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Harming others : universal subjectivism and the expanding moral circle

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2. Preliminaries to Universal Subjectivism

The purpose of universal subjectivism is making the world a better place. So let's have a look at things that can go better.

2.1 Inconvenient Truths of Harming Others

Who are others? Ethics, and especially political philosophy, have been largely concerned with the *human-human* relationship; more specifically about humans *here* (in this country) and *now* (present). In our globalized age, our way of life affects people all over the world *and* future generations. The human-human relationship should be cosmopolitan and include concern for future generations (intergenerational justice). The *human-non-human animals* relationship, and the *human-nature* relationship are recent topics in (applied) ethics and political philosophy. A moral theory should encompass all dimensions of the good. The basic framework of this book is three moral relationships:

1. humans-humans;
2. humans-non-human animals;
3. humans-nature.

What are the most important ethical questions of our times? 'I don't believe that anyone can read this book and not be moved to act. We do still have time to avert disaster, but there is not a moment to lose.' Thus writes Robert Purves, president of WWF Australia in July 2005 in the foreword of Tim Flannery's eco-alarm book *The Weather Makers*. Even UN Secretary General Ban Ki-Moon remarked on September 3rd 2009 about global climate change: 'Our foot is stuck on the accelerator and we are heading towards an abyss.' Environmental social scientist Lester Milbrath writes in his essay 'Envisioning a Sustainable Society':

Without intending to, we have created a civilization that is headed for destruction. Either we learn to control our growth in population and in economic activity, or nature will use death to control it for us. [...] 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 responsibility to help make the transition to a more sustainable⁴¹ society. [...] *We have no choice but to change, and resisting change will make us victims of change.*⁴²

⁴¹Sustainability: 'Economic development that takes full account of the environmental consequences of economic activity and is based on the use of resources that can be replaced or renewed and therefore are not depleted.' Allaby (2006: 423). 'A practice or social system is sustainable if it is capable of being practiced or maintained indefinitely, regard being had to ecological limits. Sustainable practices and systems must also be possible parts of a sustainable world system; hence as well as not undermining themselves, they will not undermine other practices or systems that would otherwise be sustainable.' Attfield, (2008: 201).

⁴² Tyler Miller (2002: 750-1).

Milbrath emphasizes the moral duty for environmental activism, especially for environmental scientists.

It is much easier to point out what is wrong, unjust, evil or bad, than to define exactly what is good and just. Hitler, Stalin, Pol Pot, Mussolini, Mao were evil; no one sane (and with knowledge of history) can doubt that. Large-scale environmental degradation is wrong. That people are dying from starvation and lack of medicine is bad and unjust. Slavery is evil. Female circumcision, and many other cultural traditions that cause suffering, are evil. Factory farming is evil.⁴³ Jonathan Glover outlines a bleak moral history of human caused evil and misery during the 20th century in his book *Humanity: A Moral History of the Twentieth Century*.⁴⁴ Mark Lynas outlines a bleak picture of human caused evil and misery in the 21st century in his book *Six Degrees. Our Future on a Hotter Planet*.⁴⁵ In a way, I, and probably you, have escaped many of the evils of our times and perhaps we will have left this world before collapse, at the end of the great oil binge. We are the lucky ones, living in peace in modern technological welfare states. There are oases of partial just and open societies in the world – this is a unique occurrence in history, because only from the late 20th century onwards have there been societies that treat *all* its citizens (more or less) as equals and which guarantee a minimal level of welfare for all citizens. We could live our lives in one of these oases and not care much about the world at large or future generations. We could, and mostly we do. Of course, it is not easy to uplift other countries towards liberal democratic welfare states, as the examples of Afghanistan and Iraq make horribly clear.

'Humans murder something on the order of a million and a half people each year. We kill another for every imaginable, unjustifiable reason. Tens of million of humans are held in some form of modern slavery (bonded labor, forced labor, child labor, forced prostitution, sexual exploitation of children, forced marriage, chattel slavery). About one billion people (one-sixth of the world's population) and almost half the world's urban populations live in slums. At present, we don't even operate in a way that guarantees that our species will survive on the planet over the long haul. We have no qualms about making our air, water and land less friendly to supporting life. We regularly fish stocks to the point of depletion. Our species does not act often enough as though we value our own lives.'⁴⁶ Thus writes Thomas I. White on harming others in his book *In Defense of Dolphins*, which is a plea to enlarge our circle of morality to include dolphins because of their cognitive and social skills and thus their ability to suffer from (human caused) harm.

The book *50 Facts that Should Change the World* (2004) by BBC journalist Jessica Williams lists many of the absurd injustices in the contemporary world, for example:

⁴³ This moral bold conjecture will be elaborated upon. For a quick persuasion: www.thematrix.com.

⁴⁴ Or see any general history of the world, for example: R.R. Palmer, Joel Colton, Lloyd S. Kramer, *History of the Modern World*.

⁴⁵ See also eco shock-docs as *The Age of Stupid*, and eco alarm books as George Monbiot, *Heat*, Fred Pearce, *The Last Generation*, Harald Welzer, *Klimaatorlogen. Waarom in de 21ste gevochten wordt*, and James Garvey, *The Ethics of Climate Change*.

⁴⁶ White (2007: 222).

- In more than 70 countries, same-sex relationships are illegal. In nine countries, the penalty is death.
- More than 12,000 women are killed each year in Russia as a result of domestic violence.
- There are 44 million child laborers in India.
- Every day, one in five of the world's population – some 800 million people – go hungry.
- Two million girls are subjected to female genital mutilation each year.
- There are 27 million slaves in the world today.
- Children living in poverty are three times more likely to suffer from mental illness than children from wealthy families.

The 2006 eco shock-doc *The Planet* by Stenberg, Söderberg and Torell shows that humans are rapidly depleting and ruining the global bio-system.⁴⁷ The world population is growing explosively; the world economy is growing steadily; natural resources are limited and resources are being overexploited. We all know that. If we do not take drastic steps we will reach the limits. It is five to twelve and we should do our utmost best to prevent what happened to the people on Easter Island, who had ruined their island by chopping down all the trees. And then, we humans will die, like the Easter Islanders. In the series *The Planet* Jared Diamond⁴⁸ tells what happened with the Easter Island people. Today the island is completely barren. Once upon a time the island was covered with tall trees and forests. The Easter islanders cut down the trees, for building, making canoes, clearing fields for farming and using wood to erect their famous statues. Then, one day someone cut down the last tree. Not even cannibalism could in the long run help to sustain them. Their civilization perished, leaving a barren island and their famous statues as a symbol of their – what? Stupidity? After hundreds of years, nature has not recovered; there are still no trees on Easter Island. Can Easter Island be a lesson for us?⁴⁹

2.2 Moral Nausea

Bring on the Apocalypse is a collection of columns from *The Guardian* by academic, writer, investigative journalist, activist, political activist, campaigner and maverick George Monbiot.⁵⁰ He is a passionate free thinker devoting, and even risking, his life by criticizing immoral behavior, often those who are in our midst. Monbiot takes three things very seriously: 1. Science and critical inquiry. Monbiot is a scientist and research journalist who tries to find the best scientific facts. Of course, he, as anyone else, is fallible, but he is trying a lot harder than most people to uncover the (often inconvenient) truth. 2. He takes seriously all human beings. He is an equalitarian, who is concerned about the needs of those worst-off, wherever they are. 3. He takes

⁴⁷ See for example: Singer (2002).

⁴⁸ Diamond (2006: chapter 2, 'Twilight at Easter'). See also: <http://www.youtube.com/watch?v=IESYMFtLlis>: 'We have a choice!'

⁴⁹ There is some dispute among scientists about whether the ecological collapse on Easter Island has caused the downfall of the civilization on the island. But even if it is not true, the warning, as a parable, still stands.

⁵⁰ www.monbiot.com

seriously the outcome of his research and tries to overcome the immense injustices in the world, fighting a struggle that he knows cannot be won, but which is worth fighting. Monbiot has a moral searchlight; instead of looking for evil far away, he turns his light of reason towards our way of doing business, politics, our politicians and us. This is not a pleasant picture. But looking for the truth is no guarantee that we will like the truth. Religion is man's delusion to look away from the truth. Denial and feigned ignorance thrive on greed, selfishness, short-sightedness, or, for short, stupidity. 'Climate change is not just a moral question', claims Monbiot, 'it is the moral question of the 21st century. There is one position even more morally culpable than denial. That is to accept that it's happening and that its results will be catastrophic, but to fail to take the measures needed to prevent it.'⁵¹ In 2007 Monbiot published *Heat: How to Stop the Planet from Burning*.

Bring on the Apocalypse has six chapters, devoted to six arguments, which can be interpreted as critical investigations of aspects of modern western society: on god, nature, war, power, money and culture. He starts out by reminding that 'our peace is a historical and geographical anomaly.'⁵² War, struggle for existence, suppression are what is most common among men in history and around the globe. We wealthy westerners in the post WWII world are living in a resort for lottery winners. This small niche of peace – which is often not even appreciated –, according to Monbiot, results largely from a surplus of energy. 'By extracting fossil fuels, we can mine the ecological time of other eras. We use the energy sequestered in the hush of sedimentation – the infinitesimal rain of plankton on the ocean floor, the spongy settlement of fallen trees in anoxic swamps – compressed by the weight of succeeding deposits into concentrated time. Every year we use millions of years accreted in other ages. The gift of geological time is what has ensured, in the rich nations that we have not yet reached the point at which we must engage in the struggle for resources. We have been able to expand into the past. Fossil fuels have so far exempted us from the violence that scarcity demands.'⁵³ This seems an adequate description of the way the Western world works: using up the accumulated natural capital and ruining the possibilities for future generations and people in developing countries. 'The central quest of our lives appears to be to find new ways to use fossil fuels. The enhanced efficiency of our machines makes no difference to our consumption: we use any savings we make to power some other delightful toy. [...] We exchange our light bulbs for less hungry models, then buy a flat screen TV almost as wide as a house. [...] It is as if, by enhancing our consumption of energy even as we become more aware of the dangers of climate change and peak oil, we are persuading ourselves that these problems cannot be real ones. If they were, surely someone would stop us?'⁵⁴

Monbiot remarks chillingly: 'Some of the troops sent abroad to secure and control other people's energy supplies will die. Otherwise we have outsourced the

⁵¹ Column in *The Guardian*, 31 October 2006 – not in *Bring on the Apocalypse*.

