

Maria Clara Dias

ABOUT US

expanding the frontiers of morality



SOBRE NOSOTROS
EXPANDIENDO LAS FRONTERAS DE LA MORAL

SUMMARY

FOREWORD

CHAPTER I. The characteristics of moral discourse

CHAPTER II. On the justification of our moral judgments

CHAPTER III. Utilitarianism

CHAPTER IV. Kant and the Categorical Imperative

CHAPTER V. The Kantian heritage

CHAPTER VI. Ethics in Plato and Aristotle

CHAPTER VII. Moral and political perfectionism

CHAPTER VIII. Moral and political justice

CHAPTER IX. Inclusion of non-human animals

CHAPTER X. Art and environment

Bibliography

Editorial board

Copyright

To Sofia, my life,
my greatest joy.

FOREWORD

When I started this book, my goal was to provide a minimum and panoramic view of ethics that would help my students and all those who were somehow interested in the theoretical assumptions of Ethics. When I started writing it, I realized that I could not do it without mentioning in each chapter, my journey, and my vision of Ethics. Thus, the book is perhaps less introductory and not at all neutral, which leads the reader through the paths that I suppose are the right ones, to an expanded conception of morality. Its title represents my final objective; to talk about us, but specifically, to redefine who we are, those who matter from the morality point of view.

In the expectation that this is an open book, where readers point out gaps and ask their own questions, thus generating new versions, I presented the first version of the manuscript to students, colleagues, and friends. So I make my first section of thanks to my first readers. I want to thank Alexandre Costa for his careful reading of this and all my texts, the intellectual and affective endorsement of my ideas, which not only guarantees their continuity but also makes me feel safe and accompanied on this journey. I also thank Leonardo Couto for his generosity in sharing his transformations with me and for welcoming my ideas. His comments and his affection renew the realization that I chose the right path. I thank Marcelo Cattan for his refined and friendly listening, which has been my safe haven for thirty years. To Carlos Dimas Ribeiro, I appreciate the comments, the endorsement of my ideas, and, above all, the affection, the companionship.

I have the joy of having built a family of students and friends. For various reasons, not all of them have read this manuscript. Still, on behalf of Fabio, Julianna, Suane, Diogo, Fernando and Pedro, I want to thank all of them who, with their affection and their actions, make my world more comfortable and better.

I want to thank José Mario Carvão, editor of the Portuguese version of this book, for having believed in me and made it possible for me to share my ideas. I thank Milena Peres for the talent and care with which she embarks on my dreams and strives to make them come true.

Finally, I thank Bonnie, Heika, Tico, Shima, Lua, Bambam, Filó and Marie, my feline soul mate, for being the proof that love has no borders. The memories of their short lives will be eternal.

CHAPTER I. The characteristics of moral discourse

Ethics and/or Morals: a terminological introduction

When we hear about ethics and morals, it often occurs that we ask about the similarities or not of both terms. Regarding their historical origin, ethics and moral can be considered synonyms. Ethics has its origin in the Greek term *ēthikós*, which translates into Latin as *moralis*, from which derives the term moral. The Greek radical *ethos* has basically two meanings. In its first sense, *êthos* (long) refers to the faculties of the character. Ethics would thus be the study of the faculties of the character. In its second sense, *éthos* (short) refers to the customs. The translation of *ēthikós* as *moralis* does justice to the second meaning, since the radical *mores* is also a reference to uses or customs. Therefore, Latin translation would leave aside questions related to the constitution of character at the margin of the ethical discussion.

Ethics in the Greek tradition should provide the guidelines for us to enjoy a fulfilling life. It prescribes a good living diet. In this sense, it should dictate the rules that establish the relationship of the citizen to himself and others. The ideal practice of sports, musical initiation, food, as well as the sexual and emotional life of each citizen, should be carefully listed among the ethical prescriptions. Morality, as demanded of us in modernity, should be understood primarily as the set of rules or principles that guides social life, or rather, that prescribes our way of acting in relation to others. In this way, the morals restrict its scope of application, leaving aside the realms of private life. Issues that concern exclusively to individual projects, that is, the ones that do not intervene on the common welfare or the duties related to the other, do not belong to the competence of morality. This distinction will make some modern authors – such as Hegel –, or contemporaries – such as Habermas –, for example, opt for a differentiated use of the two terms; where ethics would be related to the “world life” in general, and morality would connect to systems that prescribe the behavior of an individual in relation to others.

The most common distinction between ethics and morals in the specific field of Philosophy concerns “Ethics” as a philosophical subject

that discusses practical issues, i.e., normative systems and actions derived from them, and “Morals” as an object of Ethics itself, i.e., the morals while conforming to a set of rules that dictates our most fundamental duties towards other individuals.

Here I will be continually addressing the content of Ethics, that is, morals. Thus, I intend to use the terms ethics and morals indiscriminately, obeying only stylistic adequacy. My next step will be precisely to analyze the main characteristics of this discourse with which we are so familiar on a daily basis, but which in practice we do not manage to distinguish very well and from which we have randomly appropriated many times.

The characteristics of moral discourse

On a day-to-day basis, we see people accusing each other of unethical behavior or demanding that some individuals, political parties, or governments behave ethically. We are so familiar with such speeches that we no longer even think of asking what exactly they are referring to. Generally, we tend to agree and support the claim. In these moments, it is possible to say that we use the term “ethics” as an expression that expresses censorship to a particular type of behavior. We are not wrong in doing so. Still, perhaps we can better express ourselves and, most importantly, adapt our responses to the counterpart of the one who is criticized, if we can truly understand, in general terms, the complaints we are addressing.

It is common, for example, for us to be shocked by words such as: “I have my ‘personal’ ethics.” What would personal ethics be? With these words, our interlocutor refers typically to his or her “own” ethics, that is, of the individual himself. Faced with such an answer, many remain quiet. I dare say that they are silent because they do not also have enough understanding of what ethics means. Our interlocutor can have his/her “own” ideas and selfish desires, but personal ethics would be a semantic contradiction. I say this since, embedded in the moral discourse, there is a claim for universal validation that makes us hope – in the various contexts in which morality is applied – the most diverse speakers of the language can agree with us about what ethical decision making is or is not. Of course, we can disagree on what, in each context, would be more ethical, but we can only do this if we use public criteria, therefore shared, that corroborate our judgment. Based on these same criteria, we believe we can convince others

or, more simply, we think we can justify in broad terms – traditionally called “universal” –, the presumption of the validation of our judgments.

Having said that, we have pointed out the main characteristic of moral discourse: a claim of universal validation. Whether or not we are able to support or justify such a claim is a different story. I would even say that it is the main problem of Ethics as a philosophical discipline. In the next few chapters, we will see in detail how the philosophical tradition has dealt with this issue. For the moment, I am more concerned with common sense, and it will be enough in this instance to agree on this claim.

If I, my readers, and most of the speakers who use moral vocabulary around the world agree to feel a strangeness when they see their moral convictions confronted and their most basic moral judgments denied. I take this as a symptom that we believe in the broad, universal claim of validation that characterizes moral discourse. By the end of this book, you might be convinced that morality is a fabrication, and all moral discourse has never been more than a sophisticated ideological garment. For now, I would ask you to grant me, for the sake of argument, recognition of this claim to universality as one of the trademarks of moral discourse. Even though, eventually, we may share the belief that universality was never more than a delirium of knowledge and philosophical power and that, in the concrete world, universal is at best, the predicate that we attribute to our most dear generalizations. As we shall see later on, universality in practice is an aspiration to be as comprehensive as we can and to include, under the guard of morality, all beings upon whom we have endowed some value.

Let us now move on to another striking feature of the moral discourse, namely its prescriptive character.

Because of its prescriptive character, the moral discourse is distinguished, firstly, from the so-called assertive discourse. Assertive discourse is the one that raises the pretense of truth. It is through language that we describe facts or state of affairs and claim for such statements a pretense of truthfulness.

I can say, for example, that today, September 21, 2015, it is sunny in the city of Rio de Janeiro. My proposition may be false or true, depending on the concrete climatic conditions of the city of Rio de Janeiro on this day. I can get close to its veracity by going to the window and observing whether or not it is sunny. Let’s suppose now that I say that it’s sunny in Berlin, but that I can’t justify my statement by direct observation of the

climatic conditions outside my window, simply because I'm not in Berlin. As in the case of the previous enunciation, here too, we are faced with a true or false description. Which means this statement could only be either true or false – regardless of the circumstances of the person who pronounces it or their possible form of verification. It would be imprudent to affirm something about the weather in Berlin, without elements that would justify or guarantee the veracity of my statement, but, the absence of such elements, does not eliminate the assertive character of my report, it only makes it closer to a false claim.

Such statements are always either true or false, even when, from a philosophical point of view, it has not been an easy or uncontroversial task to explain under which conditions we can guarantee their veracity or falsity. The area of Philosophy focused on investigation and verification of statements of this kind is called Epistemology – an inquiry into our way of knowing the world and adequately expressing our views on it. In this context, the philosophical controversy falls upon the different theories of truth and their respective forms of understanding and justification.

Theories of truth as correspondence, coherent theories, and pragmatic theories of truth come from antiquity to the present day acquiring new supporters and new approaches, more consistent with the language and beliefs of each era. There are more than 15 centuries of philosophy on this subject, and evidently, I don't intend to explore them here. For our purpose, it is enough that we can identify this specific use of language and, even if trivially, distinguish it from the application that we intend to grant to our moral statements.

Whatever the climatic conditions in Rio de Janeiro, Berlin, or anywhere on the planet, we believe that “we must not impose unnecessary suffering on others”; “we must honor commitments”; and “we must act to promote specific values”. Statements of this kind do not describe facts or states of affairs in the world, but determine, prescribe, how we should act. It is not about verifying whether a particular statement is false or true, but about deciding how we should act in the light of individual facts or circumstances. Consider an example. A descriptive statement such as “non-human animals feel pain” attempts to report a fact and can be true or false. In relevant contexts, those who believe this information to be true will account for it as they reflect and determine how they act. Combined with the moral belief that we should not inflict unnecessary suffering on other

individuals, such information will dictate behaviors and the observance of a specific way of life.

These examples indicate the relationship between descriptive and prescriptive statements. Descriptive statements provide the information base on which our prescriptive statements operate. Unless we know the world or adopt an approach to the way things are, we cannot make decisions about how we should respond to bring the world closer to the way we would like it to be. However, the simple realization that “non-human animals feel pain” or that “Mary is hungry” does not prescribe any action, unless it is also associated with specific moral judgments, which formed from a combination of previously defined beliefs and desires.

Contrary to the assertive discourse that reports the question of truth, moral discourse expresses, so to speak, rules of conduct. But what kind of rules do we actually consider here? In the field of prescriptive discourse, we can identify a great variety of them, with very distinct functions and universes of action. Our point will now be to distinguish between the various discourses of a prescriptive nature, the one that we identify as being the moral discourse itself.

The first type of essentially prescriptive speech that comes to mind is legal speech. It determines what we can or cannot do from the legal point of view in our country. Types of marriages, working hours, access to public goods, taxes, etc. are some of the prescriptions contained in this field, which, in turn, define the forms of punishment against those who, perhaps, do not abide by the prescribed rules. Rules may differ from country to country, also types and degrees of punishment for those who do not comply with them. As a result, we may be surprised to see countries where the working day is longer than 8 hours, where individuals over the age of 18 can purchase drugs in licensed stores or where the supply of alcoholic beverages is prohibited after a specific time. This is because each country, although there is a lot of convergence, also sets rules that are specific to its cultural environment, and that may be seen by individuals from other countries as positive or negative eccentricities. Living in a country means to be subject to its legislation, either as a native or as a foreigner. In many cases, countries also have different rules for the two.

Nevertheless, there is a context in which our mere gaze of strangeness becomes a gaze of censorship and public disapproval. How we react, for example, when a country punishes robbery with hand amputation or

adulterous women with public stoning. Also, how we respond to the laws of our own country when it denies its citizens the decision about the end of their lives and imposes on women the burden of carrying out an unwanted pregnancy. Where do the censorship and disapproval we have on these cases originate? In the first two cases, one could claim it is just the same strangeness, this time exacerbated by cultural differences. It is difficult to determine the extent to which we can justify our indifference or estrangement based on cultural differences. It is difficult to discern how far our prejudice can go, but I venture to argue that in the first two cases, as in the later ones, we are facing the same phenomenon. A phenomenon that leads to the limit between what is legal and what is moral.

Our censorship and disapproval under the laws in force in our own country indicate that there is – in the norms that govern our conduct – something that is beyond legislation, beyond national borders, and that we believe can be endorsed by all who share common values with us. It is in this realm of discomfort and indignation towards the rules that order a socio-political reality – or even an era – that morality is revealed, with all its claim to universality. There is, in contrast to the legal norms, a “we cannot/we must not” without borders, aspired since the beginning of philosophy, perhaps of humanity. As I have previously mentioned, we may never be able to explain the source of this aspiration adequately. Maybe it is one of the many philosophical artifices created to ensure our psychological integrity. At this point and - I would venture to say - perhaps also in our real life, that does not matter. The important thing is – in the face of some contexts – to know whether or not we have this perception, whether or not these feelings are generated in us. If the answer is positive, I have achieved my goal. I was able to show that if we want to understand the more general characteristics of the rules dictated by morality, we need to persevere and go beyond the set of legal rules.

In all societies, some behaviors abide by a pattern inherited directly or indirectly by tradition. The rules that determine it are often not explicit, but when they are not followed, they trigger a degree of social strangeness. There are no laws in the legal system that requires compliance, nor legal punishments for those who break them. However, there is an expectation from the social structure that adult individuals, or rather, properly socialized, under normal conditions, do justice to it. We could call this

group rules, etiquette rules. For instance, we have specific expectations about how adults, regular individuals should behave at the table.

We know that from culture to culture, these expectations can vary, and we are continually willing to review our judgments by confirming that the offender belongs to a different culture. It takes some time to become familiar with certain rules of social behavior from cultures other than our own. We may misinterpret them and feel offended by certain behaviors, but the misunderstanding dissipates when we realize that we are merely confronted with different rules of social interaction.

The mastery of certain social habits is often understood as a condition for an individual to be considered as belonging to a particular group or society. Behaving differently in these situations does not merely mean being different, but rather not understanding the symbolic relationships established at the heart of a particular culture. The way we greet other individuals in different social environments and different cultures is an excellent example of that. In certain countries, we refer to non-intimate people using so-called “formal” treatment, i.e., making use of linguistic prerogatives, such as using their family name or the third person’s pronoun. The formality, in this case, would indicate a degree of respectful detachment and would be interpreted as a sign of politeness. In other countries, this same formality and its inherent indifference could be seen as a manifestation of superiority and pedanticism. In any case, however, there would be no discomfort that further interaction between the parties could not dissolve or even eliminate. In general, this is a matter of social etiquette, which can be learned and assimilated according to the interest of the parties.

By adopting a new rule of etiquette, it does not seem to offend or harm any of the individual’s identity traits. In most cases, it means only adapting to the socio-cultural contexts. We do not expect everyone to follow the same social etiquette as we do, nor are we upset when we see that these rules differ so much from one culture to another. Such rules are, in a manner of speaking, relative to socio-cultural contexts, and not complying with them would only be an indication of not belonging to that group or of incomplete/deficient learning.

If this characterization is correct, we could say that the rules of etiquette have nothing to do with the rules we seek to unravel, namely, the moral rules. We stated that moral rules raise a pretense to universality, how could they then be confused with rules related to such specific contexts? We

noted that a disagreement with a moral rule causes in us a feeling of repulsion, that is, much more than a mere strangeness, how could we get rid of this feeling by a simple process of learning or re-education? The fact is that we can locate and identify the causes of disagreement, as much as we can report it to cultural differences, but perhaps we cannot do it as to all that we have left, as evidence, since such are feelings of repulsion and indignation.

Here I introduced the rules of etiquette because they derive from the same source as all other social rules, namely, in the contexts of socio-cultural interaction. In the same settings in which the legal rules originate. The difference between the two is not in their origin, but in the social punishment for each case. If moral rules are also social rules, then we should refer them to their common source. We must investigate what distinguishes them from other social rules. Could we say that, similarly to the legal rules, they are also distinguished from the rules of etiquette by the mechanisms by which we punish their offenders? In practical terms, it is clear that they do. We do not expect the same kind of punishment for those who greet us inadequately and for those who violate our psychological integrity. The problem, however, is that no matter how indignant we may be about specific behaviors and no matter how obvious it may seem to us that the perpetrator knows when he or she is behaving inappropriately, we have no clear punishing mechanisms for that. This situation strengthens our indignation and makes us aspire to legal mechanisms to punish moral infractions. Ultimately, once again, what strikes us is just the distinction between the violation of moral rules, the violation of legal or etiquette rules, but not what makes them so radically different.

Now, let's try a new approach. Legal rules, rules of etiquette, and moral rules are social rules. That is, they determine the individual's behavior or actions in the social realm. The existence of a set of legal rules and the appropriate conduct as a result is explained or justified by the use of legislation. The presence of specific rules of etiquette is based on a habit, a tradition, a culture. What exactly explains or justifies the existence of moral rules?

When we assume that moral rules are justified based on legislation, we are subordinating morality to legality and renouncing its claim to universal validation. When we consider that moral demands are due to habit or tradition, we are once again relativizing the supposedly universal value of

such demands. That is, in both cases, we will need to renounce the claim to the universality of morality. By contrast, it will remain unclear to us why we react differently to a moral violation. Our feelings of repulsion and indignation will have to be considered only an exaggerated reflection of our strangeness.

Being able to identify a problem here, evidently, does not mean that this is not the case and that morality, in essence, is just one of our inventions to account for a feeling of strangeness which we cannot conceal. For the sake of clarity, the problem I want to bring up here is not in recognizing that morality is a human invention since all social rules are human inventions⁴. The problem is in suggesting there is a group of social rules distinct from others, and that calls for a claim of universal validation. Therefore, our only way out is to investigate whether it is possible to justify such a presumption and how it can restore the shaken glory of our moral discourse.

