

A SECOND-BEST MORALITY

by

JOSEPH MARGOLIS



The Lindley Lecture
The University of Kansas
1998

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The Lindley Lecture, University of Kansas
October 14, 1997

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A Second-Best Morality

Joseph Margolis

I

When I first began teaching half a century ago, and occasionally taught moral philosophy, I had to rationalize the absurdity of being entrusted with such a responsibility. I hit on the formula that even if I were evil I might be able to make sufficient sense of the classic texts to justify the obvious discrepancy. It worked for a time. But I now think that moral philosophy is a form of autobiography, that is, that it makes no sense to explicate what we mean by obligation and right conduct and the good life if the answers offered never admit of any congruity with one's own life. If you'll allow me a little more nostalgia, I should also say that I now realize that I long ago sensed, more than comprehended, the compelling truth of Epicurus's marvelous remark, in his letter to Menoeceus, which goes roughly thus: "When we are, death is not; and when death is, we are not." I've always admired and envied Epicurus's clarity, and I've secretly hoped I could come close to matching it in some corner of my work. I confess I've lived with that single thought of Epicurus's nearly all my life. I have never found anything as comforting or as true.

I cannot resist, therefore, trying my own hand at listing the most compelling truths I know about moral matters. As far as I can tell, they come to this: Nothing that humans do is contrary to nature or their nature. Best to prefer the most generous conception of any mode of life; and, no personal or public policy can be more admirable than the relief of great misfortune and suffering. What Epicurus wrote was not philosophy but an intuition by which would-be philosophies of life might be tested. I of course believe that what I have just set down is also not moral philosophy but an intuition by which the adequacy of any pertinent claims might be fairly judged. I think I cannot do better than that.

But I do insist that these mannered maxims are not moral maxims, only maxims about moral matters. What I mean is, where they are compatible or incompatible with whatever you believe in the moral way, any agreement or disagreement between us about these intuitions will be more fundamental than whatever we could contrive in terms of specifically moral instruction. That may not be entirely

clear, unless I add what I take to be the single most important philosophical finding about morality: namely, that there is no way to discover moral truths; that there are no moral necessities, either in the theoretical or the practical sense; and that, nevertheless, it is possible to come to reasonable moral policies. For all I know, much of the moral lore of the world may yield quite reasonable moral instruction. Not all of it compatible, of course. I am inclined to believe that that is true. But then, on the argument, it's not because they have made or failed to make discoveries about the right norms governing the human condition or about the inviolable rules of a rational life. No, it's in spite of such presumptions and conflicts that moral instruction may be judged reasonable; and, of course, if that's true, than it is impossible that all that is reasonable in this way should ever be ideally in accord with any one instruction—in the sense of fitting a single policy committed to one or another set of imagined moral truths. I say there are no such discoveries, and I freely admit I find that a great relief.

Isaiah Berlin remarks somewhere that the Great Goods of the world cannot all be secured by any single coherent policy, that some would-be Good will have to be sacrificed to save coherence. If I may, I shall take that as a corollary of what I have just said. Its truth does not depend on knowing what the Great Goods finally *are*, but only that the human record claims that they include This or That particular Good and that whatever they are they cannot escape confirming Berlin's prophecy. If you grasp the point, you see at once the fatuousness of the two greatest traditions of moral philosophy, the Aristotelian and the Kantian. I press the lesson, not for unpleasant or destructive reasons but to cut through the entire self-congratulatory inertia of twenty-five hundred years of moral philosophy that returns again and again to its confident intuitions. The difference between my upstart clues and those Aristotle and Kant (and an army of lesser minds and perhaps not lesser minds) have favored is simply that theirs but not mine pretend to be *moral* intuitions. I make no such claim. I hold only that there are no independent or objective or perennial moral truths and no morally necessary rules of reason either. But that hardly signifies that life's a chaos—or ought to be.

How do you ever begin, then? you ask. There is no beginning, I say. Well, how do you go on? you continue. Only in the middle of things, I answer. Can that be enough? you ask. Yes, enough at least to go on asking and answering in a workmanlike way. How so? you persist. Well, I say, show me that it was ever otherwise or needed to

be. Bafflement sets in only because our philosophical tradition has trained us to suppose that it rests (must rest) on first principles. The truth is, it's impossible to construct a coherent morality on first principles, if they are to be drawn from all the great traditions that have any claim to the high respect the custodians of the would-be canon demand for themselves. Remember Berlin's prophecy. Surely Berlin was right.

The principal thing in making a start in moral philosophy is to avoid making a fetish of beginnings. We begin in a presuppositionless way—meaning by that that there is no privilege or necessity or self-evidence in our beginnings. We begin with what is most familiar, habitual, native to our tradition. We begin with the practices we've learned and are already committed to—tacitly at least. Not that they are ultimately the right ones to favor: only that there is no other way to start. There cannot be an exotic principle we've never thought of that is finally the right one to choose. If it were genuinely strange—a Martian revelation, say—then it would require a Martian rationale, and then *we* should need every imaginable argument to make it seem credible *to us*; and if we merely borrowed our true principles from another culture—as in bringing liberalism to Iran or Christianity to the Aztecs—we should have to make room for the natural doubts of the intended beneficiaries. We begin with our traditions, but in doing that we need not suppose we are beginning with a first principle, that is, a principle the denial of which produces instant paradox or self-refutation. There are no substantive principles of that sort—and saying so is hardly a principle in its own right. It's no more than a canny bet, a *faute de mieux* complaint. It's only that there are no viable alternatives.

There's a reason for it. It's the only way, in making a beginning, to solve the problem of the meaning of life. That is, if you make a sufficiently remote and puzzling problem of life's meaning, you will never solve it, except by some equally exotic doctrine that *you* may adopt and even persuade others to adopt. But you know as well as I that in the fulness of time either that saving doctrine will become another commonplace or it will presume a privilege it could never confirm. Otherwise, we should, in time, need another exotic doctrine to take its place. That would make life's meaning altogether too risky. You cannot imagine the billions of people that populate the earth forever fretting about the uncertainty of the true meaning of the life they live. The world would be hopelessly chaotic. Impossible that the race should seriously believe it had made such a colossal mistake: we cannot all go now in search of a way of life that is entirely different from

our own. Preposterous. Any such search—the would-be correction of this and that particular policy—already signifies that we must continue largely in our customary way, even when we mean to change our ways. Imagine that we find, incontrovertibly, that we are ourselves imperilling the very life of the planet. Doubtless we should have to change our ways drastically, but it would not be for anything less than what already gives life the measure of meaning it already claims.