⁵² Monbiot (2008: 2).

⁵³ *Ibid.*: 5.

⁵⁴ *Ibid.*: 6.

killing.⁵⁵ At first, remarks like these seem exaggerated, but in his columns Monbiot justifies his bold moral conjectures with evidence. What Monbiot is doing is to make a moral diagnosis of how the West works and a moral scrutiny of the ideas and ideals that lie behind it. Behind the façade of welfare and consumerist affluenza⁵⁶ of the Western world, lies institutionalized global injustice, greed, and environmental destruction heading for global collapse. Monbiot's columns are a guided tour back stage of our affluence. This is worse than you could have imagined. The truth turns out to be a horror story in which we westerners turn out to be the bad guys. But Monbiot is an optimist and an activist. He urges us to take action and to take personal responsibility. His columns are part of his activism; he runs organizations, campaigns and speaks out as often and as loud as he can. Though his voice is heard, and there are people listening, even acting, it is still a minority standpoint. It seems his voice is to some extent tolerated. Of course, that depends on how we, readers, respond to the injustices of the world and of our way of doing things.

In his quest for global justice Monbiot encounters many obstacles; religion being one of them. In a piece about the rise of power of 'Christian Taliban' in the US, Monbiot gives a poetic, but science based view on what life is: '[We are] assemblages of complex molecules that, for no greater purpose than to secure sources of energy against competing claims, have developed the ability to speculate. After a few score years, the molecules disaggregate and return whence they came. Period. [...] The atoms of which we are composed, which we have borrowed momentarily from the ecosphere, will be recycled until the universe collapses. This is our community, our eternity. Why should anyone want more?'⁵⁷ This scientific naturalism is beautiful and inspiring. This scientific view on life can be an ingredient of ecology; that is the political ideology of striving for a harmonious sustainable human-nature relationship. We, westerners especially, have strayed a long way from sustainable equilibrium. The Holocene is the geological epoch that began approximately 12,000 years ago, in which the climate has been fairly stable and friendly to life and which enabled to develop the greatest biodiversity of the history of the Earth (so far). It is been said that the Holocene is now succeeded by the Anthropocene in which we humans influence the biophysical life support systems. The Anthropocene is an age of extinction, the sixth great extinction is happening right before our eyes and due to our way of life.

Monbiot is best known as an eco-activist ('What the IPCC⁵⁸ report shows is that we have to stop treating climate change as an urgent issue. We have to start treating

⁵⁵ Ibid.: 2.

⁵⁶ Affluenza: 'a painful, contagious, socially transmitted condition of overload, debt, anxiety, and waste resulting from the dogged pursuit of more.' (John de Graaf, e.a., *Affluenza: The All-Consuming Epidemic*, quoted in: Cooke (2006).

⁵⁷ Monbiot (2008: 20)

⁵⁸ The Intergovernmental Panel on Climate Change (IPCC) is a scientific intergovernmental body tasked with evaluating the risk of climate change caused by human activity. The panel was established in 1988 by the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP), two organizations of the United Nations. The IPCC shared the 2007 Nobel Peace Prize with former Vice President of the United States Al Gore. The IPCC does not carry out its own original research, nor does it do the work of monitoring climate or related phenomena itself. A main activity of the IPCC is publishing special reports on topics relevant to the implementation of the UN Framework Convention on Climate

it as an international emergency.⁵⁹ but his moral scope is much broader. He is actively searching for victims of our actions, our way of life, and, unfortunately, he finds many. Most of the victims are unknown by the general public. I will list some of the worrying cases brought to our attention by Monbiot. Against GMO crops and the monopolization of agriculture by corporations as Monsanto: 'The world has a surplus of food, but still people go hungry. They go hungry because they cannot afford to buy it. They cannot afford to buy it because the sources of wealth and the means of production have been captured, and in some cases monopolized, by landowners and corporations. The purpose of the biotech industry is to capture and monopolize the sources of wealth and the means of productions. [...] The great majority [of GM crops] are not being grown to feed local people. In fact they are not being grown to feed people at all, but to feed livestock, the meat, milk and eggs which are then sold to the richer consumers.'⁶⁰ Meat eating is a moral matter. In his column 'Asserting Our Right to Kill and Maim Civilians' Monbiot writes: 'If the money and determination expended on waging war with Iraq had been used to tackle climate change, our carbon emissions would already be in freefall.'⁶¹ Monbiot's quest for global justice and analyzing its obstacles results in a critique of capitalism as it functions in practice: the haves get more, the have-nots get less. He writes cynically: 'An inability to distinguish between the risks to which people are exposed themselves and the risks to which they expose others appears to be the defining disease of modern capitalism.'⁶² Capitalism's only goal is ever-expanding growth, with profit as the only measuring stick, but ever expanding growth on just the one planet is impossible. But there are biophysical limits to the carrying capacity of the planet.

Because this book is a collection of columns, there is no overall conclusion. Each column brings more worrisome facts to light. The lives we live, and the societies we live in, are not as moral as we make ourselves believe it is. If we want ourselves to be good guys, we will have to change a lot in our way of doing things. Monbiot does not offer a general moral theory. But that doesn't matter. Many philosophers devote their lives to conjuring up theories and criticizing or applauding other philosophers without much concern for the suffering in the world. Monbiot focuses on the victims, those in worst-off positions. Helping to uncover hidden injustices seems a lot more relevant than many petty philosophical debates in academia.

We are confronted daily with lots of misery and harm by the globalized media. This bombardment of suffering can easily lead to what is called 'empathy fatigue'. Many people watch the daily news faithfully, without taking any action to make the world a better place.

Change (UNFCCC), an international treaty that acknowledges the possibility of harmful climate change. Implementation of the UNFCCC led eventually to the Kyoto Protocol. The IPCC bases its assessment mainly on peer reviewed and published scientific literature. The IPCC is only open to member states of the WMO and UNEP. IPCC reports are widely cited in almost any debate related to climate change. See: www.ipcc.ch.

⁵⁹ Ibid.: 46.

⁶⁰ Ibid.: 62-3.

⁶¹ Ibid.: 99.

⁶² Ibid.: 169.

These are disturbing facts of evil in the world we are living in now. These are facts that motivate me to work in the field of moral philosophy – if the world were a better place; I would study art history or be a yoga teacher.⁶³

Matt Ridley provides a completely different perspective in his book *The Rational Optimist. How Prosperity Evolves* (2010). 'Life is getting better, and at an accelerating rate. Food availability, income and lifespan are up; disease, child mortality and violence are down – all across the globe.' Thus is written on the cover of Ridley's curious book *The Rational Optimist*. One wonders if Ridley reads newspapers. There are people suffering from violence, subjection, starvation, and lack of medical care all over the world. There may be some local improvements, but the total human induced and easily preventable suffering in the world is still enormous, without any realistic hope that it will soon improve – despite Ridley's optimism. The back cover continues: 'Thanks to the ceaseless capacity of the human race for innovative change, and despite inevitable disasters, the twenty-first century will see both human prosperity and natural biodiversity enhanced.' Amen – one would add. Ridley takes reassurance from the fact that apocalyptic doomsayers have for a long time predicted collapse and horror. It seems Ridley in his well-off position does not see that he is on a island of good fortune in an ocean of suffering (both human and non-human), and he flatly denies that climate change will cause any serious danger. Human ingenuity and innovation will solve all our problems and make the world a better place, and thus, Ridley seems to imply, we should not be worried in taking too much environmental action, because the free market will solve the problem by itself.

Libertarian, science writer and businessman Matt Ridley is an optimist, and according to himself, a 'rational optimist', implying that pessimists are irrational. One can hear him humming 'always look at the bright side of life!'. 'Even allowing for the hundreds of millions who still live in abject poverty, disease and want, this generation of human beings has access to more calories, watts, lumen-hours, square feet, gigabytes, megahertz, light-years, nanometers, bushels per acre, miles per gallon, food miles, air miles, and of course dollars than that went before.'⁶⁴ What Ridley does not see is that the 20th century has been the bloodiest, most deadliest century ever. One obvious reason is that the human population has been growing exponentially in the 20th century. More people – more suffering. When looking solely from the perspective of the worst-off positions – those in positions with which you do not want to trade places – the world is a vale of tears. Even if the percentage of people better off might be higher than before the 20th century (which is doubtful) the number of people suffering is higher than ever before. Does it matter to those who suffer that those who are better off are better off than ever before? Ridley looks at the world from the perspective of those well off, from glamour land. And for those in western societies living conditions have significantly improved as well as the level of happiness, especially from 1945 till present.

⁶³ John Harris writes in his 'Introduction' to *Enhancing Evolution*: 'If there is a theme which unites all my philosophical work, it is an exploration of the responsibility shared by all moral agents, to make the world a better place.' Harris 2007: 3).

⁶⁴ Ridley (2010: 12).