RECOMMENDED READINGS

DEWEY, J. *Human Nature and Conduct*. Carbondale: Southern Illinois University Press, 1922.

DEWEY, J. *Theory of the Moral Life*. introd. de Arnold Isenberg. New York: Holt, Rinehart & Winston, 1960.

HARE, R. M. *The Language of Morals*. Oxford: Oxford University Press. 1952.

HARE, R. M. *Moral thinking: Its levels, method, and point*, Oxford: Oxford University Press. 1981.

RACHELS, J. *The Elements of Moral Philosophy*, New York: McGraw-Hill, 2003.

TUGENDHAT, E. *Probleme der Ethik*. Stuttgart: Reclam, 1984.

HARE, R. M. A. *Linguagem da Moral*. Lisboa: Martins Fontes, 1996.

CHAPTER II. On the justification of our moral judgments

In the previous chapter, we considered two distinct groups of statements; assertive statements and prescriptive statements. The former describes a particular state of things in the world and, in this sense, raise pretense to the truth. To support this claim, I mentioned, without going into detail, that different theories of truth were elaborated. For our purpose, however, it is enough to remember we generally associate such a claim by verifying how the world is presented to us. In this sense, if we affirm that, at sea level, water boils at 100 degrees centigrade, this is because we have carried out such an experiment countless times, and even today, we observe a regularity between the heating of the water and its boiling process. By affirming that 2 plus 2 equals 4, or that the sum of the four angles of a square equals 360 degrees, we are expressing knowledge of mathematical relations. As long as such phenomena can be observed and/or such connections are valid, we will have a reliable basis to restore the pretense of the validation of such beliefs.

The second group of statements is prescriptive, that is, statements that do not relate to the way things are, but to the way they should be. These statements determine how we should behave and therefore raise a claim of distinct validation. They are valid not when they express the truth or falsity about something, but when they formulate the right or correct way of behaving. However, if previously, in one way or another, we had the “world” as a parameter, to what should we now refer to when we wish to verify the validation of a prescriptive statement?

Also in the previous chapter, we mentioned some cases of prescriptive statements. In the first case, that of legal rules, it seems easy to indicate the mechanism for verifying their validation. A legal rule – as we have learned – expresses a legal order, representing – from the society’s legal organization – what we believe to be correct. In this sense, if we have any doubt about the adequacy of a specific legal rule, it is sufficient to resort to the legal system and verify whether or not that rule is a manifestation or derivation of it. If, for example, a given company requires its employees to work 12 hours, we could resort to the labor legislation of that country to

question its legality. In Brazil, such demand would be illegitimate; that is, it would not be by the law in force. There are more complex cases in which a hermeneutic of the legislation may be required to prove that the specific action is or is not a derivation of the legal body of the society. There are also, in the field of Law, fundamental principles that would not be derived from legislation, but rather structuring it. Since they do not originate from specific legislation, we cannot resort to legislation to verify their validation or correctness. As a result, these principles have a peculiar character in Law, and their justifications are never questioned or require recourse to another level of justification, as we might suppose, the moral level. If my analysis is right, we could say that the basic principles of a constitution are not principles of Law itself, but moral principles on which the legal structure of a given society is rooted. While speaking of legal rules, I am not referring to this type of principle, but rather to what we call positive rights in Law; that is, the ones guaranteed by the legal order of a country and are verified by the legislation.

After that, I mentioned what I called etiquette rules in the broad sense, that is, the rules of social interaction explicitly established or not at the core of a particular society and/or culture. Such rules are valid only when they are interpreted as an expression of the culture or social environment involved. If one is unsure whether belching at the end of a meal is appropriate behavior in any culture, we can offer examples of cultures where this is a fact. Before we travel to a foreign country, we can get acquainted with the appropriate manners to greet other locals by surveying the country's cultural habits. Such care will enable us to avoid embarrassment and, above all, to behave appropriately according to the local culture.

However, it is essential to point out that in every culture, there are rules with varying degrees of importance. Failing to adapt to the most basic rules of a culture may cause some strangeness; however, it would be unlikely to cause its offender to be rejected. For instance, if we see, in a social dinner, someone picking up the food with their hands or eating frantically before everyone else, we immediately imagine that this person is not used to participating in such events. Therefore, he or she does not know how to behave adequately. The same can happen when we see young people not giving up their seats in the subway to people with disabilities, pregnant women, or the elderly. We imagine that they are distracted, that they do not

know the rule of etiquette adopted in such cases, or that they have not been taught proper manners. However, if, in these cases, the elder begins to yell at the young one, demanding through force that he gets up and start calling him names, we will undoubtedly be shocked, or rather, outraged. Our natural reaction would be to ask why that older adult can't just ask the young one to get up, thus contributing to his learning process. By treating him harshly and disrespectfully, the elder will be infringing on a social rule that is much more relevant to us. This rule seems to be the foundation of our society, that is, to maintain a respectful treatment towards others. At the same time, however, do we not believe that such rules should form the basis of every society? I think, precisely because of this, I believe that in these cases, we are facing a moral rule. This rule intends to be universal; that is, considered valid, independent of the actors and their sociocultural context.

I would, therefore, like to raise one more problem for our current research, which is that we are perhaps not able to draw a clear line between simple rules of etiquette and moral rules. I suppose the distinction is easy when we are dealing with superficial rules of etiquette. Still, the closer we get to rules that represent the core of a given society and/or culture, the more difficult it becomes to rely on their relativity and to describe our reaction to such a violation only as a mere strangeness. Violation of the innermost rules of our culture seems to be associated with our most profound indignation.

What should we resort to in these cases? How can we justify the validation of rules that we do not consider to be restricted to specific legislation or culture? In other words, to what should we refer to when dealing with so-called moral rules? There is a demand in this case that we believe transcends the culture itself, and this is where its universal character or pretense would be. How can we justify it? If we are not able to identify the validation of our moral demands, we are at risk of admitting that what we suppose as morality is nothing more than a system in which we allocate the most important social rules of each society or each culture.

Forms of justification: from authority to human nature

Traditionally, humanity has sought to protect the realm of morality, resorting to authorities. Morals, in this sense, would not be considered any rule resulting from the habits of a culture, but, rather, those determined by specific entities, which hold power over others. Because a superior body

dictated them, it would ensure its mandatory power over the others and make it irrevocable, from the perspective of the common man.

From a historical point of view, this would be the case, for example, with the rules created by a despot or tyrant ruler. If we want to go back to our personal history, this would be the case of how we are generally introduced to morality by our parents or caregivers. What they dictate to us is right and unquestionable, at least until we start to reflect on our own or until we are, much less, subjugated to their love.

But while local authorities can have their commandments questioned for being, despite their power, very similar to us – thus flawed in their excessive human nature –, the same does not seem to happen when we give authority to transcendent entities. We have learned that the will of the Gods is a commandment for us mortals. Therefore, they have absolute and unquestionable power over us, even though some Gods – such as the Greek Gods or the entities of *Candomblé* – may look, from our perspective, much more like children playing with our fates.

To some extent, monotheistic religions have tried to remove any possible blemish from their respective Gods and bring them closer to the idea of perfection. As a result, we now have a transcendent, omnipotent, and omniscient entity, an attribute that, for the most critical or demanding, would be a good reason for us to adapt to their commandments. For, much wiser is any human being who, by being aware of his limitations of knowledge, sustains his actions through a being who is altogether knowledgeable.

Thus we think, and thus we try to adapt our lives to the western Judeo-Christian culture until the fire of Hestia² was once again stolen; this time, by the hands full of doubt, but thirsty for knowledge, of the Enlightenment Philosophers. Orphans of Gods or foreseeing an inevitable orphanhood, the Enlightenment philosophers embarked on the arduous task of basing the truth and the moral commandments on the human limitations. This unprecedented movement, of which we are the legitimate heirs to this day, has disseminated throughout continental and insular Europe, setting out two great philosophical currents, empiricism and rationalism.

Since human beings are at the core of any area of knowledge, both the investigation of what we can know, as the ethical question of how we should behave, are now based on the investigation of our nature – that is, an investigation of human nature. This is where empiricists and rationalists

part ways and answers to the same questions, once sheltered under divine hands.

The refusal of transcendence or any authoritative premise, and the restoration of the human being as the center and the ultimate source of all that we can know and want are the most significant characteristic of modernity. Consequently, the philosophy developed in this period is also referred to as the philosophy of consciousness. It is through the human being and through an investigation into his/our nature that we should seek the key to the enigmas that afflict humanity. Once again, disregarding the problem of truth, let us now proceed to the question of morality: why should we accept a moral principle?

We have thus the same question, for which we can attempt a single and quite general answer, compatible with the philosophical twist of modernity³: “Because it is part of our nature.” But of what nature? Here we can identify two alternatives: (1) of our nature as sentient beings, who enjoy sentiments of compassion for others or (2) of our nature as rational beings, able to act freely, guided by reason. The same question produces two types of answers, which rely on different interpretations of what defines the core of human nature. Consider these two alternatives.

The first one resorts to our nature as emotional beings, thus capable of feeling pleasure and pain and being impacted by the suffering of others. According to this approach, research on how we should act should investigate the actions or norms that facilitate the well-being or satisfaction of individuals and the community. Such behaviors will be seen as virtuous, just, or righteous. In contrast, actions or norms that cause suffering will be considered unfair or unrighteous and should be avoided. This approach, embraced by the leading representatives of empiricism, such as the Scottish philosopher David Hume, will later be formalized as Utilitarianism. Consider now, separately, how Hume and, later, his utilitarian heirs studied the phenomenon of morality.

According to Hume⁴, an investigation into how we should behave should be based on empirical verification of the individual traits and actions that contribute to individual and/or collective well-being, thus agreeable to life in society. The commitment to the well-being of others would be ensured by the natural feeling of compassion for others.

Compassion, as the origin of the word indicates, is the readiness to feel for another person’s afflictions of the soul. An individual has compassion

when confronted with someone else suffering, he also suffers and, faced with someone else's joys, he rejoices. Such a feeling is what we often see among people who are closely connected. This is the case of the relationship between parents and children, partners, or close friends. The extension of this feeling to a universe of individuals who do not have an emotional, physical, or even territorial proximity seems to be a much more challenging step. Hume was well aware of this, and for this very reason, he sought to overcome this difficulty by introducing a virtue considered to be non-natural, but fundamental for the consolidation of human societies: the virtue of justice.

Justice would thus be a human construction that could compel us to be committed to the well-being of "others" who are beyond the circle of those for whom we naturally have a feeling of compassion. For Hume, the other, regarding justice, expresses the "whole and any human being" of moral universalism in modern times. It is through the concept of justice that Hume seeks to rebuild our sense of duty to others and ensure the claim of validity created by moral judgments.

Hume, the author who once was skeptical of our intention to understand the truth about the world – that is, that we could possess a universal, immutable, and infallible knowledge –, yields in morality to an intermediate solution. Morality is indeed conditional, as is human existence. It is our construction, but it is peculiar to the way we live and organize ourselves as a society. Morality does not transcend us, but it is a necessary condition for our existence in society, even if our existence may be conditional.

Could that really be what the experience tells us? Based on our day-to-day experience, we could say that the Humean view of humanity is very optimistic. Every day, around us, we see people trying to impose themselves on others, with no concern for the damage that their actions may cause to individuals or society as a whole. Is it that such people don't realize that morality is part of our way of being in the world? I think the problem seems to be more serious. Perhaps there are other ways of being in the world that have nothing to do with morality, just as we have no arguments to persuade those who have a non-moral approach in their lives about the need to change their way of life. Perhaps moral behavior is not really necessary, but – at least from our point of view – it is desirable.

Consider the main elements of the utilitarian approach. The utilitarian perspective is defined by adopting as standard for the recognition of an action or rule as being moral its contribution to the higher possible amount of satisfaction, for the more significant number of people. Moral is, therefore, what is most desirable, what produces greater satisfaction, what most favors society as a whole. Once again, this raises the question: how do we know what provides greater satisfaction for other individuals, and why do we consider the satisfaction of other individuals when evaluating the moral value of our actions? Faithful to Humean heritage, utilitarians rely on the feeling of compassion. Such a feeling would be the expression of our ability to feel together, in other words, to put ourselves in another person's place.

However, for the utilitarian perspective to provide an answer to the original problem regarding the grounds for the prescriptive character of our moral judgments, it would be necessary to prove that we do hold this nature; that we seek pleasure and avoid pain and, above all, that we hold such a feeling; that, when acting, we take into account not only our satisfaction but also of others. Should it be done, it would remain to be seen whether the principles set by the utilitarians as a criterion of morality – the principle of the highest amount of satisfaction (Bentham/Mill)⁵ – or one of its contemporary variants – the principle of equal consideration of interests of each individual (Singer)⁶ – can be accepted as what best serves our moral claims. A more detailed analysis of utilitarianism will be found in the following chapters. Here I intend only to outline the difficulties faced by those who – based on an interpretation of human nature – intend to ground morality to an absolute degree.

Now, let us analyze the second alternative, according to which rationality is the distinctive feature of human beings. We are thus defined as rational and free beings: beings that are said to be free precisely because they are rational. Since ancient times, the rationality trait has been reclaimed in modernity, breaking the barriers of time, with no significant impediments, thus reaching the present day with equal strength and poignancy. Hence, basing the prescriptive character of morality on the concept of being rational has been the most ingenious attempt to ground morality to this day. The author of this achievement, whose legacy both philosophers dedicated to ethics as well as philosophers devoted to political philosophy use today, is Emmanuel Kant. According to Kant, reason,

sometimes called pure, other times practical, will redefine the limits of possible knowledge and disassociate itself from the metaphysical speculation about the existence of transcendent entities. The human being is the one who, by taking reason as his guide, finally awakens from the metaphysical sleep. The Kantian reason thus raises different claims that the author, with his work, will endeavor to support.

Rationalist philosophy, such as Kant's philosophy, has the philosophical skeptic as its primary antagonist, heir to the empiricist movement. Unable to validate the claim of universality of our assertive judgments, authors such as Hume, resort to an epistemological skepticism. The same skeptical doubt, which in Hume remains confined to the field of knowledge, may also disrupt our moral judgments. Kant, in his *Critique of Pure Reason*⁷, investigated and re-established, based on reason, the foundations of our knowledge of the objective world; in his *Critique of Practical Reason*⁸, he accepted the same challenge, this time seeking to ensure the validation of our moral judgments.

In the *Critique of Practical Reason*, Kantian argumentation will take the following steps. Firstly, we must acknowledge that we are aware of our actions, which means being able to reflect on our actions. But if we are capable of reflecting on our conduct, we must be equally capable of justifying it. Any behavior should be justified based on norms. Norms, in turn, can only be justified based on one principle, namely: the *Principle of Universalization* of the maxims. By accepting the ability to act reflectively, we are also committed to acting following moral principles, i.e., rules that can be taken as valid by all.

For example, if we wish to evaluate whether it is morally acceptable not to pay government taxes, we should ask ourselves whether we also want to universalize such conduct; in other words, that everyone else should do the same. Tax payments are intended to guarantee several benefits that we would certainly not like to give up. Even if it is in our interest to be exempt from such an obligation, we cannot expect the same to apply to everyone else, as this would extinguish taxes and lead to the withdrawal of these benefits.

This demonstrates that our solely individual interest cannot be universalised without the desired benefit being withdrawn – a benefit which, as we see it, justifies the very existence of taxes. Expecting the universalisation of our conduct could be interpreted as a form of self-

contradiction regarding our motivational set – that is, to the set of beliefs, desires, and interests that determine our actions.

Why should being able to reflect, that is, be rational, include a commitment to moral action, in other words, adopt an impartial, universalist point of view, before the rules of determining our conduct and the possible consequences of its application? The Kantian grounding proposal seems to be committed to a concept of reason that is by no means trivial, which, consequently, compromises its validation. In the next chapter, we will examine in detail the main elements of the Kantian argument, adopting, as a reference article, the *Groundwork for the Metaphysics of Morals*⁹.

An attempt to justify morality similar to that proposed by Kant is supported in the 20th century by Habermas. In Habermas¹⁰ the Kantian concept of a *pure practical reason*, which can determine one's will, would be replaced by the concept of *communicative reason*. Our ability to reflect on our actions will give way to the ability to integrate a discourse of rational justification. The principles underlying it will be called principles of *Discourse Ethics*.

Habermas describes the communicative action as a form of interaction in which the participants commit themselves beforehand to specific rules, without which the communication would be jeopardized. Its antithesis would be called strategic action, where any procedure is evaluated in view only of its effectiveness for the achievement of the desired results. The rules that enable a rational discourse are those that describe an ideal speech situation, that is, a situation comprising exclusively rational agents, on an equal footing, for which there is no need to find examples in history. The principles of the ideal speech provide proof that only the recognition of the power of “good arguments” is responsible for achieving an agreement between diverging opinions. Such principles should thus prevent elements beyond discourse from interfering with the course of argumentation.

By elucidating the rules assumed by every rational reasoning discourse, Habermas intends to show that by taking part in the discourse – consequently, by accepting the rules of argumentation –, the interlocutor commits to the Kantian Principle of Universalization. In other words, Habermas intends to prove that the Principle of Universalization is a basic rule or a constitutive principle of argumentation itself. Thus, those who agree to take part in the discourse assume such a principle. Taking part in the discussion and refusing such a principle would render what we call a

performative contradiction, that is, a situation in which our actions contradict the content of our discourses.

In chapter V of this book, I intend to follow in the Habermasian steps. For the moment, however, it is enough to show that the question, once addressed to Kant, can be reintroduced: why should we accept that being rational - now in the sense of being able to form a rational discourse - will oblige us to embrace a moral principle? Could Kant or Habermas question Hitler's rationality, his power to reflect coherently on the choice of means adequate for achieving his ends, no matter how immoral his actions may have been?