The answer to the question of the meaning of life cannot but be logically trivial—which is not to say, negligible. No, of course not. Life is meaningful in any society that has persisted for as long as it has, through its own history, and in doing so, has finally come to rest in the practices it now habitually supports. That may not be enough for its individual members; but, then, even to challenge the received wisdom of our society makes sense only in terms of its entrenched practices. Think, for instance, of the Marxist notion of replacing capitalism by communism or the dawning idea of Christianity's replacing the faith of the Jews. There's no other way to be convincing. So it is a great convenience, after all, addressing the matter of moral policy, to find that we can safely set aside the huge question of the meaning of life. It's the least of our worries. Once taken "seriously"—that is, taken in that crazy way that contests every conceivable appeal to actual practice—the question has no proper answer.

If you agree with this, you will appreciate that we've made an enormous gain. You will see that we have answered in a single stroke two very large and haunting questions: namely, What is the meaning of life? and, How may we correctly decide how to live our life? The answer is the same: Acknowledge that you already live in accord with the practices and doctrines and norms of your own world, and that you cannot stray very far and hope to make sense of how to change your life. If it were possible to *find* a supreme moral truth the same way we search for a cure for the common cold, then of course what I've been saying would be utter nonsense. But if it's not in the cards—not because we are not yet clever enough to find our way, but because there's nothing of that sort to be discovered—then moral inquiry may be (must be) "second-best" at best.

The term is Plato's—from the *Statesman*. You may remember that Plato begins the Dialogues with the voice of the historical Socrates, searching for the meaning of justice and piety by dialectical means alone. There's no hint in the early Dialogues that Socrates had the least assurance that there was a changelss ideal Form of justice or piety that a careful search might eventually hit upon. The middle Dialogues

pursue the will o' the wisp of that great possibility; but they never succeed. Later in the *Statesman*, well after the daring prospect of the *Republic* subsides, after the defeat of the doctrine of the eternal Forms has pretty well been laid out (in the *Parmenides*, for instance), Plato has his spokesman return to the elenctic issues of the early Dialogues. We are to construct a state, it seems—we must live within one political order or another—in spite of the fact that no one knows how to detect the would-be guiding Forms. But, of course, that's exactly where *we are*—I mean the entire human race. We must fix our bearings with the meager resources the original Socrates used so skillfully. In short, says Plato's spokesman, we must construct a "second-best" state. There are no other states to be had.

The idea, I should say, runs as follows. To be human is to be oriented in a morally pertinent way: not because there are independent moral rules or norms in the universe at large that we may discover, but because, in acquiring the gift of language and the gift for the kind of inquiry and action language makes possible, we admit the intelligibility of questions that otherwise could never arise but, in our present condition, cannot be avoided. We cannot ask *any* of the questions we are gifted enough to pursue, and fail to ask as well how we should conduct our lives—that is, in the company of other humans and with regard to them. To raise that question is to be morally engaged. It's that simple. What's not so simple is how, having asked the question, we should answer it!

Let me put the point in the trivial way I have already favored. To be human, to function in any of the extraordinary ways human societies have fashioned, is to find life meaningful and to find that a good part of its being meaningful requires addressing moral questions. But nothing yet tells us what to do with our lives, except that no answer would make any sense that did not begin with the same practices that give life meaning. Here, headhunting is as good as cannibalism—and possibly no worse than pushpin or poetry.

Of course, the sensibilities of different peoples will be offended by the deepest practices of others. But then, no set of such practices can claim a prior moral advantage over any other: to insist on such an advantage would be to pretend that the world actually harbors (somewhere) objective values that some among us are privileged enough to discern. Well, everyone can play that game. I take the lesson of the *Statesman* to be against it; it signifies that no people can choose to exit from political and moral life; they can only choose how they will live, and they must do so, finally, without benefit of the fatal pre-

sumption. Politics and morality come into play *with* the emergence of the life of culturally competent human selves. You cannot have the one without the other. It's no more than a salient feature of their mode of life. Similarly, to speak a language *is* to be paradigmatically human. It is not an additional or contingent competence.

Now, I'm prepared to say that all this is quite true. More than that, if it is true, then our science must be a second-best discipline as well, and our philosophy, a second-best philosophy. And even our religion must be a second-best religion. There is no privilege or necessity anywhere in thought, except in terms of what we long to believe; and, in moral matters as distinct from science, there is only one sensible source of pertinent belief: namely, the standing practices and judgments of our history, subject, reflexively, to whatever critique we are able to mount. As I say, to depart very far from all this is to make an insoluble mystery of the meaning of the life we've been allotted; it is also to risk the relevance of a responsible life.

If you ask the peoples of the desert what heaven must be like, it is almost certainly a land of milk and honey, sometimes well-stocked with additional earthly delights. Of course. But if you ask yourself how to resolve the terrible struggle in Northern Ireland or Bosnia, utopias are of no more use than Kantian maxims. We must bear in mind that we ourselves are surely the creatures of our own cultural history; what we can and dare judge to be morally and politically reasonable must fit the living options of our actual world. Even if we supposed an "ideal" answer might serve as a guide at least, we need to remember that our visions cannot be more than projections from local habits of thought or neighboring possibilities.

There is no answer, for instance, as to why a brilliant thinker in backwater Königsberg (Kant, of course), should, in the middle of the eighteenth century, have had very much to say that would be closely pertinent to the *moral* and political difficulties of our own time. Whatever might be relevant in what he says would have to be shown to be such in terms Kant could never have anticipated; and if there were no necessary, timeless, invariant, exceptionless, indubitable first principles, then the very force of what Kant might say could only be defended (or attacked) dialectically, by judging matters by analogies seen from a vantage Kant could never have imagined.

In the same vein, it has never been satisfactorily explained what Aristotle may have meant us to understand by the *Nicomachean Ethics*. He was, after all, Alexander's tutor during Philip's imperial experiment: he must have realized that the world of the city-state (from which

he fled) was at an end. His book could never have been more than a brilliant idealization of an age already gone. Aristotle nowhere explains (except in local terms) the relevance of his collecting customs and constitutions, or how his model might be rightly applied to the Egyptian or Indian worlds (or ours, for that matter) so distant from his own.

Of course, every society is, by now, very different from the world of the Greek states. What then is the rule for applying Aristotle? Only those who profess first principles pretend to have the answer. Still, some important moral philosophers insist that they are Aristotelians; but they have failed to explain to the rest of us just what that could possibly mean—apart from very generous and very loose analogies. That is to say, *if* they themselves do not believe human nature *is* morally legible—fixed or constant across the entire historical world or constant at least “for the most part.” I don’t deny the great beauty of Aristotle’s *Ethics*, but I find the nagging question largely neglected.

