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Harming others : universal subjectivism and the expanding moral circle

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5. Problems of and Obstacles to Universal Subjectivism

Let's put some difficult coins in the machine of universal subjectivism and compare the outcome with our moral intuitions and considered judgments.

5.1 Some Critiques on the Project of the Enlightenment

5.1.1 John Gray

John Gray (1948) is a British political philosopher who was professor of European Thought at the London School of Economics and Political Science until his retirement from academic life in 2008. As a public intellectual Gray contributes regularly to *The Guardian*, *New Statesman*, and *The Times Literary Supplement*, and has written several influential books on political theory, including *Straw Dogs: Thoughts on Humans and Other Animals* (2003), an attack on humanism, a worldview which he sees as originating in religious ideologies. Gray sees morality as an illusion, and portrays humanity as a ravenous species engaged in wiping out other forms of life. In *Straw Dogs* Gray writes that 'humans [...] cannot destroy the Earth, but they can easily wreck the environment that sustains them.'⁶⁰⁰ He held posts as lecturer in political theory at the University of Essex, fellow and tutor in politics at Jesus College, Oxford, and lecturer and then professor of politics at the University of Oxford. He also held many visiting professorships. He was an advocate for the New Right in the 1980s, and then of New Labour in the 1990s. Gray now sees the conventional political spectrum of conservatism and social democracy as no longer viable. Gray has perhaps become best known for his work, since the 1990s, on the uneasy relationship between the value-pluralism and liberalism of Isaiah Berlin, which has ignited considerable controversy, and for his strong criticism of neoliberalism and of the global free market. More recently, he has criticized some of the central currents in Western thinking, such as humanism, and has tended towards Green thought. He has drawn from the Gaia theory of James Lovelock, among others, but he is very pessimistic about human behavior changing to prevent environmental decay, and he predicts that the 21st century will be full of wars as natural resources become increasingly scarce.

John Gray's *Gray's Anatomy* is a selection of essays covering 30 years and a range of topics.⁶⁰¹ Looking for a theoretical or ideological framework, which connects and organizes these writings, one looks in vain. Gray is an agonistic writer, a public intellectual who comments on politics and political thinkers, without himself developing or having a general theory or an ideal. Gray criticizes others and rows against the current, whatever direction the current goes, thereby not noticing that sometimes the current was going in his own direction. Reading the collection of essays one wonders: what does Gray want and what is his problem? When he is commenting on politics, what kind of social structure and government is he striving for and by what criteria can these be judged?

In the first part of his book, 'Liberalism: an autopsy', Gray, who comes from a liberal intellectual background, analyses why. The question is, even if it could be

⁶⁰⁰ Gray (2003: 12).

⁶⁰¹ See my review of *Gray's Anatomy* in *Philosophy Now*, Nov./Dec. 2009.

reasoned that liberalism is dead, what would be a better alternative? A recurrent mistake in Gray's analyses is that he does not make a difference between *description* and *normativity*. In what sense does he think liberalism is dead? Does he mean that liberalism is waning in the world, or does he mean that liberalism is normatively dead? Compare this with human rights: there are many human rights violations occurring all over the world, so descriptively one could argue that human rights are dead law. But, on the other hand, the human rights discourse is animated and plays an important role in international affairs. By the way, Gray is not so much in favor of human rights, though he mentions that there should be a minimal morality, which is universal, but which seems to be smaller than the Universal Declaration of Human Rights. Gray is not clear about this important matter. In his opening essay '*Modus vivendi*' (which is a passage taken from his books *Two Faces of Liberalism*) Gray addresses the problem of pluralism within a liberal political framework. The problem is this: a liberal state tries to guarantee freedom for individuals to live as they please. The state does not mingle with how people should live as long as they stick to the basic rules (like paying taxes). But what about people who fundamentally disagree with these liberal assumptions? Religious fundamentalists, Jews, Hindus, Christians and Muslims, et cetera, do not accept the liberal arrangement. Should a liberal state enforce people to be liberal, and if so, to what extent? 'The liberal state originated in a search for *modus vivendi*. Contemporary liberal regimes are late followers of a project that began in Europe in the sixteenth century. The task we inherit is refashioning liberal toleration so that it can guide the pursuit of *modus vivendi* in a more plural world.'⁶⁰² But, ideologically and normatively there is no problem with the liberal ideal of *modus vivendi*. Gray seems to have forgotten how John Stuart Mill places individualism at the centre of liberal ideology: it is not about different groups living peacefully together ('peaceful coexistence'), but, according to Mill, about the freedom of individuals that should be protected and facilitated by the state. This last version Gray calls 'universal regime'. But he is wrong about what it means. Gray seems to think that liberals want a universal regime where there is consensus on values that support liberalism. But the liberal state places pluralism at its centre: individuals are free what to do and what to think as long as they do not harm others. This is Mill's harm principle, i.e. individual liberty is bounded only by the liberty of others. One's actions should not harm others. When liberalism is interpreted as a *modus vivendi* of groups (multiculturalism), as Gray does, there is the problem of intolerance within the group. Women, homosexuals, infidels are examples of individuals who are possibly suppressed within groups who could live together in a *modus vivendi* in a liberal state. The *modus vivendi* interpretation of liberalism is opposed by Mill's individualistic interpretation of liberalism. The *modus vivendi* interpretation has a blind spot for injustices, suppression and unfreedom within the group. Individualism places the individual first and tries, ideally, to protect the individual from suppression, even if it is the spouse or parent. Gray begins his essays with a delusion, a straw man fallacy: '[...] the ideal of toleration [...] embodies two incompatible philosophies. Viewed from one side, [1] liberal toleration is the ideal of a rational consensus on the best way of life. From the other, [2] it is the belief that

⁶⁰² Gray (2009: 21)

human beings can flourish in many ways.⁶⁰³ There are not many liberals, if any, who hold [1] that 'liberal toleration is the ideal of a rational consensus on the best way of life.' Liberals of the Millian version hold that it is individuals that matter and that how individuals flourish varies greatly [2]. Pluralism is bounded by the liberal ideal of toleration. Gray seems to think that it is a contradiction that pluralism is restricted by the basic liberal rules of toleration and that liberal pluralism cannot encompass intolerance. But not everybody in a liberal state has to agree with these basic rules, as long as they stick to the rules (laws). There is no need for a liberal consensus on the best way to live.

'We do not need common values in order to live together in peace. We need common institutions in which many forms of life can coexist.'⁶⁰⁴ Is it true that we do not need common values to live together in peace? If the majority of the people are against democracy, and against human rights, it will be hard to keep up the open society of liberal democracy. Gray seems to think that when there is no war, there is peace. But is there peace in Saudi Arabia where there is hardly any freedom for the individual, especially not for women? An open society needs support from civil society. A majority of the population needs to have consensus on the basic values of society. The problem with (Islamic) terrorists is, that those fundamentalists do not agree with the basic values of the open societies and do not eschew to use violence to further their opposition against liberal values. Gray emphasizes that *modus vivendi* is underpinned by value pluralism, but the width of this pluralism should be limited by Mill's harm principle. And that principle severely limits the scope of (cultural) pluralism: all misogynistic and homophobic cultures should be opposed by the liberal state, US Christian fundamentalism and Islamic fundamentalism equally. Gray has a blind spot for the problems of unbounded pluralism. Fortunately Gray is not being consistent and in the same essay he remarks that: '[...] not all ways of life allow humans to live well. There are universal human goods and evils. Some virtues are needed for any kind of human flourishing. Without courage and prudence no life can go well. Without sympathy for the suffering and happiness of others, the artifacts of justice cannot be maintained.'⁶⁰⁵ Thus there is a criterion to evaluate different cultures. I am not sure what Gray means with courage and prudence, but 'sympathy for the suffering' is clear. And many culture make people in their group suffer severely, without any sympathy. The *modus vivendi* ideal of Gray is therefore a lot less pluralistic than he seems to think.

In his essay 'Evangelical atheism, secular Christianity' Gray opposes the New Atheists and the wave of critique on religion. He singles out Richard Dawkins as his enemy, or victim. But, notice that Gray is an unbeliever himself. He does not believe a word of any religion whatsoever. And he is a secularist, who remarks that: 'Liberal toleration has contributed immeasurably to human wellbeing.'⁶⁰⁶ That kind of toleration is exactly what the New Atheists, who are all liberals, stand for. Gray

⁶⁰³ Ibid.: 21.

⁶⁰⁴ Ibid.: 25.

⁶⁰⁵ Ibid.: 28.

⁶⁰⁶ Ibid.: 21.

writes that liberal toleration 'cannot be valued too highly.'⁶⁰⁷ He argues that everything is a religion: religion is a religion, atheism, secularism and humanism are religions and political ideologies from liberalism to communism, are religions. This is analytically not helpful. Here is an example of Gray's disability to grasp the difference between 'is' and 'ought': 'Dawkins, Hitchens and the rest may still believe that, in the long run, the advance of science will drive religion to the margins of human life, but it is not an article of faith rather than a theory on evidence.'⁶⁰⁸ The New Atheists don't think there is a historical necessity that with the advancement of science, religion will dwindle. They work on the project of the Enlightenment and hope science, and especially scientific education, will help to free people from religious nonsense and subjection. 'The mass political movements of the 20th century were vehicles for myths inherited from religion, and it is no accident that religion is reviving now that these movements have collapsed,'⁶⁰⁹ writes Gray. Gray, despite his name, doesn't acknowledge nuances, he is a dualistic, manicheistic thinker: it is either black or white. The New Atheists⁶¹⁰ are liberals, humanists who are vehemently opposed to the supposedly secular totalitarian myths of the 20th century. Again, Gray commits the straw man fallacy: he is criticizing a nonexistent enemy. There are no New Atheists who want to substitute religion by other irrational myths and illiberal regimes. Gray is plain wrong. 'Proselytizing atheism renews some of the worst features of Christianity and Islam.'⁶¹¹ Thinking about 'some of the worst features of Christianity and Islam', I think of killing unbelievers, *sharia* law, suppression of women, homosexuals, children, infidels, opposing to tolerance and scientific progress, and democracy. Is Gray serious, or just eager to discredit and anger the New Atheists? It is good to keep in mind that the New Atheists are scientists and philosophers who write books and blogs and who debate believers. This is the so-called public reason: civilized public debate, without violence. When it comes to violence and the threat of violence, it is from the side of the believers. 'It is entirely reasonable to have no religious beliefs, and yet be friendly to religion,' writes Gray. But what about *sharia* law? What about creationism and ID at schools, what about theocratic societies, what about the victims made in name of religion? Should we neglect those victims and should we not respond to the assault on reason by religion? Gray is, what New Atheist Daniel Dennett calls, a 'believer in belief'. Gray thinks religion is opium of the people, and if we take that away, something worse will come in its place. That makes him a doom-mongering cynic. 'Science is the best tool we have for forming reliable beliefs about the world [so far so good], but it does not differ from religion by revealing a bare truth that religions veils in dreams. [...] Religions have served many purposes, but at bottom they answer to a need for

⁶⁰⁷ Ibid.: 21.

⁶⁰⁸ Ibid.: 293.

⁶⁰⁹ Ibid.: 293.

⁶¹⁰ This is a list of the most prominent New Atheists: Richard Dawkins, Christopher Hitchens, Daniel Dennett, Sam Harris, Victor Stenger and A.C. Grayling. They are all liberal, secular humanists.

⁶¹¹ Ibid.: 294. In the essay as it was published in *the Guardian* Gray wrote 'zealous atheism', which he changed in *Gray's Anatomy* in 'proselytizing atheism'. See: www.guardian.co.uk/books/2008/mar/15/society.

meaning that is met by myth rather than explanation.⁶¹² '[...] Dawkins seems convinced that if it were not inculcated in schools and families, religion will die out.'⁶¹³ Gray thinks not. But this is an empirical question. Dawkins opposes religion and religious indoctrination, and he hopes it will help if children were to be free from religion.⁶¹⁴ Dawkins does not believe that his cure for religion will work - he just hopes it will. Gray argues that the New Atheists neglect that the liberal values have roots in Judeo-Christianity. There are roots and seeds, but the growing and blossoming started when, in the Enlightenment, the bondage of religion was thrown off. Some Christians had fairly liberal ideas; some Christians oppose the subjection of women and homosexuals, and some Christians are pro science. But, at least historically, most believers, and fore mostly those in power, have always been against the expanding circle of morality, including slaves, nonbelievers, women, homosexuals and animals. The manicheistic tendency in Gray's non-thinking makes him write sweeping statements that cannot hold critical scrutiny.

When debating believers, there surely is always someone who remarks that Hitler, Stalin, Mao and Pol Pott were atheists in favor of secularism and opposing religion. Gray is one of them: '[...] most of the faith-based violence of the past century was secular in nature.'⁶¹⁵ Again: the New Atheists are liberal secular humanists and democrats, they not only oppose religion, but also oppose other oppressing regimes. Gray was a vehement anti-communist in favor of the open society (with a conservative flavor). There is no one among his opponents who disagrees wit him on the bad aspects of communism. Gray's realism (the only -ism in which he says to be in favor) has a good point: 'The issue is one of proportion. Ridden with conflicts and lacking the industrial base of communism and Nazism, Islamism is nowhere near a danger of the magnitude of those that were faced down the 20th century. A greater menace is North Korea.'⁶¹⁶ Yes, and no. Korea can be a danger when they have nuclear power. But Iran, Islamic Iran, also seems to develop nuclear weapons. It seems western societies are threatened by illiberal Islamic minorities who suppress individuals in their own group and who also are a potential danger to liberal values as freedom of the individual and freedom of speech. 'Religion has not gone away. Repressing it is like sex, a self-defeating enterprise.'⁶¹⁷ But where, in the liberal West, is the repression? Religion is under critique, but far from repressed. In nations where one religion has the power monopoly, unbelief and other religions are being repressed, like in Saudi Arabia. 'The attempt to eradicate religion, however, only leads to it reappearing in grotesque and degraded forms.'⁶¹⁸ Are humanism and liberalism degraded forms of religion? Freedom from religion is not enough; one needs an alternative life stance (*Weltanschauung*).

In his book *Straw Dogs* Gray attacks yet another straw man. Gray is a real Don Quixote who loves fighting windmills, without seeing the enemies lurking behind.

⁶¹² Ibid.: 295.

⁶¹³ Ibid.: 296.

⁶¹⁴ See Narisetti (2009).

⁶¹⁵ Ibid.: 300.

⁶¹⁶ Ibid.: 301.

⁶¹⁷ Ibid.: 302.

⁶¹⁸ Ibid.: 302.

Gray thinks the essence of both religion (in general) and humanism is the belief in progress. He writes: 'Secular thinkers imagined they had left religion behind, when in truth they had only exchanged religion for a humanist faith in progress that was further from reality.' Again, there are no present day humanists who have a faith in progress. There are humanists who hope and work for progress, and therefore oppose heteronomous, religious, morality.

Underlying Gray's pessimism for the possibility of moral progress is a philosophical anthropology about human nature: 'Humans are violent animals; there is nothing new in their fondness for killing.'⁶¹⁹ Gray only sees the dark side, but there is also a good side to human nature, the capacity to care, have sympathy and altruism. A social-political structure can either promote the good side or the dark side of human nature. It seems that peaceful, liberal societies promote and encourage the good side of human nature, while curbing the dark side by institutions and police force.