There are countless actions that we consider abominable, that cause us intense outrage, but that does not seem to compromise the rationality of their agents. On the contrary, the better calculated the actions and the higher the success obtained by their actors, the more we feel infuriated. We may aspire for a good tyrant or a benevolent despot. Still, we fear the action of an enlightened despot, precisely because we do not believe that rationality alone makes him capable of acting for the benefit of the others. Finally, if rationality is the aspect that defines our nature, we are not, by nature, moral. Morality does not seem to pursue rationality, at least not in an absolute way.

Rethinking morality: the return to Aristotle

Acknowledging the difficulties of anchoring the universal character of moral principles that we commonly accept in our daily lives, perhaps we should turn our attention to the relationship between norms and values. For this reason, supporters of the *Virtue Ethics*, or those who call themselves neo-Aristotelians, have been warning us.

For Aristotle, as in the Greek tradition as a whole, ethics should provide the guidelines by which we can enjoy a fulfilling and happy life. However, happiness for Aristotle was not a synonym for the satisfaction of pleasures, but rather the realization of certain dispositions of character then called *virtues*. The realization of adequate character dispositions was recognized as being the best way to achieve happiness and to contribute to the full realization of the *polis* (city). Each person was, primarily, a citizen of the *polis* and his happiness was understood from the realization of his function in it. Within this perspective, the values of the *polis* determined which actions should be considered virtuous and which personalities should be consecrated as a paradigm of an ethical life. For the Greek man there

was no contradiction between the good of the individual and the good of the collective.

Neo-aristotelians today seek to strengthen the ties between the values of each cultural group and the moral norms they defend, thus criticizing the ideal of a moral principle that would pervade all cultural differences. Regarding our original question about the acceptance of moral principles, they would contest: we can only answer it as an integral part of the question about the life we choose to live, the life we think is worthy of being lived, in other words, the question about what a happy life means to us.

The analysis of the Aristotelian perspective will be the subject-matter of the sixth chapter of this book. Based on the debate between Plato and Aristotle, I intend to describe the main characteristics of Aristotelian ethics and then indicate some of its central derivations, perspectives that are now called neo-Aristotelian.

Before elaborating on a more detailed analysis of the authors referred to here, I would like to develop some aspects that concern what I think we should investigate. In the meantime, it reveals something about the reason why I chose to start this pathway in modernity and, afterward, return to Aristotle.

From the rejection of an absolute foundation to the justification of the prescriptive character of moral statements

Detached from issues related to the good life and our most profound choices, morality today is perceived as something heteronomous, something imposed on us, and often contrary to our most immediate interests or desires. Why, then, should we consider it necessary to do justice to its commandments? What is the origin of the authority claimed by moral principles?

To answer this question, we have quickly gone through the justification of morality strategy proposed by different philosophical currents. If, however, the reasoning alternatives hitherto provided were somewhat unsatisfactory, should we not abandon such a claim? My answer is no, but in order to clarify it, I must distinguish between two questions: (1) The first concerns the attempt to provide an absolute justification of morality; (2) the second concerns the justification of the prescriptive character of moral judgments. I intend to show that the dismissal of the first question does not imply the neglect of the second; that is, we can avoid the

attempt to prove the absolute necessity of acting by moral principles, without abandoning the pretense of justifying the prescriptive character of moral statements.

Combining the main elements of the Aristotelian perspective with the project of justification of our moral discourse, I intend to advocate the relationship between: (i) the implementation of a moral perspective, and the attainment of a concept of Good, acting to make our life worth living, or even the pursuit of a meaningful life. And yet, by claiming to be able to justify in this manner the adoption of a moral principle, would we not be altering the meaning of what has traditionally been established as “foundation” or “justification” of something? Maybe so. I must then explain what we should understand by “justify” in the terms used in this book.

From the standpoint of justification, I am choosing a coherent perspective, that is, one according to which the justification of a belief does not lie in its self-evidence, nor its relation to other supposedly self-evident beliefs, but in its correlation with a network of adopted beliefs. The more comprehensive the network, the more light it casts upon our universe of beliefs, the more coherent it will be – consequently, more justified. It will be, therefore, based on such a perspective that I propose the theses upheld here.

Since we are continually reviewing our belief system in the light of new information, the decision about what is normatively correct, based on a coherent perspective, will never be able to claim a definitive character. Thus, the validity of a moral principle should only be evaluated from its correlation with a series of other constitutive elements of our social relations and, more specifically, with the beliefs that promote our demand for morality.

RECOMMENDED READINGS

HUME, D. *Enquiries concerning Human Understanding and concerning the Principles of Morals*. L. A. Selby-Bigge (Ed.). 3rd ed, vers. P. H. Niddich. Oxford: Clarendon Press, 1975a.

KANT, I. *Kritik der praktischen Vernunft*. Pref. de Paul Natorp. Berlin: Georg Reimer, 1908.

KANT, I. *Grundlegung zur Metaphysik der Sitten*. Jens Timmermann (Ed). Göttingen: Vandenhoeck & Ruprecht, 2004.

TUGENDHAT, E. *Vorlesungen über Ethik*. Frankfurt am Main: Suhrkamp, 1994.

CHAPTER III. Utilitarianism

Bentham and Mill: Classical Utilitarianism

One of the main systematizations of the Utilitarian perspective can be found with Jeremy Bentham, in the second half of the 18th century. Influenced by Humean ideas about human nature and morality, and a critic of rationalist contractualism in Law and political Philosophy, Bentham¹¹ will adopt sentience, or vulnerability to pleasure and pain, as the focus of morality.

So that – to many, it may have gone unnoticed – we have a fundamental displacement of the morality center. If morality, from the Greeks to the present day, is something that concerns only those beings capable of reflecting on their actions and deliberate in a relatively free fashion, what Bentham proposes is that we disregard these characteristics and focus on our capacity to feel. The great novelty is, therefore, the perception that we have a moral commitment not only to rational and free beings but to all those who feel and for whom our actions can generate suffering or satisfaction. Given this commitment, the moral principle *par excellence* will be described as one that can maximize satisfaction and minimize common suffering. Hence its formulation of the principle of utility¹²: “By principle of utility we mean the principle according to which any action, whatever it may be, must be approved or rejected due to its tendency to increase or reduce the well-being of the parties affected by the action.”¹³

By setting aside the attributes of rationality and freedom, Bentham removes human beings from the throne occupied for two and a half thousand years¹⁴. And, faithful to his project of not establishing hierarchies with the entities for which well-being is provided, he will carry out a quantitative¹⁵ evaluation of satisfaction. The more welfare an action can promote for the greatest number of those affected, the better it will be from a moral point of view. Bentham’s philosophy thus breaks down limits that are very dear to humanity. The first of these, that is, the boundary between human beings and non-human animals, was perhaps so radical in their time that their rupture was not even noticed. In psychoanalysis, we could say that

a foreclosure process has taken place, which is a process according to which we interrupt the perception of something that is too traumatic for us. But the breaking of the other limits did affect an era shaken by the political struggle for equality in several domains of social life. The suppression of class, race, and gender barriers at the heart of a moral theory, which were very dear to the prevailing political systems, made Bentham and his ideas an unprecedented threat to the prevailing order¹⁶. Perhaps that's why his utilitarianism is shown briefly – sometimes jocularly – in philosophy classes and books; while his picture and his words cover the walls of vegetarian restaurants in the four corners of the world.

It was not long before the glory of human beings would be restored within Utilitarianism. At the beginning of the 19th century, John Stuart Mill¹⁷ advanced in defense of Utilitarianism, focusing on nothing less than freedom itself. Mill acknowledges as a moral principle, the same utilitarian principle described by Bentham. But he will stress that there are different forms of satisfaction and that we must seek the maximization of a superior type of satisfaction. According to Mill, human beings who are satisfied only with physical well-being, or who seek to satisfy only their bodily or sensitive needs, would not be able to achieve their genuine satisfaction. By holding superior capabilities, the full realization of a human being is also committed to the achievement of these skills. Human beings, so to speak, must be able to feed their body and soul/mind so that they can feel satisfied. Once the hierarchy is restored, and humanity's pride is pacified, Mill's Utilitarianism goes on as a quite effective formula - from a pragmatic point of view - for undertaking moral judgments and analyzing public policies.

In his book *Utilitarianism*¹⁸, Mill offers an excellent presentation of utilitarianism. The principle of utility would be the best expression of universal morality, that ensures the impartiality of its actions. The individual and his desires are spread in society, which well-being we aim to improve. But how will we know what would be best for the community, and why give up our desires in the name of an amorphous community? Following in Humean footsteps, Mill calls for our feeling of compassion for others. Because we can share the same feelings, we can not only know what is best for the other but also wish for his or her good or the good of the community.

According to Hume, the feeling of compassion, as well as feelings in general, has a limitation of action. The higher the proximity – physical, emotional, evaluative, cultural or identitarian –, the more chances there are to share one’s feelings. The greater the distance, the more difficult the task becomes to think about what would be best for the other and to be effectively interested in his well-being. Quantity also seems to play an important role when we talk about feelings. We may suffer the death of an unknown child in a distant country whose story we read in the newspapers. But when we read about a catastrophe that kills millions of children all over the world every day, such as poverty, starvation, lack of medicines, health conditions, we react with a much higher degree of indifference. It seems more natural to suffer for one than to have compassion for one million. Finally, our feelings respond in a way that is, at times, very strange, so strange that at times, they even embarrass us when we want to publicly take a moral position in the face of the evils that afflict humanity.

Feelings – as the rationalists have already said – are perhaps not good indicators of how we should act, although they can provide a reasonable basis for measuring our commitment to the universe of moral rules. As we have seen, our anger and repulsion towards particular situations seem to indicate, without much ambiguity, that some behaviors violate commonly accepted moral standards. In utilitarianism, however, there is at least one feeling, compassion, or sympathy, which plays a much more significant role, the role of making morality itself possible.

But wouldn’t it be too much to expect all this from a feeling? If we consider that our moral rules claim to be universal, would it not be unreasonable to suppose that we can base them on something as particular and situational as a feeling? Maybe utilitarianism can sense an ultimate rationale and be the approach adopted by benevolent individuals. I will keep the possibility open until after we have analyzed what I believe to be the most comprehensive version of utilitarianism: Peter Singer’s preference utilitarianism. But, before we get to the last part of the presentation of utilitarian perspectives, I would like to address a specific critique of Mill.

How do we know what precisely a higher level of satisfaction is, and why should we assume that it brings more satisfaction when we do it? Mill’s classic example is conveyed by the saying, “Better to be an unhappy Socrates than a happy pig.” Every time I hear these words, what comes to my mind is always a feeling of sadness for Mill. A feeling that he might

never have been able to feel the happiness he attributed to the pig. Happiness, or rather, satisfaction with the supposedly mundane sensations, such as to eat (when hungry or not), to feel the body tanning in the sun, to sleep, to bathe, to see the reflection of the moon in the water or to hear the sound of the sea.

I am one of those people who actually enjoy the pleasure of exercising allegedly superior abilities, such as reading Kant, listening to Beethoven, or watching a Bergman film. However, I admit that these three activities may seem unbearable to other individuals, or myself, depending on the moment. To enjoy them or not does not make me hierarchically different, not to say superior to the others. In the same way, I wouldn't be able to tell if the satisfaction they give me is greater than the satisfaction I get from the smell of wet earth. All this will depend much more on the moment than on the object of satisfaction itself.

Bentham was blatantly criticized for not having produced a method or a scale that measured amounts of satisfaction. I would say that Mill can also be criticized for not providing an instrument that discriminates and assesses the quality of satisfaction. If we cannot prove that some abilities and the achievement resulting from their performance are superior, it would be better to rely on a purely quantitative interpretation of the notion of well-being. Otherwise, we might just be giving way to our prejudices.

Singer: preference utilitarianism

Peter Singer¹⁹ places his defense of utilitarianism within the framework of justice. His work focuses on two central issues: universalism in morality, in its most radical possible form, and how this universalism refers to our idea of justice. The main concern that guides his entire philosophy will be the defense of an equalitarian concept of justice, and the determination of the scope of that equality. Thus, Singer provides an answer to two central topics of today's moral and political debate, namely, the matter of our relationship/responsibility (1) towards animals and (2) towards the other human beings on the planet. As a result, this philosopher and, once again, the utilitarian perspective cause controversy, while breaking the limits of the academic world, are now seen as a threat to the rules tacitly set in contemporary societies.

In the field of justice, his perspective will determine as the focus of equality the equal consideration of preferences. This places him in

opposition to a group of authors who have dominated the debate on justice in recent decades: the group to which Dworkin, Rawls, and Sen belong. Singer would be, in a not-so-accurate sense, an upholder of the approach known as a “welfare perspective,” and which is opposed to distributive justice – focused on the equal distribution of resources and primary goods – or the recognition of the freedom of functioning.

What exactly did that mean from Singer’s perspective? In the first place, to speak of equal consideration of interests means to break with a contractualist tradition, from which those concerned by the concept of justice - as well as those concerned by our moral discourse - are the contracting parties. That is all individuals who are qualified to close a social and political contract with us. They are beings with a degree of rationality and autonomy. When we speak of equal consideration of interests and do not focus those interests on interests that are characteristic of people – or of rational beings with a conception of the good, a life project, and a specific discursive capacity –, we can take into consideration a much wider universe of those concerned by our moral discourse. It is then the first step from Singer’s perspective that will help distinguish him from the philosophers aforementioned.

Adopting such a perspective, we are led to investigate and take into consideration the most diverse types of interests. If we can see in ourselves the interest of living a pleasant life, in which we reduce our discomfort, we should also be able to see that such basic interest is not only related to those we consider as ‘persons’ – such as the readers of this book –, but is also to other non-human animals. Thus, by regarding as the focus of morality (or as the focus of justice) the equal consideration of interests and, by not privileging the interests of people, that is, the interest of rational beings, Peter Singer necessarily commits himself to the extension of the universe of justice, or of morality, to other animals.

If we consider that this interest in removing pain and/or discomfort and living a pleasurable life is essential, then we must consider all the elements that somehow facilitate their realization. And this is not only true for those individuals who can share and defend moral principles or norms with us, but also for those who cannot participate with us in this plea, but who can also enjoy pleasure and pain.

This perspective seems to avoid a dilemma that still shakes the contractual approach. Whilst, on the one hand, they try to limit the scope of

morality to the contracting parties; on the other hand, they do not want to exclude from the scope of morality specific groups of human beings, such as children, adults with severe mental and physical disabilities, or the elderly, who have lost some of their abilities. How can we defend the inclusion of these human beings, but at the same time deny consideration to other beings who, although non-human, hold an even higher degree of ability than some human beings do? Reconciling our convictions in this regard has been one of the main challenges set for contractual perspectives. As we shift the focus from equality to equal consideration of interests, we expand the scope of morality and make it possible to explain why we include as objects of moral concern those human beings who no longer meet our concept of person.

Singer defines “person” as self-conscious, autonomous beings who are capable of setting life projects, that is, capable of having a perception of themselves and a personal narrative. This definition is embraced by most of the known philosophers. Evidently, many individuals we know do not fulfill this description. These individuals, however, we wish to consider as participants in our moral community. Some philosophers define the concept of person in an especially exaggerated fashion, i.e., committed to an even higher number of metaphysical abilities or attributes, which consequently renders their perspectives all the more exclusionary²⁰. On the other hand, if we choose not to focus our moral consideration – the limits of the moral community or the scope of justice – on individuals that meet our concept of person, we gain the possibility of expanding our group of individuals concerned to our discourse and, consequently, of making our perspective much more comprehensive.

Once the scope of justice has been expanded, could we at least set up a hierarchy of interests? Keeping in mind the controversy as mentioned earlier between Bentham and Mill, what should we effectively maximize: quantity or quality of satisfaction or well-being? We have no balance that can measure the benefits of well-being, but we can see that qualifying our pleasures is something complicated, despite Mill’s attempts. Moreover, if we consider our own past experiences, we may admit that it is not so evident that human beings prefer the immediate enjoyment of pleasure to higher satisfaction, less urgent, and often less associated with pleasure itself. We know, for example, the story of many people who died in the name of ideals. These people were tortured, went to war, and experienced

the most painful situations. But the degree of displeasure resulting from these situations seems to have been surpassed by the degree of personal, or existential, fulfillment, when fighting for an ideal, for a cause, etc. Admittedly, this makes human beings very complex beings; moreover, when we consider the interests that effectively guide our moral life, we have to consider the most diverse interests.

Singer will differentiate between two major interest groups. The first would be the primary, preferential, interests of individuals, and that should, from a moral or justice point of view, always be considered. The other group would include the different interests that individuals may have, which should be regarded as hierarchically inferior on a scale of satisfaction of social demands. We would thus be morally committed to identifying and respecting the preferred interests of each individual. Accordingly, for human beings, or, more specifically, for “people,” we could even order the interest for philosophical issues, or the interest for the artistic appreciation, as prior to supposedly more basic interests, such as a good diet, a healthy environment, etc. However, what we could not do is suppose that we would be justified in ignoring the most basic interests of other beings, in the name of our non-preferential interests. Morality or our conception of justice must be understood in such a way that, before anything else, it seeks to defend the most basic interests of all those who are part of your universe. Only then could we try to achieve balance among the other interests.

Whenever we reflect on our actions concerning other human beings and other living beings, we should take this into account. Thus, at least three central issues emerge for our reflections on political and ethical philosophy. The first is the problem of our relationship with non-human animals. The second is our relationship with other individuals, who are not always part of our political universe. This is the matter of expanding the scope of our moral and political consideration – not only to our co-nationals but to humanity, that is, the defense of a moral cosmopolitanism. The third problem concerns our relationship with the environment. Singer gives an exact answer to the first two problems. The third problem is also addressed, but for him, the utilitarian perspective seems to be unable to provide a satisfying solution. For this reason, at the end of this chapter, I will propose the search for a more inclusive moral perspective. But before that, I intend to proceed with Singer, addressing the two questions mentioned initially.