Another aspect that Ridley completely overlooks is that we are racing towards global environmental collapse. Ridley seems to think, being an optimist, that humans will save themselves. Ridley believes in technofixes for all problems. However, the signs are bad, despite 40 years of awareness of environmental problems, the total environmental degradation has increased, with enormous biodiversity loss, deforestation, fall of fresh water supplies, erosion, pollution, et cetera.

Ridley looks at the world through the eyes of the healthy happy rich westerner living in a peaceful liberal society. But what solace does his optimism have for those millions who have miserable lives, especially when their harm is caused, directly or indirectly, by western style consumerism? Ridley does not see the moral blind spots, he does not want to expand the moral circle, and he does not take the precautionary principle seriously. Ridley concludes that:

So long as human exchange and specialization are allowed to thrive somewhere, then culture evolves whether leaders help it or hinder it, and the result is that prosperity spreads, technology progresses, poverty declines, disease retreats, fecundity falls, happiness increases, the environment improves and wilderness expands.⁶⁵

Does he really mean that in China and the USA for example, where 'prosperity spreads, technology progresses, poverty declines, disease retreats, fecundity falls, happiness increases, the environment improves and wilderness expands'? There is hardly any wilderness left in America and China is rapidly in environmental decline due to economic shortsighted 'progress'. It seems that Ridley pleads for neo-liberal free market capitalism and that that will be the cure for all problems. By implication he suggests that those that disagree, viz the environmentalists, are blocking the way to the utopian vision of progress he sketches. Ridley has thus the same message as Steve Milloy in his book *Green Hell. How Environmentalists Plan to Control Your Life and What You Can Do to Stop Them* (2009). Ridley is just a tad more polite.

'The twenty-first century will be a magnificent time to be alive.'⁶⁶ Let him tell that to all those who suffer from injustices, violence, starvation, lack of medical care, lack of means for development. I am sure all the animals in intensive farming are also wildly enjoying their magnificent time to be alive.

2.3 Why Moral Theory?

'[...] looking at things ethically is a way of transcending our inward-looking concerns and identifying ourselves with the most objective point of view possible – with, as Sidgwick put it, "the point of view of the universe".'⁶⁷ Moral philosophy should search for blind spots in morality.⁶⁸ Politics should overcome them.⁶⁹ Moral

⁶⁵ Ridley (2010: 359).

⁶⁶ Ibid.: 359.

⁶⁷ Singer (1997: 334).

⁶⁸ See for example: Cliteur (2002: 227). En Cliteur, Ellian, *Encyclopedie van de rechtswetenschap. Grondslagen*, 'De notie van een 'morele blinde vlek' ['The notion of a "moral blind spot"']. Nussbaum says something very similar: 'Philosophy asks for public deliberation instead of the usual contest of power.' In: Nussbaum (2006b: 300).

philosophy should try to reduce suffering and improve the human condition. It should be a method to make the world a better place. Firstly, one should look for blind spots of morality. Or, even better, *find a method* to find blind spots in morality. Secondly, when blind spots have been found, people should become aware of these blind spots and consciousness should be raised⁷⁰. How to do all that?

Could it be possible to share the world in such a way that everyone could live a good and fulfilling life? What is a just society in which there are just institutions and where there is a control system on the distribution of scarce resources? Or, as political philosopher Richard Brandt put it: 'What kind of moral system for his society would it be rational for an agent to support?'⁷¹ The enigma of the just and sustainable society is the central question of this book.

Political philosopher and law scholar Bruce Ackerman argues that the legitimacy of any social ordering should always be possible to be justified by free and open dialogue: 'What would our social world look like if no one ever suppressed another's questions of legitimacy, where every questioner met with a conscientious attempt at an answer?'⁷² I will try to find a model, which can justify questions of legitimacy by means of a thought experiment, which is a kind of dialogue.

Every society has its own traditions, moral codes and customs. There are different (sub-)cultures with different morals and values. The question is: Is every cultural tradition the best possible solution to the problem of living sustainably and harmoniously together? Are some traditions morally better than others? Cultures are experiments in living. If we have a moral criterion we can compare and evaluate cultures, societies and traditions. Some of these experiments in living turn out to be suicidal, like our own western consumerist fossil fuelled culture. In our so-called post(post)modern age, where religion as foundation for morality is no longer plausible⁷³, it is becoming harder to compare different traditions and cultures, because there are hardly any people who are absolutely, religiously sure of their own moral stance. Societies and cultural traditions are not morally equal, because it is individuals who are morally equal; and not all cultures and societies treat all individuals morally equal. Cultural relativism states that (1) all cultures are morally equal, (2) there are no universal moral norms (or, rather naively, (2A) in all cultures

⁶⁹ David Miller defines political philosophy as: 'an investigation into the nature, causes, and effects of good and bad government.' Miller (2003: 2). The element which Miller's definition lacks is the intention to find the best possible system of good government. Economist Richard Layard writes about the aim of politics in his book *Happiness*: 'The aim of politics is to make the world a more friendly place and not an assault course.' Layard (2005: 232).

⁷⁰ Dawkins on consciousness raising: Dawkins (2006: 114-119).

⁷¹ Brandt (1998: 1).

⁷² Ackerman, (1980: 4).

⁷³ These are the so-called New Atheism books, the wave of books against religion after 9/11. The following New Atheist books are the most important and/or famous: Sam Harris, *The End of Faith*, Daniel Dennett, *Breaking the Spell*, Richard Dawkins, *The God Delusion* and Christopher Hitchens *God Is Not Great*. These books make it abundantly clear that ethics cannot and should not be based on religion. In his book *Moreel Esperanto* Paul Cliteur deals with the problem of religious, heteronomous ethics, and concludes that this is very dangerous and can support terrorism and cruelty. I won't repeat these arguments, but take the outcome ('Ethics cannot and should not be based on religion') as premise for my theory. See my paragraph: 'No Reliance on Religion.'

the basic moral norms are the same), and (3) cannot be judged from an outsider's perspective. The problem with cultural relativism is that groups are placed above individuals: individuals are sentenced (by cultural relativists) to the group in which they happen to find themselves. When looking through the spectacles of liberalism and individualism, cultures or societies which treat groups of individuals unequally, or even abuse or suppress people, are morally unequal to a tradition or society that recognizes and respects the equality of individuals.⁷⁴ Just imagine you yourself in the position of someone who is (violently) coerced to submit to the norms of the group, for example being a young woman who is going to be circumcised against her will.

There seems to be a relativistic turn in philosophy and public opinion. Postmodern philosophers are averse to theories with universal pretensions, because all universalistic and so-called based-on-Truth theories have been proven wrong. Nevertheless, I want to propose an ethical and political theory with universal pretensions, but, at the same time, a theory that does not need a transcendental foundation. It will be a procedural, secular, non-transcendental, naturalistic, universal theory.

My aim is to develop a practical theory that can be used to compare and evaluate different (sub-)cultures. The criteria are not transcendental, but embody a specific kind of universalism, which takes individual beings (subjects) as a possibility for many other positions. The subject is hypothetically universal; therefore this theory is called *universal subjectivism*. Universal subjectivism is a theory of justice: *justice has priority above happiness*. A society in which the majority of the people are completely happy, but where there is a small minority who is being suppressed (for example an ethnic minority, or homosexuals), is not a just society. Universal subjectivism focuses on the blind spots of justice.

Why are people morally equal? Because there is no moral hierarchical structure in the world, because the world is morally indifferent, because there is no reason why people are not morally equal⁷⁵.

The model I am also going to advocate is a liberal theory about how the state should organize its basic institutions as to guarantee a just and sustainable society. So far the theory is in the tradition of the (Rawlsian) theory of justice. 'What we want political actors to do, in a liberal state, is *just* to take care of basic justice, and not to be maximizers of overall good. We actively want them *not* to pursue the maximization of the overall good, because we don't want them to be in the business of defining what the good is in a comprehensive way. The right division of labor in a liberal society is for political institutions to take care of justice, and for individuals to be left free to pursue on their own other parts of their comprehensive conceptions of the good.'⁷⁶ Universal subjectivism will leave less room for cultures and customs than in other liberal theories, because it takes individuals seriously and does not grant

⁷⁴ See Cliteur (2002).

⁷⁵ Moral equality is a special form of equality. It is clear that there are many differences between people and people's abilities. People are not equal in this general form. However excellent and bright one person might be and however stupid and weak another, they are *morally* equal. Moral equality can be translated in the discourse of rights: everyone has the same human rights. This idea has been institutionalized in for example the Universal Declaration of Human Rights in 1948.

⁷⁶ Nussbaum (2006: 341).

groups the right to be intolerant to members of their group. The principle of interchangeability leaves no room for coercive pressure on individuals from groups. Grayling writes about this: 'The only coercion should be that of argument, the only obligation that of honest reasoning. But when anyone tries to bully others into his own point of view, he should be brought up short.'⁷⁷

According to philosopher Richard Brandt '[...] morality is a welfare-maximizing system of motivations [...]'.⁷⁸ I agree with this opinion, but add: *without doing injustice to individuals, as far as possible*. Ethics should try to invent a moral code and political (distributive) sustainable system that maximizes welfare. An overall happy society, which holds a small group of slaves who do all the dirty work, though it maximizes the overall welfare, is not right (just), because the individual positions are not interchangeable. Those who are not slaves cannot reasonably (in the sense of seriously) want to change positions with slaves.

2.4 Basic Concepts

In the next four paragraphs, I will describe the basic concepts of universal subjectivism. The concepts are, of course, universalism and subjectivism. The *framework* of universal subjectivism is (ethical) scientific naturalism; therefore I will make a few reflective remarks about this. There are many different types of ethical theories. Universal subjectivism is a thought experiment and a (mental) construct. I will explain this in a short paragraph on constructivism.