The best theme in his book is his ecological concern in his essay 'An Agenda for Green Conservatism' (1993). Gray make two good points, both of which are either neglected by ignorance, or evaded because of their taboo. Firstly, Gray points out that the idea of continuous growth of the economy is self-destructive within a limited system as is planet Earth where there are limited resources. He pleads for a steady state economy; an idea that goes back to John Stuart Mill. For the conservative, who Gray is, this is a pretty large turnover in the whole basic structure of our societies and economies. His second point, borrowing the analysis from Malthus, is that unlimited population growth is a recipe for disaster, not only for the human population, which runs the risk of a horrible natural check, but also for the ecology of the Earth, because the biodiversity will drastically decline. Things have only gone worse since he wrote his essay in 1993 (21 years after the publication of *Limits to Growth*), though the public and political awareness of ecological problems has grown. Gray suggests that privatizing the commons will protect these from being degraded due to overexploitation. He argues that the oceans and natural resources should be privately owned. This seems a naïve and utopian solution. For example, should the oceans be divided into a grid, of which parts can be sold to the highest bidder? Will this protect migratory fish? Also, a system of private ownership does not take into account future generations. Imagine that I own an oil well, why shouldn't I pump up as much as I can? May be leave somewhat for my children, but why should I bother about future generations, who won't have any oil, but who will suffer from the consequences of fossil burning due to global warming?

The ongoing acceleration of population growth over the last century is the reason for the pending ecological disaster, which is unfolding right before our eyes. The impact on the Earth is the multiplication of the average ecological footprint multiplied by the number of people. And both are growing. If there were only 200 million people, as Gray muses would be a fine number, there would hardly be any ecological problems, not even with a large ecological footprint. Gray argues that we should strive for stabilization and preferably a decline in the human population. He recommends a policy of actively promoting planned parenthood, sexual education

⁶¹⁹ Ibid.: 3.

and availability of birth control and abortion. It even looks like an Enlightenment project, a program to make the world a better place, a utopia of few people and a stable state economy. Why is he opposed to the idea of meliorism and trying to improve to human condition? Because he thinks it won't work, and trying to make things better only makes things worse. It is a pity that Gray has not elaborated on his Green Conservatism since 1993. There is only one essay on environmental problems in the selection of essays. Most other essays are on concrete politics and political theorists. Gray flirts with James Lovelock's Gaia theory⁶²⁰ of the Earth as a living organism. He does not see alternatives. He sees either non-anthropocentric Gaia or present day destruction. With consent Gray cites a horrible passage from Lovelock's book: 'Our humanist concerns about the poor of the inner cities or the Third World, and our near-obscene obsession with death, suffering, and pain as if these were evils in themselves – these thoughts divert the mind from our gross and excessive domination of the natural world.'⁶²¹ There is a gross and excessive domination of the natural world, but how can one not see that untimely death, suffering and pain are evils that we must try to avoid or ameliorate? That is exactly what the Enlightenment project of liberal humanism is all about: trying to reduce suffering, enlarge individual freedom, and, hopefully, indirectly, happiness. Lovelock and Gray are right that anthropocentrism, and the myth of economic growth, are disastrous for nature, but the alternative is not non-anthropocentrism, but mild anthropocentrism, that is: humans still strive for their happiness but without damaging the natural environment so that future generations have equal opportunities, and harming as less sentient beings as possible. It is hard to grasp what Gray considers to be the recipients of the benefits of his ideal morality. If he is serious about Lovelock, it is not the poor. And, as we have seen earlier, it is not victims suffering from oppressive cultures and societies either. Thus, who are the objects of morality according to Gray?

John Gray is a liberal secular humanist in disguise. Because he does think homosexuals should have rights, he does think women should not be suppressed, he does think that tolerance is important, he does think there is a universal minimal morality, and he does want to meliorate the human condition by restricting population growth and creating a steady state economy. It is possible to make an essay consisting of quotes by Gray, which shows him to be a liberal secular humanist. The ultimate test would be to make him choose where to live: in a liberal state or in an illiberal state? But he eschews being called what he is, but instead likes to flirt with the opponents of liberalism. It seems like a pose, which fits him in his role of French style public intellectual. But is it not good philosophy. Who does he help with his cynicism, fatalism and flirt with nihilism and paternalistic conservatism?

5.1.2 Roger Scruton

Philosopher, writer and composer Roger Scruton (1944) is a self-acclaimed conservative. He is currently a scholar at the American Enterprise Institute and the Visiting Professor of aesthetics at the philosophy faculty of the University of Oxford. He opposes the ban on fox hunting. In his book *Animal Rights and Wrongs* (1996), he

⁶²⁰ See Lovelock (2009).

⁶²¹ Gray (2009: 382) quotes Lovelock's *Ages of Gaia*, p. 211. (2000, first edition 1988).

argues that hunting and meat-eating are not immoral, but that factory farming should be opposed. He also believes that it is, at present, wrong for a Briton to eat several kinds of fish as factory fishing is threatening their continued existence and damaging the oceans. Scruton holds Burkean political views. In his book *A Political Philosophy: Arguments for Conservatism* Scruton espouses a conservatist political philosophy. I have never understood conservatism, and after reading Scruton's *Arguments for Conservatism*, I still don't. The same with the ideal of progress. What would be the word for the opposite of conservatism? Progressivism? Conservatism says: 'Old is good'. Progressivism is its antithesis: 'New is good'. Here (and I presume only this once) I propose a Hegelian synthesis: some old things are good, and some new things are good.

A criterion is needed in order to evaluate goodness. Conservatism does not give a criterion; conservatism is an appeal to authority – the authority of the past. Scruton is precise in what he means by the past: it is 'good old England'. Reading this book I tried to imagine what Scruton's England looks like. Perhaps something like the children's series *Postman Pat*: a small, quiet rural society in which everybody is friendly and everyone knows each other, with modernity kept at bay. In wanting this Scruton longs for a utopia of the past that has never existed. He has been longing for it for a long time: in 1980 he published *The Meaning of Conservatism*.

Scruton uses religious language for a nonreligious philosophy (not secular, because he pleads for the influence of the Church of England). But what do words like 'piety', 'spiritual', 'innocence', 'holy', 'desecration', 'sacrament', 'mystery', 'blessing' etc mean for non-religious people? These words have meaning within a religious discourse. To apply a Wittgensteinian concept – Scruton uses words from one language game in a different language game. It is like using tennis terms to describe a football match. But religion without God is like a vegetarian steak.

Scruton seems to lament the waning of the religious worldview of the Church of England, without being a believer himself, as far as I can tell. Scruton's essay 'Religion and the Enlightenment' does not enlighten the reader at all. He concludes that we are all deeply religious, atheists included: 'we should learn that religion, properly understood, is an immovable part of the human condition, manifest as much in 'free spirits' who sneer at it as in the pious souls for whom it is the fount of consolation.'⁶²² Scruton seems to want to extend the influence of religion on public life. He calls believers victims of the Enlightenment:

But we can strive to be gentle with its victims – to recognize that ordinary people, when they ask that prayers be said in their children's schools, that offensive images be removed from TV screens and hoardings, that the outward signs of the religious life be publicly endorsed, are giving voice to feelings which we may think we have grown out of, but which, in fact, at the unconscious level where they thrive, we still experience.

In other words, there should be prayers in schools, religious censorship of the media and burkas in public spaces. Why not also teach Creationism, withdraw sex

⁶²² Scruton (2007: 142).

education (which indeed Scruton pleads for), separate boys and girls, reintroduce physical punishment? Scruton's conservative agenda has much in common with religious traditionalism. He has traditional views on sex, marriage, abortion and euthanasia, in harmony with Christian teaching. Scruton is a fervent moralizer: he wants to decide how other people should live. I wouldn't care if his ideas about euthanasia, abortion, same sex marriage were his private opinions, but he wants to impose them on society. He is not an enlightenment thinker, because he does not take individual freedom seriously. Scruton is more a Rousseauian moralist who wants to impose his ideas and his ideals of the good life on everybody.

Scruton has good points on several issues when criticizing contemporary Western societies, but his remedies are fundamentally wrong because he goes down the road of authoritarianism – paradoxically, because he claims to be opposed to totalitarianism.

In some ways Scruton's thinking resembles the gloomy apocalyptic visions of John Gray in *Straw Dogs* and *Black Mass*, in blaming the project of the Enlightenment and secular humanism for all social evils.

Gray is a fatalist who does not seem to believe in trying to make the world a better place. Scruton does want to make the world a better place: his panacea is 'no new policies, let's turn back the clock, and keep only some of the comfort of modern technological society'. Theologian Richard Swinburne who really thinks God exists, and that evil is necessary in the world for people to do good; apocalyptic prophet John Gray; and conservative moaner Roger Scruton – three prominent English academics. What is happening to academia in the UK? Fortunately there are beacons of reason as well, like Richard Dawkins, Anthony Grayling and Susan Blackmore.

Not everything Scruton says is rubbish. One has to evaluate the topics he discusses with normative criteria. My criteria are individual freedom and (cosmopolitan) social justice. So which chapter would I most recommend? 'Newspeak and Eurospeak', probably: 'Newspeak occurs whenever the main purpose of language – which is to describe reality – is replaced by the rival purpose of asserting power over it.'⁶²³ 'The purpose of Eurospeak is not to protect an ideology, but to protect a system of privileges.'⁶²⁴ Scruton warns us about large, anonymous, abstract bureaucracies which endanger individual freedom. Here is a cynical, Kafkaesque quote by Scruton on bureaucracy: 'The human individual is the single most important obstacle that all bureaucratic systems must overcome, and which all ideologies must destroy.'⁶²⁵

The chapter 'Eating Our Friends' is the most disturbing and dishonest. It is a crusade against animal rights activists like Peter Singer:

The conflict over eating animals has indeed become a test case for moral theory in Western societies, not least because of the vigorous campaigns by Peter Singer, the Australian philosopher who has applied an uncompromising utilitarianism to the problem, concluding not merely that

⁶²³ Ibid.: 162.

⁶²⁴ Ibid.: 163.

⁶²⁵ Ibid.: 168.

much that we do to animals cannot be defended but that our entire common-sense morality, which elevates human beings above other animals, is founded on a mistake.⁶²⁶

Scruton is mistaken about the core of Singer's concern: it is not about eating animals primarily, but about how animals are treated by humans. Scruton argues that if we still had 19th century farming methods there would not be a moral problem. As long as there is a straight, 'honest and loving' relationship between farmer and animal it is not wrong, according to Scruton, to kill and eat 'our friends': Peter Singer would not be as concerned as much as he is now if there were animal-friendly farming methods. Sometimes Scruton seems to understand:

To criticize battery pig farming as violating a duty of care is surely right and proper.⁶²⁷

But he also writes:

And I suspect people become vegetarians for precisely that reason: that by doing so they overcome the residue of guilt that attaches to every form of hubris, and in particular to the hubris of human freedom.⁶²⁸

I happen to be a vegetarian, but I'm not sure that I am trying to 'overcome the residue of guilt'. As far as I can tell I do not eat meat because meat-eating involves animals having to suffer unnecessarily. I am a *moral* vegetarian.

Scruton has taken up some of Singer's critique of factory farming and plea for animal welfare. I don't think he would have given a thought about animal suffering if Singer and other animal welfare activists had not drawn attention to this moral problem. Conservatism is not concerned with animal welfare. In the many books Scruton has written he has failed to notice the way we mistreat farm animals, which is one of the biggest blind spots of our societies. Scruton is wrong to attack vegetarians whilst agreeing with them that farm animals should not be mistreated. Scruton is deeply confused and inconsistent here.

The chapter 'Eliot and Conservatism' is also highly disturbing. T.S. Eliot is a hero for Scruton. Eliot as a critic of the Enlightenment and modernism. It seems Scruton agrees with Eliot about his gloomy view on modernization, in contrast to the rational critique of society by Bertrand Russell. This is a fundamental choice: Russell or Eliot. It is like choosing between religion and atheism. In his chapter 'Extinguishing the Light' Scruton criticizes postmodernism, but partial blindness makes him close his mind and appreciate Eliot as a political and moral philosopher. Scruton writes about Eliot's thinking, and one wonders whether Scruton personally agrees with it (it seems he does):

⁶²⁶ Ibid.: 47.

⁶²⁷ Ibid.: 58.

⁶²⁸ Ibid.: 62.

Eliot's deep distrust of secular humanism – and of the socialist and democratic ideas of society which he believed to stem from it – reflected his critique of the neo-Romantics. The humanist, with his myth of man's goodness [this is a straw man fallacy: very few humanists hold this view – FvdB], is taking refuge in an easy falsehood. He is living in a world of make-believe, trying to avoid the real emotional cost of seeing things as they are.⁶²⁹

Scruton's oracular utterances about the wisdom of Eliot sound deep – in fact they're so deep they're beyond my ability to fathom:

The paradox, then, is this: the falsehoods of religious faith enable us to perceive the truths that matter. The truths of science, endowed with an absolute authority, hide the truths that matter, and make the human reality unperceivable.⁶³⁰

And he says: 'The religion is the life blood of a culture.'⁶³¹ Does that mean that in Pakistan and Saudi Arabia Islam is the lifeblood of these cultures? Perhaps in practice it is, but should it be? It's hard for conservatism to credibly answer this question. To me it seems conservatism does not care for the victims in society – conservatism does not seem to care about changing society for the better for women, nonbelievers, homosexuals, animals, et cetera.

Scruton is evasive. Sometimes he is a naive conservative, at other times he seems to be some kind of liberal. Scruton ends his essay on Eliot with a muddled remark: 'The conservative response to modernity is to embrace it, but to embrace it critically, in full consciousness that human achievements are rare and precarious, that we have no God-given right to destroy our inheritance, but must always patiently submit to the voice of order, and set an example of orderly living.'⁶³² But what does Scruton mean by 'orderly living'? Does he mean obeying the political and religious authorities? He doesn't say.

The one sure lesson that can be drawn from Scruton's works is that in some cases things were better in the past. Scruton reminds us that the past is a possibility for the future: we do not necessarily have to change things. Though Scruton does make some good points, over-valuing the past tends to conceal injustices. Let's just keep the good things.

Scruton's hobby of playing at being gentry would be fine if it were just his private passion and he didn't bother others with it. No one will ask Scruton to marry a man, to abort his child, to get someone to kill him when old, to watch porn, to abandon the Church of England, to emigrate: but Scruton also has to leave other people their freedom to do as they like as long as they do not harm others.

⁶²⁹ Ibid.: 199. This is upside down – does religion see things as they are?

⁶³⁰ Ibid.: 203.

⁶³¹ Ibid.: 204.

⁶³² Ibid.: 208.

5.2 Abortion

'The judge, or the priest, or a panel of the great and the good may tell people what they must do, but they do not usually have to live with the consequences. If the girl who is not allowed the abortion, or the family not allowed assisting the suicide, they have to pick up the pieces and soldier on themselves. Those who told them how they had to behave can just bow out.'⁶³³ When you have to take into account in the original position all possible existences, you might end up as a fetus, which is going to be aborted. Can you reasonably want that to happen to yourself? A fetus does not have a life, and cannot fear death. Depending on the stage of its development, it can experience pain and it does have needs. The range of experiences is much smaller than that of the woman. A utilitarian calculus should balance the positions. Of course, this is not an ideal situation. In an ideal world - Utopia - there wouldn't be situations of conflict. In the real world we have to search for second best solutions. In the case of abortion, there is a conflict between the pregnant women and the fetus.

