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Morals, Justice and Political Philosophy

MAKALE GELİŞ TARİHİ : 06.02.2017 / YAYINA KABUL TARİHİ: 03.03.2017

Derda KÜÇÜKALP *

The objective of this study is to put forth an evaluation on the relationship between morals, justice and politics. This evaluation will be carried out on the basis of political philosophy. Political philosophy emerges within the context of the relationship between politics and morals that will accompany it and that can be used to evaluate politics with reference to itself. Political philosophy emerges as a quest for the realization of a good common life. The “good common life”, which is thought to realized by politics and political order, is called be “just political order” in political philosophy. In this regard, it is possible to put forth that justice corresponds to the intersection of morals and politics. Undoubtedly, the interpretation of the relation between morals and justice shall differ according to the understandings of political philosophy. The objective of this study is to put forth how the relationship between morals and politics is considered especially in modern political understanding and to put forth how the problem of justice is handled in this regard. In this study, it will be put forth how the liberal political philosophy which is the dominant approach in modern political philosophy handles the relationship between morals and politics in a very limited manner and thus the weak (formal) understanding of justice it puts forth and an evaluation will be made within the framework of the criticism of liberal justice understanding. Within the context of this discussion, the factors that make the relationship between morals, justice and politics problematic in modern political philosophies shall be taken into consideration and the importance of classical political philosophy will be emphasized especially for an understanding of justice with a strong moral content.

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The subject of politics is the issues that concern common life. In this regard, politics manifests itself as activities for changing or preserving the common life order. Morals examines what the good life is and the behaviors with which people shall be able to lead a good life. We are dealing with the issue of justice when we start thinking how the good life can be actualized at a social scale. Justice is related with morals in both its meanings. The first is that, justice is used as the attribute of a good political order. Accordingly, just society corresponds to the political order in which the necessities of morals are actualized in the widest sense. Secondly, justice also emerges as the application of a certain moral norm at the political order scale.¹ This conceptualization of justice takes the moral command of everyone should be given what they are due² as its starting point and points out that a just political order gives everyone what they are due.³ Everyone gains what they are due by way of the provisions of law in the common life order. Since the provisions of law have enforcements, justice in the political sense corresponds to the part of morals that should be actualized based upon political power within the context of common life. In this sense, justice makes up the portion of morals which has a power backing it up. In the other portion, morals shows itself within the context of the freedom of the individual. The following can be stated when one considers the two meanings of justice together: Justice makes up the objective of politics, whereas morals is the horizon of justice. Politics aims for a good common life and thus tries to provide conditions that will enable the actualization of morals. A good common life is partly bound to the portion of morals that manifests itself within the context of the freedom of the individual and it is the task of politics to encourage this portion. On the other hand, a good common life is bound to the portion of morals that should be actualized directly by way of political power.

1 Andrew Heywood, *Political Theory: An Introduction*, Palgrave Macmillan, New York 2004, p.173.

2 David Schmidtz, *Elements of Justice*, Cambridge University Press, Cambridge 2006, p. 8.

3 Samuel Fleischacker, *A Short History of Distributive Justice*, Harvard University Press, London 2004, p. 6.

The reason why justice has become problematic in modern political philosophy is that the aforementioned relationship between justice and good life realization has been disrupted. This has resulted in the decrease of standards in justice thus reducing it to a procedure. Procedural justice is the justice understanding of liberalism which is the dominant world view of our times. The concept of moral perfection is rejected in the procedural justice understanding and it is considered dangerous that politics aims for a moral perfection in social life. It is possible to state that moral relativism is present in the foundations of this understanding.⁴ It is possible to remove morals from the society in moral relativism thus reducing it down to the preferences of the individuals.⁵ The idea of a “good”, of “a good for the society” that is above the preferences of the individuals is considered as a dangerous idea. Moral relativism accepts that there are many understandings of good based on the preferences of the individuals in the society and that different life styles can live together only if the idea of a common good is abandoned since it is assumed that there cannot be reconciliation between these different understandings. This is the reason why justice that comprises the condition for living together separates from the good life realization.⁶ The separation of justice and morals in liberal political philosophy finds its counterpart in the principle of the priority of the right to the good. Liberalism accepts that understandings of good life may differ according to individual preferences but that individuals have the same rights. According to liberalism, the condition for the peaceful co-existence of these different preferences of life is giving priority to universal rights. In this sense, justice corresponds to a political order in which rights are secured. In this circumstance, the priority of the rights means the priority of justice to morals.⁷ Liberalism accepts that the duty of the state is limited to preserving rights or in other words to securing justice. The liabilities of