2.4.1 Naturalism

The moral theory of universal subjectivism stands within the tradition of scientific naturalism. Philosopher Paul Kurtz describes this as follows:

Naturalism in ethics is the thesis that similar empirical and rational methods of inquiry can be used to test claims to ethical truth and to resolve human problems. Although values cannot be deducted from facts in any simplistic way, the facts are relevant to our decisions and choices; at the very least, our ethical values and moral principles may be modified in the light of our knowledge of nature in general, human nature in particular, the means at our disposal, the causal conditions, and the consequences of our actions.⁷⁹

⁷⁷ Grayling (2004: 114).

⁷⁸ Brandt, (1998: 334).

⁷⁹ Kurtz, (1990: 7).

By ethical naturalism I do not mean that ethics is dependent on human nature (see above). Naturalism is opposed to supernaturalism, which can take many forms, for example theism, transcendentalism, and metaphysics. Ethical naturalism means two things. Firstly, that the theory of universal subjectivism is *not in contradiction* with science. And second, that universal subjectivism itself can stand critical inquiry from any scientific perspective. Universal subjectivism is open to criticism. One criterion is that it should be coherent. If universal subjectivism is not able to stand the tests of critical inquiry, than it is not a naturalistic theory.

Universal subjectivism can help to improve the fate of victims, those who are in the present or future world in a worst-off position. I aspire to have created a naturalistic ethical theory, which is in no way contradictory to science. Universal subjectivism is not in contradiction with Darwinism, because human animals have more reflective choices about how to live than other animals.⁸⁰ Universal subjectivism stays within the framework of science. Therefore it is a naturalistic theory. This theory leans heavily on scientific input on what the problems in the world are. I have tried to use the best available science as input for moral reflection. If the facts are wrong, the right facts can be inserted into the theory instead. For example, the part of the theory concerning the suffering of animals depends heavily on biological science.

It is important to discern two levels of universal subjectivism. On the one hand, universal subjectivism is a procedural, normative theory. This part of universal subjectivism is outside the scope of (descriptive) science, as long as it is not in contradiction with scientific facts. On the other hand, the application of universal subjectivism depends on knowledge about the world. Science can provide that knowledge. Modules can be inserted into the procedural theory of universal subjectivism. These modules are fallible and probabilistic. If it turns out that the facts are wrong, or different, then new knowledge can be inserted into the procedure. Scientific naturalism is the filter for the input into the procedural system of universal subjectivism. If there would be no filter, and you would insert nonsense into the system, the resulting normative statement would also be rubbish. For example, if you would say that there is no environmental crisis, or that the oil reserves will last indefinitely, than this changes the outcome.

2.4.2 Constructivism

Universal subjectivism is a thought experiment and a (mental) construct. The theory developed in this book is a *hypothetical* social contract theory. This theory is a thought experiment (and thus a mental construction) in the sense that it is: '[...] a controlled exercise of the imagination in which test cases are envisaged with a view to establishing their conceptual coherence or their compatibility with some proposed

⁸⁰ In *The Robot's Rebellion. Finding Meaning in the age of Darwin* Keith E. Stanovich argues that human animals can use their mental capacities to break free from the evolutionary (genetic) blueprint of behavior. Human animals can for a large part choose how they want to live.

theory.⁸¹ It is meant to be a coherent fiction that can help to improve our moral intuitions about justice and morality.

Although universal subjectivism is a mental construction of the imagination, it is not relativistic. Universal subjectivism overcomes the pitfall of relativism through the procedural thought experiment of taking seriously the contingency of fate. Universal subjectivism makes clear that not all moral values are equal and relative to culture. The ultimate judgment for a specific position is whether you can want to be in that position yourself. In a misogynous society where men hold all power, you might not mind being a man, but can a man voluntarily change position with women, who are in a worst-off position? Can you want to change place with any kind of person in an underdog position? Some variants of cultural relativism argue that it is not possible to judge a different culture, and that, for example the Afghan society of gender apartheid in the 1960s (as it is described by Phyllis Chesler in her chapter 'My Afghan Captivity'⁸²) cannot be criticized as immoral, unjust and evil? Universal subjectivism has the power to criticize evil wherever it is found.

Universal subjectivism is a *modular system*. It is possible to 'plug in or unplug' modules into the system without altering the main system. Universal subjectivism is a method to search for moral blind spots. The moral blind spots (worst-off positions) are modules. The reader is invited to find and plug in a new module and see how it works.

2.4.3 Universalism

Bertrand Russell once remarked that: 'The only way to make people's political judgments more conscious, more explicit, and therefore more scientific, is to bring to the light of day the conception of an ideal society which underlies each man's opinion, and to discover, if we can, some method of comparing such ideals in respect of the universality, or otherwise, of their appeal.'⁸³ For short, we should try if people's opinions can be universalized. Only humans, as compared to other biological species, have ethics, because ethical reflection means that a deliberative agent can choose between different options and that the agent can imagine what would be the outcome of the different options for acting. The universalizability of agency means that you will have to imagine that what you do, everybody should be allowed to do, and everybody might actually do. This idea of universalizability of agency has been developed by many philosophers, most notably by Immanuel Kant and Richard Hare: 'Moral judgments are, I claim, universalizable in only one sense, namely that they entail identical judgments about all cases identical in their universal properties.'⁸⁴ If you kill someone, every other human should be allowed to do the same. If you steal, everybody should be allowed to steal. Why should there be made an exception for you? By universalizability of action rational moral rules for living together can be derived. Universalizability is already part of 'folk ethics', as the

⁸¹ 'Thought experiments' in Honderich (1995: 875).

⁸² Chesler (2006).

⁸³ Bertrand Russell, 'What Makes a Social System Good or Bad?', p. 116, in: *Bertrand Russell on Ethics, Sex and Marriage*.

⁸⁴ Hare (1981: 108).

famous (biblical) maxim: 'Do not do to others what you would not like to be done to you.'

People live together in groups. By nature man is a social animal, a *zoion politikon*⁸⁵, a political animal, as Aristotle called us. People do live in groups, communities. This can be an intimate and caring group or a more formal and individualistic life in a city. The number of people who want to live solitary and autarkically are small. Living together as a group creates many opportunities. Culture is the way in which these opportunities are being exploited. The ingenious infrastructure and welfare state in the Netherlands for example show that people can thrive as a well-organized group, i.e. society. We have cold and warm tap water, gas, electricity, highways, health care, education, public safety, entertainment, arts and the welfare of those in worst-off positions is comparatively well. The landscape has been furnished for our needs.

It is my hope that universal subjectivism can be Russell's 'method of comparing such ideals in respect of the universality.'

Universal subjectivism is a *universalistic* theory in a double sense. Firstly, *moral universalism*. Universal subjectivism claims to yield universal normative norms. The outcome of universal subjectivism is not relative to a particular time or place. It yields a moral claim for always and everywhere. For example: if universal subjectivism yields the normative claim 'Slavery is bad' (which it does, see below), then slavery is bad always and everywhere. If (involuntary) female genital mutilation is evil (which universal subjectivism yields), then it is not only an evil in our own society, but in all societies in all ages, past, present and future. The moral universalism of universal subjectivism is based on the premise that *no sentient being wants to be in a worst-off position*. This premise is based on how nature works. This premise makes universal subjectivism a naturalistic theory (see above). If there would be a sadomasochistic species in which all individuals want to suffer and to be suppressed, then universal subjectivism collapses *for that species*. Universal subjectivism is a procedural moral and political theory (a 'normative machine'), which is independent of time and place. Therefore, universal subjectivism is not a relativistic theory; on the contrary, it is an anti-relativistic theory.

Secondly, *inclusive universalism* is another dimension of universalism, namely universalism as contrasted with speciesism. Universal subjectivism is inclusive for all beings capable of suffering. Universal subjectivism is a moral theory for all sentient beings, not only human beings. Political philosophy has been primarily concerned with how people (usually of a certain rational kind) should live together in a certain time in a certain place. The relation with other animals, the rest of nature, people outside the territory, future generations were, and still are, neglected in much of political philosophy (and in most political dealings). Universal subjectivism is not speciesistic, it is universal in taking as a basic premise the *ability to suffer*. Nature comes into moral vision as a necessary precondition for the good life (see below).

⁸⁵ Aristotle, *Politica* 1253a1-20, and in: *Ethica Nicomachea* 1097b11 and 1169b18.

2.4.4 Subjectivism

Universal subjectivism is *subjective* because it takes the individual human being as the basis for normative judgments. Each individual with enough mental capacity to perform the thought experiment is the basis of morality. The procedure of universal subjectivism is a guarantee against blind egoism, which harms others. Universal subjectivism is a paradox because it is both subjective *and* universal at the same time. The veil of ignorance is the device, which makes subjectivity universal: all positions in the real world are morally equivalent.

Universal subjectivism is not an *objectivist* moral theory. Objective usually means: ' [...] the feature a statement has when it is true (or false) independently of whether anyone believes it to be true (or false).'⁸⁶ Moral objectivism presupposes a moral structure in reality, independent of human beings. The concept cannot be applied to normative statement. Normative statements can be morally analyzed by focusing on the consequences it has for those concerned – the theory of universal subjectivism is a tool to analyze normative statements.

The subjectivism of universal subjectivism makes it an appealing and easy accessible moral theory, which can be explained to most human animals in about fifteen minutes. The anchor point of morality is any human animal capable of understanding this. Subjectivism (without the prefix 'universal') is different. Subjectivism in ethical theory usually means that there are no objective moral values and that the ultimate moral values come from individuals – if people disagree there is no external criterion to choose between rival positions. Moral values are seen as a matter of taste, which is beyond normative evaluation: 'Ethical subjectivism is the idea that our moral opinions are based on our feelings, and nothing more. On this view, there is no such thing as "objective" right or wrong.'⁸⁷ In universal subjectivism normative claims are not objective, nor a matter of taste; they are universal with each individual as reference point.