In his essay 'Abortion and infanticide' Michael Tooley reflects on 'what properties a thing must possess in order to have a serious right to life.'⁶³⁴ Though Tooley has a quite different approach to ethics than universal subjectivism, Tooley's analysis of which properties are moral relevant properties is helpful to overcome the seemingly clash of interest between mother and fetus. But, first, I want to make clear the way Tooley's approach is fundamentally different. Tooley argues that if a thing possesses a certain property X, then it has a serious right to life. There are no natural laws in the universe. We, the people, can decide to whom we grant rights. We may or may not use the criteria as expounded by Tooley. It is confusing to use the rights-discourse in the way Tooley does, because he seems to imply that there is a fundamental right (granted by whom?) of certain things to have a life. What are the properties Tooley thinks are essential to have a serious right to life? 'An organism possesses a serious right to life only if it possesses the concept of [1] a self as a continuing subject of experiences and other mental states, and [2] believes that it is itself such a continuing entity.'⁶³⁵ Therefore, plants, that do not have a concept of a self, do not have a serious right to life. Most animals too do not have a concept of a self, but primates do. Tooley accepts that all organisms that possess the concept of a self, have a serious right to life. And Tooley accepts that fetuses, babies do not have a concept of a self and therefore do not have a serious right to life.

How can Tooley's criterion help solve the difficulty of imagining yourself to be a fetus and have yourself aborted? This is hypothetically, because fetuses do not have concept of the self (but neither do cows or pigs - in universal subjectivism it is the ability to suffer that is crucial). In the case of abortion there is a direct conflict between two organisms: the mother and the embryo/fetus/baby. Both organisms have the ability to suffer. The ability to suffer of the embryo/fetus/baby is depended on the stage of its development. The more developed it is, the more it can feel and thus suffer. Let's suppose that there is the case of a 6 months old fetus/baby and thus can feel and suffer. The mother wants to have an abortion. We leave out the reasons for

⁶³³ Blackburn (2001: 52).

⁶³⁴ Tooley, 'Abortion and Infanticide', p. 57, in Singer (1986).

⁶³⁵ Ibid.: 82.

the abortion, and just compare the two types of organisms who have a clash of interest. Both organisms can suffer physically. The mother can suffer mentally as well. The mother's capacity to suffer is larger than the baby's. And, using Tooley's criterion, the mother has a concept of a self and the baby has not. Having a concept of self is a different way of saying that the mother has a wider capacity for suffering because of her concept of a self (which the baby has not). Of course, it would be better if there were no such choices. Abortion is always a second best solution. Though it might seem weird to imagine yourself being aborted, and therefore imagining yourself not to be, one has to take in account the suffering of all involved. It is not possible to focus solely on the embryo/fetus/baby without taking the mother into account. And the mother is an organism capable of suffering physically and mentally. When the mother is forbidden to have an abortion she decided on, she will suffer. She will suffer when she has to take care of the unwanted (and possibly handicapped) child, or the child will be abandoned in which case the mother might suffer. Forbidding an abortion makes the mother a victim.

Judith Jarvis Thomson argues in her essay 'A defence of abortion'⁶³⁶ that *assuming that even if the fetus is a person, then still it does not have a right to life*. Thompson uses a thought experiment to elucidate her point: 'You wake up in the morning and find yourself back to back in bed with an unconscious violinist. A famous unconscious violinist. He has been found to have a fatal kidney ailment, and the Society of Music Lovers has canvassed all the available medical records and found that you alone have the right blood type to help. They have therefore kidnapped you, and last night the violinist's circulatory system was plugged into yours, so that your kidneys can be used to extract poisons from his blood as well as your own. The director of the hospital tells you, 'Look, we're sorry the Society of Music Lovers did this to you – we would never have permitted it if we had known. But still, they did it, and the violinist now is plugged into you. To unplug you would kill him. But never mind, it's only for nine months. By then he will have recovered from his ailment, and can safely be unplugged from you.' Is it morally incumbent on you to accede to this situation?'⁶³⁷ The violinist is a person. His life is depended on yours, but still it seems he does not have a right to life and force you into the position of giving it to him. Doing this is an act of kindness, not a moral duty. Thomson elucidates the point that even if the fetus is a person (which it is definitely not), then still the mother who hosts the fetus does not have a duty to let her body be used against her will. This argument makes clear that in weighing the interests of the mother and the interests of the embryo/fetus/baby – the mother's interest dominate. Thompson concludes that the right to life does not include the right to have all assistance needed to maintain that life.

Can you, who want to deny a woman to have an abortion, reasonably want to change positions? Can you want to be denied your wish? It is important to note who the victim is. In the eyes of pro-life activists the fetus/baby is the victim. From the perspective of pro-choice activists including the pregnant woman, when she is denied an abortion, she is the victim. As mentioned above, the woman and the fetus

⁶³⁶ In Singer (1986).

⁶³⁷ Judith Jarvis Thomson, 'A Defence of Abortion', in: Singer (1986: 39).

are not equal. They do not have the same quality of life.⁶³⁸ The pyramid of human flourishing by the humanist psychologists Abraham Maslow might come in useful: the fetus is only at the bottom of the pyramid, whereas the pregnant woman has the upper layers (notion of having a life, social life, fear of death, et cetera) as well. It is important to note that universal subjectivism yields that women should decide whether or not to have an abortion. Universal subjectivism does not encourage abortion. It is the freedom of choice that is important.

In their book *Should the Baby Live? The Problem of Handicapped Infants* Peter Singer and Helga Kuhse extend the problem of abortion to babies who have been born but who are severely handicapped. From the perspective of universal subjectivism it seems that parents (because the baby is outside its mother's womb, the father has a right to co-decide) should have freedom to choose from several options: to let the baby live (even with a low quality of life) or to let the baby die painlessly (with medical assistance). Singer and Kuhse argue that when the quality of life of infants is low, it might be the best option (for the baby, the parents and the care takers) to let the baby die painlessly and peacefully. It is a decision for the parents to make.

When the parents have decided that the baby should live, then they should do everything within their power to maximize the quality of life of the (disabled) infant. The argument of a disabled person who has a fulfilling life and says: 'I am glad I was not aborted', is a fallacy, because there are two things mixed up. First, there is the moment of decision when the mother (or parents) decides whether or not the baby should live. At this moment the baby is not yet a person that is an individual who is aware of its own existence. An infant that grows into an adult is not aborted. The aborted ones do not exist, and cannot (not even logically) complain about their non-existence. A fetus/baby is a potential person, not a person. An adult, who might be disabled, is a person.⁶³⁹

5.3 Pedophilia

Brian Barry, in an essay criticizing multiculturalism, rejects the pedophilia position in liberal theory: 'The essence of law is the protection of some interests at the expense of others when they come into conflict. Thus, the interests of women who do not want to be raped are given priority over the interests of potential rapists in the form of the law that prohibits rape. Similarly, the interests of children in not being interfered with sexually are given priority over the interests of potential pedophiles in the form of the law that prohibits their proclivities. These laws clearly have a much more severe impact on those who are strongly attracted to rape and pedophilia than on those who would not wish to engage in them even if there were no laws against them. But it is absurd to suggest that this makes the laws prohibiting them unfair: they make a fair allocation of rights between the would-be rapist or pedophile and the

⁶³⁸ In *Rethinking Life and Death* Peter Singer explores two different approaches to the problems around life and death. The dogmatic (religious) notion of the sanctity of life is contrasted with the flexible notion of the quality of life.

⁶³⁹ A disabled person might or might not live a contented life. When a disabled person has enough capacity to decide for him or herself, he or she should also be allowed the freedom to end his or her life painlessly, that is to say: with medical assistance.

potential victim.⁶⁴⁰ How would this work from the perspective of universal subjectivism? You happen to be a pedophile and thus you would want to be allowed to act on your proclivities. But is this position interchangeable? Could you reasonably want that you yourself would be forced to have sex even against your will? Universal subjectivism grants a lot of freedom to the individual, much larger than in most traditional morals and customs, but it does not allow victims, because the position of victim is not interchangeable.

5.4 Walking on the Grass

'Harmless insects of similar capacities [as a mosquito] should not be unnecessarily killed.'⁶⁴¹ Is it immoral, from the point of view of universal subjectivism, to walk on the grass? Walking on the grass will harm and kill bugs and insects. When you walk on the grass, you know you will kill and harm animals and make them suffer. You also know that it could be you. That whose legs are crushed by being stepped on could be you.

Therefore, does universal subjectivism yield no other option than becoming a Jain: walking with a small stick in front of you to brush away all animals you might step upon?

One possible answer would be to bite the bullet and admit that just by the fact of being alive you'll harm and kill other creatures. Taking a more realistic position is to admit that being alive and living a life will harm and kill other creatures. One could choose different paths in life. One option is not to care at all; this might be called hedonistic egoism. All living creatures will harm or eat other creatures. Human animals are no exception. What makes humans stand somewhat apart from other animals is that humans can deliberate and decide what to do or not to do. Over the past two centuries, farming has increasingly been industrialized and changed traditional farming methods drastically. The scale with which humans make use of other animals is enormous. Humans make other animals suffer for them. Can you reasonably want to be an animal in a factory farm? You cannot want yourself to be tortured.⁶⁴² But you can accept to be a bug who stand a chance of being accidentally stepped upon, can't you?

In principle you should reason about every action you take. Killing a bug without any reason seems wrong. Killing a bug because it annoys you seems all right: there is a conflict of interests: you win. The capacity to suffer is - due to biological differences - much higher in human animals than in insects. Unnecessary killing and or harming creatures capable of suffering is wrong. These positions are not reasonably interchangeable. What exactly is necessary and what is harming, is the object of an ongoing debate. Following Peter Singer and James Mason in their book *The Way We Eat* it seems clear that consumers of animal products are guilty of making millions of animals suffer unnecessarily.

⁶⁴⁰ Brian Barry, 'Theories of Group Rights', in: Matravers (2003: 250).

⁶⁴¹ Nussbaum (2006: 362).

⁶⁴² In Douglas Adams, *The Restaurant at the End of the Universe*, a cow presents herself at the table: "Good evening," it lowed and sat back heavily on its haunches, "I am the Main Dish of the Day. May I interest you in parts of my body?" In: Singer (2005: 418).

When we include animals within the circle of moral empathy, it is necessary to take into account biological knowledge⁶⁴³ about the different capacities among species to suffer. The capacity to suffer is dependent on the development of the central nervous system. How much and which animals can suffer is the domain of biology. A clam has a less developed nervous system than a dog. A dog has less ability to suffer than primates. There is a biological scale of suffering, a continuum of life,⁶⁴⁴ dependent on the nervous system, and social and cognitive intelligence. Normally developed human animals score high on the scale of the capacity to suffer, because of a highly sensitive central nervous system and social and cognitive intelligence. For example, human animals can fear their own death in advance. When a sheep is killed by a tiger, the remaining sheep do not seem to suffer from anxiety and continue grazing. Sheep and other animals, which are being preyed, flee when they notice (or the flock notices) a predator. When a human being is killed by a wolf, other people in the same area will have fear.⁶⁴⁵ Fear is also a form of suffering. It is important to stress the differences, which do matter morally. Universal subjectivism, or any social contract theory, should not take as premise the equal considerations of interests (and thus equate the interests of a clam to that of humans), but the equal consideration of *similar* interests. Here science, in particular biology, enters the moral discourse. Morality is dependent on knowledge. Some ethologists and philosophers argue that the higher primates should be granted rights.⁶⁴⁶ Ethologists are studying for example the neuro-system of chickens in order to find out how they experience pain. Chickens cannot express pain by facial expression for example. Ethologists discovered that chickens can notice higher light frequency: they see light from neon lighting as a blinking, instead of continuous light. The lighting in factory farms is solely neon lighting. So now we have input from biology ('chickens can notice a higher light frequency') which should have moral consequences: people should not use neon light for chicken sheds in order not to make them suffer unnecessarily.

Nussbaum has to cope with the same problem, because she wants to promote flourishing of the life of *all* animals. '[...] no sentient animal should be cut off from the chance for a flourishing life, a life with the type of dignity relevant to that species, and that all sentient animals should enjoy certain positive opportunities to flourish.'⁶⁴⁷ Nussbaum is too nice. It is just not possible for all individual animals of each species to flourish. Many species (for example parasites) flourish only when other animals perish. Of all possible worlds, this world is not a world, which favors individual flourishing for all sentient beings. Nussbaum could wish it were different. But this is not how nature works. All what humans can do is to try to harm other sentient being as little as possible and to create institutions in which human flourishing is promoted. According to Nussbaum: 'The purpose of social cooperation,

⁶⁴³ This knowledge can change (expand) due to the accumulation of knowledge in science.

⁶⁴⁴ Nussbaum (2006: 363).

⁶⁴⁵ An unarmed backpacker at night in the savanna will presumably have a constant fear (unless he has never watched Discovery Channel), while zebras (for example) do not have a continuous fear.

⁶⁴⁶ See Singer (1993).

⁶⁴⁷ Nussbaum (2006: 351).

by analogy and extension, ought to be to live decently⁶⁴⁸ together in a world in which many species try to flourish.⁶⁴⁹ If Nussbaum is only concerned about human-animal relations in so far as humans use animals (the domain of which is open to public discourse), I agree. She does seem to imply a level of concern about the flourishing of all sentient beings, and thus includes animal-animal relations and human-animal relations beyond the domain of conflict and usage. The capabilities approach 'respects each individual creature, refusing to aggregate the good of different lives and types of lives. No creature is being used as a means to the ends of others. Or of society as a whole.'⁶⁵⁰ When a lion kills and eats a zebra, the lion uses the zebra as a means for food.⁶⁵¹ The relations *among* animals are outside the scope of human morality. As said before, it is of no concern to humans to try to make a lion a vegetarian.

The 'walking on the grass' example is a straw man: it might be hard to state exactly the limits of what is moral, but it is clear that some things (like factory farming) are just plain morally wrong and evil. Universal subjectivism is not a panacea for all problems.

In Utopia there would be no (unnecessary) suffering. Without ever reaching Utopia humans could (and should) try to ameliorate suffering wherever possible.

5.5 Intercultural Evaluation⁶⁵²

In the same way as criticizing utopian models, different societies can be compared and judged. Many cultures are closed value systems, where children are indoctrinated to the way of living and worldview of their parents and community, including its injustices and falsehoods. It is possible using the perspective of universal subjectivism to imagine that you are in the worst-off position in a utopia (a dissident) or a different culture (a woman, disabled, et cetera). The political organization that will be the outcome of the universal subjectivist deliberation will be an open society⁶⁵³ where freedom of speech and individual liberty are highly valued. It is individuals that matter, not cultures. John Kennedy clearly grasped the importance of individual freedom plus welfare and says in his inaugural address: 'I do not believe that any of us would exchange places with any other people or any other generation.'⁶⁵⁴

⁶⁴⁸ Whatever that may be.

⁶⁴⁹ Nussbaum (2006: 351).

⁶⁵⁰ Ibid.: 351.

