral theory, for example, are general and comprehensive in this sense. In contrast, a freestanding political conception of justice applies *only* to the basic structure of a society, and does not address ideals of personal character and conceptions of what is of value in human life. While Rawls presents his political conception of justice as freestanding, he does assert that it can be (and needs to be) supported by an "overlapping consensus" among "reasonable" comprehensive doctrines.

Rawls (1993: 139) understands the most important political values to include "the values of equal political and civil liberty; fair equality of opportunity; … and the social bases of mutual respect between citizens." He claims that reasonable citizens can endorse these political values from within their own comprehensive moral doctrines. As such, citizens who accept different reasonable comprehensive moral doctrines will, Rawls thinks, endorse the same political values, but do so for different moral reasons. However, it is possible that these political values and the moral values of one's comprehensive doctrine could come into conflict. In that case Rawls (1993: 138) is clear that "constitutional essentials and matters of basic justice are so far as possible to be settled by appeal to political values alone." This implies that "political values" normally "have sufficient weight to override all other values [including moral values] that may come into conflict with them [in regard to matters of basic justice]" (Rawls 1993: 138). For example, if my comprehensive moral doctrine claims that some citizens, such as homosexuals, do not deserve to enjoy the social bases of self-respect, then on Rawls's view political values trump moral values insofar as this touches on matters of basic justice. On Rawls's view a citizen's comprehensive morality is a "private" affair which they have no right (in a plural

liberal society) to coercively impose on other citizens in regard to matters of basic justice *unless* the reasons for doing so can be formulated in terms of political values that "all citizens can reasonably be expected to endorse in light of their common human reason" (Rawls 1993: 140). Rawls's view can be understood as a version of the politics trumps morality view – at least "normally" (Rawls 1993: 138) – since, for Rawls, political values trump moral values when they conflict, at least when it comes to matters of basic justice.

However, against Rawls's view it can be argued that Rawls is wrong to think that his *liberal* political values *will* achieve an overlapping consensus among reasonable comprehensive moral doctrines. It can also be argued that the supposedly political values that Rawls defends are really a comprehensive moral doctrine in disguise since they implicitly privilege the liberal value of autonomy as an ideal of character. Finally, it can be argued that it is too restrictive to forbid comprehensive moral and religious doctrines from playing a direct political role in the justification of basic matters of justice.

Another way to conceptualize the conflict between morality and politics is to argue that the morality of what politicians do in their *private* lives should not be a political issue. In this sense, political issues should trump moral issues when judging the competency of politicians. The media's often excessive focus on the sexual scandals and extramarital affairs of politicians tends to trivialize and displace more important political issues. But the sexual behavior of politicians often has very little or no bearing on their ability to competently and effectively discharge their political duties and so it should not displace political issues in our judgment of the competency of politicians to fulfill a political office. We do not believe, for example, that a pilot, surgeon, or lawyer who has an extramarital affair is therefore unfit to hold a position as a pilot, surgeon, or lawyer respectively. Why should we judge politicians differently? One possible answer is that, in some cases, the sexual behavior of politicians could be a sign of corruption or a susceptibility

to corruption. Political corruption will be understood here to involve the misuse of the powers of political office in order to unfairly advantage oneself or one's friends and family. When politicians, for example, misuse their power to gain sexual favors, accept bribes, or unfairly give preferential treatment to their friends or family in the discharging of their office, then they are acting corruptly. But, as we have seen, according to the most plausible versions of the politics trumps morality view it is *only* when the vital interests of the state itself are at stake that morality can be trumped by political considerations. Since corruptly favoring oneself or one's family and friends has nothing to do with the vital interests of the state, plausible versions of the politics trumps morality view do not condone corrupt political behavior.

Morality and Politics as a Negotiation

The morality and politics as a negotiation view agrees that morality and politics can conflict, but denies that either should always trump the other. Instead, this view tells us that we should seek to achieve a case by case negotiated outcome taking into account both moral and political values. We shall look at two versions of this view, one where there is a need for an ongoing negotiation between morality and politics and one where the need for negotiation only arises in emergency situations.

Max Weber (1994: 310) understands politics to be about "striving for a share of power." Weber (1994: 352) lists three qualities that a good politician should have: "passion, a sense of responsibility, [and] judgment." Passion is associated with an *ethics of conviction*, a sense of responsibility with an *ethics of responsibility*, and judgment with the political ability to switch between these two ethics. An ethics of conviction focuses on the obligation to always act from, and with, moral conviction. A politician who lacks convictions becomes attached to the pursuit of power for its sake rather than in the "service of the 'cause'" (Weber 1994: 354). An ethics of responsibility focuses on the importance of taking responsibility for the

consequences of one's actions. A politician who lacks this quality always blames others, or fortune, for the bad consequences of her actions.