2.5 Rawls + Singer

Singer writes: 'I have a personal perspective on the world, from which my interests are at the front and center of the stage, the interests of my family and friends are close behind, and the interests of strangers are pushed to the back and sides. But reason enables me to see that others have similar subjective perspectives, and that from 'the point of view of the universe' my perspective is no more privileged than theirs.'⁸⁸ Singer gives a non-contractarian approach to ethics, which creates the same scope of morality as universal subjectivism. It is in universal subjectivism that Rawlsian hypothetical contractarianism meets Singerian neo-utilitarianism. Singer endorses as his basic moral principle: 'equal consideration of interests'. ' [...] we should take all humans, or even all sentient beings, as the basic unit of concern for our ethical thinking.'⁸⁹ For every non-equal consideration of interests there has to be persuasive arguments (like the Rawlsian difference principle for example). This manner of

⁸⁶ Oderberg (2000: 16).

⁸⁷ Rachels (1995: 31).

⁸⁸ Singer 1995: 74).

⁸⁹ Singer (2002: x).

reasoning is the same as in law where a suspect is considered not-guilty until proven otherwise.⁹⁰ The burden of proof is on the one who pleads a non-equal consideration of interests.⁹¹ Creatures capable of suffering have interests. These interests may conflict with the interests of other sentient beings. If those other beings are human beings, then human beings should consider the equality of interests. There is no given to prioritize human needs and interests above those of other animals. Human beings, because of their capacity to think, have more and different interests than other beings. So when there is a clash of interest between you and a mosquito, it is not very wrong to swat the mosquito. But in the case of factory farming it is completely different: people are inflicting pain and suffering on animals for no other reason than gustatory pleasures. Grayling writes about these gustatory pleasures: 'Perhaps you like filling your mouth with rotting flesh full of injected hormones and vaccines, pullulating with microbes and covered in microbe diarrhea.'⁹² The differences are: 1) mosquitoes have less capacity to suffer than farm animals, 2) in the case of the mosquito, there is a clear conflict of interests, and 3) farm factory is deliberately human made. When someone would breed mosquitoes in order to be able to swat them it would change the situation.⁹³

Singer's moral analysis is based on the rational insight that interests of beings, for which suffering is a negative indication, are of equal importance from a universal point of view. Unfortunately it is difficult to persuade people to reason and act from an impartial universal stance. This is where Rawls comes in. The hypothetical original position helps to imagine the universal stance.

Whereas Rawls uses his model to evaluate the justice of social institutions in limited context, in the expanded version of universal subjectivism what people choose in the original position are ultimate values⁹⁴, because these are the only possible values that can be universalized. In the original position it is not rational to choose a value system, which incorporates discrimination against groups, such as homosexuals, transsexuals, women, disabled, mentally retarded, animals, because you could be one yourself. Only a value system, which does not discriminate, can be rationally chosen. To formulate it the other way around: the procedural deliberation of universal subjectivism using the original position cannot justify non-universal value systems, such as religions, nationalism or fascism.

Though I make use of the Rawlsian idea of the original position, I do leave his interpretation and elaborate use of creating a well-ordered society aside, because Rawls is specific about the limited use of his theory. Universal subjectivism is not a

⁹⁰ The same for (a)theism. The burden of proof is on the theist's side, not on the atheist's. A theist should prove the existence of god. It is not an atheist's task to prove that god does not exist. An atheist can show that all theistic arguments are false or invalid. Cf. A.C. Flew, *The Presumption of Atheism*.

⁹¹ Likewise in a discussion about the suffering of animals, it is not the vegetarian who has to substantiate his or her moral stance; it is the meat eater, who violates the interests of animals and is making them suffer unnecessarily, that has the burden of proof.

⁹² 'Vegetarianism', in Grayling (2009: 367).

⁹³ The 'do not (unnecessary) harm' – principle in deontological ethics can make the difference clear: swatting a mosquito is *necessary* harm (because it bothers you), factory farming is unnecessary harming billions of farm animals on purpose. See: Beauchamp (2001).

⁹⁴ Pogge makes this point about ultimate value systems. Pogge calls this cosmopolitan interpretation of Rawls 'a value based world order'. Pogge (1989: 228).

Rawlsian theory with which Rawls or his followers would agree. The idea of the original position comes from Rawls and this is a powerful notion, which is central to universal subjectivism.

2.6 A Broad Reinterpretation of Rawls' *A Theory of Justice*

Every society is fictionally based on a contract. Even a country ruled by a dictator has a contract, a contract with bad terms for a large part of the people. Most people did not approve of the dictator coming to power, because nobody wants to be suppressed, I presume. This is, I repeat, the first premise of universal subjectivism: *Nobody wants to be suppressed*. Contract thinkers try to make this hidden premise explicit in order to improve the conditions by making rational calculations trying to make the best possible strategy for as many people as possible. This is a strategy of optimization. Of course, different strategies are possible. One can be strictly equalitarian or one can choose classical (Benthamite) utilitarianism, i.e. the greatest happiness for the greatest number of people, with the possibility that a minority of people do not get what they want. Or a democratic principle where the majority decides what should be done for everybody. Fortunately most democratic systems are checked by a constitution in order to protect minorities.

The assumption of most contract models is that it is meant to create mutual advantage: '[...] as a matter of a bunch of similar "normal" people getting together to make a contract [...]'.⁹⁵ This assumption is also built in Rawls' theory of justice. We shall see that the concept of mutual advantage neglects the needs of those that cannot contribute (economically) to human society. The idea of mutual advantage is not a good starting point for an ethical theory because its focus is too small; it leaves many sentient beings outside the scope of morality.

John Rawls developed in his *A Theory of Justice* (1971) a procedural political philosophy that gives a foundation and justification of the distributive welfare state. Rawls' theory is a system to compensate or neutralize the negative contingencies of fate and of unjust distributions, especially of wealth. Rawls 'describes natural assets as a social resource to be used for the advantage of the least well-off, and any differences in income and other resources enjoyed by the wealthy are not *deserved*, for nobody creates his or her natural assets – not even the propensity to work hard.'⁹⁶

A procedural model determines the organization of the system in such a way that the outcome is necessarily just. There is a possibility that the outcome of this procedural method will differ from present day morality and moral intuitions. When one is willing to engage in philosophy, i.e. when one takes rational enquiry seriously, the directing of one's own life is a good thing. One wants to critically examine one's own life and the society where one lives. As Socrates⁹⁷ said: the examined life is part of the good life. A philosopher wants to adjust moral thinking and his or her worldview to critical inquiry. Everyone should.

⁹⁵ Nussbaum (2006: 351).

⁹⁶ Graham, (2007: 3).

⁹⁷ Robert Nozick, for example, restated the Socratic ideal in his *The Examined Life*. 'I want to think about living and what is important in life, to clarify my thinking – and also my life', p. 11, opening sentence.

Rawls' theory comes down to this. Assume that you have to lay down what the institutions will be like of a society you will be living in, without knowing beforehand in what position you will enter that society. Your position can be anything; you do not know your sex, race, intelligence, sexual preference, bodily abilities, looks, talents, religion, social position, et cetera. Rawls calls this perspective the original position, from where one looks at society from behind a veil of ignorance:

The idea of the original position is to set up a fair procedure so that any principles agreed to will be just. The aim is to use the notion of pure procedural justice as a basis of theory. Somehow we must nullify the effects of specific contingencies which put men at odds and tempt them to exploit social and natural circumstances to their own advantage. Now in order to do this I assume that the parties are situated behind a veil of ignorance. They do not know how the various alternatives will affect their own particular case and they are obliged to evaluate principles solely on the basis of general considerations.⁹⁸

I quote the key paragraph of Rawls' *A Theory of Justice* at length:

It is assumed, then, that the parties do not know certain kinds of particular facts. First of all, no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength, and the like. Nor, again, does anyone know his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology such as his aversion to risk or liability to optimism or pessimism. More than this, I assume that the parties do not know its economic or political situation, or the level of civilization and culture it has been able to achieve. The persons in the original position have no information as to which generation they belong. These broader restrictions on knowledge are appropriate in part because questions of social justice arise between generations as well as within them, for example, the question of the appropriate rate of capital saving and of the conservation of natural resources and the environment of nature. There is also, theoretically anyway, the question of a reasonable genetic policy. In these cases too, in order to carry through the idea of the original position, the parties must not know the contingencies that set them in opposition. They must choose principles the consequences of which they are prepared to live with whatever generation they turn out to belong to.⁹⁹

Richard Dawkins succinctly summarizes the basic concept of Rawls' theory as: 'Always devise your rules as if you didn't know whether you were going to be at the top or the bottom of the pecking order.'¹⁰⁰

⁹⁸ Rawls (1999: 118).

⁹⁹ Rawls (1999: 119).

¹⁰⁰ Dawkins summarizes Rawls in *The God Delusion*, p. 264.

The question is: How can society be structured in such a way that basic social arrangements can be guaranteed, especially for those who happen to be in an unfortunate, worst-off position? This procedural method is a way of trying to find a constrained optimum for every moral position in a society. It will be wise to take in account a worst case scenario. The perspective from the original position is individualistic: *You cannot reasonably want to be in a position that is discriminated against by the group.*

In the original position you will have to imagine all possible different perspectives. Because this is impossible,¹⁰¹ you should limit yourself to the worst-case scenarios and look from that perspective how you would want the institutions to be organized. In this manner you can find the preconditions of a just and sustainable society. The justice that is the outcome of the procedure from imagining being behind a veil of ignorance Rawls calls *fairness*. Everybody in this hypothetical just and sustainable society will have maximum possibilities and opportunities to improve oneself and to do what one wants. This procedure yields the maximum possibilities for the pursuit of happiness logically consistent with that of every other person. The negative contingencies of fate will be compensated as much as is possible by means of institutions. The model tries to maximize the worst-off positions; this is called the min-max strategy: maximizing the minimum.