⁶⁵¹ In the animation movie *Madagascar*, speaking animals, including a lion, escape from the Manhattan Zoo in Central Park where they were pampered and lived in harmony. Shipwrecked and on their own, as the lion is getting hungry he starts to look at his friend the zebra from a completely different perspective...

⁶⁵² Universal subjectivism can be used as a method to evaluate cultures. Many people think that cultures cannot be assessed. Therefore the topic of evaluation of cultures is dealt with in two different places: as a method, and as a problem (see: 'Cultures cannot be assessed').

⁶⁵³ Cf. Popper (1971).

⁶⁵⁴ This is a bit over the top: there are perhaps even better places to be, like the Scandinavian liberal welfare state. But Kennedy got it right that historically and geographically the western world (not just the USA) has reached a utopia – in which the worst-off are far better off than in any other time or culture. Quoted from: Sachs (2008: 338).

Liberal political philosophers tend to stress the importance of the individual, like David Gauthier (though he has a limited conception as to who is an individual): 'Individuals matter; ways of life matter only as expressing and nurturing human individuality.'⁶⁵⁵ Political philosophers should be prepared to assess different cultures to the criteria to which cultures 'express and nurture human individuality.'⁶⁵⁶ Using universal subjectivism in order to assess a moral code or a society as a whole is a strategy which can be used.

5.5.1 Cultural Relativism

'Moral relativism', according to A.C. Grayling, 'is the view that there are no universal truths about what is right and wrong, but rather that what counts as such in each different society is determined by that society's own traditions, beliefs and experience. Since these can differ markedly among societies, it follows that different societies can have quite opposite views about what is right. And, says the relativist, there is no objective ground for deciding between them.'⁶⁵⁷ There are actually two kinds of cultural or moral relativism: temporal ('long ago') and geographical ('far away') relativism. Morally judging the past has been dealt with in paragraph 3.8 'Judging the Past'.

Some cultural relativists hold the proposition that 'cultures cannot be assessed'. Amnesty International yearly reports about human rights violations in each country. Not all countries have equal results. Some have a higher record of violations than others. The Amnesty Yearbook therefore is a moral indicator. If a nation has many human rights violations, it is low on a moral scale. The fewer human rights violations, the better.

Let's apply universal subjectivism: can you reasonably want to change places with some one living in a misogynous culture, wherever it may be? Does any cultural relativist want to be a Yanomamö,⁶⁵⁸ where historically more than a third of the males died in warfare, or a Dowayo,⁶⁵⁹ where male circumcision is an initiation rite where not just the fore skin is cut of, but *the whole skin of the penis* – without any anesthetics of course? Although some people (with masochistic inclinations) might actually want to change places with Yanomamö or Dowayo, most people would not. Even if perhaps many Yanomamö or Dowayo have many 'authentic experiences' that we in western societies possibly lack, if there are (structurally) victims in a society, that society is wrong or unjust. And apart from that: people tend to choose for freedom. People did not emigrate from the Bundesrepublik Germany to the DDR, but from the authoritarian DDR they did try to flee to the Bundesrepublik.

Many cultures create victims. To assess cultures one only has to count the percentage of victims in a society: the more victims, the lower on the scale of

⁶⁵⁵ Gauthier (1986: 288).

⁶⁵⁶ See further: 'Cultures cannot be assessed'.

⁶⁵⁷ Grayling (2010: 8).

⁶⁵⁸ Napoleon Chagnon, *Yanomamö. The Fierce People*. The Yanomamö live in the Amazon forests. See also Redmond O'Hanlon, *In Trouble Again. A Journey between Orinoco and the Amazon*, 1990: you definitely wouldn't want to change lives with the Yanomamö.

⁶⁵⁹ About the Dowayo, who live in the Cameroon mountains: Nigel Barley, *The Innocent Anthropologist*.

civilization.⁶⁶⁰ A victim is in a position in which you cannot reasonably want yourself to be in (contingencies of fate, like handicaps, cannot be ruled out).

British philosopher Simon Blackburn is known for his efforts to popularize philosophy and makes occasional appearances in the British media. He is an outspoken atheist, former Vice-President of the British Humanist Association and a former editor of the journal *Mind*. Blackburn writes about the difference between the moralists (those who tell others what to do) and the people who are actually involved (the victims): 'It is not the slaves who value slavery, or the women who value the fact that they may not take employment, or the young girls who value disfigurement. It is the Brahmins, mullahs, priests, and elders who hold themselves to be spokesmen for *their* culture. [...] Those at the bottom don't get to say anything.'⁶⁶¹ Blackburn defines ethics as: 'It is a question of cooperating with the oppressed and supporting their emancipation.'⁶⁶² The theory of universal subjectivism is a method in order to ensure that no one is oppressed.

It seems many ways of living cannot, from the original position, be reasonably chosen. *There is a limit to the possibilities of pluralism and cultural diversity*. You cannot reasonably want to change positions with many persons in other societies and cultures. Amartya Sen points out in the chapter 'Culture and Captivity' in *Identity and Violence*: 'Cultural freedom may include, among other priorities, the liberty to question the automatic endorsement of past traditions, when people – particularly young people – see a reason for changing their ways of living.'⁶⁶³ The phrasing of Sen could be a bit more strong. For instance: Freedom includes the liberty to question and dismiss traditions and cultural practices when people see a reason for changing their ways of living. Sen concludes there is a limit to the ideal of tolerance: '[...] if our focus is on *freedom* (including cultural freedom), the significance of cultural diversity cannot be unconditional and must vary contingently with its causal connections with human freedom and its role in helping people to take their own decisions. In fact, the relation between cultural liberty and cultural diversity need not be uniformly positive.'⁶⁶⁴

Cultural diversity should not go at the expense of individual freedom. In this sense, agreeing with Francis Fukuyama⁶⁶⁵, history has ended: the idea that individual suffering is the central notion in morality is superior (because no one can reasonably deny it) to many cultural traditions that require the submission of the individual to traditional customs and practices of a particular group. Though western culture is far from ideal and utopian, the ideal of moral individualism has been (partially) institutionalized by means of a democratic open society. Universal subjectivism fits

⁶⁶⁰ Civilization can be defined normatively as the amount of individual freedom in a society.

⁶⁶¹ Blackburn (2001: 27).

⁶⁶² Ibid.: 27.

⁶⁶³ Sen (2007: 115).

⁶⁶⁴ Ibid.: 116.

⁶⁶⁵ Fukuyama (1992).

into this tradition.⁶⁶⁶ Universal subjectivism is an antidote for moral and cultural relativism.

Carl Coon, former US Ambassador to Nepal, has a most naïve form of cosmopolitanism, which is cultural relativism disguised as cosmopolitanism. He sees different cultures as a kind of amusement park: some you like, others you don't, but who are you to judge? He seems to find himself open minded⁶⁶⁷: 'It never occurs to me to be afraid when confronting people whose culture is different from mine,⁶⁶⁸ and while aspects of their culture sometimes strike me as distasteful, I don't feel superior, or assume that I'm right and the others are wrong. I feel refreshed, informed, and invigorated, the way one is supposed to feel when reading a good book.'⁶⁶⁹ Coon seems blind to the fact that cultures (of course including his own) have victims. Coon might find these 'distasteful', but he does not judge. What if a young woman is killed in what is called an honor killing? Coon won't feel superior. But that does not help the victim. Coon's moral relativism is blind to victims. Coon continues: 'Believe me, when we find ourselves completely comfortable with foreign manners and customs, we shall become fit to citizenship in a new world.'⁶⁷⁰ Substitute 'female circumcision, honor killings, discrimination of homosexuals, torture, indoctrination of children, taboos on hygiene et cetera' for Coon's 'foreign manners and customs' and shudder. Coon, as an apologist might say, has in mind innocent cultural differences like fashion and etiquette. Then he should say so. But respect for morally neutral differences alone is not enough for global justice.

Political philosopher Brian Barry's *Culture and Equality* is a thoughtful critique of multiculturalism and making a plea for liberalism and individualism. Barry insists that there are universal values:

It is better to be alive than dead.
It is better to be free than to be a slave.
It is better to be healthy than sick.
It is better to be adequately nourished than malnourished.
It is better to drink pure water than contaminated water.
It is better to have a roof over your head than to sleep in the street.
It is better to be well educated than to be illiterate and ignorant.
It is better to be able to practice the form of worship prescribed by your religion than to be prevented from doing so.
It is better to be able to speak freely and be able to join social and political organizations of your choice than to fear that, if your activities attract the disfavor of the regime, you face arbitrary arrest, torture or 'disappearance' at the hands of bodies organized by or connived at by the state.

⁶⁶⁶ I do not agree with Fukuyama that history evolves towards a certain goal. History is a blind process. There is no cosmic plan behind it, as Fukuyama seems to think in the Hegelian tradition. This is teleological conceit.

⁶⁶⁷ This reminds me of Carl Sagan's aphorism: 'Be open minded, but not so open that your brains fall out'.

⁶⁶⁸ Coon is a wealthy high placed US official. When in a different country he is in a best-off position.

⁶⁶⁹ Coon (2004: 138).

⁶⁷⁰ Ibid.: 139.

[...] It is, of course, a massive understatement to say that the first alternative in each of these binary positions is merely preferable to the second. Rather, the first item in each pair constitutes a basic interest of every human being. Together they make up the preconditions (or at any rate a number of the most important preconditions) for what we may describe as a minimally decent human life. And by saying *human* life I wish to emphasize that I am making a claim with cross cultural scope.⁶⁷¹

Barry argues that 'there are a variety of ways in which we might support the claim that such interests are universal'. Barry refers to human nature and basic physiological and psychological needs of all human beings.⁶⁷² Universal subjectivism gives a reason why it is universal that the first positions are better than the second: you cannot reasonably choose for any of the second positions yourself. For others you might not mind that they are in the second position, but you cannot want yourself to be in the second, worst-off, positions. Barry's list has enormous social consequences when taken seriously. For example: 'It is better to be well educated than to be illiterate and ignorant'. Then, religious or non-scientific education is a moral evil. What follows of Barry's list is that implementation would require a New World Order in which many cultural practices - at least those that hinder individual freedom, like circumcision of children⁶⁷³ - are forbidden; there are no dictators and a guarantee of rights for individual citizens. Barry's intuitive list, based on the liberal viewpoint of the individual, is a critique of multiculturalism and cultural relativism. Universal subjectivism as a method for finding blind spots and victimship can be used to reject multiculturalism and assess cultures and cultural practices.

5.5.2 Dangerous Liberal Pluralism

Value pluralism is a fact. There are people who fundamentally disagree about the good life. There *is* a plurality of values, but *should* that be the case, or, milder to what extent should there be value pluralism? Political philosopher Isaiah Berlin takes a fatalistic moral stance. He wrote: 'Conflicts of value are an intrinsic, irremovable element in human life; life affords a plurality of values, equally genuine, equally ultimate, above all equally objective; incapable, therefore, of being ordered in a timeless hierarchy, or judged in terms of one absolute standard.'⁶⁷⁴ Fortunately Berlin is just plain wrong. There *is* an absolute moral standard and the key word is: *victimship*. In his pseudo-liberal theory Berlin turns a blind eye to victims. John Stuart Mill's harm principle, combined with social contract theory, offers a convincing way to overcome the paralysis of liberal moral theory.

When a girl from African descent with Muslim parents living in a liberal democracy is circumcised, is this wrong? And would it matter if the girl did not live in a liberal democracy? Anyone who answers emphatically 'yes, it is evil to circumcise girls!', moves away from cultural relativism and liberal pluralism towards

⁶⁷¹ Barry (2003: 284).

⁶⁷² See paragraph 6.6: 'No Natural Law'.

⁶⁷³ For non-medical reasons.

⁶⁷⁴ Isaiah Berlin, *The Crooked Timber of Humanity*, quoted Lukes (2008).

moral absolutism. Liberal pluralism, or, as John Rawls called it ‘political liberalism’, is the political translation of value pluralism (or: ethical pluralism, moral pluralism). It is the idea that there are several values which may be equally correct and fundamental, and yet in conflict with each other. In addition, value-pluralism postulates that in many cases, such incompatible values may be incommensurable, in the sense that there is no objective ordering of them in terms of importance. Value-pluralism is a theory in metaethics, rather than a theory of normative ethics, or a set of values in itself. The related idea is that fundamental values can, and in some cases, do conflict with each other.

Liberal pluralism can only be morally justified when the scope of pluralism doesn’t infringe upon the rights of individuals, not on their liberty, neither on their ability to flourish. John Stuart Mill’s famous *harm principle* is the logical consequence of maximizing individual freedom for everybody: the freedom of each individual goes as far as is consistent with the freedom of other individuals.⁶⁷⁵ It should not be exempted in case of (cultural) groups, parents or guardians. Philosopher Simon Blackburn succinctly answers the relativist’s false sense of tolerance in his book *Being Good*:

When in Rome do as the Romans do – but what if the Romans go in for some nasty things? [...] There are slave-owning societies and caste societies, societies that tolerate widow-burning, or enforce female genital mutilation, or systematically deny education and other rights to women. There are societies where there is no freedom of political expression, or whose treatment of criminals cannot be thought of without a shudder, or where distinctions of religion or language bring with them distinctions of legal and civil status. [...] If young children are denied education but exploited for labor, or if, as in some North African countries, young girls are terrifyingly and painstakingly mutilated so that thereafter they cannot enjoy natural and pleasurable human sexuality, that is not OK, anywhere or any time. If *they* do it, we have to be against *them*. [...] it is typically only the oppressors who are spokespersons for *their* culture or *their* ways of doing it. It is not the slaves who value slavery, or the women who value disfigurement. It is the Brahmins, mullahs, priests, and the elders who hold themselves to be spokesmen for *their* culture. [...] Those at the bottom don’t get to say anything.

Some people argue that present-day undemocratic authoritarian China is not morally worse than a liberal democracy. This attitude means they take side with those who are in power, neglecting those who are victims, like dissidents or ethnic minorities. This kind of liberal pluralism can be dangerous, intolerant and indifferent to cruelty. Liberal pluralism is about a *modus vivendi* among groups where there is a minimal set of rules for public life to which everyone adheres. But within the group there is a moral *carte blanche*. This pseudo-tolerant stance is non-judgmental, even in cases where it is clear that there are victims. Furthermore, the attitude favors non-

⁶⁷⁵ See Skorupski (2006).

interventionism. Even if we personally disapprove of moral practices in other cultures, this is not enough reasons to intervene and 'to impose our western values' on them. According to moral relativism and liberal pluralism, in-group morality is off limits to the state and to other social, cultural groups. While on the surface of a multicultural society there might be peaceful co-existence of groups with different moral (and religious) outlooks, underneath there are neglected victims of in-group malpractices and suppression. Susan Okin Miller famously posed the rhetorical question: 'Is multiculturalism bad for women?' To which the answer undoubtedly is: yes. Liberal pluralists, who for themselves, in their own group mostly adhere to liberal democratic values in harmony with human rights, are blind to the victims in other groups. They have widened their concept of tolerance so far as to include intolerance. If pressed hard on this matter, they will say that although they personally disagree with such practices – like (female) circumcision – they think it will lead to a clash of groups if we would oppose. This reasoning is utterly gruesome. It is like saying: I know my neighbor holds slaves and maltreats them frequently, I am against slavery, but I do not want to upset my neighbor, so let it be.⁶⁷⁶

The ultimate test of a situation or cultural practice is if you yourself could want to be in the worst-off position. Take another look at the examples as mentioned by Blackburn. Can you want to be that girl who is being mutilated or can you want to be a slave? If there is a position in which you would not want to trade places, then there is a moral problem. If you do not want to play the game of changing positions – because that would mean that you would have to change places with a homosexual who will be hanged because of his sexuality in Iran – then you have found an immoral practice.