Justice for non-human animals

The matter of animals is raised before us when we no longer have sufficient arguments to justify their exclusion from our universe of moral consideration or the scope of our concept of justice. In this sense, we are forced to ask to what extent some of our adopted attitudes, which we consider to be extremely trivial in our daily lives, do not contradict our current moral convictions. For instance, to what extent are we justified when subjecting the lives of other beings – also affected by our concept of justice – and their most basic interests, in the name of our satisfaction? Such is the point we have in mind when we ask ourselves about the moral meaning of the use of other beings for feeding, clothing, or leisure of human beings.

If the scope of morality were somehow limited to the beings we consider people – and Singer's goal is also to show that some non-human animals fall under the concept of person, while some human beings do not –, our problem would be simpler to solve. However, we have previously rejected this alternative. Those who do not fall under the concept of person still have, at the very least, a primary interest. That fundamental interest is to live a life free from suffering, a life of enjoyment of pleasure. In this sense, our practices of using these beings should take into account at least this type of interest, that is, avoid actions that promote suffering, providing them with a life minimally satisfactory.

Would we be justified in killing them? This is undoubtedly a much more controversial issue. Singer has a somewhat controversial opinion on the subject of death, or interruption of life, of human beings and animals, which, as I have previously mentioned, makes him perhaps the most controversial philosopher of recent times. The central problem is that to better assess the issue of death, we should be able to better understand the meaning of death and, by extension, whether the perception of death, in itself, is something that promotes suffering or displeasure. It is clear that for beings who understand death as suppressing the realization of their projects, the perception of death is immediately experienced as something unpleasant or which promotes suffering. Sudden death, however, is not associated with such considerations.

If, in this very moment, a lightning bolt or a bomb fell on my classroom and killed everyone in it, it would be difficult for those who only

heard about the tragedy that eliminated our lives to feel compassion for our suffering and for having our dreams extinguished instantly. However, if someone entered the room and said: “you are now hostages, and if the demanded ransom is not paid, I will start a gas that will slowly kill you all within an hour.” In this case, we would have enough time to review that film of our own lives that we so often have imagined. We would think of everything we have not accomplished and the countless wonderful experiences we have never been able to experience. It is clear that for all of us, this would be a harrowing experience because it would confront us with the end of our projects, and with everything that we will no longer be able to accomplish.

It is, however, reasonable to suppose that many animals do not endure this experience, just as many human beings do not either, for they would not have the ability to reflect on their own lives and projects. Once we are unable to reflect on this process, it is automatically no longer something capable of causing us pain, displeasure, or suffering, which would make it something morally neutral.

What is not morally neutral, especially concerning animals, is the type of life to which we inflict them. In this sense, what is mainly challenged from Singer’s perspective is the treatment to which we subject animals when we use them for purposes such as those mentioned above. Here we are faced with treatments that disregard the most basic interests of the animals involved and where we generally only consider the most effective way to fulfill our interests. Singer’s work is permeated with examples of how our factory farms keep animals *restricted* to limiting *enclosures* with as little activity as possible so that they can fatten up more quickly, and be ready for human consumption in the most efficient way. These are lives lived in extreme suffering; and this is the chief complaint addressed to these cases, from a moral perspective based on the enjoyment of pleasure and displeasure. The same applies to the use of animals for our leisure. We know very well how painful the training practices of the many animals we see exposed in circuses, and water parks can be. The same applies to the use of animals in scientific experiments.

Singer’s thesis is that if we are willing to accept that the focus of morality falls on the equal consideration of interests, then we will have to rethink and adapt our practices. If we still use animals in a number of schools to teach anatomy, it is time to invest in the creation of near-perfect

replicas that fulfill this same role. Therefore, we will be avoiding that some beings are subject to a treatment to which we are not ready to submit human beings. Likewise, we would have to work in all other fields.

Had we been facing a baby and an experiment, for example, or a test of a particular drug that could save millions of lives, many of us would have considered the use of the baby to be justifiable. Similarly, if experiments on animals were to save millions of lives, human or otherwise, we might consent to their use. The problem is that this is not our reality. Most of the time, animal experimentation is unnecessary. In many cases, they do not give us satisfactory indications about the expected outcome in the human species, which ultimately leads to severe consequences for humans themselves. There are now well-known cases of medicinal products that have been tested on animals, without damage or adverse effects, and which, when applied to humans, have caused genetic deformations and other disorders.

In short, Singer's approach to the issue of animals presents the following *démarche*: first, Singer makes us reflect on the consequences for the lives involved, from the practices that are carried out in our society. He then leads us to question the very need for such practices. To what extent do we consider that they are genuinely necessary for the implementation of our interests and that they can be put on an equal footing with the most basic interests of the beings used by them?

Global justice

Having addressed the issue of animals, I now come to the second issue: the problem of ethics in the age of globalization. Just as we have become responsible for non-human animals – to the extent that we include their interests as the object of our moral consideration –, so too, we are responsible for the interests of every human being. As a result, the interests of an individual in Brazil cannot have a higher weight than the interests of an individual in Africa. Thus, the interests of the rich and the poor have to be equated. Here, Singer seeks to show that we have a commitment, a political and moral responsibility for the fulfillment of the interests of humanity as a whole.

Since we live in a world where the immediate effects of our actions can affect individuals from the many different parts of the planet, we are now committed to taking these interests into account and reassessing our

interests, in order to reorganize them, appropriately. This means, for example, that we can no longer be convinced that our going to the Municipal Theatre, replacing the car each year or a holiday trip to Sardinia, might be more important than the humanitarian aid provided to thousands of hungry people in Africa. I deliberately mentioned a dramatic case to show how we are used to disregarding the interests of other human beings and to making assessments with different weights of those interests – depending on whether they are “our interests” or interests of other human beings that are not so close to us. In this regard, Singer is trying to show that consumerism in rich countries goes on so irresponsibly and thoughtlessly that it places the luxury of some individuals above the most basic needs of 80% of humanity.

Critique

Critics of Utilitarianism, as a whole, and of Singer, in particular, will perform some thought experiments that indicate the weakness of the utilitarian proposal. The presumption of the sacrifice of individual rights or well-being in favor of the community (or the majority) will violate the Kantian imperative, whereby every individual must be considered as an end in itself; therefore, the principle of non-instrumentalization. By this bias, utilitarians are described as those who would sacrifice an individual to save the lives of various individuals who need organ donation²¹; or like those who would self-impose restrictions on their quality of life to fulfill the interests of other individuals. According to the critics, utilitarians would violate the sacralized/ consecrated right to life in the name of individual and/or collective well-being. Concurrently, utilitarianism would impose on its adepts superhuman sacrifices or, at least, beyond what we are used to accepting as reasonable.

While these critiques carry great weight, I find them easily refutable. In the first place, with regard to the right to life, it seems difficult to think about what would be the specific demand for this right, if we do not understand life as a qualified life, that is, as the right to a life that is minimally satisfying, pleasant or fulfilled. Second, concerning the general sacrifice of individual well-being in the name of a majority, or the community, it seems that the notion of “sacrifice” draws its strength from a false dichotomy between individual interests and collective well-being. Our most basic interests may be so built up by our community that we could not

even conceive of our self-realization without contemplating our contribution to collective well-being or the pursuit of a global justice concept.

Some of us can effectively have high expectations about what a satisfying life is and compromise its fulfillment with the ideals of a more inclusive and egalitarian moral society, and with the construction of a more favorable environment for the full realization of the diverse forms of life. Having said that, we may soon be alerted to the high cost of our moral aspirations: “Place your well-being – or worse, in that of all sentient beings – in the well-being of mankind, and you will never achieve it.” Broadly speaking, this may be true. When we are committed to the well-being of others, not as a rational choice, but as a result of our feelings towards them – something that involves both our compassion for the suffering of others and our self-esteem in the face of our commitment to contribute to improving the quality of life on the planet –, we can only aspire to be ever closer to this ideal and then find our self-realization.

Accordingly, we can agree that merely invoking the feeling of compassion is not sufficient to guarantee the imperative and universal character of our moral discourse. It is a fact that many individuals who are well classified as human, rational, free, and even sensitive are utterly indifferent to the well-being of other human beings or the quality of life of non-human animals. What happened to them? What exactly can't they perceive, see or hear?

As a result of the answers given above, I eventually indicated another way for us to reflect on the question of morality. If the reasons why we include other beings as objects of moral consideration are related not only to a feeling of compassion but to our self-esteem, as I have described - that is, to the notion of what is for each one of us, and for each agent her/his achievement -, the prescriptive character of morality can no longer be seen as something heteronomous to us. Acting or being moral thus becomes understood as part of the construction of a full personal identity and the achievement of a life that we consider valuable and/or fulfilled. Hence, we can suppress the much-vaunted demand for the ultimate foundation of morality, but also – as I intend to show in the following chapters –, to expand the limits of morality itself.

Morality is a human construction. However, it does not prevent us from extending the values and principles that characterize it to all beings

with whom we maintain relationships and with whose prosperity we relate our ideal of a fulfilling life. I intend to justify the inclusion in the scope of the morality of non-human and/or non-sentient entities, such as environmental elements, artwork, or systems that, in association with us, perform tasks that we consider essential for our fulfillment. All these entities can be understood as holders of value; therefore, an object of our moral consideration.

RECOMMENDED READINGS

BENTHAM, J. *An Introduction to the Principles of Morals and Legislation*. J. H. Burns e H. L. A. Hart (Orgs.). London: Athlone Press, 1970.

MILL, J. S. *Utilitarianism*. Cambridge: Cambridge University Press, 1989.

SINGER, P. *Animal Liberation*, Londres, Jonathan Cape, 1976.

SINGER, P. *Practical Ethics*, Cambridge: Cambridge University Press, 1993.

SINGER, P. *Ethics*, Oxford: Oxford University Press, 1994.

SINGER, P. *How are we to live? Ethics in the age of self-interest*. New York: Prometheus Books, 1995.

SINGER, P. *One World: The Ethics of Globalization*. London: Yale University Press, 2004.

CHAPTER IV. Kant and the Categorical Imperative

The purpose of this chapter will be to analyze more closely the foundation proposal provided by Kant. For such, I intend to provide a reconstruction of the Kantian perspective, resorting to two of his main works: *Groundwork for the Metaphysics of Morals* (GMS)²² and the *Critique of Practical Reason* (KpV)²³.

Groundwork for the Metaphysics of Morals

First Section

In the first section of GMS, Kant proposes an analysis of the morality, assuming as a starting point our pre-philosophical understanding of morality, that is, of our “common moral conscience”. Once morality is considered a “fact” and regresses to its conditions of possibility, the method of exposure to be adopted will be the “analytic-regressive” method.

According to Kant, common moral conscience is expressed, first of all, as the conscience of an unrestricted sense of good. In this sense, the first three paragraphs deal with the investigation of the attribution of the predicate Good in the absolute sense. At this point, Kant shows us that all the other qualities, considered by tradition as good in themselves – such as, for example, the virtues – are only worthy of this predicate when we associate them with goodwill. The will would thus make the other qualities good, but at the same time, it should be acknowledged as good in itself, that is, independent of its utility or of serving as a means to an end.

The fourth and fifth paragraphs investigate the relationship between reason and instincts, seeking to show that a merely instrumental reason, i.e., a reason focused only on the means/end relationship, would be as or less efficient than instincts. Wouldn't we be more capable of preserving life, of ensuring happiness or well-being if we let ourselves be guided exclusively by instincts? Don't we often think that reason distances us from the pursuit of our happiness? If we are correct in thinking that instincts guarantee what we need to preserve the existence and achieve satisfaction, then we can only suspect that reason may be intended for something more noble than what we call happiness (6)²⁴. In the course of his practical philosophy, Kant will

demonstrate the thesis – previously stated here as inherent to the consciousness of the common man – according to which what characterizes reason, in its most peculiar sense, is its capacity to influence the will, that is, the ability to produce goodwill in itself. This will would then be the supreme good and the source of our aspiration to happiness (7). As a result, the value of an action must be judged, not by its efficacy in achieving an end, but by the will that determines it.

Having demonstrated that only the will could express the initial idea of absolute or unrestricted good, Kant explains to us what such will would be. To the extent that the will, in a sense intended here, is fundamentally different from any intention determined by particular purposes, it could only be understood based on the idea of duty. Kant states this thesis by saying that the concept of will contains duty in itself (8).

Paragraph nine investigates in what sense the concept of goodwill implies the concept of duty and thus clarifies criteria that allow us to evaluate the moral value of an action. If the moral value of an action is in the will that determines it, and if the concept of goodwill presupposes the concept of duty, then we are forced to believe that actions contrary to duty can never be regarded as moral. Kant also excludes actions which are only in accordance with duty. An action of this kind may seem moral because it conforms with duty, but a selfish intention may motivate it. In such cases, the consequence of the action may be the same as a moral action, but not its motivation. Hence, Kant seeks to show that actions should not be judged by their consequences, as the teleological conceptions would like, but by their motivation. For the same reason, we should also exclude actions taken, or rather, motivated by natural inclination. For the same reason, we should also exclude actions taken, or rather, motivated by natural desire. Thus, an action can only be regarded as moral when it is done from duty, that is, when it has its origin and motivation exclusively in the will that determines it through the sense of duty – at the expense of the natural inclinations and sensitive interests –, which can evaluate it in a nonteleological way.

In the following paragraphs (10-13), Kant demonstrates the distinction proposed herein, by showing that both the preservation of one's own life, as well as love of neighbor, charity and the pursuit of happiness, can only have moral value when they derive from a will based on a sense of duty, or motivated from duty.

But what does a will originating from the sense of duty mean? In the following paragraphs, Kant explains what is the sense of duty regarding the initial concept of a will that is absolutely good. Since the sense of duty is independent of both natural inclinations and the specific effects and consequences of actions, we can only assign moral value to action if we are able to identify its principle of determination as the formal principle of the will itself. The formal principle of the will should be understood as the principle of determining the very faculty of desire, when we abstract from it its possible objects, that is, all its sensitive content. “Formal” means, therefore, deprived of any and every content.

An action taken from duty can then only be determined by an *a priori* principle, that is, by the pure form of the principle of general will (14). We must thus understand **duty** as the necessity of an action respecting the principle of general will, to which Kant will call moral law. While the objects of the faculty of desire determine the will by inclination, the moral law elicits respect, that is, the consciousness of a duty which is imposed despite all our natural inclinations. To act from duty must exclude all objects of the will and be determined from pure respect for the moral law (15). Thus, the value of an action can never be understood in its effect, *a posteriori*, but rather *a priori*, in the purely rational representation of the law (17). Once all objects of the will, and all their possible contents, have been eliminated, this law must comply with a universal law of actions, that is, the principle of universalization. In Kant, the principle of universalization is, therefore, the result of the abstraction of all possible objects of the faculty of desire. When all content has been removed, we are left with the pure form of the principle.

But how do we know that all our sensible motives (motivations) have really been removed? When the maxim that determines my actions can be accepted regardless of my particular inclinations and interests, i.e., whenever it is accepted by each and every individual – whenever it is accepted as a universal law. The principle of universalization provides the criterion for us to judge when the maxim of our actions is dependent upon the objects of the faculty of desire, sensible motives, or when it expresses our power of determination of the will, the absolute respect of the law. Whenever we wish to ascertain the moral value of our maxims, we must then abide by the form of the moral law, that is, the principle of universalization.

The contents that cannot be universalized, without any contradiction, prove to have its origin in our sensible faculty, that is, in the pursuit of sensible satisfaction and the realization of individual interests. Kant provides an example of the application of this standard in paragraph 18. The maxim refers to the possibility of lying. When we lie in order to obtain some profit, our advantage would possibly disappear if we were to make the precept of the lie a universal rule.

Our faculty of judging should exclude sensible motives; that is, it must prevent us from allowing ourselves to be corrupted by natural inclinations (20). The common man understands happiness as the satisfaction of his inclinations (21). Morality, on the other hand, uplifts us to the control of inclinations (22). In Kant, morality is not the pursuit of happiness, but the possibility of becoming worthy of it.

Accordingly, Kant claims to have shown that the consciousness of duty, acknowledged through the analysis of the common moral conscience, can only be explained by the recognition of the formal principle of determination of the will, that is, by the principle of universalization.

Second section

By choosing the common moral conscience as a starting point for the investigation of the moral principle, Kant embraces, as we have mentioned, the analytic-regressive method. From this standpoint, the existence of a moral conscience is not itself problematized. In the second section, Kant will explain the principle outlined above, no longer as an expression of the common moral conscience – which a skeptical observer could easily challenge –, but as a result of the investigation of our faculty of practical reason. His method will thus be called synthetic-progressive.

The duty must resort to a faculty able to determine the will for *a priori* motives (3).

For Kant, this faculty is the faculty of reason. The principle of duty must then apply to all beings possessing this faculty, that is, all rational beings. In the following paragraphs, Kant will reject the empirical method of investigation of the moral principle and the possibility of withdrawing some paradigms from our knowledge about this principle – such as the idea of God, the idea of perfection and happiness. Once these possibilities have been eliminated, we should then admit that moral concepts must have their place and origin entirely *a priori*, therefore, in reason. Such concepts

should, therefore, understood from the concept of a rational being in general (10). For such, Kant proposes a systematic description of our practical faculty of reason, until we can extrapolate from it the concept of duty (11).

For practical reasons, Kant understands the human capacity to act according to the representation of law, that is, a general principle. By also belonging to the natural world, that is, by possessing a will that can be influenced by the sensible motives, the being human experiences the determination of the will from reason as an obligation (12). This obligation has the character of a commandment, in Kantian terms, an imperative (13). The will that allows itself to be determined by practical reason, that is, by a general principle, therefore, the will suppressed from its sensible motives will be that which we will call goodwill, that is, the only unconditioned good (14). Kant here differentiates between goodwill – from which derives the moral value of our actions –, and the holy will. The latter would be the one determined exclusively from reason. Exempt, by nature, from any sensible intervention, its determination would not be experienced as an obligation or as the expression of duty (15). The feeling of duty concerns only those beings who experience a conflict between the sensible determination of the will and their capacity for self-determination.