Weber understands an ethics of conviction to be a simple deontology that forbids certain act-types no matter what the consequences. He gives as an example of an ethics of conviction a Christian "unworldly ethic of love" which says "resist not evil with force." Weber argues, plausibly enough, that it would be irresponsible of a politician to always act on the basis of this conviction. Instead a politician should be "governed by the contrary maxim, namely 'you *shall* resist evil with force, for if you do not, you are *responsible* for the spread of evil'" (Weber 1994: 358). As such, a good politician who has such Christian convictions must give up "seeking to save his own soul" if he is to act responsibly (Weber 1994: 366). But Weber does not claim that the good politician should focus *only* on consequences and ignore *all* of their moral convictions. At times, the politician must stand on their convictions and say: "here I stand, I can do no other" (Weber 1994: 367). A politician who only focuses on consequences is lacking in all conviction and a politician who only focuses on his convictions is irresponsible. However, when "one *ought* to act on the basis of an ethics of conviction or one of responsibility … are not things about which one can give instruction to anybody." Only someone with the good judgment needed to negotiate between these two ethics is "*capable* of having a 'vocation for politics'" (Weber 1994: 367). The good politician negotiates a compromise between a competing political focus on good outcomes and a moral focus on acting from convictions.

One problem with Weber's view is that it is based on a very simplistic understanding of morality as an ethics of conviction. Clearly a politician who always obeyed a conviction that even self-defense in the face of external threats is morally wrong would be an irresponsible politician. But, as we noted above, most understandings of morality are not so unworldly as to forbid self-defense. As such, if our moral convictions are more worldly than the unworldly

Christian ethic of love that Weber bases his account on, then there is no reason to assume that it will necessarily be irresponsible (in the long run) to always abide by those convictions.

Michael Walzer (1973: 168) argues that the "moral politician" must be willing to get his "hands dirty." Walzer puts this tension in terms of a simple deontological moral theory of absolute act-type prohibitions and a consequentialist moral theory which focuses on the overall good produced. Walzer (2004: 36) argues that we must "negotiate the middle ground" between these two often incompatible moral demands, especially in times of emergency. The moral politician is, for example, willing to order the torture of a terrorist, or as in the earlier example the torture of the terrorist's child if necessary, in order to locate a ticking time bomb, even though this is morally wrong (according to a deontological moral theory). The moral politician knows that, though politically necessary, ordering torture is a "moral crime" and he accepts his guilt as a "moral burden." This is the "tragedy" of the moral politician: he must get his hands dirty in order to fulfill his political responsibilities. If he "were a moral man and nothing else" he would not get his hands dirty. If he "were a politician and nothing else" then he would get his hands dirty but "pretend that they were clean" (Walzer 1973: 168). Only the moral politician negotiates the right compromise between a focus on consequences and a focus on abiding by absolute moral prohibitions by getting his hands morally dirty *only* when it is politically necessary, while acknowledging that his hands *are* morally dirty.

Walzer's intuition that it is both morally wrong to order torture to locate a bomb and yet that it might be politically necessary if this is the only way to prevent many deaths cannot be dismissed lightly. As much as we would not like to have to make such a difficult choice ourselves, many of us would be glad to have politicians who are willing to make that tough choice in order to ensure our safety, even if they must carry a moral burden as a result. However, against this view it can be argued that, in fact,

we never or almost never actually face ticking time bomb scenarios and therefore such cases provide no real-world justification for torture. But even if we do face such scenarios, it may in fact be morally permitted to order torture in those circumstances, in which case there is no conflict between morality and politics. And even if it is morally forbidden but politically necessary in such *one-off* circumstances to order torture, it does not follow that we should *legalize* or *institutionalize* practices of torture (Miller 2011).

Morality and Politics are Mutually Supporting

In the above discussion we focused on cases where morality and politics seem to come into conflict, especially in extreme emergency situations. But instead of focusing on such extreme cases, we can instead focus on the ways that a healthy moral community can help to constitute a well-functioning democratic political community under normal conditions. A flourishing democratic polity requires high quality reasoned public debate, open to all, about matters of justice and public policy. But high quality reasoned public debate depends, not only on the presence of certain institutions, but also upon the presence of political virtues or character traits in the citizens of that polity. These include the virtues of public reasonableness, tolerance, open-mindedness, civility, respectfulness, benevolence, and public spiritedness (Kymlicka 2002: 284–326), as well as truthfulness and epistemic rationality. But many comprehensive moral theories, such as Kant's moral theory, also endorse many of these same character traits as moral and epistemic virtues. A morally and epistemically virtuous citizenry will likely lead to a better democracy by leading to better and more extensive public debate that is both reasoned and fair-minded, greater involvement by citizens in political processes, and greater scrutiny by citizens of the actions of politicians. A better democratic political culture will likely lead to a more morally virtuous citizenry by promoting the virtues of reasonableness, tolerance, open-mindedness, and respectfulness in citizens. In this way *good* moral and political cultures can help to mutually support and reinforce one another.

In contrast, *bad* moral and political cultures can tend to mutually corrupt one another. A bad political culture in which public corruption is rife and public debate is shrill and unreasonable will tend to corrupt the moral character of its citizenry by incentivizing immoral actions, such as bribery, and encouraging bad character traits in citizens, such as intolerance. A bad moral culture in which citizens are unreasonable, utterly selfish, and disrespectful of those who are different will tend to corrupt the political culture of a democracy by providing incentives for politicians to pander to the illegitimate demands of the loudest, shrillest, and most powerful interest groups.

In conclusion, it is clear that there are a number of ways in which we can conceive of morality and politics, and of the relationship between them, and we have investigated a number of important versions of these views in this brief entry.

SEE ALSO: Cosmopolitanism; Democracy; Ethics; Human Rights; Kant, Immanuel (1724–1804); Liberalism; Politics and the Political; Power; Public Sphere; Rawls, John (1921–2002); Realism and Neorealism in International Relations Theory; Reason

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