The idea of changing places can also be put in the form of Rawlsian social contract theory. Can you voluntarily want you live as a woman in misogynist society? If not, then you let yourself beamed up again and change the social arrangements in society such that it is friendly to women. From the original position, from behind your control panel, you can check any worst-off position. By using the hypothetical social contract theory, you can work your way in optimizing all worst-off positions.

Applying social contract theory by taking Mill's *harm principle* (or liberty principle) seriously, is a powerful tool to rebut moral relativism and liberal pluralism. You can use as input any existing cultural habit or practice and imagine yourself to be in the worst-off position, the position of the victim. If you cannot decide whether there is a victim, and if you wouldn't mind being in any of these positions, then there seems to be no moral issue.

If cultures and societies are 'experiments in living', as John Stuart Mill wrote in *On Liberty*, then some societies and cultures are better than others if we apply the

⁶⁷⁶ Pop singer Fish wrote a moving lyric about domestic violence 'Family business':

'I heard a battle raging on the other side of the wall
I buried my head in a pillow and tried to ignore it all.
Every night when I hear you I dream of breaking down your door
An avenging knight in shining armour, to rescue you from it all [...]
It's nobody's business, this family business,
But tell me how long it remains family business.'
Listen here: http://www.last.fm/music/Fish/_/Family+Business

criterion of individual liberty and flourishing. If a culture enhances the liberty and flourishing of individuals, then it is better (morally superior) than a society that subjects individuals. And, the other way around, the more victims there are in a society or cultural group the more evil it is.

‘As it is useful that while mankind are imperfect there should be different opinions, so is it that there should be different experiments of living; that free scope should be given to varieties of character, *short of injury to others* [emphasis FvdB]; and that the worth of different modes of life should be proved practically, when any one thinks fit to try them’. In this passage from *On Liberty* (1859) John Stuart Mill, argued that there could be a public benefit in permitting lifestyle experimentation and cultural pluralism. His reasoning was that, just as we distinguish truth from falsehood by the clash of opinions, so we might learn how to improve human lives by permitting a contest in lifestyles. Mill did not expect such experiments to go on forever: ‘It would be absurd to pretend that people ought to live as if nothing whatever had been known in the world before they came into it; as if experience had as yet done nothing towards showing that one mode of existence, or of conduct, is preferable to another.’ Many cultural practices are failed experiments in living, because they failed to promote the good life and because they created victims. ‘Experiments in living’ are described in cultural anthropological studies, travel stories, literature, sociology and history. We could and should study experiments in living to search the best way to live. A culture in which there are no victims is morally superior to a culture in which there are victims. As Dutch philosopher Paul Cliteur posed: ‘Cultures cannot be morally equal, because individuals are.’

The universalist stance is easy in theory: we should strive to create such a society in which there are no victims, and in which those who are in worst-off positions are comparably best-off (that is optimizing the worst-off positions – the maximin strategy). In practice, in the real world, it is much harder than in theory. What to do about societies or cultures, which support large scale human rights violations and suppress large portions of their populace? Economic, political and military intervention does not often (if at all) have as its primary goal the emancipation of the suppressed and the propagation of human rights. If that would be the case, there should be large scale multiple military interventions, including in China. Realists point out that this would lead to new wars.

Tolerating intolerance is intolerant. Tolerating intolerance is cruel indifference to the suffering of victims. Unflinching intolerance to intolerance is a moral obligation. Shouldn’t we choose sides with victims of suppression and cruelty? Internet atheist and humanist Patt Condell speaks in his video-column ‘Aggressive atheism’ out loud of being intolerant towards misogyny, homophobia, racism and speciesism. Condell has a clear stance in speaking up for the oppressed and supporting their emancipation. It is a shame that many liberals, and feminist, in trying to be tolerant, non-judgmental and non-interventionist, are taken sides with the suppressors.

Universal subjectivism is not a panacea for all problems and the final solution to the moral enigma of humanity. But a society in which there are no victims is definitely and beyond any doubt *morally superior* to a society in which there are victims. Aren’t (secular) liberal democracies in many (not all) aspects superior to societies in which religion plays a dominant role? Aren’t the values of the

Enlightenment morally superior to the values of religious and/or authoritarian cultures? Can you want to be a victim? You cannot, I suppose, want to change positions with a woman in Saudi Arabia, or Iran. I quote from a report by the National Committee of Women for a Democratic Iran (NCWDI): 'A regime like Teheran that uses rape and sexual slavery as weapons against women, stones women to death, and has the highest number of female executions in the world should not be allowed to get its hands on nuclear weapons.'⁶⁷⁷

5.5.3 Worldviews and the Problem of Pluralism

A worldview is a fundamental set of ideas, values and morals all human beings have, explicitly or implicitly. A religion is a worldview that consists of ideas about reality, and values and morals, incorporating an element of transcendence. Can there be a minimal level of environmental consensus? Let's call this ecosophy, a worldview of sustainability. This worldview is about the basic rules of living morally on planet Earth. There is enormous pluralism and diversity among worldviews. It is helpful to make a distinction between *deep* pluralism and *shallow* pluralism. Deep pluralism means that there are fundamental disagreements (which could be the cause of clashes) about values and how to live. Shallow pluralism means that there is agreement or consensus on fundamental values and how we are to live, but that there is diversity within that framework. For example, within a democratic constitutional state people have considerable individual liberty. Such a society is an open society in which diversity can flourish, within the limits of the law. Intolerance is not tolerated, because it trespasses the limits of the law.

Imagine that you are reborn somewhere in the future as a human being, in what kind of ecological conditions would you want the earth to be? Would you mind living on a barren, polluted planet, where sea levels are much higher than at present due to human caused climate change, a fragment of the biodiversity we have now, no more large forests and unspoiled wilderness? Probably not. But if you say that, then you will have to take action in order to prevent that future generations (or in the thought experiment you yourself) will have to live on such a barren planet due to our actions.

We have to share this planet and we'd better do our best to make the best of it, for us now and for those coming after us. Nor do we respect the rights and needs of people in the less developed areas of the world to where we export our waste. In taking into account future generations, we should not deprive them of their basic conditions. Compare this to going camping during the holidays. You find a nice spot in a forest on a lake. In order to have huge campfires you cut down all the trees in the area. In order to get rid of the mosquitoes you use chemicals, which not only kill the mosquitoes but also the birds. In order to catch more fish, you use dynamite for fishing. When you leave you leave behind a large pile of waste. Next year other campers come to this once beautiful spot, but they find it polluted, degraded, deforested. Is it moral to go camping that way? It seems like it is, because this is how

⁶⁷⁷ I am not quoting this because of the argument against nuclear arms, but because of the worst-off position of women in Iran. 'NGO Alternative/Shadow Report on Iran, Submitted to: Conference of NGOs in Consultative Relationship with the United Nations', February 27, 2005, in: Chesler (2006: 200).

most (western) people live and how our economy works, we just never think about those who will come after us. The concept of an ever-growing economy is impossible on a limited planet. There is scarcity of natural resources – including fossil fuels. When a decent, comfortable, sustainable level of welfare, is reached, it is enough to stay stable. The whole idea of business as trying to maximize profit and investing part of that in trying to make more money is a concept, which is doomed to break down. Business schools, economy courses therefore need a green revision. A healthy steady state economy is needed, an economy which does not eat up its natural capital. Ecological economist Herman E. Daly defines a steady state economy as follows: 'A steady-state economic system is characterized by balanced, opposing forces that maintain a constant stock of physical wealth and people through a system of dynamic interactions and feedback loops. A low rate of flow or throughput of matter and energy sources maintains this wealth and population size at some desirable and sustainable level. In such systems, emphasis is on increasing the quality of goods and services without depleting or degrading natural resources to unsustainable levels for current and future generations.'⁶⁷⁸

There are five stages of environmental change: Diagnosis, awareness, possible solutions, implementation and evaluation. (1) There has to be an evidence based detailed diagnosis of the problems, one could say metaphorically: a total ecological check up of patient earth. Since the 1970s it has become clear that the ecosystems of the earth are rapidly deteriorating due to human action. When the diagnosis has been made, there should be an investigation to what causes this deterioration. Research goes in two directions: on the one hand finding a cure or treatment, on the other hand finding the causes. Ecological science constantly checks the diverse ecosystems of the earth. Reports about crisis regularly appear, like Daniel Pauly's warning that the seas will become empty of fish in the next couple of decades if fishing continues in its contemporary way.⁶⁷⁹ (2) When the diagnosis has been made and scientists focus on the causes and policy makers are looking for cures, there should be widespread awareness of the problem. If the public is not aware of the seriousness of the problem, they will not vote for those politicians who take serious action, nor will they change their way of living, nor their worldview. When there is broad awareness, then (3) there should be policy and behavioral change on all levels: government, industry, farming, economy, and, importantly, consumerism (shopping is a moral choice). Then of course (4) changes have to be made, and policies and/or technologies implemented. Lastly (5) there should be a constant evaluation about the results with a feedback loop.

There is an increasing global environmental crisis. The balance between positive and negative outcomes of economic growth, global markets and consumption are not equally distributed among the people living on the one planet. Environmental injustice means that the rich take the best, the poor get the worst. The rich have enough money to make sure that waste and pollution are out of sight. Present-day

⁶⁷⁸ Herman E. Daly, 'The Steady-State Economy in Outline', in: Tyler Miller (2002: 698).

⁶⁷⁹ See also: Charles Clover, *The End of the Line. How Overfishing Is Changing the World and What We Eat*; Callum Roberts, *The Unnatural History of the Sea*; Stephen Sloan, *Ocean Bankruptcy: World Fisheries on the Brink of Disaster*; Richard Ellis, *The Empty Ocean*; Richard Ellis, *Tuna. A Love Story*.

neoliberal capitalism is based on economic growth and consumerism does not take into account the environmental costs, nor the social injustices it causes or supports. There should be a planetary ethics which does take into account both environmental costs and social justice. But how? Before focusing on concrete policies, there should be a paradigm switch from blunt anthropocentrism, and a focus on growth and consumerism. The paradigm switch should have at least four dimensions. (1) Taking into account environmental costs. Creating a green economy can do this. (2) Working towards a stable state economy, in combination with overcoming consumerism. There are already small subcultures doing just this, like voluntary simplicity⁶⁸⁰ and the 'enough is enough' movement.⁶⁸¹ (3) Global justice: away from nationalistic egoism towards global social justice. And (4) taking seriously animal suffering caused by intensive farming and the enormous pollution, green house gases, and inefficient land use this creates. Propagating eating down the food chain (vegetarianism and veganism⁶⁸²) should not be neglected as serious contributions to creating a more sustainable life style. Vegetarianism seems to be a logical part of ecosophy as a sustainable worldview.

Arne Naess argues for the need of, what he calls, an *ecological enlightenment*: 'a realistic appreciation of the drastic reduction in life quality, an increased influence of deep ecological attitude, a slow decrease of the sum total of unsustainability.'⁶⁸³

A worldview that comprises the concept of sustainability, science and social justice can be created by combining elements from environmental science, scientific naturalism, ethics and political philosophy guided by the three basic principles of 'equal consideration of equal interests' (Singer) and the harm principle (Mill), and maximizing the worst-off positions (Rawls). A problem with such a worldview, ecosophy, inspired by Arne Naess, but revised to leave unscientific elements out and to include a mild form of anthropocentrism, is that it is very different from the worldview of the majority. Furthermore, the vague and nonscientific concept of intrinsic (or inherent) value, which is central to many deep ecology thinkers, can be dropped, without losing the power of deep ecology to protect nature from human destruction, by applying the three basic rational principles of the revised ecosophy. Ecosophy revised can function as a beacon for scientists, politicians, economists, activists and consumers. It is not unreasonable that a minimal ecosophy could be the worldview shared by all citizens of the world. This new ecosophy is a dynamic worldview based on (environmental) science and the three basic moral axioms borrowed from Mill, Rawls and Singer. Ecosophy promotes a lifestyle that is equitable amongst all people, species, and generations. Lester W. Milbrath puts it this way: 'Our species has a special gift: the ability to recall the past and foresee the future. Once we have a vision of the future, every decision becomes a moral decision. Even the decision not to act becomes a moral judgment. Those who understand what is happening to the only home for us and other species are not free to shrink from the

⁶⁸⁰ Duane Elgin, *Voluntary Simplicity. Toward a Way of Life That is Outwardly Simple, Inwardly Rich*; Jim Merkel, *Radical Simplicity. Small footprints on a Finite Earth*; E.F. Schumacher, *Small is Beautiful. Economics as if People Mattered*.

⁶⁸¹ See: John Naish, *Enough. Breaking Free From the World of More*.

⁶⁸² Fox (1999).

⁶⁸³ Naess (2008: 310).

responsibility to help make the transition to a more sustainable society.⁶⁸⁴ Perhaps a revised ecosophy can be that vision of the future.

5.6 Limits to Freedom

Universal subjectivism is a *liberal* theory because its core value is individual liberty, which can be derived from a thought experiment: you could be in any other existence, each of those existences has its own preferences, and therefore individual freedom should be as wide as is logically possible. Liberalism accepts and stimulates the plurality of how individuals give meaning to their lives and 'the cultivation of pleasures that do not harm others.'⁶⁸⁵ The maximum of individual liberty is dependent on the liberty of others. John Stuart Mill philosophized about the maximum scope of individual liberty in his treatise *On Liberty*. But the maximization of individual liberty should also comprise 'minimizing the harm we cause [to other sentient beings] by our lifestyle choices.'⁶⁸⁶ Bioethicist John Harris gives a succinct definition of the tolerance, which he calls the democratic presumption': 'The presumption is that citizens should be free to make their own choices in the light of their own values, whether or not these choices and values are acceptable to the majority. Only serious real and present danger, either to other citizens or to society, is sufficient to rebut this presumption.'⁶⁸⁷

There are problems with the idea that people should have the largest possible freedom as is consistent with the freedom of others. I have already mentioned a case which involves others, such as pedophilia (in which case there could be a victim) and sadomasochism (in which case there is no victim, *as long as there is mutual consent*). But now look at a case in which there is no obvious victim, other than the individual his or herself, like drug usage. Smoking and drinking alcohol, though limited in their usage by governmental restrictions, are allowed to be produced, sold and consumed. The production, trade and possession of (some) drugs on the other hand is prohibited. Some countries, like the Netherlands, tolerate production, trade and possession of soft drugs. If liberal democracies try to institutionalize the maximum of individual freedom, then why are there regulations on drugs?

Erik van Ree pleads in his freethinking essay 'Drugs as a Human Right' that individuals should be free to consume whatever drugs they choose. Van Ree argues that there should not be a 'war on drugs' by the government. The government should only care about criminal activities. Drug production, usage and drug trade are non-victim crimes. Van Ree discerns activities that directly harm other people, like theft and murder, and activities that in themselves do not, but potentially could, harm others, like the possession of firearms and the usage and trade of drugs. It seems there is an irrational taboo on drug use, a primordial fear. If one takes individual freedom seriously, then one should tolerate others to do things you abhor – *as long as they do not harm others*. In the jargon of universal subjectivism: it could be you who has interests/hobbies, which the moral majority dislike.