If you take seriously—as I do—the historically diverging and evolving nature of human nature, then the moral tracts of every age cannot be much more than grand ephemera. Their close study does indeed help us to improvise our own moral and political models (but not from invariant precepts); and, of course, we should have to view the work of moral philosophy in a very different light from what is offered in the canonical story. Even to mention the possibility is to invite a certain hostility. Perhaps not because of any imagined disrespect, but because such suggestions would lead us very far from the usual entrenched assurances.

I view all this as the consequence of having accepted that moral and political theorizing must be “second-best”: that is, because there are no first principles and because human nature must be profoundly historicized, embedded in the practices of a living society. I should say that moral agents—selves, ourselves—the culturally transformed members of *Homo sapiens* who, in infancy, internalize the linguistic competence and habits of their home society, thereby become “second-natured,” learn to live in an interpreted and interpretable world in which, *sine qua non*, normative questions first obtain and cannot be ignored.

II

I don’t deny the extraordinary qualities of family life among hyenas and wild dogs and the sisterhood of lions, and of course the tempting analogies one therefore draws between animal and human

societies. But none of these creatures ever behaves as a moral agent. For, whatever disputes we share among ourselves about what moral responsibility requires or should endorse are precisely what set us uniquely apart. Our world is perfused with meaning, because, in becoming enlanguaged and encultured, we are transformed into “selves,” creatures newly capable of recognizing a world of pertinent affordances for every choice, every possible deliberate commitment. We are in fact creatures made incapable of not perceiving any such order: we are creatures who cannot fail to find life meaningful and worth disputing, even where we resent our lot or, for that matter, even when we choose to end our lives. History is the piecemeal trace and record of the lives of selves lived within the space of an encultured world: the infinitely narratizable possibilities of what it was and what it may yet be. To speak of a moral world is, therefore, to speak of no more than a human world, a world made intelligible both practically and theoretically—hence, also, normatively—to creatures like ourselves, who, concomitantly, are made intelligible to themselves. The human is the exclusive site of moral matters, even if the scope of such matters includes a grander sweep. Ecology for instance.

Children, of course, are forever struck by the sheer arbitrariness of adult behavior. That’s to say, in spite of the new gift of language, children have no idea of the codes of meaning of the world they now inhabit. They are in fact the original objectivists. They never treat as entirely satisfactory the tired answer tendered for all their subversive questions: “Well, that’s how things are done.” Whereas, in the adult world, we are forever forced to admit that *we* cannot quite justify, indisputably, our own childish ways; we cannot demonstrate *that* the way “things are done” is assuredly the way they ought to be done—if, that is, there must be reasons apart from sheer custom. The notion of framing a second-best morality is, then, the notion of occupying a middle ground between the alien world of the hyenas and the impossible world of a changeless Eden—or more.

In this sense, the moral world is a constructed world, not a fiction but an order of meaning that cannot possibly be derived from either the “natural world” or a supernatural one. For, if nature is the hyena’s world, then there’s no “meaning” there; if it’s the world according to our best science, then it’s already inseparable from our encultured world; and if meaning is assigned from beyond nature, then we cannot pretend to know it. There’s a small antinomy there, but it is benign: the physical world is surely prior to our encultured world, but *that* it is prior is, also, surely an original posit of the latter.

I have been trying to persuade you to join me in admitting how uncontroversial, how utterly banal, the most contested truism about morality really is: namely, that there is no way to discover the norms and principles of moral life. Look around you. There is hardly a single great tradition in the entire world that does not pretend to have gained its own code of life either from an inspection of nature or human nature or as a privileged revelation from above. Yet, if the elementary reflections I've been trotting out are reasonable, then such assurances are at best a form of self-deception. The values they happen to champion may conceivably be recovered in some form, but certainly not the conceptual thread that would legitimate them. And if that is so, then we must acknowledge the subversive import of all the moral visions that have ever drawn adherents down the ages.

In our own time, we condemn too easily the right of the ancient *paterfamilias* to take the life of his son without public justification. We condemn female circumcision among certain African peoples. Perhaps we condemn suicide under Stoic auspices. But will our own views of homosexuality fare better? Or our sense of marriage and divorce and abortion and the use of drugs and the voluntary ending of life and the exploitation of the planet and the arbitrary distribution of material goods? You see that we are hardly less vulnerable than the Roman father or the surgeons of female circumcision.

Of course, one realizes at once that moral and political codes have their role in the struggle for sheer power—between societies as well as within them. It's hardly a point of quarrel to remind Americans that their recent policies in Asia—in China, Japan, India, Burma, Indonesia, and elsewhere—have supposed it serviceable to insist (though with mixed results) on free market policies, bans on abortion, human rights requirements, and similar conditions as appropriate, even ineliminable, moral constraints on what otherwise appear to be straightforward financial and commercial transactions.

I set all that aside here, though, in all candor, I think we must take “official” notice of such practices: because, for one thing, no one would wish to conclude that invoking moral norms was never more than a sham; and, for another, if we do intend to determine the truth about the objective standing of moral values, we may have to concede all sorts of real-world limitations on utopian longings. I argue only that, if there is a case to be made, it must be made in terms of second-best moralities. The “principled” moralities are all suspect—in legitimate terms. They may be as sublime as you believe. But the question remains: How can we ever show that any moral conception is valid, or

which ones are valid and also rightly preferred? For reasons, remember, that are not transparently self-serving in political or economic or religious or power-centered ways.

I have no doubt that every set of social practices entrenches an unequal division of power and benefits. That is a theme that, in its modern form, belongs peculiarly to Nietzsche (perhaps less imaginatively to Marx) and, more recently, to such marginal French figures as Foucault and Deleuze and Leotard. I concede the link between power and the definition of moral value. But I see nothing untoward in that, except to confirm the deep suspicion that moral neutrality is neither as accessible as utopian thinkers believe nor as free of the same charge the champions of the canon regularly bring against false prophets.

The single most important consequence of these concessions is this: it cannot be a decisive sign of the invalidity of a moral theory that it concedes intractable conflicts among fundamental values. The reverse would be true if indeed morality rested on first principles. But if that's not possible, then if valid moralities are at least grounded in the traditional values of their home societies—or societies that, however profoundly they may change, constantly labor to reconcile the evolving values of their evolving stages—we shall be forced to admit, as valid, traditions that harbor within themselves conflicting values, or values that conflict with ours.