The general principles imposed by reason, that is, the imperatives or commandments of reason, will be divided into two groups: hypothetical imperatives and categorical imperatives (16). The former prescribes the best means of achieving specific ends. They express technical rules (imperative of skill) or pragmatic rules when the end involved is happiness itself (imperative of prudence) (20). The imperatives of the second group, categorical imperatives, express an unconditional obligation. That is, they represent an action as absolutely necessary. They order a specific way of acting as good in itself and not merely as a means to achieve an end. This group includes moral commandments (21).

The application of hypothetical imperatives can be proven whenever we make use of rationality to better achieve the proposed ends. If, for example, I intend to get to the airport as soon as possible, I know that I should choose a taxi as a means of transport and not a bicycle or a bus. I also understand that any individual who is in the same situation and who is equally rational would do so. But how can we justify the application of principles that are independent of the means/end relation and, therefore, of

the evidence provided by the sensible experience? In other words, how can categorical imperatives be possible?

By acknowledging that experience only provides us with evidence for the recognition of a means/end relationship and that, therefore, it cannot justify the application of the principles belonging to the second group, Kant concludes that the possibility of such principles should be ensured *a priori* (26). Categorical imperatives cannot be subject to any condition of the sensible world; in this sense, they must disregard all sensible content and, thus, conform to the pure form of the law (29). The law from which we abstract all content is nothing more than a principle of universal determination of the will, that is, the principle of universalization of the maxims of acting. The categorical imperative, then, will be nothing but the very principle of universalization (30). The moral law thus demands that we make the maxims of our acts a universal law of nature (31). To exemplify the application of the categorical imperative, Kant introduces, in the following paragraphs, the example of the obligation to preserve life, to keep promises, to develop individual talents, and to help others.

The duty expressed by the categorical imperative must be valid, unconditional, for all rational beings (37-38). The existence of such a principle must be linked, *a priori*, to the concept of the will of a rational being (41). What serves the will as the principle of its determination is the end (42). A will which sets as its end what is pleasing or the objects of the sensible world will be conditioned to them; that is, it will make the pursuit of such objects its principle of determination. Beings who possess a will capable of abstracting from the objects of the sensible world, capable of searching in itself its principle of determination - that is, capable of self-determination -, must be considered ends in themselves. The human beings, while possessing an unconditioned will - goodwill in an absolute sense - are ends in themselves. Thus, their existence are of absolute value (43). From the recognition of the absolute value of beings capable of self-determination - that is, of declaring the will as the determining principle of their actions - , Kant draws his second formulation of the categorical imperative: act in such a way that you treat humanity, both in your own person or in the person of another, always and simultaneously as an end and never simply as a means (45).

The will of every rational being must stand as a universal legislator (47). A legislative will is an autonomous will, i.e., a will capable of

subjugating the sensible motives, heteronomous to their rational determination. Beings ruled by an autonomous will would be bound together by universal laws, through which each one would be equally considered as an end in itself. Kant will call the universe of these beings the Kingdom of the Ends (53).

The need to act according to the law is a practical obligation, that is, a duty. This need is not based on feelings, inclinations, or impulses, but the relationship of rational beings to one another (59). All existing things have a price, that is, a relative value. Morality, and humanity, while capable of morality, are the only things that possess an intimate value, not relative, which Kant will call dignity. Human beings maintain dignity as rational beings, capable of an autonomous will. Autonomy is, in Kant, the foundation of human dignity (63). Every rational being must, therefore, act in accordance with his dignity, that is, with what distinguishes him from other creatures, in other words, he must act as a legislator in the kingdom of the ends (67).

Morality is the relationship of actions with the autonomy of the will. Only an autonomous will can guarantee the moral value of an action. The principle of the autonomy of the will is the only moral principle and obliges us to choose only those maxims that can, at the same time, serve as a universal law. Respect for the law guarantees the moral value of an action (69).

Up until this point, Kant showed the relationship between the concept of morality and the autonomy of the will. But so that all that has been said is not an illusion, we should possess an autonomous will. That is, the will should be able to seek from a source other than sensibility, its principle of determination. In Kantian terms, it is necessary, therefore, to show that reason can have a practical use, that is, it can be able to determine the will (79).

Before proceeding to the third section, I would like to propose a question regarding the two formulations of the categorical imperative outlined earlier. Why does Kant introduce the second formulation, and what is its relationship to the first, that is, to the principle of universalization? My hypothesis is that only with the addition of the second formulation does the principle of universalization assume the character of a moral principle *par excellence*. The principle of universalization provides the criterion by which we know when we are acting based on our immediate inclinations or when

we are acting based on pure reason. Well, I can apply the principle of universalization as many times as I wish to avoid making decisions based on temporary inclinations, decisions that I may regret in the future. Therefore, I may have a selfish interest that motivates me to make use of this principle. The perspective of other individuals would only be the most reasonable way to think about my situation in the future. So far, we need not remove anything from the characterization provided by Kant. Still, neither do we need to understand this principle as a rule that determines my actions concerning other human beings. By adding the second formulation, that is, respect for each individual as an end in itself, respect for the dignity of each one, Kant rejects the possibility that a solely selfish use of the principle of universalization might satisfy the categorical imperative. To act so far as the maxim of my actions is considered universal law means, now, to act from the perspective of others; not as a way to avoid future harm to myself, but out of respect for humanity. In the next sections of this chapter, in referring to the principle of universalization as the Kantian moral principle, the combined version of the two formulations outlined above will always be in my mind.

Third section

In the third and last section of *GMS*, Kant proceeds with the synthetic-progressive method, demonstrating the validity of the categorical imperative, no longer starting from the common moral consciousness (first section), but from a premise that cannot be refuted. Thus, he will use the concept of freedom as the key to explaining the possibility of moral law.

The will, insofar as it is a free will, determines the actions of rational beings, thus creating a causality distinct from the causality of the natural world (1). The freedom of the will is nothing more than its capacity to make of itself its principle of determination, thus subduing all the sensible elements and allowing itself to be guided by the pure form of the moral law. In this sense, the possibility of the moral law should be included in the proprieties of the will of rational beings to self-determine, that is, in their freedom (4). Therefore, we should consider the freedom of the will as a characteristic of the will of all rational beings who are aware of the causality or determination of their own actions.

So why, as rational beings, should we submit to the moral imperative? (6). As beings pertaining to the sensible world, we are subject to the laws of

natural causality. The faculty of reason differentiates us from the other creatures of the sensible world and ourselves, while we also belong to this world. Every human being must understand himself (i) as belonging to the sensible world, therefore governed by natural laws and (ii) as belonging to the intelligible world, therefore determined by laws that are based only on rationality (14). As a being in the intelligible world, man cannot think of his causality except under the idea of freedom (15). According to Kant, when one thinks of oneself as free, one transcends into the intelligible world and recognizes the autonomy of the will together with its consequence: morality (16). The law of the intelligible world is for each of us, as beings of the sensible world, an imperative, that is, a duty (17). Thus, Kant demonstrates how a categorical imperative is possible, as follows: while a principle of the intelligible world that imposes on us (beings belonging to the sensible world) the control over our inclinations, that is, the acting in agreement with an autonomous will (18).

Freedom is, however, an idea of reason in which objective reality cannot be demonstrated by experience (20). In Kant's view, our claim to this freedom is based on the consciousness of the independence of reason in the face of the determining causes of the sensitive world (25). Kant states, in *GMS*, that the attempt to explain "how freedom is possible" or "how pure practical reason is possible" is beyond the limits of our rationality (28). Nor can we explain how and why we are interested in the universalization of maxims and, consequently, in morality. This last case is not a significant problem since the validation of the moral law could never be ensured by an interest; otherwise, we would be guided by a natural inclination and not solely by respect for the law.

But what about the first set of questions? When we are not able to explain how freedom is possible, that is, how the will can determine our actions independently of all sensible motives, the Kantian argument becomes hypothetical in character. If human beings are able to act autonomously, then they must act based on maxims that can be universally recognized. In this sense, Kant succeeds in elucidating the form of the unique principle of morality. However, the proof that we must act according to this principle remains unresolved until we can prove that we are capable of acting autonomously, or that pure practical reason is possible. To answer this question, and to eliminate any suspicion as to the necessary character of moral action, Kant will then move on to *KpV*.

Before proceeding to KpV, I propose the following model for the argument put forward in GMS: (i) If we have reason capable of determining the will – regardless of any content of the sensibility –, that is if we can act according to the representation of unconditional law. (ii) Then we have free will - not only in the negative sense, that is, independent of the sensible motives - but in the positive sense, that is, a legislative or autonomous will. (iii) Consequently, we are capable of determining our actions according to the formal principle of will, that is, the principle of universalization of maxims, namely: the categorical imperative.

Critique of practical reason

In the foreword to KpV, Kant describes the relationship between GMS and KpV in the following terms. It was up to GMS to indicate and justify the formula of the principle of duty; it will be up to KpV to demonstrate the existence of a pure practical reason, i.e., to prove the necessary character of the principle under consideration.

While the *Critique of Pure Reason* (KrV) was concerned with the theoretical use of reason, that is, with the pure faculty of knowing, the KpV was concerned with its practical application, that is, with the principles that determine the will. That said, it is then necessary to investigate whether reason can be sufficient for the determination of the will, or whether it can function as a principle of determination only while it is empirically conditioned. Can we prove that freedom is a property that really suits the human will?

The need to investigate the possibility of a principle capable of determining the will independently of all sensible motives will require KpV to follow a peculiar procedure. Here Kant undertakes his research not by our understanding of sensible experience (KrV), but by the principles of will while empirically unconditioned.

Practical principles are propositions that contain a general determination of the will. Such propositions consist of subjective principles - that is, rules limited to the will of a subject, which Kant calls maxims - and objective principles - that is, unconditionally valid for the will of every rational being - practical laws. It remains to be seen if our faculty of reason is capable of containing an objective principle - that is, unconditional, absolute - of determining the will, for if not all the practical principles will have to be recognized only as subjective principles, that is, as maxims.

In the theorem I, Kant introduces the thesis that all the practical principles that presuppose an object (matter) of the faculty of desire are, as a whole, empirical, therefore, not being able to provide a practical law. The theorem II further adds that all material practical principles, that is, those that presuppose a sensitive object, can be classified under the general principle of self-love or one's own happiness; that is, they are principles that seek to achieve satisfaction. Happiness depends on our feeling of pleasure and displeasure. Thus, it is a contingent practical principle, relative to each individual and, even in the face of the same individual, corresponding to the circumstances in which he or she finds himself or herself. For example, I may think that the current object of my will is to write a philosophical essay. Still, I certainly would not assume that this should also be the determining element of the will of a doctor, an engineer, or an actor. In fact, I must even admit that this object was not my desire in the past and that it may cease to be in the future. Practical prescriptions based on the possible objects of the faculty of desire, or the general principle of happiness, cannot, therefore, be the foundation for unconditional prescriptions. In this case, we will or should assume that our faculty to desire (the will) is always conditioned by sensible elements, that is, by the representation of an object as pleasant or unpleasant. Or we will have to prove that there is a superior faculty to desire (a superior will), capable of being determined by the pure form of the practical law, that is, to prove the existence of a legislative reason.

The matter of a practical principle is the object of the will. This may or may not be the determining principle of it. Every time the will takes its object as the determining principle, it will be subject to the conditions of the sensible world, that is, it will be an empirically conditioned will. However, if we remove from a practical principle all its matter, that is, all the possible objects of the will, there will be nothing left of that principle but the simple form of universal law.

The third theorem states that a rational being must understand his or her maxims as practical laws, that is, as principles that contain the basis for determining the will, not in matter, but exclusively in its form. In order to recognize when a maxim has the value of a practical law, it is enough to verify whether or not we can universalize it. In this process, all the maxims, which can be determined inseparably from their sensible content, will be self-destructed. For instance, I may take as my maxim the non-payment of

taxes, but it would not be rational to want this maxim to be universal; otherwise, all the advantages gained from paying taxes would be suppressed.

Subsequently, Kant formulates his first problem: assuming that the simple form of the maxims is by itself the principle of the determination of a will, we must then find the nature of the will, which can thus be determinable. In the words of Kant, such will:

“(…) should be conceived as entirely independent of the natural law of phenomena in their reciprocal relations, namely, of the law of causality. Such independence, however, is called freedom in the stricter sense, that is, transcendental. Therefore, a will, to which only the pure legislative form of the maxim can serve as a law, is a free will.”²⁵

The will we seek, therefore, is characterized as free will, where freedom, negatively defined, means independence from all sensitive motives. Now supposing the existence of a free will, Kant formulates his second problem: to find the law that determines it. We have already seen that, if we extract from a principle all its matter, nothing will remain but its pure form. The law capable of determining a free will shall be only the very principle of universal legislation, once termed in GMS as the moral law. Thus, Kant sets forth the principle of universalization as the fundamental law of pure practical reason (7).

Yet, how is this law grounded? We cannot demonstrate it analytically from the concept of freedom since, in this case, the rejection of the proposed concept of freedom would mean that the possibility of the moral law would be automatically removed. Nor can we start from freedom as a fact in the world, since no such intuition corresponds to it. Unable, therefore, to support the moral law in the consciousness of freedom, Kant depicts the consciousness of the moral law as a fact of reason. Such law should be considered as given, not as an empirical fact, but as the unique fact of pure reason (7).

Since we are conscious of the moral law, we are now obliged to recognize our own freedom. It is no longer from the freedom that we derive the moral law, but, to the contrary, from the unquestionable character of the moral law that we derive the freedom, that is, freedom is here demonstrated as a condition of possibility of the consciousness of the moral law. If we were not able to subdue our inclinations, that is, if we did not have a free will, we would never even be able to recognize the imperative character of

the moral law. The principle of morality is thus proclaimed as a law for all beings capable of enjoying a free will. Its unconditional character is merely an expression of the coercion which reason imposes upon our nature as beings of the sensible world.

In theorem IV, freedom is interpreted in its two senses. As independent from the sensible motives, it would have a negative sense, but as a legislator – that is, as long as it can determine its own will –, it also acquires a positive sense. The autonomy of the will reflects its capacity to of self-determination, which in turn we must acknowledge as a condition of our own consciousness of the law moral. Kant claims to have demonstrated that pure reason can be practical, that is, it can determine the will on its own, regardless of any empirical element. The moral law, as a fact of reason, is inextricably connected with the freedom of the will of rational beings. This freedom announces a purely intelligible world, where freedom itself becomes the law of causality, thus replacing the natural principle of causality, which governs the sensible world. As rational beings, we participate in this freedom. Therefore, we must be equally capable of abstracting from the sensible content of our maxims and raising them to a universal law. To do otherwise would be to succumb to our sensible inclinations and suppress freedom itself.

Is there any way we could recognize the moral law in Kant other than as a fact of reason? In the dialectics of pure practical reason, Kant introduces the idea of God and looks to justify it as a postulate of pure practical reason. The concept of God, of which no knowledge can be acquired, is then presented as a subjective necessity inherent in our understanding of the sovereign good. Such an idea, however, cannot be thought of as the foundation of morality itself, for, on the contrary, it would be in fear of God or the expectation of a divine reward, and no longer in pure respect for the law, the source of our moral motivation.

“(…) the moral law within us, without promising or threatening anything, demands of us disinterested respect”²⁶, reiterates Kant. As we have learned, we only recognize as moral an action from duty and not actions solely in accordance with duty. An act from duty can only find its principle of determination in the idea of a legislative reason. The foundation of morality in KpV depends exclusively on the recognition of the moral law as a fact of reason. Based on this fact, which is indisputable, Kant bases his

concept of free will, a concept that GMS considered to be inseparable from the moral law.

KpV's argument can put in the following terms: (1) We are aware of the moral law. (2) We can only acknowledge the unconditional character of the moral law if we are free, more specifically, if we have an autonomous will, that is, capable not only of abstracting from all sensible motives, but also to be governed by pure rationality. (3) The reason from which we derive every relation to the objects of the sensible world provides us with nothing more than the formal principle of determining the maxims of action, namely: the categorical imperative.

If we can't accept the moral law as a fact of reason, we can no longer guarantee our own freedom of will, consequently, the need to act in accordance with the moral law. Kant would, thus, have failed in his purpose to demonstrate the existence of a pure practical reason. That is to say, to prove the character of the principle of duty.²⁷ But what would be left of the Kantian perspective in this case? We have seen that Kant shows us, in the introduction to the KpV (A14), how the merit of GMS indicates and justifies the formula of the principle of duty. My hypothesis is that, if Kant did fail in his attempt of foundation that was proposed in the KpV, still it does not affect the GMS. That is, it does not prevent us from considering the Kantian indication and justification of the inherent formula of a moral principle as correct. Whether or not we accept the moral law – or the consciousness of it – as a fact of reason, we can accept the Kantian categorical imperative as the best expression of the principle of morality.

“Are you saying that morality can be a chimera, but that it still makes sense to offer the formula of the principle that best expresses it?”, you will ask. The answer is simple: first of all, we cannot yet rule out the possibility of providing another form of foundation for the principle proposed by Kant. Secondly, neither is discarded the chance that we can simply decide for being moral, which, of course, would make the question of the foundation meaningless, but not the need to seek a principle that corresponds to our longing for morality. These two alternatives will be analyzed in the following chapter.

RECOMMENDED READINGS

KANT, I. *Kritik der praktischen Vernunft*. Pref. de Paul Natorp. Berlin: Georg Reimer, 1908.

KANT, I. *Grundlegung zur Metaphysik der Sitten*. Jens Timmermann (Ed). Göttingen: Vandenhoeck & Ruprecht, 2004.