⁶⁸⁴ Lester W. Milbrath, 'Envisioning a Sustainable Future', in Tyler Miller (2002: 751).

⁶⁸⁵ Grayling (2004: 230).

⁶⁸⁶ Fox (2006: 295).

⁶⁸⁷ Harris (2007: 6).

Van Ree: 'You should not prevent others from going a road you yourself find disgusting.'⁶⁸⁸ Note that this formulation of individual freedom does not entail people permitting religious education for their children, because there is 'harm to others', that is their children'.

To emphasize the domain of individual liberty one moves towards libertarianism, which promotes a minimal government and maximal individual freedom. Libertarianism (the maximalization of negative freedom) cannot be justified through universal subjectivism because if you happen to be in a worst-off position in a libertarian state, the state will not take care of you (perhaps you are injured and cannot work anymore and your insurance is limited because you couldn't afford a better insurance). Universal subjectivism seems to work towards a government, which allows maximum individual (*negative*) freedom (the libertarian strand) and at the same time optimizes the worst-off positions (towards a socialist social order), while trying to optimize the best overall welfare (liberal democratic capitalism). Optimizing the worst-off positions and improving human flourishing is *positive* freedom.

Governments, even in liberal democracies, have many restrictions on individual liberty, the prohibitions are not the same in all nations, but there is no liberal utopia. Thus, governmental policies and public debate have to balance individual freedom and (mild) paternalism. In some cases it is not clear whether or not there are victims or consenting adults (like pedophilia in case of a sexual relationship between a 15 year old and a 20 year old). Sometimes it is good to protect individuals from themselves: later they thank you for it, like in the case you are involved in a car accident and you are not injured because you wore your seatbelt which you usually didn't but due to a fine by the police, you did anyway, and you were saved.

Public and political discourse should decide how much paternalism can be justified.⁶⁸⁹ This kind of paternalism could be called *reasonable* paternalism. The perspective of universal subjectivism will tend towards a maximum of individual freedom, both negative and positive.

5.7 The Problem of Projecting

'The way you are applying the method of universal subjectivism, is that you are projecting your own values, ideas and conception of the good life on others. Universal subjectivism is paternalism in disguise. You place yourself at the center of your universalist's theory. Because you are a white western middle class liberal highly educated male, you are projecting these values on other people who might have a very different outlook on life and have different conceptions of the good life. If you were brought up in Africa, you would probably think family structures were more important. Who are you to declare some people as being victims – such as people who have been raised as a Muslim? Why can you not reasonably want to be a

⁶⁸⁸ Van Ree (1999: 94).

⁶⁸⁹ In May 2007 Dutch Christian politicians wanted to forbid porn parties, which features live sex on stage. But if the public consists of consenting adults who were informed about the party, there is no reason whatsoever to forbid this. Moralists think that what they personally abhor should be forbidden. But, if they use the method of universal subjectivism (which they presumably never will) they should imagine being a person who really likes to go to a porn party.

Yanomamö? Maybe the Yanomamö have something to offer what is lacking in western societies, like a more intense, authentic way of living? Universal subjectivism seems a form of (male) moral (western) imperialism.⁶⁹⁰

Universal subjectivism is a method of finding universal values and norms based on a hypothetical social contract theory which starts from three basic premises: 1) nobody wants to be suppressed, 2) equal consideration of (equal) interests and 3) happiness – in a minimal sense the avoidance of unwanted suffering – is what everybody strives for. These premises are *liberal* premises. This line of thought fits in the western tradition of Enlightenment liberalism. This is the context of discovery. What is more important is the justification and application. When comparing different cultures, I am not (morally) interested in those people who are enthusiastic about their way of living (as a liberal I grant that there are many possible ways of living a good and fulfilling life), what *does* interest me morally is whether or not there are victims in a particular culture/society/group. A victim is a person (I limit my scope for the time being to human persons) who does not want to be treated the way he or she is treated by the group. There might be women who, being brought up in a culture in which violence against women is normal, would choose for this situation even if they had a choice. What I am wondering is, if, when they could choose from behind the veil of ignorance between two societies, one in which women were treated friendly, equal and peaceful, and a society in which it is custom to use violence against women and in which women have less freedom, if they would choose to be in a position in which they would be worst-off. Even if many persons from behind the veil of ignorance would choose a society in which women are being maltreated, *some* women will prefer a society in which they are not maltreated. Because universal subjectivism is a *universal* theory, a society in which not all positions are (hypothetically) interchangeable cannot be justified. Universal subjectivism sides with victims.⁶⁹¹

5.8 Lack of Empathy

It is not easy to overcome cultural induced moral blindness. Tower Sargent writes in his book *Utopianism*:

Because we are socialized in a particular society and to an acceptance of its views, we are likely to be incapable of a critical awareness of our situation, and we can define unfreedom as freedom, inequality as equality, injustice as justice. Dominant belief systems are capable of blinding people to the reality of their situations.⁶⁹²

Bertrand Russell once wrote in a letter that: 'A good social system is not to be secured by making people unselfish, but by making their own vital impulses fit in

⁶⁹⁰ Philosopher and Darwinian feminist dr. Griet Vandermassen (Ghent University) pointed out this argument.

⁶⁹¹ Multiculturalism and cultural relativism tends to turn a blind eye towards victims within groups. Multiculturalists place importance on cultures, on groups as a whole. Universal subjectivism takes the individual seriously.

⁶⁹² Tower Sargent (2010: 113).

with other people's.⁶⁹³ Some people are more capable to imagine a different perspective than others. Empathy, the ability to imagine, in a lively way, the position of a different existence, is a skill that can be acquired and taught. It is important to learn and develop this moral attitude through education by teaching students to constantly look at situations from different perspectives.⁶⁹⁴ People should learn to take the needs of other beings into account, because you could be the one that is troubled by the deeds of another.

Martha Nussbaum points out that the lack of empathy and sympathy is omnipresent among humans: 'It is all too easy to have refined sympathy for those close to us in geography, or class, or race⁶⁹⁵, and to refuse it to people at a distance⁶⁹⁶, or members of minority groups, treating them as mere things.'⁶⁹⁷ She emphasizes the importance of cultivating empathic awareness as a goal of education. '[...] we must also cultivate in ourselves a capacity for sympathetic imagination that will enable us to comprehend the motives and choices of people different from ourselves, seeing them not as forbiddingly alien and other, but as sharing many problems and possibilities with us.'⁶⁹⁸ In *Frontiers of Justice* Nussbaum emphasizes the political importance of education of the moral sentiments: 'the stability of the just society depends on its ability to inculcate the right attitudes and sentiments in people.'⁶⁹⁹ Art and cultural education can contribute to increase empathic capacities. Foremost, it is literature that can help to acquire an empathetic attitude towards other beings.

Nussbaum argues that each individual is well aware and can imagine what other individuals need: 'the idea of what human beings need for fully human living is among the most vivid intuitive ideas we share.'⁷⁰⁰ Nussbaum's approach depends on how human nature is. Nussbaum claims that everyone has a vivid idea of the (basic) needs of others, and what they need to flourish, and, in Nussbaum's words, to have dignity. Of course many people will be aware of the needs of others. Some are not. Nussbaum wants to educate the people in order that everyone becomes aware of the needs of others. A device in order to gain understanding of the needs of others is to change places: 'hypothetical existence swapping', to give it a different name. Nussbaum's lists of the various basic capabilities are *her* lists, based on *her* understanding of what humans need and how to get dignity. Intuitively I agree with her lists, but it is unnecessary and it has no methodology. The notion of capabilities and the notion of dignity are the unfounded axioms (dogmas one might say) of her noble moral and political theory. Normative philosophy can be much more parsimonious when deleting the notions of capabilities and dignity.

⁶⁹³ Bertrand Russell in a letter to Ottoline Morell in Russell (1995: 320).

⁶⁹⁴ This is familiar to the moral development theory of Kohlberg. See Kohlberg (1981). Kohlberg does not seem to have a normative theory; he describes different stages of moral development based on psychological research. The ability to have empathy is one of the highest moral stages, which only a small part of the people reaches.

⁶⁹⁵ One might add: or gender, or religion.

⁶⁹⁶ Both temporal and special.

⁶⁹⁷ Nussbaum (2010: 109).

⁶⁹⁸ Nussbaum (1997: 85).

⁶⁹⁹ Nussbaum (2006: 411).

⁷⁰⁰ Nussbaum (2006: 279).

Grayling writes in his essay 'Sympathy': '[...] by encouraging exposure to *narrative art* – the novel, drama, film – the sympathies can be educated, refined and enlarged.'⁷⁰¹ Novels are stories (or, in general, narrative fiction) in which readers can imagine the lives of others from within. The reader follows the actions of one or more characters. Often the thoughts and feelings are different from each subjective perspective. Literature gives access to the theatre of someone else's (fictional) mind; you can experience the subjective perception of the world of someone else. You can see things differently, experience differently, and react differently based on your empathy with the characters. Literature broadens the mind to the worldview of others. This way of reading literature can be called *moral reading*. The moral dimension is not, in the first place, an evaluation of the deeds of the character, but primarily in the attitude of the reader. An ethical reader can even learn from immoral books, as long as he or she recognizes what is wrong with them.

In his essay *How to Cure a Fanatic* Israeli novelist Amos Oz argues that reading literature helps to relativize rigid opinions and that reading might tame fanaticism. A fanatic, according to Oz, is someone who 'believes that the goal, any goal, justifies the means.'⁷⁰² Another definition of a fanatic by Oz 'being unbendingly committed to a doctrine.'⁷⁰³ The second definition of Oz enlarges the category of fanatics to include those who are (vehemently) anti-smoking, vegetarians and pacifists.⁷⁰⁴ If we stick to the commonly used definition of a fanatic as someone who is immune to arguments and reason and who is prepared to use violence to reach his goal, someone who refuses to take the contingency of fate seriously, then Oz's cure might have some effect. I do think it is too late to start the cure when someone is already a fanatic. Reading literature is like a vaccination; it is a method to *prevent* fanaticism and it should be done at early age. Reading and learning the ability to empathic understanding should be part of any primary school curriculum. Oz tells the story of his friend the novelist Sammy Michael and his conversation with a taxi driver. The taxi driver preached to his customer, Michael, that all Arabs should be wiped out. Instead of opposing this view, Michael said to him: 'OK, but who should do it? The army? The police?' Thinking upon it, the taxi driver responded that all Israelis should take an equal part in killing Arabs. Michael, as a Socrates, continued: 'OK, we all get some street in our town. What do you do? You ring and ask: Are you Arabic? If the answer is 'yes', you shoot. So, you work your way along the streets, and, when you

⁷⁰¹ Grayling (2007: 56).

⁷⁰² Oz (2007: 36, translated by FvdB).

⁷⁰³ Ibid.: 44 (translated by FvdB).

⁷⁰⁴ Oz lists these three (p. 43) as fanatics. According to Oz, I am a fanatic: being anti-smoking (in the vicinity of other people), a vegetarian and animal right's activist. Do I need to be cured? That depends on what your definition of the 'illness of fanaticism' is. According to Oz a fanatic is someone who is 'unbendingly committed to a doctrine' (p. 44). Though Oz says he is not a relativist, it is not clear why not. When you take certain criteria, such as in universal subjectivism, some things are just plain wrong. In this special sense, I am a fanatic (as is anyone who takes some moral standards seriously). I do not think it is helpful to use the word 'fanatic' in the sense Oz does. I prefer something like 'religious fanatic'; a fanatic who needs to be cured, according to universal subjectivism, is someone who stubbornly denies to take other existences seriously, one who denies that all individuals have equal rights. I am using Oz' therapy for my version of (irrational, unreasonable) fanaticism.

are about to go home, you hear a baby crying in one of the Arabic houses, what do you do? Do you return to kill the baby?' The driver remained silent for a while, then he said: 'You know, you are a very cruel man.' Oz remarks that this story gives him hope: when you are able to inject some sense of imagination to a fanatic, he seems to quiet down.⁷⁰⁵

Propaganda is often used to promote the wrong causes. There is much more propaganda for the 'killing of the Arabs/Israelis' than for promoting imagination and empathy for each other's position.

Oz recommends first of all Shakespeare, Gogol and Kafka. For Oz, moral education is reading and studying (the right) literature. Of course, in Madrasahs⁷⁰⁶ (Islamic religious schools where the memorization of the Qur'an takes a central place) no one will read any of this literature. A fanatic or fundamentalist is someone who does not read outside the narrow focus of his (imposed) interest. A fanatic has a closed mind, a lack of moral imagination, a lack of empathy. Fanatics lack humor and a sense of irony. 'Never in my life I have seen a fanatic with humor.'⁷⁰⁷ Oz concludes: 'It is essential to be able to imagine other people's lives.' 'I could have been one of my enemies.'⁷⁰⁸

Theatre is another possibility to learn about the feelings and perspectives of other (human) beings. Going to the theatre, especially visiting Greek tragedies in which difficult moral dilemmas are central, as well as doing theatre yourself and playing different roles, playing characters you like and characters you dislike, helps to broaden the moral horizon. In order for universal subjectivism to work, people will have to have a wide moral horizon; people should be able and willing to see the world through the eyes of others as if it were you.

In *The God Delusion* Richard Dawkins pleads for the power to imagine what it is like to have another life form. Dawkins' concern is not primarily moral, but his invitation to science and reason can help to expand the imagination. 'The power to imagine the alien world of a bat or a rhino, a pond skater or a mole, a bacterium or a bark beetle, is one of the privileges science grants us when it tugs at the black cloth of our burka and shows us the wider range of what is out there for our delight.'⁷⁰⁹ There are two roads to broaden the mind: science and culture. Best, of course is a mix of both.

⁷⁰⁵ This topic should be researched thoroughly, because there are fanatics who are willing to do the job of torturing and decapitating. These executioners do not necessarily lack imagination, what they lack is a willingness to change positions with their victims. The psychologist Millgram has done famous experiments about the willingness of common people to commit cruelties, see his book *Obedience to Authority*.

⁷⁰⁶ According to Wikipedia: 'madrasahs are frequently deemed as ideological and political training grounds for hatred against the West. In Pakistan in particular, the heavy emphasis on religious teachings to the exclusion of more economically viable subject areas has been criticized. [...] There are also many allegations and documented cases of physical abuse in madrasahs, especially in the UK, such as corporal punishment, beatings and other such practices; such criticisms are usually limited to western countries, as practices such as these are an established pedagogic norm in many nations like Pakistan, Bangladesh or Nigeria.'

⁷⁰⁷ Oz (2007: 54).

⁷⁰⁸ Ibid.: 57.

⁷⁰⁹ Dawkins (2006: 372).