The classic example in the ancient world appears in Sophocles's *Antigone*. It offers a picture of a coherent traditional morality that is subject to intractable moral conflict. In our own time, disputes about abortion are easily as intractable as Antigone's. Perhaps they go deeper. They are certainly more frequent and they threaten the fabric of society in a more explicit way. More ominously, there seems to be no moral coherence to be had, no overarching harmony by which to reconcile us to our own irreconcilable conflicts.

These new conflicts are more fundamental than Sophocles's contest. Which explains why Hegel endorsed the adequacy of Sophocles's world. Yet, in the *passage* from Sophocles to the end of the twentieth century—passing through Hegel—we concede the loss of telic purpose in nature and history. We are the artifactual creatures of history. If so, then, on the gathering argument, only a second-best morality could possibly rescue anything comparable to Sophoclean objectivity.

Our canonical conceptions will have trained us to expect too much from the theory and practice of moral judgment. It has been remarked, for instance, that Kant effectively invented out of whole cloth

the very idea of validating the objectivity of categorical obligations on strictly rational grounds. By now, the notion has a life of its own—*ohne Kant*. You will find such pronouncements even among the champions of liberalism. But they must remain forever doubtful, now, if intractable conflicts of the Sophoclean sort—and more—cannot be avoided.

Two consequences follow: for one, canonical theorists will have overstated the function and authority of moral judgment itself; and, for another, the famous criterion of universalizability will no longer count as a mark of moral validity or even neutrality. There will now be no reason to suppose that what is objectively right or good must accord with what, in principle, would be endorsed by every “rational” judge or would accord with “human nature.” Such appeals would be pointless; for, now, in the deepest sense, reason and human nature would have become constructions of history. You begin to see the new possibilities.

Let me draw out some of the more controversial features of a second-best morality. Judgment would take the form of something akin to appreciation; that is, judgments would no longer need to disallow, as disjunctive, findings that would otherwise count as contraries or contradictories. Certainly, the *Antigone* would be a commonplace. More controversially, our own society might, coherently, allow both the defense and rejection of abortion rights—with due provision for ensuring social order. I see no paradox there. In fact, the exclusionary claims of Christian, Jewish, and Muslim sects are hardly viewed in the West as incompatible with political democracy. Perhaps, ultimately, they are incompatible.

Here, the essential point is not any merely narrow answer regarding whether a particular accommodation is likely to prove valid or not. It’s rather that the *logic* of the pertinent arguments will have changed fundamentally. In place of a bivalent logic—which, of course, both Aristotle and Kant require—moral questions (other questions as well) will remain entirely manageable, under second-best auspices, but now by way of a many-valued logic that allows “incongruent” judgments to be confirmed: that is, judgments that, on a bivalent logic but not now, would have yielded contraries or contradictories. There is nothing logically amiss in conceding, as a matter of public policy, that opposing briefs for and against, say, abortion rights, the legality of homosexuality, the death sentence, and so on may be jointly validated. Although, of course, they would not be championed as such by any single agent. Nor as true, to be sure, but (say) as entirely rea-

sonable. (The value True would have been replaced by a set of many-valued values like a graded run of Reasonables.) There would still be questions of relevance and consistency to answer. But no one doubts that now-standard moralities would never adopt such a logic.

Having introduced it, let me now add that it is exactly what is meant by a responsible relativism. I infer that the denial of first principles and the admission of the historicized nature of our theorizing and practical competences lead inexorably in the relativist's direction.

III

Frankly, I believe the greatest crimes of humanity are committed by men of principle, that is, by morally serious persons convinced that their own commitments are fully vindicated by first principles. Such exclusionary zeal—the *logical* and moral confidence implied, for instance, in the Khmer Rouge slaughter of more than a million Cambodians—would *never* find sufficient support within the boundaries of a second-best morality. It could never reach to that. Still, I concede the human race remains relentlessly committed to the “discovery” of the exclusive principles of moral life. I have no illusions about that. I say only that these speculations of mine may color in some small measure whatever is possible in the way of honest inquiry. At least this much is clear: moral judgment can claim no unconditional or overriding legitimation.

Some indeed have claimed that if one knows what is right or good or obligatory, then *not* to act conformably (if one can) would be morally insupportable (Socrates's paradox). But either their argument is trivial, since no one ever really “knows” or the argument is not decisive since moral certainty is open to second-order doubts. Partisans have their loyalties, to be sure, but, on the argument, their rationales cannot be shown to be unconditionally categorical or exclusionary.

One often hears it said that relativism undermines all serious conviction. But why? If you take the quarrel about abortion as a fair specimen, there's no reason at all why the unlikelihood of ever resolving the matter along strictly bivalent lines should be expected to blunt anyone's ardor. On the contrary, hope obviously remains unchecked, all the while good reasons fade; and individual commitments go their separate ways, all the while public tolerance anticipates that they will. If this were not so, then democracy, which I am not endorsing here, would make no sense at all. Democracy, I should say, not liberalism

or liberal democracy, is premised, after all, on its not being antecedently known what the true goods of society ever are. The matter is left to opinion and personal choice.

That's surely what exercised Plato, in the *Republic*: Could there be, he wondered, a middle way, between the ideal state (which required an impossible or inaccessible form of knowledge) and mob rule (which discounted knowledge altogether)?

To cast my own project, if I may, in Plato's jargon, I am exploring the possibility of a public morality shaped by "right opinion"—lacking knowledge of the eternal Forms but not, within our options, incapable of defending "reasonable" policies. Plato (or perhaps the Socrates of the early Dialogues) was exactly right—*is still right*—well ahead of his time and ours, *if indeed it is* correct to suppose he never believed in the Forms. Meanwhile, the world returns again and again and again to nail down one newly minted principle or another. Can we break the cycle?

We *must*, however, go beyond traditional sources of legitimation. If not, we should never have grounds for repudiating racial slavery, torture, genocide, the murder of unwanted children and unwanted wives who fail to produce male offspring, female circumcision, barbaric sentences for criminal wrongs, and an unbelievably long list of similar trifles. We should never be able to recommend departing from our practice.