Inspiring as Rawls' theory is, there are serious limitations to it. Are the limitations necessary or is it possible to expand his theory to different domains? Rawls' theory has a progressive emancipative potential. Rawls designed and applied his philosophical system as a plea for a more just welfare state in the United States in the 1970's. In so far as there is a universal tendency in his theory, Rawls has in his later works argued for a limited interpretation of his theory.

Rawls himself does not think, as he argues in *Political Liberalism*, that his theory can be expanded. According to Martha Nussbaum, there are four problems, which cannot be solved within Rawls' theoretical framework of justice as fairness: '[1] care for the disabled, [2] justice across national boundaries, [3] what we owe to non-human animals, and [4] the problem of future generations.'¹⁰² Rawls concludes: 'While we would like eventually to answer all these questions, I very much doubt whether that is possible within the scope of justice as fairness as a political conception.'¹⁰³ Rawls thinks that justice as fairness might be expanded to include future generations and justice across national borders, but not non-human animals and disabled persons.

I consider Rawls' reserve unfortunate. It seems Rawls missed a chance. The broadening of the Rawlsian idea of deliberation in the original position from behind a

¹⁰¹ Reason is bounded, which means that it is often impossible to account for all possible options one has, when finding out which is the best one. This is a problem for utilitarianism, because one would have to calculate many different alternatives. To do this it would make action impossible. When this would be the ideal of reason the ideal is godlike and impossible to attain. However, while complete rationality might be impossible, irrationality is not the only alternative. One can try to make the best of it by using different strategies. See for example: Fred D'Agostino, 'To Live in Folly', public lecture at Groningen University, the Netherlands, 17 November 2004.

¹⁰² Nussbaum, (2002: 435).

¹⁰³ Rawls, (2005: 21).

thick veil of ignorance does make expansions possible. Rawls does not use the potential power of his idea because he incorporates a (Kantian) notion of the essence of a human being. When one leaves these notions behind and instead focuses on the ability to suffer, plus the universalizability of each sentient being, the theoretical problems disappear. What is left are practical problems (see below).

2.7 Nussbaum's Expansion of Rawls' Theory

Martha Nussbaum holds a different opinion on what people need and want. Whereas the Rawlsian and universal subjectivist method are procedural – justice is the result of a just procedure – Nussbaum argues that it is possible to make a list of what is needed in order to guarantee a fulfilling life for all persons based on an account of human nature. She states: 'My approach suggests that we ought to do this in an Aristotelian/Marxist way, thinking about the prerequisites for living a life that is fully human rather than subhuman, a life worthy of the dignity of the human being.'¹⁰⁴

What is *human dignity*? It seems to be a metaphysical concept, a residue of theological dogmatism.¹⁰⁵ Nussbaum does not tell what human dignity is or why it is important: 'living a life that is fully human is a life worthy of the dignity of a human being [synopsis]'. What does it mean to 'live a life that is fully human'? What Nussbaum calls a 'vivid intuitive idea'¹⁰⁶ seems no more than a personal opinion that has perhaps no universal appeal. Moreover, there is no human nature that defines the essence of human beings. Nussbaum's list of capabilities looks attractive – it might be the outcome of the universal subjectivist procedure – but she could be wrong. There is no a-priori possibility to make a list of what everyone wants or needs (except on a fundamental level of food, shelter and company). Nussbaum's view is therefore somewhat paternalistic. She starts with the outcome and gives an intuitive foundation for these notions, whereas the procedural account justifies the outcome from a hypothetical universalism. 'Humanity is under a collective obligation to find ways of living and cooperating together so that all human beings have decent lives.'¹⁰⁷ But why is this the case? Nussbaum has an intuitive foundation for her noble case. Universal subjectivism does not need a 'vivid intuition', but a vivid imagination in order to perform the universal subjectivist model, in order to imagine (in principle) all different positions of sentient beings.

Another notion of Nussbaum's that is rather vague is that of *decency*. What is a decent life? I have some vague ideas of what a decent life would be, but my intuition on what a decent life is might (and most likely will) differ from that of other people's. Nussbaum's capabilities approach does make it clear that special attention should be paid to those who are the least well off: 'The focus on capabilities reminds us that we

¹⁰⁴ Nussbaum (2002: 435).

¹⁰⁵ Nussbaum wants to extend the notion of dignity. Rachels and Singer want to get rid of the notion dignity altogether. Rachels on dignity: 'The traditional doctrine of human dignity is speciesist to the core, for it implies that the interests of humans have priority over those of all other creatures.' See Rachels (1995).

¹⁰⁶ Nussbaum (2002: 473).

¹⁰⁷ *Ibid.*: 473.

will need to make special efforts to address the unequal needs of those who begin from a position of social disadvantage.¹⁰⁸

2.8 An Astronomer's View on Ethics

Astronomer and skeptic Carl Sagan comes close to the theory of universal subjectivism in his book on science and skepticism *The Demon Haunted World*. Sagan does not take up the point he makes. He stops at the threshold of universal subjectivism: 'Still, it seems so unfair: Some of us starve to death before we're out of infancy¹⁰⁹, while others – by accident of birth – live out their lives in opulence and splendor. We can be born into an abusive family or a reviled ethnic group¹¹⁰, or start out with some form of deformity; we go through life with the deck stacked against us¹¹¹, and then we die, and that's it? Nothing but a dreamless and endless sleep? Where's the justice in this? This is stark and brutal and heartless.'¹¹² Sagan embraces the idea of morality as an expanding circle: 'Some of the habits of our age will doubtless be considered barbaric by later generations – perhaps for insisting that small children and even infants sleep alone instead of with their parents; or exciting national passions as a means of gaining popular approval and achieving high political office; or allowing bribery and corruption as a way of life; or keeping pets; or eating animals and jailing chimpanzees; or criminalizing the use of euphorants by adults; or allowing our children to grow up ignorant.'¹¹³ Sagan's aim is to criticize unreason in (American) society. By using rational scrutiny of the beliefs and morals of society he outlines universal subjectivism. This theory is not a farfetched theoretical, or even less metaphysical, concept because universal subjectivism comes up naturally when one takes individual liberty and individual suffering seriously.

2.9 Singer's Utilitarian Ethics

'Moral philosophy has not yielded a generally accepted ethical philosophy.'¹¹⁴ It is common to subscribe to the view that there is some universal ethical core to be distilled in many (all?) cultural traditions. This idea is central to the ideology of multiculturalism, which seeks to mix and mingle as many cultures as possible happily together. Hochsmann who writes on Singer in *On Singer* does exactly that: 'One of the virtues of Singer's approach to ethics is that without being discursive or didactic he integrates the moral insight of many perspectives. There is a common core of ethical values in the traditions ranging from Indian and Chinese to Islamic moral philosophy and this common core is also at the foundation of Singer's practical ethics.'¹¹⁵ Paul Kurtz also espouses this idea; he speaks about the 'common moral decencies'¹¹⁶ which are universal values shared by many cultural and religious

¹⁰⁸ Ibid.: 474.

¹⁰⁹ That is: geographical expansion.

¹¹⁰ That is: Rootism.

¹¹¹ That is: worst-off position.

¹¹² Sagan (1997: 268).

¹¹³ Ibid.: 259.

¹¹⁴ Singer 1981: ix.

¹¹⁵ Hochsmann (2002: preface).

¹¹⁶ Kurtz (1988: 63-96).

traditions. This is a nice strategy to start a dialogue, but does it mean anything? Central to Singer's thought is the idea of equality of suffering which has many consequences. Central in many religious and cultural traditions is the non-equality of certain groups of individuals (women, homosexuals, physically disabled, race, other religions, and other ethnicities, animals). There is also a large consensus within religious traditions on topics as the legalization of abortion, same sex marriage, euthanasia, soft drugs, pornography et cetera. It seems that Singer's thought – which harmonizes with Paul Kurtz's secular humanism¹¹⁷ - is to a large extent *opposed* to most religious, cultural, theological and even philosophical tradition.

Peter Singer's meta-ethics, and political philosophy can be strengthened by using the concept of a procedural hypothetical social contract. Singer is a moral philosopher who starts his inquiry about ethics from the Aristotelian perspective how to live a good life –as elaborated in his book *How are we to live*. Singer's philosophy is about an ethical way of living: 'to live not simply for the moment or only according to our individual preferences but to live with a broader conception of life that requires a commitment to the wellbeing of all sentient life and the preservation of the environment.'¹¹⁸ Singer's 'challenge to traditional ethics is massive and radical.'¹¹⁹

2.10 Reflective Equilibrium

According to Nussbaum: 'We may revise our considered judgments, if the conclusions of an otherwise powerful theory entail this [...]. Nothing is held fixed in advance – not even how much weight to attach to formal principles such as simplicity and consistency. The best and only judge is the individual person, and the community of concerned judges.'¹²⁰ The outcome of the deliberation from the original position by the universal subjectivist method will be a coherent rational moral value system. In Rawlsian terms this coherency of beliefs is called *reflective equilibrium*: 'the end-point of a deliberative process in which we reflect on and revise our beliefs about an area of inquiry, moral or non-moral.'¹²¹ The coherence account of justification¹²² can be used in two different ways regarding universal subjectivism. Firstly, the outcome of the deliberation from the original position should be as coherent as possible by taking hypothetically into account as many possible (sentient) positions as possible. Because it will be a priori impossible for every sentient being to have the maximum satisfaction of needs, seen from an individual perspective because there are many conflicting needs, the coherence will be a matter of mathematical optimization. This outcome is a reflective equilibrium.