4 Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, University of Notre Dame Press, Indiana 2007, p. 62, 119.

5 J. B. Schenewind, “Virtu, Narrative and Community: *MacIntyre and Morality*”, *The Journal of Philosophy*, Volume 79, Issue 11, November 1982, p. 658.

6 S. Melisa Williams, “Justice Toward Groups: Political Not Juridical”, *Political Theory*, Vol. 23, No 1, February 1995, p.67.

7 Michael Sandel, *Liberalism and the Limits of Justice*, Cambridge University Press, Cambridge 1998, p.1

individuals in a liberal political order are limited to respecting the rights of others. A further liability falls into the moral liability area and thus feeling such a responsibility is upto the preferences of the individual. The state or politics do not have the right to direct the individuals to act with a moral sensitivity that forces them to move beyond respecting the rights of others.⁸ In this case, it is apparent that a just society will be a society with low moral standards.

The minimum justice understanding of modern political philosophy is based on a human understanding with a limited moral capacity.⁹ Since classical political philosophy accepts that people have a high moral capacity, it has assigned politics with an important task of preparing the conditions that will uncover this capacity. That is why, classical political philosophy considers the legal society realization with a good society realization.¹⁰ Just like liberalism, it is possible to see totalitarianism as a product of a human understanding with a weak moral capacity. The difference between totalitarianism and liberalism is that totalitarianism takes a certain vision of moral good as a basis and tries to actualize it. Totalitarianism presumes that morals will be actualized solely by way of politics since it accepts that the moral capacity of humans is weak. The belief in a strong moral capacity accepts that a moral society may exist without the use of political power. The duty of politics in this understanding that is the basis of classical political philosophy is to prepare the conditions for uncovering the moral capacity. Liberal option is the option other than totalitarianism in the modern world and as has been mentioned, this option considers justice independent of morals. This option considers a minimal morals as sufficient since it assumes a weak moral capacity. It is because of a minimalist understanding of morals that liberalism supports the ideas that it is not possible to agree upon a common good and that it will not be possible to build a good society. In a sense, liberalism considers the union of people with “low” morals as sufficient.

8 Stephen Mullhal and Adam Schiff, *Liberals and Communitarians*, Blackwell, Oxford and Cambridge 1992, p. 26.

9 Charles Taylor, *Sources of the Self: The Making of Modern Identity*, Harvard University Press, Massachusetts 1989, p. 3-4.

10 Leo Strauss, *What is Political Philosophy*, University of Notre Dame Press, Indiana 1988, p. 40.

The individual of liberalism with low morals is one that gives importance to his/her freedom, benefits and the following up of these benefits without facing any limitations. He/she is an individual who does not consider this/her responsibility towards other people as a moral responsibility and who does not carry this responsibility. The only responsibility for this person who bases himself on a minimum moral understanding is legal responsibility that finds its expression in the understanding of not harming others. Liberalism does not lay any other responsibility on people apart from this.