CHAPTER V. The Kantian heritage

This chapter analyzes, in contemporary moral philosophy, two attempts to resume the Kantian moral principle: Habermas and Tugendhat. I intend to defend the thesis that the Kantian analysis of the inherent form of the moral principle provides us with the very principle we need to respond to the contemporary demand for morality, even if its foundation is not mandatory. In this sense, I intend to rescue the Kantian heritage in Habermas and Tugendhat.

The Ethics of Discourse

Similarly to GMS, “*Diskursethik - Notizen zu einem Begründungsprogramm*”²⁸ begins with an analysis of elements inherent in our pre-philosophical understanding of morality. However, unlike the Kantian analysis, Habermas’ reflection does not start from a review of the use of “good” as predicate in the absolute sense, but from the extralinguistic elements of our common moral conscience, namely, typically moral affections or feelings, such as indignation, resentment, shame, and guilt. Following Strawson’s analysis²⁹, Habermas explains such feelings as part of our reaction to actions that violate universally valid norms. In this sense, the feeling of indignation will be understood as a reaction to the disrespect of rules in which we believe, resentment as a negative emotional reaction to the disrespect to ourselves, guilt, and shame as expressions of our awareness that we are the ones who violated norms universally accepted. The claim of the universal validity of the normative enunciations would thus be at the basis of the aforementioned moral feelings.

Based on this analysis of the extralinguistic elements of our moral conscience, we arrive, then, at the central characteristic of the so-called moral enunciations, namely: its pretension of normative correction (*Richtigkeitsanspruch*). Such a pretension would be neglected by all the non-cognitive approaches to morality that, in trying to justify morality in feelings or personal choices, do not do justice to the impersonal or universal character of its statements. The defense of a non-cognitivist perspective is, for Habermas, based on two difficulties that cognitivist conceptions face: (i)

the impossibility of solving the controversy regarding moral principles; and (ii) the failure of the attempts to justify it. To defend his perspective, Habermas should, therefore, attack such issues. To dissolve the former, he should indicate the principle that makes it possible to agree between competing moral arguments. This principle will then be presented as an expression of the Kantian categorical imperative, that is, the very principle of universalization. The second difficulty disappears, according to the author, as soon as we abandon the need to rescue the pretense of validation of normative statements, taking as a paradigm the validation in the sense of propositional truth. The second and third sections of his article are dedicated to the solution of such problems.

In the second section, Habermas will show that the principle of universalization must assume, on the level of morality, the role of a “bridge principle” which allows us – analogously to the principle of induction in theoretical discourse – to justify the transition from the singular to the universal, more specifically, the transition from recognition of particular interests to recognition or acceptance of universal rules. The bridge principle in moral discourse should guarantee the impersonal or universal character of moral commandments.³⁰ Moral rules are those that express a “universal will,” as Kant had once defined them. With this, Habermas resumes the Kantian moral principle. According to his words, the categorical imperative can be understood as a principle that demands the possibility of universalizing the acts and the maxims, or rather, the interests that they take into account.³¹ It is now a question of clarifying how this principle must be understood, and its validation claim is guaranteed.

It is, therefore, in this setting that Habermas introduces the analysis of the interpretations of the principle of universalization provided by R.M. Hare; K. Baier and B. Gert; M.G. Singer; G.H. Mead; J. Rawls and E. Tugendhat. For all the mentioned authors, it would be a matter of elucidating the principle of universalization as the principle of the impartiality of our normative judgments. The uniqueness of the Habermasian perspective consists of providing a dialogical formulation of the Kantian principle and grounding it as an assumption of the rules that define the rationality of the argument.

In contrast to strategic action – in which any procedure is assessed only in view of its effectiveness for the achievement of the desired ends –, the rational discourse is distinguished by Habermas as a form of interaction

in which the participants commit themselves beforehand to specific rules, without which the communication itself would be threatened. When Habermas elucidates these rules, he shows that the skeptical interlocutor ends up committing to the principle of universalization when he accepts them. In other words, Habermas wants to prove that the principle of universalization, that is, the moral principle, is a basic rule of law or a constitutive principle of the argument itself. Therefore, all those who agree to take part in the discourse have already assumed it.

Taking part in the discussion and rejecting the moral principle would define what we call a performative contradiction. Such a contradiction, according to Habermas, cannot be understood as a logical contradiction - as the concomitant affirmation of A and its opposite - nor as a direct performative contradiction - as seems to be the case of the extension of the Cartesian doubt to the existence of the subject who, as a thinking being, is a condition of the very act of doubting. In the case of the recognition of the moral principle, the contradiction only becomes explicit when we analyze the rules of argumentation. By doing so, we must be able to prove that the rules accepted by our skeptical interlocutor to defend his perspective imply the acceptance of the moral principle.

The rules that make possible rational discourse in general can be typified as presuppositions of three levels of discourse. To exemplify them, Habermas uses the catalog of rules organized by Alexy in his article "*Eine Theorie des praktischen Diskurses*"³². In the first level would be the logical-semantic rules:

- 1.1 No speaker may contradict himself
- 1.2. Every speaker who applies predicate F to object A must be prepared to apply F to all other objects resembling A in all relevant aspects.
- 1.3. Different speakers may not use the same expression with different meanings.³³

In the second level would be the pragmatic presuppositions, that is, those that concern the cooperative search for truth:

- 2.1. Every speaker may assert only what he really believes.
- 2.2. A person who disputes a proposition or norm under discussion must provide a reason for wanting to do so.³⁴

And, finally, the rules that make it possible to counteract all kinds of coercion external to the discourse:

3.1 Every subject with the competence to speak and act is allowed to take part in a discourse.

3.2. (a) Everyone is allowed to question any assertion whatever.

(b) Everyone is allowed to introduce any assertion whatever into the discourse.

(c) Everyone is allowed to express his attitudes, desires and needs.

(3.3) No speaker may be prevented, by internal or external coercion, from exercising his rights as laid down in (3.1) and (3.2).³⁵

In the latter level, Habermas presents a new version of the principles of ideal speech situations, introduced in his article “Wahrheitstheorien”³⁶. Such rules represent the transcendental-pragmatic principles of discourse ethics. “Transcendental” in the sense that their validation is a prerequisite for the possibility of communication. “Pragmatic” because they do not allow themselves to be made clear only from the syntactic and semantic features of the language. They are the rules of a communicational practice, without which there can be no guarantee of rational discourse, capable of grounding assertions, norms, or rights. Because they express the assumptions of any rational discourse, they will also be called rules of communicative reason. The principles of the ideal speech situation ensure that only the recognition of the coercive power of “good arguments” is responsible for achieving an agreement between dissenting opinions. Such principles should, therefore, prevent external elements of discourse from interfering with the course of argumentation.

Based on the principles mentioned above, we ensure the victory of the arguments that ultimately won the agreement of all the participants in the speech. Habermas thus introduces a criterion for the recognition of the validity of statements: the agreement of all those concerned. Such a rule will be called ethical-discursive principle or principle D.

For Habermas, the rules of argumentation are also the expression of the moral principle; that is, the principle of universalization. Therefore, based on the principle that guarantees the continuity of the discourse itself, principle U, principle D provides us with the criterion for the recognition of the claim of validity of the propositions involved. The application of principle D thus presupposes, beforehand, that general practical questions can be judged impartially and decided rationally. These conditions must be satisfied with the rules of argumentation.

In Habermas, we notice two levels of argumentation. In the first level, grounding the Kantian moral principle, that is, the principle U as a general principle of rational discourse, as an expression of the rules of rational argumentation. Once moral/argumentative impartiality is guaranteed, principle D would provide the criterion for recognition, or even for the foundation of the normative value of a statement. Rules regulate the satisfaction of the needs and interests of individuals. A standard that everyone can accept must therefore respect the needs and interests of all concerned. Only then will it be possible to reach a rational consensus on it.

The consensus, i.e., the agreement between the potential participants of rational discourse, is, within the scope of the theory of communicative action, the condition for the rescue of validity claims, both assertions and normative statements. A grounded consensus is that in which the acceptance of a statement results from the coercive power of the arguments in its favor. The arguments will then be the foundation that should motivate us to recognize the validity claims put forward by the different forms of discourse.

If the peculiarity of Habermas' proposal rests on his dialogical (non-monological) interpretation of the Kantian principle, the first stage of any critical appreciation should consist in the verification of the supposedly essentially communicative character of such a principle.

A statement has an essentially communicative use when we can recognize an essential distinction; therefore, an asymmetry between the role of the speaker and the role of the listener. When we investigate the various uses of language, we can certainly see in some cases the existence of such asymmetries, such as orders and requests. But is this the case with so-called normative statements? Normative expressions include a reciprocal requirement. However, it does not mean that they can only be understood from a communicational context since their understanding does not imply the distinction mentioned above between the role of the speaker and that of the listener.

To prevent any confusion between the rules of communicative action and the rules of language employment, Tugendhat³⁷ suggests naming them semantic rules - making no difference whether they are used communicatively or not. And pragmatics to rules, which can only be understood in a communicational context. Semantic rules determine the meaning or mode of use of language. Such rules can be understood in

themselves, or complemented by communicative or pragmatic rules. However, only when a linguistic expression cannot be thought of outside a communicative context will it make sense to define it as essentially communicative.

In terms of the justification of normative statements, can we recognize something that is essentially communicative, or more specifically, essentially dialogical? We can accept that the principle of universalization is, in many cases, applied as a dialogical principle in real discourses. Nonetheless, this does not exclude that (1) in an equally relevant part of cases, we may better apply it monologically, and that (2) in some situations, the real discourse is, in fact, unthinkable. To illustrate the first group of cases, we cite the following situation: I am a doctor, and I want to decide whether or not to reveal to my patients their real conditions. In such a case, presenting my arguments to them would imply adopting a standpoint. Only if I have previously decided for the truth would it make sense to defend my perspective before them. In the second group are the situations in which those concerned are not able to take part in rational discourse. This would be, for example, the case of the justification of children's rights, or even the case of any situation involving individuals with quite different argumentative qualifications. The people concerned may not always be the best suited to defend their own interests. In these cases, what alternative do we have but to decide monologically, i.e., outside of a real discourse?

But suppose some cases involve a real discourse. Would it be correct, at least in these cases, to assume that by accepting to take part in the discourse, we commit ourselves to the principle of universalization in the sense of a moral principle? The reason or logic of the argument obliges us to recognize a good argument. The principle U, if we understand it as a version of the Kantian moral principle, forces us, in turn, to respect all possible participants in rational discourse, regardless of their arguments. Such a requirement cannot be considered a prerequisite of rationality. Communicational reasoning only explains the conditions necessary for good arguments to be considered, regardless of their spokesperson.³⁸

For Habermas, the principle U is a necessary condition to enable rational communication. Based on this assumption, principle D would work as a criterion for the recognition of the validity of our statements. Now, if we can show that the discussion is not a prerequisite, that is, a necessary

condition for basing such claims, in what sense could principle D still be accepted as such?

If we cannot prove that the principle of universalization is the feasibility of rational discourse, based on the ethics of discourse, we cannot provide a foundation for its acceptance. But if we do not need to commit ourselves to morality, why should we accept principle D, or some other principle, as a criterion for recognizing the normative value of a particular proposition? If there is nothing in our nature, as rational beings, that compels us to act according to morality, why should we accept any moral principle and commit ourselves to act according to it? To answer these questions and thus ensure a moral community – even if we can no longer provide any *a priori* justification for a moral principle – I propose an investigation into the resumption of the categorical Kantian imperative through the moral of universal respect³⁹.

The Moral of Universal Respect

At this stage, I do not intend to present a moral theory in the strict sense, but only, based on Tugendhat, to propose a solution to some of the problems mentioned above. Here, no proof of morality, that is, of the unconditional imperative to act morally, will be provided. By doing so, I intend to rule out beforehand any possibility of responding to any moral skepticism. What I propose is nothing more than a justification of the Kantian categorical imperative as the principle that best embodies what we want when we wish to be part of a moral community. For those who are indifferent to any moral demand, that is, to the so-called lack of moral sense, I will not propose any answer. Accepting or not a moral perspective will be seen as the individual's decision-making act.

For Tugendhat⁴⁰, “founding” a concept of morality means providing a plausible concept of morality and at the same time showing that all other possibilities are less plausible or unacceptable. Such a concept will be, for Tugendhat, expressed by the Kantian moral imperative: “act in such a way that humanity can be considered, both in its own person and in the person of every human being, never as a simple means, but as an end in itself”. Such a concept will be, for Tugendhat, expressed by the Kantian moral imperative: “act in such a way that humanity can be considered, both in its own person as in the person of every human being, never simply as means, but always as an end in itself”. To avoid any difficulty inherent to the

Kantian premise that all human beings are an end in themselves, he proposes that we say: “Do not use a human being as a means” or also “do not instrumentalize human beings”. With this principle, Tugendhat defines the morality of universal respect. Respect means the recognition of each individual as a subject of rights. The content of this requirement is no more than a consideration of the needs and interests of each individual. The moral norms will thus be those that can be accepted from the perspective of each individual.

Accepting or not a moral conception cannot be forced upon an individual, but an attitude that each person adopts towards the core choices of their process of building a qualitative identity. An individual embraces a moral behavior when he or she desires or chooses to be part of a moral community; that is when he or she wants to belong to the totality of individuals whose actions are guided by moral rules.

The question remains, therefore, to be asked: (1) whether we want to understand ourselves as members of any moral community, and (2) whether we want to understand ourselves as members of the moral community defined by the concept of Good described here. The question must be understood as an essential part of the question concerning the constitution of the qualitative identity of each individual, that is, the question of “what” and “who” we want to be.

The identity of each of us is determined/constituted by elements or facts of our personal history, skills, or individual talents and the way we organize our experiences and respond to the world. Qualitative identity is an individual’s response to their past and at the same time, the determination of their future. The individual chooses for his future that which he considers fundamental to his life and identity. He lives his life as a successful or happy person when he achieves a successful identity.

Is it necessary for moral identity to play a constitutive role in the identity of the modern individual? We have stated that each individual chooses for himself what is fundamental to his identity and life. Is the moral identity of an individual essential to the identity or successful life? This question remains unresolved. All we can provide is a clarification of the elements implied by the acceptance or rejection of whatever moral principle.

If, for our qualitative identity, we do not choose to belong to a moral community, we remove the possibility of moral censorship and any

reference to moral feelings, such as shame, indignation, or guilt. Such feelings are, as we have seen, a reaction of the community – or the individual himself – to the violation of a moral principle to which both are identified. This type of response will be called an “internal sanction”.⁴¹

If we do not want to refer to the Kantian concept of Good, then our relationship with other human beings will only be instrumental. In other words, we will treat other individuals not as subjects capable of determining their actions and ends, but as mere objects of our own actions.

Identifying with a community means, in general, making its principles our own principles. Identification with the moral principles of universal respect means considering each individual as a subject of rights. If we are to ensure that our own claims are respected, then we must choose to live in a society in which the supreme principle is respect for everyone’s interests. If the qualitative identity of the individual belongs to the identification with the moral principles of universal respect, then respect for all human beings will be a necessary condition for the individual to be aware of an identity or a successful life.

When we choose as a starting point the moral of universal respect, then we commit ourselves to consider every human being as an equal object of respect. Respect for each human being presupposes the recognition of their basic needs. Only the granting of fundamental rights can ensure that these needs are met and thus provide all individuals with the minimum conditions for the realization of a dignified life.⁴² For basic rights, we must understand both the rights related to education, professional training, work, etc., as well as the right to food, housing, medical care, and everything that, over time, is an integral part of our concept of a dignified life. This is the case, in recent years, of the rights concerning the demand for a healthy environment.

Meeting the basic needs of an individual is a prerequisite for his self-esteem, for his respect for others, and respect for the principles of society. In cases where the basic needs are not respected, it is not reasonable to expect the individual to identify with the norms of society. The provision of fundamental rights is, therefore, a minimum condition for the individual to recognize the respect for his own person by the norms of society. Consequently, it is a minimum condition for the individual to perceive himself/herself as a member of the moral community.

For Tugendhat, the provision of basic rights to all individuals, that is to say, universal respect, is only the realization that, without the introduction

of metaphysical assumptions, we cannot justify primary discrimination between individuals. Thus, it would not be the universal and egalitarian character of moral rules that would require a justification, but the introduction of discriminatory criteria that would restrict their validity to individuals of a particular group. Hence, he rejects any form of moral particularism. In contemporary societies, any type of restriction of morality to the members of a specific group would need, instead, to justify why the inherent characteristics of its members make them hierarchically superior or worthy of attention not extended to other individuals. In the absence of any plausible or publicly acceptable justification, such a restriction would be unjust and morally condemnable.

Based on the equal distribution of fundamental rights – that is, based on the universal principle of respect – Tugendhat believes he can justify, *a posteriori*, an unequal distribution. It would suffice for us to be able to show that respect for each individual presupposes the recognition of their particularities and, consequently, the creation of mechanisms of secondary differentiation that consider them. If we assume that all individuals have equal rights to health, education, food, and housing, we cannot believe, for example, that the resources for maintaining an individual's health are used to guarantee the same right in the case of disabled individual.

Thus, Tugendhat concludes that if we consider that at a more fundamental level, we cannot assign a distinct value to individuals; at a secondary level, we must ensure this equality by adopting specific rules. Yet, what would these rules be?

Thus, Tugendhat concludes that if we consider that at a more fundamental level, we cannot assign a distinct value to individuals; at a secondary level, we must ensure this equality by adopting specific rules. Yet, what would these rules be? How could we agree on the choice of rules for secondary differentiation? Wouldn't the ability to decide between conflicting moral norms be the very dilemma of those who actually accept morality? I believe so. Also, I think that was the reason why the matter of the moral foundation gave way in the 1970s to a still moral issue, but above all, a political one, the question of justice. In chapter seven we will then analyze the various theories and principles of justice raised following the release of *A Theory of Justice* by John Rawls. Before that, I intend to resume the matter of morality, adopting as a matrix the concepts suggested by Plato and Aristotle.