In his *African Journal* writer Bill Bryson visits projects of CARE International⁷¹⁰, 'the charity dedicated to working with local communities to eradicate poverty around the world.' Bill Bryson helps with his literary prose to raise consciousness:

In the morning we drive to Kibera, a sea of thin roofs filling a mile or so of steamy hillside on the south side of the city. Kibera is the biggest slum in Nairobi, possibly the biggest in Africa. Nobody knows how many people live there. It's at least 700,000, but it may be as many as a million, perhaps more. At least 50,000 of Kibera's children are AIDS orphans. At least a fifth of the residents are HIV positive, but it could be as high as 50 percent. Nobody knows. Nothing about Kibera is certain and official, including its existence. It appears on no maps. It just is.⁷¹¹ 'There are no services in Kibera – no running water, no rubbish collection, virtually no electricity, not a single flush toilet. In one section of Kibera called Laini Saba until recently there were just ten pit latrines for 40,000 people. Especially at night when it is unsafe to venture out, many residents rely on what are known as "flying toilets", which is to say they go into a plastic bag, then open their door and throw it as far as possible. [...] Whatever is the most awful place you have ever experienced, Kibera is worse.'⁷¹²

Imagine living in Kibera oneself. Change positions. Being one of the AIDS orphans for example. It shows there is something terribly wrong with living in the slums. It is an injustice. Of course, a single individual cannot solve this problem. But one can try and do one's best, like the people working for CARE who care about the people living in places like Kibera.

In his book *The Animal Manifesto* biologist Mark Bekoff introduces the concept of the *compassion footprint* and that we humans should expand our compassion footprint to include animals. Bekoff writes about the compassion footprint: 'It's a lens for evaluating our daily decisions. We can all make more humane and compassionate choices for animals.'⁷¹³ Bekoff stresses the moral importance of consumer behavior: 'Everything we purchase is a vote for more of that thing. [...] it's easy to make changes in how we spend our money, which always sends out a ripple effect and influences the choices of others.'⁷¹⁴ Bekoff points out that being more compassionate by expanding our compassion footprint, we become more humane, and better beings: 'Coexisting compassionately with animals will make us better human beings and make our lives easier. Compassion can lead to justice for all. Compassion begets more compassion and unifies diverse peoples.'⁷¹⁵ He concludes passionately: 'Let's place animals squarely in the agenda of people all over the world. Now is the time to tap into our innate goodness and kindness to make the world a

⁷¹⁰ www.care.org

⁷¹¹ Bryson (2002: 10).

⁷¹² Ibid.: 11.

⁷¹³ Bekoff (2010: 20).

⁷¹⁴ Ibid.: 20.

⁷¹⁵ Ibid.: 21.

better place for all beings. This paradigm shift will bring hope and life to our dreams for a more compassionate and peaceful planet. [...] The mistreatment of animals must not be allowed to continue. The beginning is now.'⁷¹⁶ Bekoff is optimistic about the chance of a fundamental paradigm shift in our treatment of animals. But despite all good intentions and all NGOs and their paying members, the extinction rate of animal species is higher than ever before, and the numbers of animals in horrible intensive farming is still growing globally. Perhaps people have an 'innate goodness and kindness', as Bekoff suggests, but they most certainly also have an innate evilness and indifference to the suffering of others, especially when the others are psychologically far away, like non-human animals.

Molleen Matsura stresses the importance of widening the circles of empathy in the practical handbook *Raising Freethinkers. A Practical Guide for Parenting Beyond Belief*: 'Putting empathy into action is a powerful experience: Your kids enrich their lives while learning that they *can* make the world a better place.'⁷¹⁷

Being a universal subjectivist, you are able to take a step back from your own contingent existence. You have to be able and willing to look at your own life from an abstract, impartial perspective.

5.9 Non-Equal Consideration of Equal Interests

Peter Singer writes that: 'Religion remains a major obstacle to basic reforms that reduce unnecessary suffering. Think of issues like contraception, abortion, the status of women in society, the use of embryos for medical research, physician-assisted suicide, attitudes towards homosexuality, and the treatment of animals. In each case, somewhere in the world, religious beliefs have been a barrier to changes that would make the world more sustainable, freer, and more humane.'⁷¹⁸ Richard Dawkins quotes Hartung to criticize the in-group morality of religion, in this case Christianity: 'The Bible is a blueprint of in-group morality, complete with instructions for genocide, enslavement of out-groups, and world domination.'⁷¹⁹ There are many reasons why people practice non-equal consideration of equal interests; religion being one of them, nationalism, egoism, ignorance and shortsightedness are other reasons. But are these reasons morally justifiable?

Why should one act morally? Even if the reasoning of universal subjectivism is sound and clear, why should one act on the basis of (these) moral principles, especially when this means to depart from commonly accepted ways of behaving? Moral acting might be lonesome. 'If the conclusions of ethics require so much of us [...] should we bother about ethics at all?'⁷²⁰ Singer concludes that 'The ethical point of view does [...] require us to go beyond a personal point of view to the standpoint of an impartial spectator. Thus looking at things ethically is a way of transcending our inward-looking concerns and identifying ourselves with the most objective point of

⁷¹⁶ Ibid.: 21.

⁷¹⁷ McGowan (2009: 43).

⁷¹⁸ Singer (2006).

⁷¹⁹ John Hartung, in Dawkins (2006: 258).

⁷²⁰ Singer (1997: 314).

view possible - with, as Sidgwick put it, "the point of view of the universe".⁷²¹ But why would one take an ethical point of view anyway?

The possible answer comes from game theory. Richard Taylor⁷²² has put the same point of focus in a clear philosophical argument: because there are no objective moral rules, morality is relative to conative beings. 'Conative' is the term Taylor uses for beings with a will.⁷²³ If you happen to be marooned with just one other human being who happens to have some tools, you might go and kill him or her, but you could also try to work together and thus benefit in several ways from each other's presence. Mutual benefit is an incentive for acting morally. Richard Dawkins makes the same point in *The Selfish Gene* that cooperation is better than not cooperating, as the slogan 'Nice guys finish first' boldly states.

Mutual benefit is an incentive for acting ethically, but it is no compelling reason for actually cooperating rationally - in game theory this is called 'reciprocal altruism'. I do not think there are any reasons other than mutual benefit for a non-selfish, which is enlightened, self-interested, moral appeal. The willingness to adopt a universal subjectivist stance is based on a rational and empathic understanding of the contingency of fate. Piecemeal engineering of just procedures by a careful democratic political method is the best that is possible. Therefore, revolutionary changes towards cosmopolitan justice will not in the near future be made. Universal subjectivism might be near impossible to implement because it requires a fundamental moral change and outlook – but it is nevertheless the moral ideal to aim at, because the alternatives are harming others on a grand scale. The realization of justice, peace and morality in the entire world is a utopian ideal, but worthwhile to strive for.

People cling to their privileges and believe in the justifications of injustices. Traditions and rituals often justify unjust malpractices. Religion is all too often an excuse, a cloak, for pernicious practices, like discrimination against homosexuals, the systematic exploitation and maltreatment of animals, the subjection of women, the indoctrination of children, impediments to erotic pleasure and the hindrance of sexual freedom. Religion means taking an irrational absolutist perspective. It means the refusal to imagine a different perspective. If you are a radical Muslim for example, you think you know the eternal truth, and moral values, even rules are forever set. A Muslim will not be able to imagine the position of a homosexual, Jew, atheist or free thinker, because that means you have to step back from your own position and that is not possible in a dogmatic non-fallibilistic perspective. Religion means having blinkers. Religion is a complex of non-universalistic views. Religion limits the empathic imagination. Different kinds of group thinking - dogmatic ideologies - are obstacles as well, like nationalism that gives priority to a specific kind of people

⁷²¹ Ibid.: 334. I have used this quotation earlier in the Preliminary.

⁷²² Taylor (2000).

⁷²³ 'We have needs, desires, and goals; we pursue ends; we have certain wants and generally go about trying to satisfy them in various ways. [...] There are people whom one might genuinely doubt to be rational, but it is doubtful whether anyone has ever seen a living person who could be suspected of having no needs, desires, wants. Such a being would be totally inactive and resemble a statue more than a person.' Taylor (2000: 160-1621). Buddhist monks try not to be conative beings and look quite like statues when meditating.

based on race or ethnicity. For a universal morality and political theory, it is of crucial importance that limitations for empathic imagination are overcome.

States are – ideally – helpful devices to help the welfare and flourishing of the individuals living in it, without hindering the freedom, welfare and flourishing of people of different states. It is a political issue to find the best way to organize and manage the welfare of all individuals. Perhaps nation states in combination with some form of (federal) world government could best provide the overall best outcome. Nations, states and nation states are not, or should not be, a purpose in itself, but they are tools for enabling human animals to maximize their chances to flourish. Mild nationalism, that is, feeling at home in the country where you happen to find yourself, is healthy. Nationalism should not be exclusive or aggressive, in placing one people morally above other peoples, thereby suggesting that other countries could be invaded and colonized. Christopher H. Wellman analyses if, and if so, under what circumstances nations (that is groups have a shared feeling of identity, usually based on cultural expression as language or dialect, and religion) have a right to secede from the state. He concludes: '[...] while there is no denying that (1) people fervently identify with their nations, (2) people feel a powerful allegiance to co-nationals, and (3) national enthusiasm inspires people to sacrifice enormous amounts in an effort to establish sovereign nation-states, it does not follow that (1A) it is natural and fitting that we understand ourselves in terms of our nationality, (2A) we have special obligations toward our fellow-nationals, and (3A) each nation has a right to its own state.'⁷²⁴

Using universal subjectivism, you have to imagine that you can be born in *any* cultural group in any nation, with or without its own state. It seems that the whole idea of a national identity should be relativized. I agree with Wellman that it is not a priori clear at what point and under what circumstances nations have a right to secede. Some circumstances are clear: if minorities are violently suppressed, then they seem to have a moral right for secession, like the Kurds (who are a nation without a state) in Iran and Turkey.

The danger of aggressive nationalism is that it can cause victims. Grayling describes nationalism in his *Ideas that Matter* as: 'It has been one of the most powerful political concepts in world history since the nineteenth century, and has a large share of the responsibility for most of the major upheavals and conflicts between then and now. [...] nationalism is a recipe for disaster. Nationalists take certain reasonable desires and marry them to unreasonable ones. People wish to run their own affair; that is reasonable. Most people value the culture, which shaped their sense of identity; that also is reasonable. But nationalism goes further, persuading people that they belong to a supposed collective that is superior to, or at least more important to them than, other such collectives, that the existence of other such collectives somehow puts their own at risk, and that the only protection rests in seeing 'us' as distinct from 'them'.⁷²⁵

⁷²⁴ Christopher Heath Wellman, 'Nationalism and Secession', in Frey (2003: 277).

⁷²⁵ Grayling (2009: 249-52).

The First World War was a result of exclusive and aggressive nationalism, and Nazi Germany was also violently nationalistic. Personal identity should not be solely based on national identity, but also include a conception of cosmopolitan identity.

It might seem a paradox of universal subjectivism that because everybody should be able to imagine any possible existence, this will necessarily lead to the insight that some stances are intolerable. Nussbaum formulates the problem thus: 'To make basic ethical entitlements contingent on other people's malicious pleasure in this way is to give them far too weak and vulnerable a place, ignoring direct moral reasons for objecting to cruel practices.'⁷²⁶ For example, religious disapproval of homosexuality cannot be universalized, because you could be a homosexual yourself. Discriminating opinions will be eliminated by universal subjectivism, because they are self-contradictory. You cannot reasonably want to be a slave. From this moral stance, even without criticizing the truth of religious creeds, it is possible to give serious criticism of all value systems, religious or not, that embrace values that cannot be universalized. Universal subjectivism requires an open and flexible attitude towards your own life. It requires overhauling the social ordering of society by means of the outcome of this procedural model.

5.10 Compulsory Education

'We don't want no education! Teacher! Leave us kids alone.'⁷²⁷ What about the unwillingness to be educated? Parents force their children to go to school. 'Education is suffering. If suffering is the bottom line of universal subjectivism, parents should not be allowed to force their children to go to school, because suffering should be relieved, wherever it is.'⁷²⁸

While suffering is an important crane⁷²⁹ for universal subjectivism, it is not the bottom line. The bottom line is *hypothetical interchangeability*: you should be prepared to change places at any moment with whatever position. In general, education will be seen as something good because it supports the good life in the long run and it enhances the possibilities of self-determination and human flourishing. Most adults are thankful to their parents that they encouraged (or even forced) them to go to school.

Not all forms of education are interchangeable. Liberal philosopher Stephen Law remarks: 'One of the most effective ways of getting people to accept uncritically what you say is to kill them if they don't. The method may be extreme, but it remains fairly popular.'⁷³⁰ It is evident that this method of 'education' is not interchangeable.

⁷²⁶ Nussbaum (2006: 343).

⁷²⁷ Pink Floyd, *The Wall*, 1982.

⁷²⁸ This example, including the quotation, is from John Shook, pragmatist philosopher at the Center for Inquiry, Amherst, NY, 2006.

⁷²⁹ I am using Dennett's concept of cranes, which he introduced in his book *Darwin's Dangerous Idea* to show how without transcendental skyhooks magnificent biological beings can come into being. I am transferring Dennett's concept from evolutionary biology to morality: without using skyhooks, cranes (like the capacity to suffer) can be used to build an ethical system. The big difference between Dennett's cranes and moral cranes is that moral cranes are *human made*. Moral minds are not a product of blind evolution.

⁷³⁰ Law (2007: 24).

The use of universal subjectivism *methods of education* can be evaluated and criticized: most probably all forms of physical punishments by teachers will be banned, because the teacher cannot want to be the one who is harshly being punished. Rule utilitarianism can justify education, act utilitarianism cannot. Social contract theory can justify education: adults decide it is good for society as a whole to educate the young. And a hypothetical social contract theory can: you can yourself (from the original position) want to be educated even against your will, at that moment. Education can be compared to going to the dentist: it does make sense to willfully let yourself suffer in order to prevent worse.

Nicholas Humphrey stresses the importance of free choice: that education is good which you would want for yourself if you have a free and informed choice. The result is a liberal science education: 'The habit of questioning, the ability to tell good answers from bad, an appetite for seeing how and why deep explanations work – such is what I would want for my daughter (now two years old) because I think it is what she, given the chance, would one day want for herself.'⁷³¹

5.11 'We Are Here Now, and We Deserve It!'

Universal subjectivism is a theory of justice, a practical tool for moral action and political deliberation. A necessary precondition for universal subjectivism to work is that people realize the contingency of fate: they could have been someone else. It is sheer luck that they are what they are. Pragmatist philosopher John Shook has a different, more libertarian view. He does not think existence is contingent: 'We are what we are, and we deserve it.'⁷³²

If you buy a lottery ticket and you win the jackpot, then you are entitled to say: 'I deserve that money!' But how can you deserve your existence? There is no (metaphysical) justice behind the 'natural lottery' of life. If you are a healthy wealthy westerner you might say you deserve your existence and your position in the world. But what if you are poor and hungry in Africa? Do the poor deserve to be poor and the rich deserve to be rich? Some die-hard capitalist libertarians claim that the rich are responsible for their accumulated wealth and that the poor are responsible for their misery. Author and political thinker Ayn Rand (1905-1982), author of the famous novels *The Fountainhead* (1943) and *Atlas Shrugged* (1957), advocates free market capitalism and a minimal state. She maintains that society should be entirely free from the constraints of government. In the collection of essay *The Virtue of Selfishness* she writes: 'The only proper, *moral* purpose of a government is to protect man's rights, which means: to protect him from physical violence – to protect his right to own his life, to his own liberty, to his own *property* and to the pursuit of his own happiness. Without property rights, no other rights are possible.'⁷³³ A minimal state works good for those who succeed to earn their money on the free market. A minimal state does not support those who have, for whatever reason, failed to make a decent living. Those in a worst-off position, are not treated well in a minimal state.