Two puzzles arise here: one, a paradox; the other, an engineering difficulty. Both are straightforward and both are much neglected. The paradox goes as follows: How—one can almost hear the accusation—if the supposed inadequacy of existing moral norms can be offset only by what, within traditional life, supports the traditional sense of life's meaning, can there be objective grounds for altering or "correcting" such norms? The engineering problem is this: How, within the boundaries of a complex society and between divergent societies, can there possibly be grounds for reconciling disjoint norms and practices in a "reasonable" way? The engineering difficulty falls within the scope of the paradox; and the resolution of the paradox makes no sense unless it succeeds in the engineer's way. More than that, affecting both, we must be honest enough to concede that the traditions of every known society, which provide the *prima facie* values with which we must begin, are themselves of very mixed kinds—as much committed, for instance, to myth and superstition and supernatural sources as to anything that might conceivably pass as rational and free of such sources. You may recall that Freud, who, in *The Future of an Illusion*,

viewed organized religion as “the obsessional neurosis of humanity,” did also concede that human nature may not be robust enough, rationally, to eliminate religion altogether: better, perhaps, a stable collective neurosis than an idiosyncratic one. The matter remains unresolved in Freud’s mind. Morality and politics can never escape the cognate question.

I find an important lesson here. There’s no point to a second-best morality that leaves unchallenged the legitimitive authority of *any* primary tradition; but there is also no reason to suppose that the defense of a “corrected” form of life could never rely on grounds that disallowed its self-appointed validity.

My own impulse is a simple one—I don’t say it amounts to a self-evident moral policy—but whatever people need, they need! If Hindus are disgusted at the smell of beef, possibly even outraged at the slaughter of cattle, so be it. There’s no obvious reason to offend their sensibilities, but there is also no reason to permit them to impose their doctrinal constraints on the rest of us. Imagine, for instance, that some fanatic sect hits on the idea of the ritual destruction of MacDonald’s restaurants throughout the world! Is it the same with us regarding abortion or homosexuality or physician-assisted suicide?

I think there is one indisputable conclusion to be drawn. It happens not to accord with my own moral predilection, but the fault (if it is a fault) is entirely mine. On the argument, a second-best morality is a reasonable morality, never more than that; its being reasonable depends on its making a would-be improvement in the entrenched practices of a living society. It is essentially local and piecemeal and conceptually generous. I shall come, in time, to the defense of such improvements. For the moment, consider only that an intended improvement must be legible in terms of an actual practice, must accord with manageable and moderate changes in a society’s general form of life, and must count as a gain in terms of normative constraints that are themselves legibly projected from traditional legitimitive views.

Doubtless, there are other ways to imagine making moral gains. But I think there can be none that aspire to be “second-best” moralities in the sense I intend. In fact, I can now affirm that a “second-best” morality is a morality that claims: (i) to compare favorably with moralities already in place in designated societies, or moralities projected from such societies and said to be confirmed in terms of first principles; (ii) to eschew all pretensions, on its own part, to first principles or any would-be rational or cognitive privilege; and (iii) to defend its advantage as a “reasonable” improvement only on conceptual

grounds that are not initially offered as moral norms at all—but may acquire such standing.

That will need to be explained, of course, I shall come to it shortly. But it cannot be denied that, if viable, it would be a morality that claimed to be no more than “reasonable” in a dialectic and conceptually parasitic sense. It would claim no privileged resources of its own. There may be other strategies to recommend; but I find none more convincing on philosophical grounds. If you agree, you see as well that a second-best morality cannot fail to play on the conservative side—meaning by that that, at every step in a program of would-be reform, it means to respect the entrenched convictions of the society it addresses—but moves to alter. It need never abandon an appetite for change, for going against established custom; but it also means to avoid conceptual arbitrariness. That is its principal strength, the reason it attracts a measure of trust.

Furthermore, to admit no more than that is to foresee that if there is one line of second-best improvement, there are bound to be a number of alternative conjectures regarding any complex matter; for instance, regarding the redistribution of land among the Indians of the Yucatan, or the improvement of the lot of all those in the United States who fall below the poverty line. In that sense, a second-best morality must concede the plausibility of a relativistic logic—and, with it, the ineliminability of ongoing, even enhanced, conflict among otherwise “reasonable” alternatives. Hence, too, the conservative disposition of a second-best morality is always open to being tempered in a promising way.

There must be a trade-off, you see, if, in the absence of moral privilege, we mean to reconcile reasonableness and the avoidance of arbitrariness. These are not always the most admired qualities in a moral vision. It is, for instance, not obviously well suited for revolutionary times, for wars or for great social upheavals. But, of course, I’ve not yet mentioned any substantive recommendations about what to regard as a reasonable moral concern under the altered conditions envisaged. Also, the general framework of a second-best morality *can* be fitted with some success to abnormal times. That would have to be shown and would take some labor to spell out.

For the moment, let me collect the thread of what I have so far proposed. I can put it trimly enough in terms of habituated practices: in effect, in terms of Wittgenstein’s notion of the *lebensformlich*, *if*, somewhat against Wittgenstein, we may understand a society’s practices in a more historicized way than Wittgenstein imagined. In other words,

in featuring the ineliminability of cultural traditions, we must not play into the hands of traditionalists or the partisans of moral privilege. The key is the flux of history.

IV

We must begin with life as it is lived, not with any hothouse concoction, and not with any assured presumption of what the proper grounds of moral legitimation finally are. That alone dissolves the pretensions of every form of hedonism and utilitarianism, every natural law doctrine, every moral essentialism and moral realism, every form of intuitionism, every Kantian-like idealization of moral reason and moral autonomy, every form of psychologizing and biologizing morality. If our norms and values are *lebensformlich*—benignly so—in the prima facie sense suggested, then so too are our legitimitive practices. The trick is to concede that every moral practice already in place—or improved according to some would-be first principle or privilege—may, for argument's sake, be regarded as an exemplar of the “best” moralities we have. The issue before us is not simply one of improving a particular society but of legitimating would-be improvements by legitimating the altered legitimitive grounds on which reforms are to be justified. The puzzle is unavoidable. In the modern era, its most familiar exemplars certainly include the rationale for the French Revolution and Marx's attempt to justify the proletarian revolution. A second-best morality is capable of opposing every *status quo* and every would-be principled improvement of every *status quo*. It means to stalemate, dialectically, any and all accepted views by formulating improvements along its own “reasonable” lines and then defending its new-found advantage.

In this sense, a second-best morality is concerned with second-order questions: not merely the improvement of a society's moral fabric (its first-order concerns) but the very grounds for legitimating any would-be improvement—which is to say, the improvement of its second-order grounds for validating first-order gains. Can that be done?