RECOMMENDED READINGS

HABERMAS, J. *Moralbewußtsein und Kommunikatives Handeln*. Frankfurt: Suhrkamp, 1983.

TUGENDHAT, E. *Probleme der Ethik*. Stuttgart: Reclam, 1984.

TUGENDHAT, E. *Vorlesungen über Ethik*. Frankfurt am Main: Suhrkamp, 1994.

CHAPTER VI. Ethics in Plato and Aristotle

Since modern ethics is disconnected from the issue of “good” life, it creates a void between an individual’s desires or interests and his concern for the well-being of the community. The prescriptive character of morality adopts a coercive power that needs to be justified, since, in addition to seemingly not finding its motivational source in himself, the individual is often perceived as something that contradicts the original motivations of the agent. It is this gap, which separates our own interests from the moral obligation to act considering the interests of all concerned, that an ultimate moral foundation aspires to overrule. Once such attempt has failed, we must explain our failure elsewhere, i.e., in the separation between the self and the other – artificially initiated with the notion of the individual –, as an opposition between my interests and their interests. Finally, shifting the core of the ethical question once centered on the investigation of what we consider a fulfilled life – a life worthy of being vivid –, now focused on our duties towards the other individuals.

Returning to the original question, I intend to abandon the dilemma of the moral foundation and establish the bond that makes the realization of the other part of our own realization. Nevertheless, to clarify the classical conception and, above all, to keep in mind the peculiarities of ethics in a historical moment so different from ours, I intend to retrace the Greek ethics through the dialogue between its main representatives: Plato and Aristotle.

Remaining in suspense the question of what we should do, our core theme now will be: how should we live? What is a life worthy of being lived, a successful or happy life? On this journey, we will be confronted with the notion of virtue, which represents a faculty of character, constitutive of our interpretation of what is a successful life. Going from Plato to Aristotle, I intend to provide an understanding of Aristotelian ethics, that is, of his work *Nicomachean Ethics*⁴³, as a continuation of the Platonic project – an attempt to give the ultimate *télos* of practical activity and the justification and specification of virtues as its constitutive part. In Plato, our guide will be *Republic*⁴⁴, the Platonic work in which the author

provides us with an ideal city model, for which implementation Plato risked his life, on the paths of Syracuse.⁴⁵

Plato

As the backbone of his political project, Plato brings the debate about justice and, more specifically, seeks to prove its usefulness. His work is organized into ten books. In the first, Plato will introduce various interpretations of what justice is and present their deficiencies. In the journey from the second to the fourth book, he aims to provide an adequate vision of justice, conceived from the notions of polis, city, space of socio-political organization, and tripartite *psyché*, soul, formed by the intellect, emotion, and desire.

From the fifth to the seventh book, Plato indicates the way to understand the form (*arché*) of justice in the light of the form of Good. In the following books, the eighth and ninth, Plato returns to the discordant opinions presented in Book I and, finally, in the tenth book, he discusses the dispute with the poets, among them, Homer. The dilemma faced by Plato can be described in the following terms: either we prove that the life of the rational human being has a *télos*, or the vision of the sophists prevails.

But what exactly would be the vision of his opponents, from which Plato is so keen to move away? We can identify three significant theses in *Republic*. The first thesis concerns moral relativism. From a relativistic interpretation, goodness and justice are related to the customs of society or the interests of the strongest. Therefore, we could not say what justice is, but only what it seems to be to some people. As a result, any timeless and impersonal conception of justice is rejected.

The second thesis argues that rational action is based only on the rational calculation of the means to achieve, at the lowest cost, the satisfaction of desires or the ends proposed by dominant desires. This thesis is presented by Trasímaco in Book I, in which rationality is described as a *techné*, a skill or set of skills equally available to serve the interests of any intelligent and experienced person.

The third thesis is defended by Thrasymachus, in Book II, and proclaims that the ultimate goal, or that which human beings are aiming at, is power. Only the limitations of force oblige us to agree with each other and to submit to a set of rules that would provide the most effective way of

guaranteeing what we want. The strong do not need justice and would get rid of it if they could. Justice only serves us if we can take advantage of it.

All three of these theses, although announced so many centuries ago, are very familiar to us. In fact, they could have been read in any newspaper today, or our politicians on television could have uttered them. Despite all the philosophy, humanity seems to have made little progress in its considerations of justice. In spite of the skepticism that befalls us when we see that our adversaries still utter the same words so many centuries later, let us try to give Plato some credit and see how he refuted his adversaries. I'll try to summarize Plato's theses into eight items. Against the thesis of relativism, Plato will, firstly, (1) defend the objectivity of Good and the connection between knowing what is Good and acting accordingly. Virtue and Goodness can be recognized, and a good person is the one who knows what virtue is. Those who know Goodness are indeed good.

Secondly, (2) he intends to show that true knowledge consists not in knowing particular things, but in knowing something general that is common to all specific cases. Thus he is opposed to all those who were content only to describe particular just or good acts rather than to provide a general understanding of them. What we know is the general form or the idea of Good, shared by all particular good things.

The third thesis concerns the adequate comprehension of what we understand as *techné* (3). *Techné* is a skill at the service of something good. In this sense, we cannot master a *techné* without understanding how the purpose that *techné* serves is beneficial, and, to do so, one must have a knowledge of both Good and goodness in general.

The third and fourth theses concern virtue: (4) Virtue is a quality of character necessary for the realization of a particular good, and (5) without virtue there can be no theoretical or practical rationality.

The sixth thesis directly confronts the cultural relativism of justice and seems to express something experienced by Plato himself with the accusation, condemnation, and death of Socrates. It is the thesis that (6) there can be justice in a man's *psyché* regardless of how unfairly the polis treats him. Accordingly, what is stated is the possibility of obtaining justice, that is, of understanding what justice is and how to act justly, even if the community to which we belong is not just. Yet, to build a just society, the seventh thesis states that (7) only education within a disciplined community and taught by philosophers will give knowledge of forms, including the

kind of justice, without which one cannot be virtuous. Finally, regarding the relationship between justice and happiness, Plato then affirms that (8) justice is related to happiness, not as a means to achieve it, but as something inherent to it.

For Plato, justice consists of the harmony between the three elements of the soul: intellect, emotion, and desire. An unjust person lives in a state of internal dissatisfaction and disagreement. The soul of the good person, in turn, lives harmoniously under the control of reason. A good person enjoys this knowledge. Acting justly, he is only acting according to his own nature and his virtues (excellence). Plato responds to the thesis of his opponents, according to which we only accept justice if it is advantageous to us, emphasizing the relationship between justice and happiness, demonstrating that the just person is also happier.

Aristotle rejects the platonic theory of the world of ideas, according to which the essences or ideas would exist independently of the particular entities. He will consequently refuse the knowledge of the universal form or concept of Good. For Aristotle, our method of investigation must go from the specific to the universal, and we will only be able to know the form from its presence in particular entities. Accordingly, there would be no standard external to the *polis* by which a *polis* could be rationally evaluated in relation to justice or any other Good. One cannot be fair or rational in a practical way without belonging to a particular *polis*. Understanding what goodness is, means understanding what is Good, as defined in a *polis*. Thus, a human separated from his social group will also be deprived of the capacity for justice.

Aristotle

The *Nicomachean Ethics* is also organized into ten books. In the first book, Aristotle analyzes the concepts of Good and Happiness. Some things are said good because of their utility, or rather, they are things that serve to achieve specific purposes. But there are also good ones in themselves.

Starting from the recognition of the diversity of purposes to which we are submitted by experience, Aristotle invites us to investigate, among them, that purpose desired for itself. This would be the Good or the best of all goods. He suggests that we begin our investigation with what is most evident to us, abandoning possible speculation about what is most evident in itself, or evident from another place, a possible world of ideas.

Happiness is what, most of the time, we recognize as the supreme good, the end in which all actions are aimed. But in spite of this, we are not clear about what we mean by happiness, and at this point, divergent opinions can be found. In this sense, Aristotle will identify three distinct forms of life and their respective conceptions of what happiness – or the ultimate end of human beings is: the life of men who identify Good or Happiness with pleasure; the political life, aimed at the flourishing of the polis; and the contemplative life, aimed at the realization of intellectual activities and the apprehension of truth.

Good is then split into three classes: goods external to us: goods of the body; and, finally, goods of the soul. The latter would be Good, in the highest sense, and the true meaning of the word. This means that the good for human beings would be the active exercise of the faculties of the soul, in accordance with its excellence. Happiness will then be defined as the activity of the soul, according to excellence. Consequently, we must declare happy those living persons who meet the requirements mentioned above and are committed to continuing to do so, within the limitations of the human condition.

Since happiness is an activity of the soul according to excellence, it is necessary to examine and understand the nature of excellence. Human excellence, as we are dealing with human happiness. Excellence of the soul, for human happiness reports to it. For Aristotle, the human soul would be made up of an irrational part, and a part endowed with reason. The irrational element takes two forms: the vegetative element that in no way participates in reason – to which belong the impulses of nutrition and growth, also common to other creatures –, and the concupiscent element that participates in reason, to the extent that it hears and obeys its desires. Excellences, in turn, are also differentiated into two groups: intellectual excellence, such as wisdom, intelligence and discernment; and moral excellence, such as liberality and moderation.

Book II inaugurates an analysis of moral excellence and the conditions of moral action. While intellectual excellence results from instruction, moral excellence will be the product of habit. None of the various forms of moral excellence constitute us by nature, for nothing that exists by nature can be changed by habit. Our moral dispositions result from the activities corresponding to them. Their investigation thus aims not only to know what moral excellence is but to make us good.

So what would moral excellence be? According to Aristotle, there are three types of manifestations of the soul: emotions, faculties, and dispositions. Neither excellence nor moral deficiency can be considered emotions, for we are not praised or censured for our emotions. Our faculties, in turn, belong to our nature, but we are not, according to Aristotle, good or bad, by nature. To this extent, moral excellence cannot also belong to our faculties. We can only identify it as a disposition. What kind of disposition? Aristotle will answer that moral excellence is a disposition of the soul related to the choice of actions and emotions. This provision consists of a middle ground determined by reason. So there would be three forms of moral provisions; two of them are moral deficiencies and imply in excess or lack, respectively. The third corresponds to the middle ground, the right measure between excess and lack. Such will be what we will identify as moral excellence.

We become righteous by performing righteous acts. To do so, the agent must also satisfy these conditions: first, he must act consciously; second, he must act deliberately – deliberate by his acts; third, his action must come from a firm and unchanging moral disposition. Having said that, Aristotle initiates the third book analyzing the mentioned conditions.

Moral excellence is voluntary. A voluntary act is presumably one that originates in the agent himself when he knows the particular circumstances in which he is acting. In this sense, it is distinguished from acts considered forced. Forced acts are those that take origin outside the agent, and to which the agent does not contribute in any way. The object of deliberation and the object of choice are the same. However, the object of choice, according to Aristotle, is already determined. Acts of choice focus on a deliberate desire for things within our reach. Acts by aspiration are related to the ends, without there being a reflection on the means. Aristotle introduces two forms of excellence moral: courage and moderation. In the fourth book, Aristotle presents the virtues of liberality, magnificence, kindness, sincerity, and spirit.

The fifth book presents the concept of justice. Here Aristotle distinguishes between two meanings of justice: justice in the broad sense and justice in the strict sense. Justice, in the broad sense, is synonymous with moral excellence. We consider just the acts that tend to produce and preserve happiness and the elements that make it up for the political

community. It is thus a question of perfect moral excellence concerning others.

Strictly speaking, we distinguish three forms of justice: legal, distributive, or corrective justice. Legal justice refers, as the name implies, to what is licit or not according to what is prescribed by law. Where the law is silent because of its generality, equity must be sought. Distributive justice concerns the distribution of functions, financial resources, and other goods that should be shared among citizens. According to Aristotle, such distribution should happen according to the merit of each individual.

Corrective justice plays the role of balancing the losses and gains from unjust actions. To act unjustly means, for Aristotle, to voluntarily harm, that is, (i) knowing the person towards whom one is acting, (ii) the instrument and the manner in which one is acting and, (iii) contrary to the desire of the person towards whom one is acting.

The sixth book addresses intellectual excellence and, more particularly, the role of discernment in the characterization of moral action. Book VII speaks of moral deficiency, incontinence (weak will), and bestiality. It assesses three points of view hostile to pleasure as Good and its replicas. Books VIII and IX deals with friendship and self-love. In the tenth book, Aristotle takes up the definition of the Good and its relationship with Happiness and what Aristotle characterizes as the contemplative life.

Before closing, I would like to highlight an essential aspect of our interpretation of Aristotle. By identifying moral excellence as the right measure between excess and lack, we are providing a definition that is independent of content. Accordingly, whatever the activity or talent involved, one who possesses moral excellence will exercise it according to the fair measure: the measure that results from an adequate understanding of their own natural characteristics and limitations and the contexts of action. Having said that, I want to emphasize that, for different people and settings, or the same person in different settings, or even for different people, in the same context, different actions will be those said according to the right measure. The right measure, or the middle ground, is a unique formula, the formula of moral excellence. However, precisely because it has to adapt to the characteristics of each one and the specific contexts of action, it will produce different actions.

We have seen above that Aristotle will speak of excellence or moral virtues in the plural and will provide a specific list of excellence. So how

can we interpret the characterization of moral excellence as a suitable arrangement and the identification of excellence with very specific contents? I then propose that we explain Aristotle's alleged moral excellence in the plural as examples of settings in which the right measure applies. This means that in another era, other examples would be provided. In analyzing each case, we should not focus on the content of the talents or actions, but on how the agent leads to both, reaching an optimal point of balance or, in Greek terms, a fair measure. That, yes, would be excellence or moral virtue. In Book V, Aristotle speaks of justice in the broad sense as the just measure, the middle ground. In this sense, justice would be the moral virtue *par excellence*, independent of any content. In doing so, Aristotle reinforces the interpretation provided herein.

For Aristotle's followers and interpreters, this element of his theory will be fundamental, since it will serve as a game-changer for thinking about Aristotle's commitment to a universalist position in morality. Interpreters who place more emphasis on the provided framework of virtues and the relationship between the development of virtues and habit – which has been created and exercised within a concrete society – will interpret the virtues and moral actions as defined only from a specific culture or community. The revival of Aristotelianism, thus understood, will give rise to communitarianism⁴⁶, an ethical-political perspective, of which I will briefly analyze the main characteristics in the next chapter.

Leaving aside the political realm and focusing morality on the relationship of individuals in specific socio-cultural contexts and the bonds established by them, we will find the so-called ethics of care. A neo-Aristotelian version of ethics that seeks to break with the Kantian moral paradigm of impartiality by focusing on the morality in the relations partially established between the individuals. I particularly wish to highlight the introduction, in this respect, of the notion of the individual, which does not exist in Aristotelian ethics.

Yet, immersed in the age of individuals and assuming the individual – not the *polis* or the sociocultural community – as the core of morality, there are still those who advocate a universalist interpretation of the Aristotelian perspective. Among them, the most common will be the attempt to identify something such as an ordinary human nature, generally associated with the attributes of rationality and freedom⁴⁷.

Here I intend to defend a universalist interpretation, albeit no longer based on the notion of human nature and focused on singular forms of realization. Before this, I want to make it clear that I do not intend to pronounce myself neo-Aristotelian. Ultimately, I am only trying to recover the Greek meaning of the ethical question, even though I am fully aware of the centuries that separate us and of all that this represents in the search for an appropriate answer to what we can understand as the good life. Nor do I intend to provide a model of what the good life is. Just as I do not believe that there is one human nature, so I do not believe that there is one good life, in the singular.

If Aristotle is right and we need to start our investigation with particular cases, I would say that I have not yet been able to find, from contact with specific human beings, anything that could be identified as human nature. I see, at best, to paraphrase Wittgenstein, family similarities. This perception, however, does not affect me. Why should there be human nature, after all? As I intend to show, later on, the non-identification of human nature does not prevent me from thinking about morality. On the contrary, it frees me from prejudices that have prevented, to this day, a large part of humanity from thinking about morality in more comprehensive, more universal terms. Yes, I intend to rescue the claim of universality of our moral demands.

What interests me in the Aristotelian perspective is precisely what I sought to interpret as its notion of moral excellence and happy life – both associated with the search for what is proper to each being and the best way to accomplish what is appropriate to us in each context. A good life is a fulfilled life, that is, a life in which we can become who we aspire to be. Nevertheless, so that this notion of good life does not become a source of frustration, it is important to remember the Aristotelian fair measure and the need to know who we are, understand our possibilities and limitations and, at the same time, the possibilities and limitations of the contexts in which we operate. In other words, I will never be a Maria Callas, because I don't have the vocal talents she had. If I still choose to bind my achievement to my performance as a singer, I will be unhappy. I will be an unfulfilled person because I have not been able to realize and take my limitations seriously. In order not to be frustrated by our imposition of standards of conduct that we may not satisfy, we need to know ourselves and our

surroundings in order to find our fairness and, by doing so, our fulfillment or, in Aristotelian terms, happiness.

Plato and Aristotle: resonances

Such as Plato, Aristotle will support a non-relativistic conception of virtues and the ultimate end of human actions. The practice of virtues will not be considered as an instrument to achieve happiness, but as constitutive of happiness itself. Education through virtues would allow not only their exercise but also their understanding as something constitutive of happiness. The practice of virtue is thus, both in Plato and in Aristotle, necessary to enjoy the best form of life for human beings, an achieved or happy life. In both cases, being virtuous is considered a prerequisite for practical rationality.

What then would happen when we knew what was right to do, so to speak, when we knew the good, the just, and the unjust, and yet chose to act in the so-called wrong or unfair way? Plato would refuse this possibility. In his view, someone who does not act justly according to the good, simply disregards the nature of the good. Aristotle accepts the possibility and solves the problem by introducing a distinction between intellectual and moral virtues/excellences. In this sense, it would be possible to know the correct way to act and not act according to it, due to a lack of control, and deficiency in the order of our moral virtues.