⁷³¹ Humphrey (2002: 316/7).

⁷³² This example, including the quotation, is from John Shook, pragmatist philosopher at the Center for Inquiry, Amherst, NY, 2006.

⁷³³ Rand (1961: 36).

Universal subjectivism also takes the perspective of those in worst-off positions in a minimal state and therefore to help make them better off, by some kind of welfare system.

But how can one individual who might be born either in a poor family or in a rich family be responsible for the way in which he or she finds him- or herself? The whole concept of deserving to have special privileges is social Darwinism is disguise. Of course, rich people might and will say: 'I do not want to let go of my privileges. I do not want to let go of much of my wealth in order to make the world more equalitarian.' This egoism is human and even natural. But it cannot be universalized.⁷³⁴

Paul Kurtz uses the term Moral Quotient (MQ), to make clear that people do not have the same capabilities for moral insight. Some people '[...] lack the rudimentary moral insights requisite for social compatibility.'⁷³⁵ These people are 'morally deficient'. Political philosophy differs from ethics because political philosophy is not primarily interested in raising people's MQ. Political philosophy is about organizing a society in which the institutions are ordered in such a way that even people with a low MQ will have to behave morally, not as a matter of choice, but because it is how society works. Take for example the Amsterdam subway system. This was constructed in the seventies. There were no gates or any check if people bought tickets. The reason of this policy was: 'We are all responsible citizens (with a normal MQ); therefore all will buy tickets'. It won't be a surprise that this turned out to be a complete disaster. Those who did buy a ticket looked like naïve fools. The subway system, without surveillance turned into a no-go-area. After years of looking the other way, the city board made an ideological turn and installed turnpikes and added surveillance. The first system depends on good will of the citizens, and some developed level of MQ. The second system is a procedural solution, which does not depend on good will or some level of MQ. The system is inherently fair. This is what political philosophy is about: creating systems, policies and institutions, which automatically render a just outcome, independent of the goodwill of the people.⁷³⁶

One can love one's country, but one should not be too serious about it. When you are a fervent nationalist/racist/believer you won't want to take seriously the possibility of being not one of your kind. From the point of view of the original position you cannot want to be in a worst-off position, a position that is a victim of any of these ideologies. Still, these ideologies have tremendous appeal. That is the tragedy of the human condition.

⁷³⁴ Some stubborn people say: 'The rich deserve to be rich. And if I happen to be born poor – no problem! I do not care!' This is pure emotional irrationality: you cannot reasonably choose (from the perspective of the original position) to be in a worst-off position. If you still say you can, you might consider reading a different book.

⁷³⁵ Kurtz (1988: 154).

⁷³⁶ Note the difference between a society in which the care for the sick and poor are dependent on religious *charitas* (and thus depend on good will) and a social welfare state in which all citizens have certain rights and the institutions take care of them, independent of goodwill. Even when both societies happen to render the same outcome, a society that depends on *charitas* (and a high level of MQ) is less just than a society that does not depend on good will. This might be a reason why universal subjectivism is not primarily utilitarian, but a contract theory.

5.12 Partial Rationality

We seem to be hard-wired to be deluded by supernatural and other delusions. In his *In Praise of Folly* (1509) Erasmus wrote already that: 'Man's mind is so formed that it is far more susceptible to falsehood than to truth.' – this included Erasmus himself who, though critical of the clergy, remained a roman catholic.

'I seem to move around perfectly easily among people, to have perfectly normal relations with them. Is it possible, I ask myself, that all of them are participants in a crime of stupefying proportions? Am I fantasizing it all? I must be mad! Yet everyday I see the evidences.'⁷³⁷ Thus writes Coetzee in *The Lives of Animals*. 'People by and large are natural geniuses at spotting deception in others, and equally brilliant in constructing deceptions of their own.'⁷³⁸ A serious problem for not attaining a moral, wealthy and just utopian society is *partial rationality*, which means that people confine rationality to subdivisions. Dale Jamieson remarks cynically that 'Many people avoid moral crisis by avoiding moral thinking.'⁷³⁹ This makes it possible for scientists, writers, intellectuals, philosophers, and technicians, who all use rationalistic methods, to embrace an irrational, for example religious, worldview at the same time. Psychologists call this phenomenon cognitive dissonance. The psychology of partial rationality and the phenomenon that people are easily seduced by the transcendental temptation⁷⁴⁰ is enigmatic. It might be because people are afraid of freedom and the unpredictability of life.⁷⁴¹ In order for the theory to work, an open mind, empathic imagination and willingness to act upon the outcomes of the procedure, are sufficient.

Charles Darwin is probably the apex of critical thinking. He managed to conjure up a theory, which was completely the reverse of one of the most established dogmas of the times ever since Aristotle: the stability of the species. In his diary Darwin wrote about what he was doing as 'mental rioting',⁷⁴² which seems synonymous with free thought. Biographer Aydon writes: 'He did not wear academic blinkers.'⁷⁴³ Yet, not even Darwin could free himself of some of the prejudices of his times. Darwin had abolitionist views, contrary to the prejudices of his times. But even he had his own moral blind spots. Darwin's attitude towards women is in tune with the Victorian opinions of his time and not Enlightened: '[while] it is generally admitted that with woman the powers of intuition, of rapid perception, and perhaps of imitation, are more strongly marked than in man ... some, at least, of these faculties are characteristic of the lower races, and therefore of a past and lower state of civilization.'⁷⁴⁴ 'The chief distinction in the intellectual powers of the two sexes is

⁷³⁷ Coetzee (1999: 120/121).

⁷³⁸ Wilson (2003: 151).

⁷³⁹ Jamieson (2002: 46).

⁷⁴⁰ In *The Transcendental Temptation* (1991) philosopher Paul Kurtz criticizes transcendental truth claims.

⁷⁴¹ In *Escape from Freedom* Fromm argues that when people are liberated from the cloisters of subjection and unreason, they are easily tempted into totalitarian politics, such as fascism, Nazism and communism. A post-World War II phenomenon is that when institutionalized Christianity in the West declined, many people did not turn into agnostics or atheists, but sought individualized religion in the spiritual traditions of New Age.

⁷⁴² Aydon (2002: 128).

⁷⁴³ Ibid.: 287.

⁷⁴⁴ Quoted Aydon (2002: 250, from *The Descent of Man*).

shown by man attaining a higher eminence, in whatever he takes up, than woman can attain – whether requiring deep thought, reason, or imagination or merely the use of the senses and hands.⁷⁴⁵

While Darwin was removing the Aristotelian and Christian blinkers of academia in order to make room for the theory of evolution, his contemporary John Stuart Mill *did* notice the subjection of women by man. Mill's book *The Subjection of Women* was first published in 1869. Darwin's book *The Descent of Man*, which contains his derogatory statements about races and women, appeared in 1871. Darwin could have taken notice of Mill's book, and he might have read Mary Wollstonecraft's work *A Vindication of the Rights of Women* (1792).

Anthropologist Kim Sterelny coined the terms 'perverse primate' and 'perverse intelligence'. Human animals have an incredible ability for intelligence that enables them to live under harsh natural circumstances like in the Australian outback. But at the same time humans use this intelligence in order to invent customs, rituals and taboos which make life unnecessary hard and unpleasant. '[...] we combine this intelligence with extraordinary and destructive irrationality. We are *perversely intelligent*. [...] The ethnographic record of human life documents a mix of insight and irrationality.'⁷⁴⁶ Sterelny poses the 'how can we be simultaneously so smart and so dumb?' question to evolutionary psychologists. How can this perverse intelligence be overcome? The answer from evolutionary psychologists may point to the direction of a solution. Realizing and understanding the two sides of human intelligence is important. Moral philosophy can be a medicine against the perversity of the human mind. Bertrand Russell championed in criticizing human irrationality and perversity and he was well aware how tremendously society would change if all irrationality would be put aside. Russell proposed the following: 'The doctrine in question is this: that it is undesirable to believe a proposition when there is no ground whatever for supposing it true, I must, of course, admit that if such an opinion became common it would completely transform our social life and our political system; since both are at present faultless, this must weigh against it. I am aware (what is more serious) that it would tend to diminish the incomes of clairvoyants, bookmakers, bishops and others who live on the irrational hopes of those who have done nothing to deserve good fortune here or hereafter.'⁷⁴⁷

From the point of view of universal subjectivism, which is primarily an ethical theory, not a theory of knowledge, people are entitled to enjoy their own perverse intelligence *as long as they do not harm others*. This last clause makes it unlikely that much of unreason and social perversity can be justified by universal subjectivism. Another way of reasoning would give even less room to irrationalism and would endorse Russell: can you rationally – from the perspective of the original position – want to be irrational? If there are two options in the original position to choose from: a. rational and b. irrational. Could anyone rationally not care for rationalism and choose to let irrationalism be part of the world and social institutions?

⁷⁴⁵ Quoted in Aydon (2002: 250).

⁷⁴⁶ Sterelny, 'The Perverse Primate', in: *Richard Dawkins*, p. 215.

⁷⁴⁷ Russell (1977: 11).

5.13 Partial Emotionality

Dawkins remarks in *The God Delusion* that 'Religion is a *label* of in-group/out-group enmity and vendetta, not necessarily worse than other labels such as skin color, language or preferred football team, but often available when other labels are not.'⁷⁴⁸ 'Each day when I turn on the television, I see Muslims who have been killed. In the Middle East, in Afghanistan, in Iraq, in Africa. I feel bad about this happening and it angers me.' Thus said a Dutch Muslim student of Turkish descent at Erasmus University Rotterdam during a discussion about Islam and the freedom of expression.⁷⁴⁹ When I turn on the television, I see lots of human casualties; I see *people* who have been killed in all sorts of warfare and violence. This student identifies himself primarily as a Muslim, not as a citizen of the world, not as a Dutchman. He feels sympathy with the 'Muslim-brothers', especially as non-Muslims, or, even worse Americans have killed them.⁷⁵⁰

Apart from partial rationality, there is *partial emotionality* as well, which means that people limit their empathic capabilities to clear cut categories with a cultural embedding. Paul Kurtz's ethics takes this into account: 'One of the most profoundly disturbing facts about the human species is the partiality that individuals have for their own kind. There is perhaps a natural and even necessary favoritism that individuals display to members of their own breeding community. [...] What is unsettling is the extension of this bond of loyalty to the wider community – the tribe, nation, or race of which one is a part – at the expense of other groups. [...] a cause of much misery in human affairs is the fact that intense hatred can develop toward those not within one's group, and this can erupt into violence.'⁷⁵¹

Philosopher Michael Fox is perplexed about the common outlook on the meat industry: 'It is difficult to explain why any normal person would not recoil in horror before this unending and insatiably carnage. [...] People tend to compartmentalize their relationships with, and responses to, animals, so that pets receive lavish affection while domesticated livestock are merely expandable things, regarded for the most part in a purely instrumental manner, and often allowed to languish in miserable conditions.'⁷⁵² Further in his essay he is somewhat more optimistic about the possibility of overcoming compartmentalization: 'Compartmentalization [...] is a strong force in our lives, but it is not impregnable, and most of us simply avoid exposure to gruesome spectacles that might undermine the defenses we have built up.'⁷⁵³

Cultural traditions are strategies to perpetuate the limitation of emotions. Moral intuitions are strongly affected by upbringing. A striking example is the discrepancy

⁷⁴⁸ Dawkins (2006: 258).

⁷⁴⁹ March 13th, 2007.

⁷⁵⁰ Most violence and repression is within the religious community: Muslims are much more likely to be killed by Muslims than by non-Muslims. The suicide bombers in Iraq are Muslims who kill Muslims of a different sect.

⁷⁵¹ Kurtz (1988: 70).

⁷⁵² Fox (2006: 297).

⁷⁵³ Ibid.: 306. A movie like *Our Daily Bread*, by Nikolaus Geyrhalter, which shows where our food comes from and gives details of factory farming and slaughtering is a consciousness raiser. I wonder if there are sociological data about the impact of this movie.

with which people treat different kind of animals. Pet lovers,⁷⁵⁴ for example, often have emotional feelings for their pet, but at the same time they consume anonymous animals from farm factories, that lived under miserable circumstances. People contribute to organizations concerning the well-being of animals, but this mostly concerns pet animals, like dogs abandoned in the forest before the holidays. The same people feed their pets meat made by factory animals. Likewise a loving family man can, under different circumstances, turn out to be a brutal torturer. Excepting groups of people or species that can suffer from the empathic imagination can be dangerous for those concerned – they fall outside the scope of ethical consideration.

Nussbaum is positive about the prospect of humanity embracing a more cosmopolitan moral ethos: 'Our basic equipment would appear to be more Rousseauian than Hobbesian: if we are made aware of another person's suffering in the right way, we will go to his or her aid. The problem is that most of the time we are distracted, not well educated to understand the plights of other people, and [...] not led, through an education of imagination, to picture these sufferings vividly to ourselves. [...] people often have insufficient awareness of their own human vulnerability, if they have been brought up to believe that they are privileged, or even self-sufficient and vulnerable.'⁷⁵⁵

As a prerequisite for the possibility of thinking through the model of universal subjectivism moral education is required. Just as the essence of science is a rational inquisitive attitude, this is also the essence of ethics. Morality and ethics (thinking about morality) demand an open attitude and a method (i.e. universalizability). Everyone can think of the moral rules of society provided that he or she is willing to imagine sincerely the position of others. Stephen Law lists some essential skills for liberal education. These skills are tools for performing universal subjectivism: (1) 'reveal and question underlying assumptions, (2) figure out the perhaps unforeseen consequences of a moral decision or point of view, (3) spot and diagnose faulty reasoning, (4) weigh up evidence fairly and impartially, (5) make a point clearly and concisely, (6) take turns in a debate, and listen attentively without interrupting, (7) argue without personalizing a dispute, (8) look at issues from the point of view of others, and (9) question the appropriateness of, or the appropriateness of acting on, one's own feelings.'⁷⁵⁶ What is even more important is that children (young citizens) not be indoctrinated by such authoritarian 'educational' methods as: punishment, rewards, emotive imagery and manipulation, social pressure, repetition, control and censorship, isolation, uncertainty and tribalism.⁷⁵⁷

Biologist Edward O. Wilson has doubts about the ability of humans to expand their empathic horizon: '[Environmentalism] is not yet a general worldview, evidently not yet compelling enough to distract many people from the primeval diversions of sports, politics, and private wealth. [...] The human brain evidently evolved to commit itself emotionally only to a small piece of geography, a limited band of

⁷⁵⁴ See the anecdote about Bear and his wheelchair.

⁷⁵⁵ Nussbaum (2006: 412).

⁷⁵⁶ Law (2007: 35).

⁷⁵⁷ List by Stephen Law who explains this in detail. Ibid.: 35.

kinsmen, and two or three generations into the future. [...] We are innately inclined to ignore any distant possibility not yet requiring examination.⁷⁵⁸

Partial rationality and partial emotionality are subcategories of partial blindness, which universal subjectivism tries to overcome.

⁷⁵⁸ Wilson (2003: 40).