Secondly, the method of reflective equilibrium can be used to show the incoherence of the considered judgments about particular cases. For example, Peter

¹¹⁷ Grayling (2009: 176) defines secular humanism as follows: 'Secular humanism, given its first full expression in the Enlightenment of the eighteenth century, is functionally the basis of the triumph of the West in the succeeding two centuries in science, technology, progress in democratic systems of government, and conceptions of the rights of man.'

¹¹⁸ Hochsmann (2002: preface).

¹¹⁹ *Ibid.*: preface

¹²⁰ Nussbaum (2006: 353).

¹²¹ Norman Daniels, 'Reflective equilibrium', p.1.

¹²² *Ibid.*: 2.

Singer examines the considered judgments (that is the Christian inspired moral views) about medical ethics, especially on abortion and euthanasia. Let's, for example, look at the case of abortion from the two ways of using reflective equilibrium.

In *Rethinking Life and Death* Peter Singer examines traditional moral views on medical ethics and concludes that these are severely incoherent. If human life is sacred, as is the traditional religious view, then all life should be protected as long as possible. But why is it wrong to abort a seriously disabled fetus or euthanize a severely disabled baby, while on the other hand many Christians are advocates of the death penalty? This is a contradiction, an inconsistency.¹²³ Singer analyses many of them. Grayling points out this same inconsistency in Christian ethics: 'It is an oddity that those who invoke the sanctity of life are not as invariably opposed to war, arms manufacture and capital punishment as they are to euthanasia and abortion. Yet these latter are intended to help the living, while the former are designed to harm them.'¹²⁴ This is the method of reflective equilibrium used in a negative way: showing the incoherency of a set of moral beliefs.

In a positive way, reflective equilibrium can be used to make a set of beliefs as coherent as possible. As in the example of abortion, it is universal that the freedom to abort or not is an autonomous choice of the pregnant woman. The fetus itself is in a different, lower¹²⁵ position than the pregnant woman because the woman is a person, whereas the fetus is a human being in potential, not a person. When balancing the two positions then the moral importance of the woman outweighs that of the fetus because the range of needs and interests of the woman are far greater than that of the fetus (because the fetus is not yet a person).

Rawls uses the idea of reflective equilibrium to temper the outcome of the deliberation from the original position because 'the chosen principles must also match our considered judgments about judgment in reflective equilibrium. If they do not, then we are to revise the constraints on choice in the contract situation until we arrive at a contract that yields principles that are in reflective equilibrium with our considered judgments about justice.'¹²⁶ The progressive and revisionist power of the deliberation from the original position is severely tempered if the outcome should match considered judgments. Universal subjectivism, being an expansion of the Rawlsian original position, is not likely to meet a reflective equilibrium with the considered moral judgments. On the contrary it differs greatly from it, because it shows the blind spots of ethical concern. The method of reflective equilibrium can be used in the two different ways, which are mentioned above, but when it is used in the Rawlsian manner the moral scope of the theory is unnecessarily severely weakened.¹²⁷

¹²³ The Christian argument is to insist on the notion of innocence: fetuses are innocent, criminals are not. But then it follows that not *all* human life is sacred, but only innocent human life is sacred. But what is innocent? Some convicted criminals who have been executed were innocent as well...

¹²⁴ Grayling (2004: 164).

¹²⁵ Like a plant is lower, because of the range of feelings, emotions et cetera.

¹²⁶ Daniels (1989: 4).

¹²⁷ Cf. Richard Hare, 1973, 'Rawls' theory of Justice', *Philosophical Quarterly*, 23: 144-55; 241-51. In: Daniels (1989: 4).

Peter Singer criticizes Rawls in the same way: 'Rawls [...] blunts the radical implications of his own starting point and so arrives at a theory of justice that justifies a kind of society apparently not so different from our own liberal-democratic free-enterprise system, and says almost nothing about the demands of justice in distribution between nation-states. So justice is made to accord with most of the moral intuitions most people already accept.'¹²⁸

Ethical and political theories should answer three important questions. The first one is: For whom is the theory meant to be an improvement? Secondly, by whom are the (fundamental) decisions made? And thirdly, what is the use of the theory? Why bother?

2.11 For Whom?

Nussbaum lists the limits of contract theory in her book *Frontiers of Justice*: 'For the contractarian, the question "Who makes the laws and principles?" is treated as having, necessarily, structurally, the same answer as the question "For whom are the laws and principles made?" This is so because of the contractarian's whole picture of social cooperation: people under pressure get together to secure their mutual advantage, by accepting constraints that are dictated by equal respect for the other parties to the bargain. That initial device ensures that they will be considering themselves as the primary if not the only subjects of the principles of justice that they subsequently design. Other beings can enter only derivatively, through relations of concern and trusteeship.'¹²⁹

Which entities have moral status? Mary Anne Warren defines moral status thus: 'To have moral status is to be an entity toward which moral agents have, or can have, moral obligations.'¹³⁰ In universal subjectivism, to have an obligation means that in the original position you should try to maximize any worst-off position. You are obliged to your own perspective that can hypothetically be actualized in the real world as any sentient being. Universal subjectivism takes into account the needs of all sentient beings anywhere at any time. All entities that are capable of suffering pain, are possible positions in which you yourself could happen to find yourself. Therefore, all entities capable of experiencing pain have moral status.

Philosopher James Rachels takes a similar starting point for moral reasoning: the individual without the borders of the species. He calls this view 'moral individualism'. The purpose of Rachel's theory¹³¹ is to replace traditional moral and religious codes. Universal subjectivism also takes as starting point the individual, i.e. any sentient being. The veil of ignorance is an informational restraint, a means to make the contingencies of your particular existence explicit and to suppress the tendency to create a special position for one's own. In this model *you cannot reasonably want misery for yourself*. This is an important point, because if one takes seriously that you cannot reasonably want misery, then this is a severe critique of many cultural traditions and practices. It places a severe limit on the scope of

¹²⁸ Peter Singer, 'Philosophers are Back on the Job', in: Kuhse (ed.), *Unsanctifying Human Life*, p. 62.

¹²⁹ Nussbaum (2006: 350).

¹³⁰ Mary Anne Warren, 'Moral Status', in: Frey (2003: 439).

¹³¹ Rachels (1991).

pluralism and multiculturalism, because no traditions that enforce practices on individuals, who do not want their life to be interfered with (if they could make an autonomous well informed decision), can be justified from a universalizable point of view. Hypothetically you can be anyone, there is no moral justification why you are that particular existence; therefore you have to take into account different positions. That will create restraints on special pleading and privileges that in the real world are extorted by force. The model does not rely on altruism. It does not need compassion for others *as the other*, but it makes one take into account the position of others because this could be *your* position. Universal subjectivism is hypothetical rational egoism.

In the original position of Rawls' theory it is essentially important that you have no idea what your position in the real world will be. In practice, if you would play the game, you will most likely be inclined to think you will probably be in roughly the same position as you are now. When the chances for each existence are equal in all three dimensions - geographic, temporal, and biological - the chance that you would be a healthy wealthy westerner living now is incredibly small. This means that the position, which the healthy wealthy westerners are in, is an exceptional, privileged position. It is a privileged position that cannot be justified from the universal subjectivist position either.

This theoretical political and ethical model demands a lot of imagination and empathy. In practice people lack the power and the will to imagine being in a different existence. People believe obstinately in the necessity of their own existence. Ethicists usually argue that something has to change: people's opinions, religiosity, traditions, society, the economic system, beliefs, and the organization of power, behavior, and education. In order for universal subjectivism to work, people will have to broaden their empathic abilities. The weakness of universal subjectivism is this lack of empathic imagination and indifference to the suffering in other beings due to partial emotionality¹³². A lack of motivation will be the main obstacle for universal subjectivism to have any significant use.

Political thinker Dirk Verhofstadt analyses the ideal of individualism in modern politics and defends individualism against threats from collectivism, communitarianism and group-thinking in his book *Pleidooi voor individualisme* ['Plea for individualism']. 'Repression of the individual is of all times and places. To some extent it is present in all societies and communities whether for political, cultural or religious reasons. For centuries the individual has been subjected to the interests of the community.'¹³³

Historian, writer and Canadian MP Michael Ignatieff shows that the importance of the human rights discourse is in the shift in who is protected by the law: 'Before the Second World War, only states had rights in international law. With the Universal Declaration of Human Rights of 1948, the rights of individuals received international legal recognition.'¹³⁴ Sadly enough, legal recognition is not the same as actual recognition of the rights of individuals.

¹³² See paragraphs: 'Rational Rationality' and 'Partial Emotionality'.

¹³³ Verhofstadt (2004: 7), [translated by FvdB].

¹³⁴ Ignatieff (2001: 5).

If you have doubts about individualism, imagine yourself in the position of the one who has to knuckle under to confirm to the wish of the group. Verhofstadt argues that individualism is often thought to be the same as nihilism, egoism and hedonism. Individualism is something different, Verhofstadt defines it as: 'Individualism is a very positive force that empowers individuals to take control of their own fate independent of conservative forces in societies.'¹³⁵

The definition of 'individual' usually means individual human beings. Therefore, the concept of the individual has to be expanded to include non-human individuals. Individual therefore means: entities capable of experiencing pain.¹³⁶ Verhofstadt notices that individualism is not contrary to solidarity, but, on the contrary and perhaps paradoxically, a precondition for solidarity. Individualism means taking individuals seriously and accepting differences. Individualism is much more tolerant to individual differences than group ideology.