It is apparent that the disintegration of social life plays an important role in the appearance of a weak moral understanding. This aforementioned disintegration has caused the emergence of the “atomistic individual”¹¹ or the “unencumbered self”¹². The elimination of social life and thus the fact that impersonal processes becoming determinant in common life rather than personal relations have brought about the weakening of the moral emotion. For example, impersonality is dominant in bureaucracy which is a form of modern organization. The aim here is to act in accordance with rules and procedures. The aims, rules and roles (tasks) have been isolated from morals. The individual does not consider himself/herself as morally responsible since the role carried out is impersonal thus eliminating responsibility. Responsibility dissolves away since the job is carried out together and it is not possible to estimate the effects of different individuals.¹³ The same is valid also for the world of economy. Impersonal processes reign supreme there as well and morality has been left outside. For example, the objective for a company is efficiency and profit. Morals and moral emotions are not binding. A professional manager who gives the decision to lay off a portion of the employees due to economic recession is unperturbed by this decision. Because, he/she thinks that the conditions forcing him/her to give this decision have progressed outside of his/her will.

11 Charles Taylor, op. cit., p. 194.

12 Michael Sandel, “Usul-i Cumhuriyet ve Yüğümsüz Ben”, *Liberaller ve Cemaatçiler*, edited by André Bertin-Pablo da Silvera-Hervé Pourtios, translated by Eylem Özkaya, Dost Kitabevi, Ankara 2006, p. 216.

13 Zygmund Bauman, *Parçalanmış Hayat: Postmodern Ahlak Denemeleri*, translated by İsmail Türkmen, Ayrıntı Yayınları, İstanbul 2014, p. 269, 350, 351, 355.

Impersonality of common life in the modern world has paved the way for the social life and the idea of liberalism that has emerged on its own account. This idea of social life is also present behind the procedural justice understanding of liberalism. Justice for liberalism expresses equality in the face of abstract rules of behavior independent of objective which make social life possible.¹⁴ Since the results of carrying out these behavioral rules will be dependent on factual conditions that have not been determined by these rules, the justness of a rule cannot be measured by the result that it will cause under a given circumstance.¹⁵ Since the government shall also be subject to general rules of justice, it cannot intervene in results of actions by individuals which are in accordance with the rules of just behavior. Liberalism opposes the idea of social justice based on interventions in favor of unadvantageous social fractions due to this justice understanding that excludes a moral sensibility. As has been mentioned above, liberalism sees the responsibility of the individual only as a responsibility limited with respect to the rights of others. If an individual obeys the general rules of justice, it means he/she is fulfilling his/her duty since he/she will not harm others. The responsibility of the individual is considered to be dependent on the result of his/her conscious and voluntary action. In this sense, the individual cannot be held responsible of an event that is not the result of his/her conscious and voluntary action. For example, liberalism assumes that an individual is not responsible for poor people. Because liberalism believes that this poorness is due not to the actions of the individual but to the economic conditions. In this case, it is up to the preference of the individual to help a poor person. The individual may carry out this action if he/she considers helping poor people as a moral behavior. However, the individual cannot be forced to do so. The understanding of distributive justice (social justice) is problematic for liberalism since it justifies this enforcement. According to the liberal justice understanding, there is nothing that politics can do for the inequalities in social life since they are not the results of intended actions and thus do not require a responsibility. On the other hand, the understanding of distributive justice that is based on

14 David Robertson, *Routledge Dictionary of Politics*, Routledge, London and New York 2002, p. 263.

15 Friedrich Hayek, *Law, Legislation and Liberty*, Routledge, London and New York 2013, p. 134.

moral sensibility accepts that not only intentionality but also predictability is important with regard to responsibility. In this sense, it is possible to state that justice or injustice takes root in the responsibility towards a certain circumstance. It is possible to predict the circumstances of inequality that might occur in social life and to correct them via politics even if they are not based on any intentional actions of an individual, a group or an institution.¹⁶

The loss of a strong sense of morals is related with the loss of community as well as the “death of God” which is one of the reasons for this loss of community. What is meant here by God is not limited with the notion of God put forth by religions. God refers to a more transcendent understanding of reality in the general sense.¹⁷ This understanding of reality acts as a holistic power while also opening doors to moral perfection by making a high and universal understanding of value possible. The fact that classical philosophy of politics considers the human as a being with a high moral capacity and the political order as a form of common life with a strong moral quality that paves the way to revealing this capacity is closely related with the this understanding of reality. The fact that morals has been reduced to an issue of individual preference in modern political philosophy thus losing its value can be explained by the abandonment of the idea of a higher good that might set the standards for a humanistic perfection.