There's the sticking point. No philosophical subtleties can blind us to the need to solve the great puzzle of how, without presuming privilege, we can “objectively” resolve the intractable moral disputes we know so well. Is there, for instance, an explicit answer on the moral standing of suicide? Or a favorable answer on the matter of homosexuality or homosexual marriage or homosexual families? Or abortion under any circumstances or beyond a certain point? Is the

control of Jerusalem a manageable moral question? Is there a viable solution to the Rwanda impasse? Or to the impasse in Northern Ireland? Or to Basque separatism? What moral policy should we hold about the dwindling rain forests of the world? Or the ozone layer? Or global warming? Or the sheer breeding of more people? Or the extinction of other species? (You see, of course, that there is no obvious demarcation between the moral and the political.)

I concede that these questions may be too difficult to answer in familiar ways. But the point of my proposal is to replace those "familiar ways" with a "second-best" strategy. You may say: "Well then, get on with it!" I shall, at least in a small way, but we need to grasp the force of a prior finding first. We have given very nearly the entire public control of the moral world into the hands of partisans who insist at almost any cost on the exclusionary validity of their own privileged norms. Just look at the state of the abortion quarrel (which, by the way, I keep in view chiefly because of its rancorous intransigence and apparent insolubility). The opposing sides insist on absolute first principles matched by the least generous legitimative scruple: a woman's or a family's right of abortion as a form of unconditional privacy, opposed by the right of the fetus to the unconditional protection of its life. What I charge is that the argument goes wrong on both sides. If we persist in fashioning our disputes thus, we shall never reach a "reasonable" solution on any polarized issue: for a reasonable solution must give up the pretense to legitimative privilege. If so, then we must also give up the dream of every reaching a uniquely correct resolution on any moral matter of importance. There are no such solutions.

It's there that I depart from Sophocles. For Sophocles would never call into question the unconditional validity of the opposing loyalties of the *Antigone*: hence, Sophocles is forever drawn to inevitable tragedy in place of a moral solution. I grant the high humanity of the tragic vision. But it is entirely possible that tragedy should have a new inning in our time—in terms of moral conflicts that can no longer be reconciled in Sophocles's way. If that is possible, then, I say, there is no reason to continue to run with plainly indefensible, outmoded, hopeless, and unyielding moral policies, when there are more tractable options to be had.

The old canon is outmoded, I say, because, on independent grounds, there is no known way to discover the final terms of moral validation, either in the independent world or in human nature or in the fixities of human reason. That has nothing to do with recommending a second-best morality, except to motivate it to perfect its argument.

The most visible, the most publicly endorsed, continuous tradition of political morality in the West, down to our own day, is that of liberalism and liberal democracy. Even liberalism is no more than a few hundred years old. It can hardly ensure our canonical confidence. Moreover, it is an artifact of bourgeois history and is already unraveling before our eyes. It has no substantive interest in the moral details of diverse cultures. It has no interest in history or in collective life or in the meaning of the drift and collision of different histories. It presumes a changeless human nature, explicit enough to permit us to read—in metaphysical terms—the violable minima of moral life under any circumstances whatever. Extraordinary!

But history is against it. There is no comparable tradition among the alien, more collective-minded societies of Southeast Asia, which the West must now engage. For the Asian world is not interested in the fixity of first principles in the way the West has always favored. Also, it will soon be impossible (if it is not already so) to invoke the reliable constancy of our universal rational nature (in the liberal's way), which, on our assured reading, yields the West's favorite values: life, liberty, property, happiness, dignity of person, and the like keyed to the unquestioned autonomy of individual persons. The salient moral puzzles of our time have moved on beyond an eighteenth-century orientation. The strange thing is that liberalism itself is now out of sync—even in the West—with the deeper lessons of the French Revolution: those in particular associated with the culturally constituted nature of human selves and the historied contingency of same. (Its collectivist themes, for instance.)

Everything in our age propels us to accept a change of vision; but canonical moralities pretend to fit our essential nature timelessly. Yet, to choose an important example, you see everywhere the danger of refusing to construe the cause of justice in historical terms—a policy which American liberalism and liberal democracy essentially eschew: the corrective idea of affirmative action, for instance, makes sense only in terms of perceived historical wrongs, but the liberal doctrine of equality of person is entirely formal, pointedly indifferent to every historical detail or sub-species-wide differences of biology, race, sex, age, health, gender, ethnicity, personal proclivities and preferences, doctrinal convictions, and the like. It's quite unlikely that the next century will be able to locate its principal moral concerns within the metaphysical inflexibilities of the liberal conception as distinct from its admitted (but circumscribed) political and legal humanity.

I believe we have come close to exhausting the conceptual resources

of liberalism: reason is no longer viewed as normatively invariant or neutral; selves are socially constructed and open to remarkably diverse convictions; the very nature of persons is their history, if normative “nature” is assignable at all; the social bonds of human life are hardly external to the interests of individual agents—autonomous and prior, on the liberal’s theory. They are as much (even more) the historied structure of our constituted nature as (than) the supposed constancies of biologically formed interests. These shifts of legitimative conviction—for that is what they are—are themselves the precipitates of historical change reflexively perceived.

It comes as a shock to suggest that we must forever remake our moral norms in the light of the culturally evolving life of the species. But if that is true, then we must acknowledge as well the dangers and fatuousness of canonical moral fixities. Liberalism is only the most recent of the surviving canons of the West, but it may still be the most vigorous. Other candidates, notably the Aristotelian and the Kantian (and their variants), revelatory alternatives of Judaeo-Christian origin, and a spate of naturalized (psychological and biological) alternatives, have all run their course as far as second-order legitimation is concerned. There is now no plausible basis for refusing to admit the bona fides of a second-best morality.

But if that is so, we must change our sense of what moral instruction can accomplish—defensibly. One thing it cannot do: it cannot validate *any* categorical or unconditional obligation. But that is the bread and butter of a great part of Western morality. It is hard to gauge the conceptual influence (in the West) of the prescriptive or imperative form of the pronouncements of the Old Testament God down to our own time. It would explain, I believe, a good part of the influence of the Kantian vision on the history of liberalism as well as apart from liberalism. (Look for example at the work of John Rawls and Jürgen Habermas.) But if you review Kant’s actual conception more closely, you will see that his famous Categorical Imperative is *not* an actual imperative at all, but only its abstract logical form, invoked to test whatever provisional maxims of life autonomous rational agents initially propose. So it is in its way a version of liberalism freed from the need to insist on inviolable rights. The Lockean and the Kantian conceptions are no more than sibling strands of the same privileged moral thread. Much the same is true, though hardly in the liberal’s way, of the more ancient eudaimonism and later Thomist natural-law version of Aristotle’s themes.