What remains to be answered is the free rider (or free loader) problem. One can say: 'I understand that people should act morally in order to improve the living conditions of all, but why should *I* be moral? I will probably be better off if I cheat.' At a party usually someone will turn up and say: 'Of course tax is a good thing, but why should I be honest?' Individual cheating pays, as long as you are not caught. Game theory also proves this. From the objective perspective everyone is best off when nobody cheats, from the individual's perspective you are best off when you are the only one who cheats. 'So, why should *I* be moral? Let *them* be moral!' 'Why should I be moral in those cases where acting morally will not be in *my* rational self-interest?'¹³⁷ The position of the cheat, the free rider, is not universalizable.

2.12 By Whom?

'For whom?' is about the question what entities have or should have moral status. 'By whom?' is about what entities are moral agents. Not all entities with moral status are moral agents. There is an asymmetry between moral entities on the one hand and those making up moral rules on the other. The veil of ignorance is the bridge, because you can *imagine* yourself to be in a position of an entity capable of experiencing pain, but incapable of participating in creating moral rules, for example imagining yourself to be a retarded person.

Although universal subjectivism is meant to be a universal theory that can arrange just institutions, the allocation of scarce resources and (re)distribution of primary goods, only a small part of all sentient beings can do the deliberation from the hypothetical original position. Similar arrangements are common in real life. Mentally disabled people cannot (are not allowed to) vote. Other people, caretakers, look after their finances, housing, and care. Mentally disabled are sometimes sterilized so they can have sex without reproducing, which would cause severe problems with child-raising. Children are also under care and guidance of their

¹³⁵ Verhofstadt (2004: 8).

¹³⁶ Of course, an individual human being is much different from an individual rabbit. This is a matter of degree, not a fundamental difference. See my comments in the section on animals. The capacity to suffer is dependent on biological species, but not exclusive to human animals. Verhofstadt excludes non-human animals.

¹³⁷ Nielsen (1989, 176).

parents or caretakers. These caretakers take decisions for others. But whereas in real life the caretakers own interests might influence decisions, in universal subjectivism it is the hypothetical concept of being somebody else. You do not have to think altruistically. Though the idea that only those who are able and willing to do the deliberation and imagination (theoretically) decide how a just society and human relations are to be ordered and organized has a paternalistic inkling, it is not. In a paternalistic situation other people decide what is good for you and this can be different from what is good for you. Universal subjectivism is restrained universal egoism.

2.13 What For?

Why would there be a need for a political theory anyway? And, why be moral to begin with? Philosopher Kai Nielsen devoted a book on the topic of *Why Be Moral?* (1996). He specializes in meta-philosophy, ethics, and social and political philosophy. Nielsen has also written about philosophy of religion, and is a leading advocate of atheism. He is also known for his defense of utilitarianism. Nielsen gives the common sense answer that morality promotes the larger common good: '[...] the best possible life for everyone is attainable only if people act morally; the greatest possible good is realizable only when everyone puts aside his own self-interest when it conflicts with the common good.'¹³⁸ John Rawls is clear about the purpose of society: '[...] although a society is a cooperative venture for mutual advantage, it is typically marked by a conflict as well as an identity of interests.'¹³⁹

In many social contract theories the reason to cooperate is mutual advantage. It is reasonable to cooperate in order to gain mutual benefit. Social Choice Theory¹⁴⁰ has done research on how people make and should make rational choices in order to gain maximum benefit. But not all persons, and even less, sentient beings, can (economically) contribute to a mutual advantage. These social contract theories have blind spots for many possible existences. Universal subjectivism does not leave any sentient being outside of the scope of morality.

According to pragmatic humanistic philosopher Paul Kurtz it does not make sense to ask: 'But why obey any ethical principle at all? Why not reject them all? Why believe in morality? Prove to me that one ought to behave morally?'¹⁴¹ Kurtz answers: '[...] obligations are concrete, and they grow out of our social roles, and our future expectations.'¹⁴² It just doesn't make sense to ask 'Why ought I to be moral?', because all ethical questions are concrete and embedded in a social context. '[...] it is not a meaningful question unless given content by reference to a *specific* claim. [...] It all depends on one's personal relationship to others and various occupations and roles within a social scheme. It is within that institutional framework that the *prima facie* general principles and the common moral decencies resonate.'¹⁴³ 'The basic moral rules are the lubricant that makes harmonious social transactions

¹³⁸ Ibid.: 175.

¹³⁹ Rawls (1999: 109).

¹⁴⁰ See for example: Allingham (2002).

¹⁴¹ Kurtz (1988: 152).

¹⁴² Ibid.: 152.

¹⁴³ Ibid.: 152-3.

possible. Each of these rules is tested by its consequences in action. To deny them would lead to chaos and disorder.¹⁴⁴

It seems hard from this perspective to criticize the existing moral order. There seems to be a conservative tendency in this approach. How to find blind spots in morality? What if the common moral decencies of a particular society are not so decent? Kurtz makes a distinction between *reason* and *motive*, which seems helpful. There can be a good reason to comply with moral rules, but still the motive might be lacking. For example, there is a good reason why a student should do his or her homework, but the reason by itself might not be a powerful motive when there is so much fun out there. Philosophers tend to focus on reasons, not motives. It is psychologists who are concerned about motives for moral behavior. This is most probably a weakness of moral philosophy: it creates reasonable reasons for morality, but no compulsive or even appealing motives. This gap between reason and motive makes moral philosophy utopian. There is a necessary order: first one has to have the right reason before one can start with the motives. People can, and are, highly motivated to do the wrong things, like going enthusiastically to war. Here Russell's maxim is spot on: 'The good life is one that is guided by reason, and inspired by love.'¹⁴⁵ Or, translated to the occasion: there have to be good reasons for behavior, but without motivation it goes nowhere.

There are several reasons as to why there should be a political theory. Thinking about politics and ethics is to try to make things better, especially for those worst-off. Most political systems and moral traditions have been growing historically without any rational deliberation. It is the task of normative philosophy to try to develop a method in order to create a world in which every sentient being¹⁴⁶ can develop its capacities as fully as possible. The maximum equilibrium of total bliss for all sentient beings will not be possible, but normative theory tries how to find the maximum (practical) possible sustainable organization of society, including human-human relations, human-non-human and human-nature relations. Why there should be a normative theory is that the least well off are better off in a rational system and the fate of those least well off matter because *it could have been you*. You do not need god or any intuition, just a vivid imagination. *Happiness- in a minimal sense the avoidance of unwanted suffering- is what everybody strives for*. '[...] people do on the whole want to make something of themselves, and by doing so give their lives meaning.'¹⁴⁷ It doesn't have to be sublime intense moments of happiness all the time. Not being unhappy is also a form of happiness, in the Epicurean sense. Epicurus argued that in the long run it is better to avoid unhappiness than to actively pursue moments of intense happiness. Hedonism is nowadays often interpreted as the search for instant happiness and thrill-seeking. Happiness is the avoidance of pain, the satisfaction of primary needs and the pleasures of living. It is a state of contentment. One who is not in pain, not hungry, not pressed to do things against one's will, that person should consider his or herself happy. A well-ordered society cannot guarantee

¹⁴⁴ Ibid.: 153.

¹⁴⁵ Russell (1995).

¹⁴⁶ As far as human-animal relations are concerned.

¹⁴⁷ Baggini (2004: 121).

an individual's happiness, but it gives the conditions under which happiness has a better chance. The sociology of happiness tries to define what the conditions of happiness are.¹⁴⁸ These conditions are negative conditions, i.e. negative freedom, provided by the state: law and order that guarantee that the laws are obeyed. This will result in a safe and stable, civil society. Furthermore the state can actively work to stimulate people's striving for happiness by facilitating and subsidizing the arts, sports, cultural and recreational facilities and activities, like building theaters, stadiums, fringe benefits and health and child care systems. The reason why the state should be concerned about actively facilitating happiness is that most individuals are better off when the state organizes and finances these conveniences. Without the welfare state most individuals would be worse off, even the rich because of a lack of infrastructure and safety.

The organization of the conditions of happiness, something like the list of human rights from the Universal Declaration of Human Rights (the right of life, inviolability of the person, et cetera) will be the topic of the model I am trying to develop.

2.14 Two Principles of Universal Subjectivism

Two general principles follow from the procedure of universal subjectivism, which form 'a set of beliefs that any reasonable person would, if given the chance, choose for his or herself'.¹⁴⁹

1. Maximalization of individual freedom *without harming others*. This principle can be divided in two sub-principles:
 - a. The institutions of (global) society should be arranged as to guarantee the largest possible individual freedom for each individual (*negative freedom*).
 - b. Maximalization of freedom of opportunity for each individual (*positive freedom*).
2. Institutions should be ordered in such a way as to optimize the worst-off positions.¹⁵⁰

¹⁴⁸ On the sociology of happiness: Veenhoven (1984), Kurtz (1985), Singer (1995) on the good life and happiness: Grayling (2003).

¹⁴⁹ Humphrey (2002: 313)

¹⁵⁰ Jeremy Bentham's famous maxim that we should strive for 'the greatest happiness for the greatest number' is problematic, because what if, for example, meat eating makes many people very happy so that the total amount of happiness (even when the suffering of animals is subtracted) is larger than a world without meat eating and intensive farming, or if enslaving minorities to serve the interests of the majority would increase the total amount of happiness? However, Bentham's maxim can be rephrased as: striving for *the least unhappiness for the least number*. It seems this comes close to the principle of universal subjectivism of striving to optimize (=making them less unhappy) the conditions for those worst-off. See P. Sargent Florence in Ayer (1968: 231).