Totalitarianism experienced in the modern period can in one sense be considered as a futile and dangerous attempt to revive a lost society and morals.¹⁸ Totalitarianism is a futile attempt, because the modern society is a mass society and it is not possible for a community to emerge from this society. Totalitarianism is a dangerous attempt because trying to create a community from a mass requires the use of excessive political power. Since totalitarianism does not consider a minimum level of morals as sufficient, it tries to build the moral society by way of political power.¹⁹ Totalitarianism combines

16 Raymond Plant, “Why Social Justice”, *Social Justice from Hume to Walzer*, ed. David Baucher and Paul Kelly, Routledge, London and New York 1998, p. 269-270.

17 Kasım Küçükalp, *Nietzsche ve Postmodernizm*, Kibele Yayınları, İstanbul 2010, p. 34.

18 Marcel Gauchet, *Yurttaşımı Arayan Demokrasi*, translated by Zeynep Savaşçın, İletişim Yayınları, İstanbul 2013, p. 84.

19 André Comte-Sponville, *Kapitalizm Ahlaki midir?*, translated by Dilek Yankaya, İletişim Yayınları, İstanbul 2012, p. 70.

justice with moral perfection identifying the just society with the society where morals is actualized. Thus, totalitarianism disregards moral freedom. In a sense, totalitarianism accepts that people cannot be moral when they are free. Since it completely eliminates moral freedom, totalitarianism paradoxically transforms into a system of oppression that is the exact opposite of justice. In its attempt to build a moral society, totalitarianism also makes use of the power of religion to elevate moral goals and unite the society. This is not religion in the common meaning of the word. This is ideology that appears as a secular religion. Since in totalitarianism ideology elevates the moral goals that politics is trying to actualize, it also elevates political action to attain these goals thus leaving them completely out of criticism and discussion. Thereby, totalitarianism will in a sense make a religion out of politics. That is why; ideology in totalitarianism appears as a political religion²⁰ and plays a vital role in the functioning of the aforementioned oppression system of totalitarianism.

Fear of totalitarianism is present as the basis of the consideration of justice as being independent of the realization of a common good and the understanding that politics should not base itself on a certain moral opinion. Totalitarianism is the result of an understanding which is based on actualizing morals by way of politics. The idea of building an moral society by way of politics is a dangerous idea since it brings with it the limitation or even the elimination of individual freedom. In this sense, it is possible to state that the approach to separate justice and morals is based on the sensibility towards the aforementioned fear. However, it is not correct to narrow down the area of politics based on this and be contented with an understanding of justice that is devoid of the vision of common good and perfection. It is as problematic to expect politics to actualize morals as it is to accept that politics may not have a moral function outside of securing a minimum morals (that is protecting the rights). Limiting the function of politics in this manner means that being contented with a political order that has very low standards. This in turn means that one should be contented with an

20 Giovanni Sartori, *Demokrasi Teorisine Geri Dönüş*, translated by Tunçer Karamustafaoglu-Mehmet Turhan, Sentez Yayınları, Bursa 2014, p. 248.

understanding of justice limited with providing a social life in which no one harms each other.