These philosophies are all played out, not because their substan-

tive values have been repudiated. Of course not. But their legitimate rationales, however respectable, are no longer compelling. That is the upshot of admitting that human life is thoroughly *lebensformlich*—profoundly subject to historical drift and cultural diversity. Now, at the end of the century, looking forward to a genuinely globalized world for the first time, we cannot fail to see the possibility of an elenctic moral contest that has no confidence in its former first principles—or is aware at least that it cannot persuade historically unrelated societies to adopt its local canons. We cannot fail to see that there is a sea change coming.

That is the essential lesson of current multiculturalism—a lesson not at all confined to local struggles in the West: whether, say, between communitarianism and liberalism or between a new-found respect for cultural history and collective solidarity within the official legitimate indifference of a liberal perception of different histories. The most telling clue is already in place, as far as American political morality is concerned; for, obviously, *all* the salient moral questions involving *personal* autonomy at the present time—abortion, contraception, divorce, suicide, physician-assisted death, equality between the races and between men and women, sexual and religious preferences, even a tolerance for the use of drugs—is increasingly swept from sight under the “liberal” right of privacy, for it is now clear that the salient questions cannot otherwise be addressed in liberal terms. The personal questions are nearly all *sub-species-wide*, and the multicultural questions are concerned with the standing of collective traditions. Liberalism is inflexible in both directions. But that means that the history of these issues and their technical details can no longer be shown to be even relevant in the moral sense. Which is to say, liberalism is becoming increasingly irrelevant, all the while the wider and more ancient, more labile tradition of justice linked to historical memory, *not* bound to ensuring liberal rights alone, runs the serious risk of being largely ignored or completely impoverished.

You see the sense in which a second-best morality will avoid the prescriptive formulations of so much of the West’s most active moral convictions, will move instead to favor an appreciative logic—an alternative to what I’ve been calling Sophocles’s sense of tragedy. Of course, we shall have to give up a lot with that single stroke: we shall have to abandon the entire notion of the foundational function of our encompassing moral vision. There is no such function that can be convincingly defended.

You may recall, here, the familiar natural law doctrine, the idea

that the positive laws of the land should embody, in suitably promulgated form, relevant parts of the natural moral law. I am bound to say that there's nothing in the doctrine—nothing of a legitimated sort. It cannot be defended, except on the presumption of some privileged moral cognition. Imagine invoking such a law in the matter of abortion or suicide or the relationship between husbands and wives or with regard to the public tolerance of homosexuality. You see at once how clever and how constricting the idea is: positive law, it says, has no authority unless it is appropriately promulgated; but it cannot be rightly enacted unless it accords with a more fundamental law that lies beyond the range of human invention. Hence, the latter must be read directly from human nature or from the inherent structure of natural reason or from divine revelation. Conversely, the moral law remains problematic among humans unless it is duly applied to societal ordinances or, by analogy, to the actions of ordinary people; hence, morality and positive law rightly take a prescriptive form. But if we grant the historicized and artifactual nature of human selves, then we should have to limit political morality in terms of real-world feasibility; and then, reversing the usual presumption of moral visions that claim to be vindicated by first principles or cognitive privilege, our “moral” expectations may need to be constrained and dampened. That would fit a second-best morality very nicely, but not a utopian vision.

It is inconceivable that the canonical visions of the West should make their way easily in the emerging global setting of the next century's concerns, unless the overwhelming populations of Asia are willing to adopt the Thomist or Kantian or Judaeo-Christian or Muslim conceptions of morality. I cannot imagine that happening or happening in any globally unified way. To count on them is to entrench more and more deeply the hopeless stalemates already instanced. If we give up the prescriptive sense of morality—as we must, on the second-best model—we will have permanently diminished morality's presumptive force. There is then no categorical force that *can* attach to moral judgment, except in the weak sense of what is enjoined in a *lebensformlich* way. No first-order practice or tradition presents itself in self-authenticating colors. Ironically, the thesis that holds that a *lebensformlich* morality already has sufficient resources for all our needs illicitly mingles our would-be privileged moralities and the self-styled postmodernisms that pretend—on the assumption that legitimation is both impossible and unnecessary—to fall back to the *faute de mieux* advantages of local custom.

V

Let me collect my argument in a trimmer way. I began, you remember, with the postulate that nothing that human beings do is contrary, in a moral sense, to nature or their nature—or to reason—simply because there is no way to discover what the true norms of moral life are. Moral norms and values, like the encultured powers of human beings on which they depend, are constructions of history, fashioned and refashioned under the prodding of what we take our evolving history to be and mean. We fall between a morally indifferent physical world and the inaccessible heaven of invariant first principles. Yet we are not without resources. Every human society has its *lebensformlich* values, which, being sufficient to ensure a meaningful life in first-order terms, provides a non-arbitrary but contingent basis for first- and second-order needs. The moral traditions of the West are dominated by presumptions of privilege and fixity and ultimate foundations, the neutrality of normative reasons, the categorical function of moral judgment, and similar exotic hopes. All that has proved impossible to defend. The only objective morality we may reasonably claim is one that we have deliberately invented: that's to say, second-best moralities dialectically pitted against every *lebensformlich* practice or philosophical alternatives thought to be legitimated by way of first principles or privilege.

To grant all this is to strengthen the relativistic and appreciative option that supports the validity of “incongruent” alternatives. Not even democratic societies support the option openly. But they do regularly generate contested practices (involving abortion and homosexuality, for instance) and then make explicit provision for protecting the public advocacy of pertinently opposed values. They thereby approximate, by pluralistic means, what the relativist defends explicitly. To adopt the relativist's rationale would radically transform our sense of the logic of moral judgment and commitment. We should have to admit that conflicting convictions need not be bivalently opposed; hence, that they need not signify, as such, the inadequacy of our moral practice and vision. No standard philosophy would countenance this piece of moral and logical tolerance. It would in fact provide an ampler up-to-date analogue of Sophocles's classic notion of the logic of tragedy, now that we ourselves should have abandoned all hope of restoring privilege or first principles. What I have added, finally, is a bit of prophecy—to the effect that the twenty-first century is bound to be more hospitable to second-best strategies than to the most ad-

mired moral philosophies of the West. They will all gradually dwindle into mere ideologies.

But I have still to sketch just how the positive argument would go—I mean a second-best argument. I can only give you an impression of how it might proceed; it must always be improvised to fit the occasion. It works only by bettering, piecemeal, the “best” that some particular principled morality insists on.