If we are looking for an understanding of justice with a strong moral content and if we find the claim of actualizing justice at all costs to be a dangerous one, we have to reestablish the bond between justice and morals. We can say that classical philosophy of politics will shed light to us in this issue. According to the understanding of classical political philosophy, political philosophy is the search for a better world. That is, political philosophy is the search for justice. Since classical political philosophy sees humans as a being with a high moral capacity, it accepts that moral sensibility forms the basis of political philosophy. In this sense, political philosophy is a never ending quest towards the good. According to classical political philosophy, good has two important attributes which are universality and transcendence. If the good is going to be a valid standard for all of us, it should be universal. What is meant by the universality of the good is that people have some common moral sensibilities no matter under which specific conditions they live in and that these sensibilities are universal. If our sensibilities are universal, where they will lead us to will also be universal. Oppression is oppression for all, oppressor is oppressor for all. Justice is something that we all want. The good should be transcendent in order for us to be always searching for it. The transcendence of the good means the acceptance that it will never be possible to fully grasp the knowledge of the good. The belief that the good can be fully known brings with it the belief that the good can also be fully actualized. This belief is problematic for two reasons. First of all, it legitimizes everything that was done in the name of the good. The greatest oppressions in the history of humanity have been carried out by those who claimed that they know what was best. As has been aforementioned, the totalitarianism experience comprises one of the clearest examples of this. The second is that it paves the way for unbelief in the good. Failure to actualize the good and the violence brought about as a result of these experiences sooner or later leads to doubting the existence of a common good thus resulting in accepting a political order with a very low moral standard. Liberalism suggests such an order to us as was aforementioned.

The society of our day s a heterogeneous society and it is undoubtedly difficult to consider the relationship between morals and justice using the form put forth by classical political philosophy. It is the reality of modern society that the bond between morals and justice has been broken. On the other hand, we can reestablish the bond between morals and justice. It is at this point that we can make use of classical political philosophy. We can accept the metaphysical assumption of classical philosophy that humans move towards the good due to their purpose as a currently valid assumption. It is true that the acceptance of this assumption considers the good as an authority and thus includes an idea of transcendence as well. However, this transcendence is what we need if we want to have a meaningful sense of justice with a moral content.²¹ The transcendent can be thought of in two ways. This understanding sees transcendence as a reference authority. The other is a humanist understanding of transcendence. This approach considers transcendence to be implicit to mankind.²² As was put forth by Luc Ferry, a meaningful life requires the existence of a certain set of values that can be held above life.²³ That is why; it is possible to state that transcendence is a need for mankind no matter which form of it is considered. morals is transcendent in the relationship between morals-justice and this will in turn make our understanding of justice more meaningful.

André Comte-Sponville makes a distinction between the ordering made according to superiority and priority.²⁴ Based on this distinction, we can talk about the priority of justice and the superiority of morals. Priority of justice stems from the aforementioned attribute of the modern society. Justice can be indicative in small scale societies. For instance, people may not need justice in such a society because they voluntarily help each other economically. However, morals will not be enough by itself as the scale

21 Susan Neiman, *Moral Clarity: A Guide for Grown-Up Idealist*, Harcourt, Orlando 2008, p. 98.

22 Luc Ferry-Marcel Gauchet, *Dinden Sonra Dinsellik*, translated by Can Utku, Agora Kitaplığı, İstanbul 2005, p. 21. Kasım Küçükalp – Ahmet Cevizci, *Batı Düşüncesi: Felsefi Temeller*, İsam Yayınları, İstanbul 2009, p. 21-22.

23 Luc Ferry-Marcel Gauchet, op. cit., p. 26.

24 Sponville, op. cit., p. 116.

expands. For instance, we need morals when the problem transforms from one person helping a limited number of people he/she knows to meeting the needs of all poor people in a large society. Meeting the needs of all poor people instead of the limited number of people we know is an issue of justice. Helping poor people is a moral issue.²⁵ However, poverty is a political issue and hence an issue of justice. The solution of this problem requires compensating from the moral perfection at the individual level. Indeed, various difficulties should be taken into consideration for solving this issue in a large society. An individual may help a poor person out of his/her moral emotions and with a sincerity thus meeting all their demands. However, this can take place in social life by way of social aid fund. It is possible neither to be fully sincere nor to fully cover all the needs.²⁶ The priority of justice may be explained by the fact that whereas the actualization of justice has been secured by way of political power, the actualization of morals depends solely on the choices of individuals. The fact that morals is the authority of judgment in evaluating the provisions of law which are considered to represent justice indicates the superiority of morals. Accepting the superiority of morals means that accepting that no provision of law can fully meet the demands of morals and thus cannot represent real justice. Justice is something that cannot be consumed by the law even though they are related.²⁷ Hence, identifying justice with the law corresponds to breaking the bond between justice and morals. Repairing the bond between justice and morals is possible only by accepting the gap between them.

25 Sponville, *Kapitalizm Ahlaki midir?*, p. 112-113.

26 Sponville, *Kapitalizm Ahlaki midir?*, p. 109.

27 Jean-Luc Nancy, Tanrı, Adalet, Aşk, Güzellik, translated by Murat Erşen, Monokl Yayınları, İstanbul 2011, p. 74-75. ; Kasım Küçükcalp, *Çağdaş Felsefede Farklılık Tartışmaları*, Emin Yayınları, Bursa 2016, p. 150-151.

Öz

Ahlak, Adalet ve Siyaset Felsefesi

Bu çalışmada ahlak ve adalet arasındaki ilişki üzerine bir değerlendirme sunulmuştur. Bu değerlendirme ise siyaset felsefesi temelinde yapılmıştır. Siyaset felsefesi, siyaset ile ahlak arasındaki ilişki bağlamında ortaya çıkar. Bu anlamda siyaset felsefesi iyi bir ortak hayat tasavvuruna yönelik arayış olarak kendini gösterir. İyi ortak hayat tasavvurunun siyaset felsefesindeki karşılığı adil siyasal düzendir. Adalet, ahlak ile siyasetin kesişme alanına karşılık gelir. Bu kesişme alanının yorumu, yani adalet anlayışları, siyaset felsefesi anlayışlarına göre farklılık gösterir. Modern siyaset felsefesinde hakim yaklaşım liberal siyaset felsefesidir. Liberal siyaset felsefesi ahlaki içeriği son derece zayıf (biçimsel) bir adalet anlayışı ortaya koyar. Liberal adalet anlayışı, ahlak ile siyaset arasında zayıf bir ilişkiyi esas alması nedeniyle sorunludur. Bu sorunun aydınlatılması ve bir ölçüde de olsa giderilebilmesi için klasik siyaset felsefesinin yeniden düşünülmesine ihtiyaç vardır. Klasik siyaset felsefesinde ahlak ile siyaset arasında güçlü bir bağ vardır. Bu nedenle, modern siyaset felsefesinin aksine, klasik siyaset felsefesi ahlaki içeriği güçlü bir adalet anlayışına sahiptir.

Anahtar Kelimeler: adalet, ahlak, siyaset felsefesi, liberalizm, totalitarizm

Abstract

Morals, Justice and Political Philosophy

In this study, an evaluation on the relationship between morals and justice has been presented. This evaluation has been carried out on the basis of political philosophy. In this regard, political philosophy manifests itself as a quest for the realization of a good common life. The equivalent in political philosophy of the realization of a good common life is a just political order. Justice corresponds to the intersection of morals and politics. The interpretation of this intersection; that is the understanding of justice differs according to the understandings of political philosophy. The dominant approach in modern political philosophy is liberal political philosophy. Liberal political philosophy puts forth an understanding of justice that is very weak (formal) in terms of its moral content. Liberal understanding of justice is problematic due to the fact that it is based on a weak relation-

ship between morals and politics. There is a need to reconsider classical political philosophy in order to eliminate this problem even if it is a partial elimination. There is a strong bond between morals and politics in classical political philosophy. Hence, classical political philosophy has a strong understanding of justice contrary to modern political philosophy.

Keywords: Justice, morals, political philosophy, liberalism, totalitarianism

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