Let me suggest, in order to fix our bearings, the beginnings of a plausible argument against the current American liberal vision of political morality. I have already hinted at it. Recently, favorable affirmative action policies for admitting minority candidates to graduate and professional schools have been formally reversed in California and Texas. This has resulted in a precipitate drop in the number of potential minority physicians and lawyers at a time when minority populations are growing at an accelerated rate. The enrollment of black and Hispanic candidates is practically down to zero in certain important schools.

The argument against affirmative action takes a classic liberal form: race and ethnicity, it is said, are not relevant at all to the objective assessment of professional promise; every would-be candidate must count for one, and racial considerations must be unconditionally refused, in spite of the fact that those same considerations have already played a very large role in the *history* of racial injustice.

You see the paradox: liberalism insists that every claim of fundamental right must confine itself to what is formally universalizable in terms only of the liberal conception of human reason or autonomy; hence, that the natural rights doctrine applies strictly, in ahistorical terms, to all historical situations. But justice itself—construed democratically, not in the liberal sense—cannot be discerned apart from local histories of injustice. Strict liberalism, which ignores (which must ignore) history, since to consider history is to depart from the formal neutrality of species-specific equality—must preclude all reference to collective (*a fortiori*, historical) injustice. But, of course, “affirmative action” explicitly addresses lapses of justice in the democratic sense. It is not a “liberal” notion at all!

If you see that, you see at a stroke why a second-best “liberal democracy” would have to yield against its original liberal principles. *Every* perceived injustice involving race and ethnicity and sexual identity cannot fail to pit liberalism against democracy. Hence, liberalism cannot be expected to accommodate the emerging threats of both infra-species-wide and inter-societal injustice. There you have the es-

sential challenge posed by multiculturalism and the global economy of the next century. A second-best morality urges that we yield, locally, on the inflexibility of liberal principles. In any case, the argument is an example of how we might legitimate a change in a mode of legitimation already entrenched in a *lebensformlich* way.

The thing to notice is that a second-best recommendation depends strategically on *non-moral* considerations. Against liberalism, it favors a *reductio*. That's to say, we find ourselves forced to abandon liberalism as a first principle, because to insist on it is, effectively, *here and now*, to defeat the democratic objective it is meant to ensure. Once construed in an ad hoc way—as it must be to be politically effective—it loses whatever plausibility it may appear to have in its utopian (or Jeffersonian) voice. To be saved from its own paradox, it must yield along the historical lines it opposes. There's no reason, of course, why the familiar rights of life, liberty, and the rest could not be recovered in some second-best way. In that sense, a second-best morality is bound to best the “best” moralities.

Now, in defeating liberalism in the context of liberal democracy, I have not invoked any secret moral norms at all. I have taken for granted (for the argument's sake) no more than the principles of liberalism and democracy already presumed to be in place. It is essential that the contested principles should be those that an actual society invokes as best suited to justify its own practices. One need only show how, given a society's avowed objectives, it is possible to escape its traps, or, better, how to better its own objectives. My example addresses the first but not (explicitly) the second possibility. Still, if collisions of the first sort cannot be avoided, then it will be seen to be reasonable (hardly necessary) to propose as a second-best policy—hardly as a “best” principle in its own right—the avoidance of principled moralities altogether. In this way, a non-moral strategy may suggest a second-best morality.

The legitimitative change is contrived on the basis of elenctic moves. There's the novelty. Nearly all canonical disputes are cast in terms of moral principles or moral criteria that we suppose determine what is substantively right or good or obligatory. Here, things are reversed. The norms in question are admitted only in a *lebensformlich* way, with whatever second-order rationales their own partisans provide. We ourselves need never affirm a moral principle or norm or criterion at the start: our strategy is always local, provisional, parasitic.

Once this much is clear, the rest glides into view. For if moral norms and principles cannot be discerned in nature or practical reason,

and if we must fall back to *lebensformlich* practices to avoid arbitrariness, then, admitting the force of the elenchus, it becomes quite reasonable to *propose* as a legitimative improvement something like the following: abandon, within the limits of *lebensformlich* feasibility, all moral restrictions based on presumed natural and supernatural norms. I see no significant difference here between revising the Hindu caste system, abandoning Muslim polygamy, and lifting the ban on homosexual relations.

I began my account, you remember, by offering the unguarded intuition that nothing humans do is contrary to nature or their nature. Here, I am discharging a promissory note. But if you begin with the *lebensformlich*, you must also respect it to the end. It's not enough to confirm the indefensibility of condemning (on grounds of "nature") caste or homosexuality. The practices in question are very deeply entrenched; revising them cannot fail to produce tremors elsewhere in the social fabric that must house their replacement. There's no point to intended improvements if there's no point to a measure of tact and patience in managing such changes. I see this as the only way to offset the bitterness, for instance, of most quarrels of political morality.

I must set all such baffling problems aside for another occasion. For the moment, let me collect a small advantage. I offer as a second-best legitimative policy what I may now call *nullum malum*: that is, the policy of regarding what, in the *lebensformlich* way, had been intransigently viewed as contrary to nature, as now no longer such. Tact and patience may advise us on what to propose in the way of gradual first-order improvements. Apart from that, it needs to be emphasized that the basis on which what was thought evil or ill or defective, before—as contrary to nature—is, now, relieved of any such onus, because of a conversion of non-moral challenges into moral ones.

The argument itself rests on its being clear that *not* imposing natural taboos is always conceptually more generous than imposing them. "Conceptually," I say; not morally. That's all! The legitimative reform signifies that what, here, is conceptually less restrictive may be converted into a more generous moral policy than what it replaces. *Nullum malum*—the notion that there is no evil where evil was thought to be—becomes, then, a form of moral generosity. It proceeds by way of a parasitic elenchus: avoids moral privilege itself, and claims its gain by sacrificing restrictions bound to what no one can ever demonstrate, always viably in accord with the *lebensformlich* practices it would reform. It is, of course, no more than an example of a second-best strategy. There are surely other strategies to be had. What it claims

is not an unconditional victory, but the validity of its moral standing to contest some justified *status quo*. The struggle against American slavery may serve us here. I find entirely fair analogies in the struggle for gender and racial equality, in the abortion quarrel, in the public recognition of homosexual relations. It seems a very small step to acknowledge that such a policy succeeds in besting the “best” moralities—in the matter of natural norms. Grant only that, and all sorts of further analogies spring to mind. I mean this, therefore, as the beginning of a new conception.

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(continued, back cover)

* Pamphlet out of print.

† Reprinted in *Freedom and Morality*.

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