If we were to rephrase the question, we could ask ourselves whether, because we know justice, we should be motivated to act fairly. In other words, would recognizing the objective character of justice be a sufficient reason to act accordingly? Plato resorts to the world of ideas to ascertain the objectivity of the good and the just, but does his answer to our question depend on this formulation? My hypothesis is that it doesn't. At this point, both Plato and Aristotle could appeal only to the connection between the practice of virtues and happiness. Whoever seeks an additional reason to act in a just or virtuous way has not understood the meaning of such a connection or, for some unclear reason, does not seek to achieve his own happiness.

It only remains for us to deny that there is any connection between the practice of virtues and happiness. We can define happiness very differently. Still, at this point, we would be completely distancing ourselves not only from specific aspects of Plato and Aristotle's perspective but also from

ethics in its classical sense. This undoubtedly seems to have been the direction we have taken, but - although not out of any nostalgia, but because it seems to be the most appropriate way for us to think about ethics - I would like to recover.

RECOMMENDED READINGS

ARISTOTLE. *Nicomachean Ethics*. In: *The Complete Works of Aristotle* (ed. J. Barnes), Princeton: Princeton University Press. 1995

MACINTYRE, A. *A Short History of Ethics*, Londres, Routledge, 1967.

MACINTYRE, A. *After Virtue: A Study in Moral Theory*. Notre Dame, University of Notre Dame Press, 1981.

MACINTYRE, A. *Whose Justice? Which Rationality?*, Notre Dame, University of Notre Dame Press, 1988.

PLATO, *The Republic*. In: *Complete Works*. (ed. J. M. Cooper). Indianapolis/Cambridge: Hackett Publishing Company. 1997.

CHAPTER VII. Moral and political perfectionism

However, in trying to justify the prescriptive character of our moral statements and, consequently, their claim of “universal” validity by recourse to the values and/or constitutive ends of the type of life we choose to live, would we not be combining two antagonistic moral perspectives: a perspective focused on the structure of a moral norm, namely, a deontological perspective and a perspective focused on the idea of a telos, an end, that is, a teleological perspective? Wouldn't we somehow be inconsistent with tradition itself? I will be choosing a teleological perspective and, based on this perspective, justifying, in a non-foundationalist way, a moral principle. Hence, there is certainly a proposal to reconcile two elements seen by tradition as antagonistic, but which will be indicated here as complementary. To this end, I intend to show that it is possible to answer the question about what we consider a good life in the first person, that is, adopting the point of view of the moral agent in a non-subjectivist way. In other words, I will have to differentiate what I am advocating as a “perfectionist perspective”, from a communitarian⁴⁸ interpretation of morality and moral subjectivism⁴⁹.

Perfectionism, communitarianism and moral subjectivism

By perfectionism, we understand, fundamentally, a moral perspective that seeks to answer the question about what is a good life — acknowledging, as a starting point, that at least some activities, capabilities, or forms of human relationship have a non-instrumental value for reasons that are independent of the current or potential mental states of the agent⁵⁰ (Sher, 1997). Unlike subjectivists, who consider the individual to be the ultimate source of value — who believe that something is valued only because individuals decide on it — perfectionists argue that individuals choose specific things because they recognize them as independently assessed, that is, as having a non-instrumental value. Therefore, perfectionists consider the source of specific values to be outside of subjectivity, which means sustaining their objectivity. The source of such

values will then be found in particular facts about society or fundamental capacities inherent in all individuals.

Perfectionism and communitarianism are moral perspectives aimed at a conception of Good or good life. The uniqueness of the communitarian perspective lies in the thesis that an individual's identity, thus his own conception of good, is determined by the culture of the society to which he belongs.

Our first step will be to examine the main communitarian arguments in favor of your central thesis, since, if its arguments are convincing, we should reduce the perfectionist perspective to the communitarian one.

The communitarian argument aims to indicate the determination of the subject by the community. For this purpose, three types of arguments are used: causal argument, conceptual argument, and ontological argument⁵¹. According to the first, society causes the preferences and options of each individual, thus determining the opportunities and alternatives from which they may choose. The consequence would be the elimination of any possible boundary line between the individual and society. The second argument states that it is conceptually impossible to make the choices and goals of an individual understandable without recourse to the cultural and historical context in which they are part. Society intervenes in the content of each person's behavior, skills, and options, no matter how autonomous they may seem. The ontological argument rejects the very idea of the individual as an isolated ontological entity. There would be no possible ontological distinction between society and those who constitute it.

In response to the first argument, we can say that, although we can identify a causal relationship between society and the individual, this relationship does not eliminate the difference between them, not preventing that individuals belonging to the same society may develop different conceptions of Good.

For the second argument, it is up to us to analyze the possible conceptual relationships between an individual's culture and the content of their choices. Each cultural community can provide linguistic and conceptual categories to its members, or non-linguistic conventions. Recognize specific skills for practices developed within it – such as the ability of concentration essential for the correct performance of martial arts – and can also lead to a system of beliefs that makes it meaningful many of its actions. Nonetheless, none of this implies that the cultural community

should determine the significance of the goals chosen by each individual. It can, at best, encourage specific desires or meet the conditions for them to manifest, but it cannot eliminate the decisive aspect of individual choice.

The elimination of the role of the agent in the deliberative process leads us to the third argument, that is, the complete loss of independence of the individual concept. However, the fact that the choices and actions of individuals bear meanings drawn from the cultural community does not imply any consequence on their ontological status. The content of the choices, the act of choice, and the agent are distinct elements, and it is not evident that we can suppress this distinction, but rather by providing a redescription of the one who may occupy the role of agent.

If we are right to reject the communitarian thesis – and our question on how to understand good life can fall to an investigation into the values of a culture – then we will need to confront another research model, namely, the subjectivist perspective.

At this point, I will adopt the subjectivist premise under which the relevant elements for the recognition of what is a good life pertain to the subject, that is, to the psychological structure of the one who plays the role of agent. However, I intend to show that the acceptance of such a premise does not commit us to the other burdens from a subjectivist perspective. I will analyze the main attractions of subjectivism; review the chances of rescuing them within a subjectivist perspective; and elaborate on how we can do justice to them within the perfectionist perspective.

The main feature of the subjectivist perspective is the following (i) establishing a direct relationship between value and motivation; (ii) explaining how things are valued. According to this perspective, we can say that something is valued if: (1) promotes or satisfies the desires of the individual; (2) promotes or satisfies the wishes of the well-informed individual; (3) promotes or satisfies the wishes of other knowledgeable people. In any of the three interpretations, our desires or choices give value to objects.

While accepting a relationship between value and motivation, the subjectivist explanation seems to contain some deficiencies — the first consists in not being able to accurately determine how the motivated state relates to motivation. We could always assume that the true source of motivation of a state is not the one identified in the explanation. In an attempt to provide empirical proof of such a relationship, subjectivists are

required to consider only current or present motivations or desires. As a result, their explanation becomes unable to explain past choices and to shed any light on future decisions. The consequence is an explanation unable to account for the notion of subject, such as the one capable of choosing something for its qualitative identity as a response to its personal history. While we could work with a concept of a subject so simplified that it conforms to the proposed model, i.e., as the bearer of present motivated states, we would have to renounce the intention to explain the motivation of a determined individual to explain the motivation of other individuals.

In order to fill these explanatory deficiencies, it is necessary to introduce the notion of an impersonal desire, one capable of overcoming: (i) the barrier of today's motivations – allowing us to deal with a much more complex view of human psychology or the formation of individual identity; (ii) the limits of the individual himself – allowing the explanation to reach out to other individuals. This step is assumed by the perfectionist perspective, which means it is, very often, labeled metaphysical. It will then be necessary to show that subjectivists too are constrained to postulate such a desire and do so by assuming, for example, that we all wish to have our desires fulfilled throughout our existence. Yet we are left with the burden of showing that it is possible to justify the acceptance of an impersonal, universal desire without recourse to metaphysical assumptions.

While advocating an impersonal desire, perfectionism proposes a clarification of (i) the relationship between value and motivation and (ii) the way things become valued. Impersonal desire promotes value, and valuable things are in themselves the origins of motivation. Thus, perfectionism will base the value of given activities and excellence on particular common “desires”, ends, or goals. On a second level, however, the inability to prove an internal relationship between the good things and the impulse to pursue them will lead to the relationship between them being taken as contingent.

Variations in perfectionism

Perfectionism has a number of variations throughout history. For some authors, specific properties would be intrinsically valued. One of these properties would be, for example, as Thomas Hurka⁵² suggests, to be an essential part of human nature or, as Robert Nozick⁵³ suggests, to possess a certain degree of organic unity. In the first case, the difficulty would be in determining what is in itself essential to human nature, in a non-teleological

way. In the second case, it would justify why a degree of organic unity should be considered, in itself, a value, or an intrinsic value. If the option of this property, among others, depends on a choice, then we have abandoned the notion of inherent value and a non-teleological perspective with it.

The immediate alternative is the adoption of a teleological perspective. According to this perspective, some elements have value because they are related to specific ends. It will then be necessary to investigate what kind of objective ends relate to the things we suppose to be valued. At this point, at least two candidates are worthy of note: ends that are essential to the human species (Aristotle)⁵⁴ and ends of the evolutionary process (Herbert Spencer)⁵⁵. In the first case, again, it would be necessary to prove that some ends are essential to human nature, which without a theory about human nature itself, does not seem possible. In the second case, the election of an end that is not subject to deliberation by the subject. One which the agent cannot identify as his own makes it impossible to recognize it as related to the question of the good life, understood as a question about the type of life that we have chosen or want to live. The appropriate candidate should, therefore, meet two conditions: (i) be related to the subject and, at the same time, (ii) keep the necessary distance to him to exercise the role of a critical agent of his own life.

I propose that this position should be occupied by the abilities or functions that promote the realization of an individual and/or the good practice of a functional system. Such elements will now be called basic functioning since they are directly related to the way each individual identifies himself and experiences his own existence while performing.⁵⁶

To be or to act morally, in this sense, means to recognize and to respect the basic functioning of each individual. The universal principle of Kantian respect is thus given a new look. To act following the moral imperative, i.e., act in such a way that the rules of our action can be taken as a universal law – what we can now interpret as an expression of respect for the functional integrity of every individual – is an option for free individuals. Accepting such a principle means accepting a universalistic morality, from which every individual must be considered as holding equal normative value, as a corresponding object of respect. As such, the acceptance of the proposed principle means that we can no longer restrict the scope of application of moral rules (1) to specific segments of society, (2) to the citizens of a

nation, or even, as I intend to show in the following chapters, (3) to individuals of a certain species and (4) to living beings in general.

However, there are still two perspectives to be forcefully rejected. The first of them, I will name “moral absolutism”, that is, a perspective that assumes the existence of absolute moral laws ready to dictate right and wrong for all possible cases. The assumption of laws that dictate right and wrong in absolute terms is related either to a metaphysical belief in transcendent entities bearing good and evil or to a belief in a formal concept of reason or rationality – which is committed to creating principles dissociated from contents and settings in which our beliefs and desires are provided. If, when we think about morality and submit to its rules, we aim for something - even if what we strive for is something quite trivial, such as improving our coexistence with others or self-realization - then we cannot abide blindly by the rules. Still, we must continually evaluate them for the sake of the desired end. This is achieved by taking into account the peculiarity of the different contexts and situations with which we are confronted on a daily basis.

The second perspective to be rejected is moral relativism. The latter, in turn, can take two forms. In the first, morality is defined as having an essentially prescriptive character, but it describes the rules as culturally determined and, in this sense, interpreted as relative. The second version denies that reason can provide such rules and, thus, concludes with the irrational and subjective character of morality. Likewise, the first perspective rejected, this version of relativism presupposes there is only rationality and objectivity where there are absolute laws. Both are bound by a narrow conception of rationality; and a limited and limiting interpretation of the universe of morality. On the other hand, the first version of relativism rejects the universal basis on which different opinions can be understood or interpreted. In this sense, either the relativist should assume the perspective of a moral skeptic - and against him, as I said before, we will have nothing to say - or he will abandon the field of morality and adopt, from the political point of view, a pluralism of values. Here, a new scenario begins to be drawn up. Once again, we can ask our interlocutor what effectively underlies his defense of pluralism. Could it be the recognition of diversity and/or plurality as an impersonal value? Or tolerance as an expression of respect for different forms of life? The pluralism of values - or the defense

of pluralism in politics - is a critical element for the various advocates of a universalistic morality.

Political perfectionism and its critics

If through morality, we aim to guarantee the basic functioning of each individual, their functional integrity, and, as a result, their accomplishment, we will be adopting a moral perfectionism. By assuming that our political and social organizations should be guided by the same ideal, we will be embracing political perfectionism. Since it makes no sense to elect an ideal and not to wish it to be promoted in our social organizations, moral and political perfectionism become, realistically speaking, complementary ideas.

Adopting political perfectionism is, therefore, closely linked to public recognition of value or conception of Good. In this regard, the perfectionist perspective has been challenged for violating one of the main principles of the modern understanding of the State: the principle of neutrality, dear to authors such as Rawls, Dworkin, and Larmore. According to this principle, the State must remain neutral, exempt, concerning any issue relating to the good life of individuals. As such, it should not directly or indirectly sanction or promote any conception of Good.

Why should we accept the principle of neutrality? We can think of three types of answers. The first – which is quite obvious from the liberal tradition – assumes the neutrality of the State as the result of the recognition of individual autonomy and a requisite for its preservation. If this is the reason, we can argue that a choice for a type of good has already been made. In other words, its advocates would be committed to the view that an autonomous life is a more valued type of life than one without autonomy. Those who defend neutralism on these grounds cannot, therefore, refuse at least one kind of perfectionism, that is, one that recognizes autonomy as good.

The second alternative could invoke the need to adopt a prudential attitude towards the power that we grant to the State. The State is not an entity in itself; it is a political structure which, in turn, is composed of individuals. As a result, their interests may vary and may favor, at different times, different groups. Failing to commit to neutrality could endanger the notion of the liberal State as a superimposed consensus (Rawls) between the various conceptions of good or as a mediator free of conflict and interests of

the totality of groups and individuals that make up a nation. We could then describe this second alternative as a skeptical attitude towards the State. The search for preventive measures against possible abuse of power by those who occupy the political structure of the State; however, it implies that there is something that we must preserve at all costs. Isn't this "something" individual autonomy? Or are we trying to protect what we call democracy?

If we understand democracy not as something merely procedural, but as a substantive proposal for the organization of political society, then we will be committed to the prior endorsement of specific values. Analyzing what would be an adequate understanding of democracy would lead us to a broad and complex discussion. For my purpose here, it is sufficient to bear in mind that even the vaguest definitions of democracy require all members of society to be allowed to take part in the electoral process. This expresses a value, the value of participative parity in the electoral process, no matter how restricted and less significant this form of participation may seem to us from a practical point of view.

The third alternative would be adopted by those who assume a skeptical stance before a more general possibility of supporting a specific conception of Good. The State and the fear of a usurpation of power are no longer the focus, but disbelief in any form of justification under moral rules and values. For those who stand in such a way, we could only say that such skepticism makes them unable to justifying or advocating for a principle of neutrality.

Thus, we redeem the perfectionist thesis that the adoption of any principle of determining action - whether in the field of public institutions or the individual domain - supposes a concept of Good, even though we express it under the pretext of freedom, pluralism or life in a stable and cooperative society.

In this chapter, assuming a moral and political perfectionism, I proposed that we consider as morally relevant or valued those capacities or functions that promote the achievement of an individual and/or the efficient practice of a functional system. The universal principle of respect for Kant is then interpreted as an expression of respect for the functional integrity of each and every individual.

RECOMMENDED READINGS

HURKA, T. *Perfectionism*. New York: Oxford University Press, 1993.

SHER, G. *Beyond Neutrality: Perfectionism and Politics*. Cambridge: Cambridge University Press, 1997.

CHAPTER VIII. Moral and political justice

In contemporary research, at least five perspectives stand out in relation to a universal and egalitarian conception of justice. The first encompasses all those who recognize the primary attribute of actors in the concept of well-being and, consequently, the aspect about which they should also be considered. In this sense, individuals are treated as equals when the distribution of goods in society promotes greater equality of well-being. The second, supported by John Rawls, puts equality on fundamental freedoms and primary goods. The third, designed by Ronald Dworkin, focuses on equality in the distribution of resources for the acquisition of goods. The fourth, introduced by Amartya Sen and Martha Nussbaum, elects the freedom of the agent as the privileged focus of justice. It deals with the perspective of empowerment, in which empowerment means freedom of choice of capacities and/or functioning valued by the agent.

The fifth perspective derives from the confrontation between a concept of justice focused on the distribution of goods and the supporters of a concept of justice based on recognition. Advocates of the concept of justice as recognition criticize the ideal of equality and universality inherent in the demands of the conceptions of distributive justice listed above. In an attempt to reconcile the demands for economic equality, proper to distributive perspectives and needs for recognition, Nancy Fraser will defend a conception of justice aimed at parity participation, that is, equality of participation or status in the domain of political life.

In this chapter, I intend to discuss the five perspectives of justice referred to, and in contrast to them, bring a new perspective to the debate, the perspective of functioning, aimed at the realization of the elementary functioning of each individual, the latter as more or less complex functional systems.

Perspectives of well-being

There are at least two major groups of advocates of equal well-being: (1) well-being theories as success; and (2) well-being theories as a state of consciousness.⁵⁷ The first group interprets well-being as a matter of success in satisfying preferences or goals, whether these are policies, impersonal, or

directly related to personal experiences. The second favors any distribution of wellness that maximizes the equality of a given aspect of mental life, usually of pleasure or absence of pain.

With respect to the first group, we can state that equality in relation to the achievement of preferences or goals only seems desirable when we consider the preferences or goals involved as valid or worthwhile. The demand for equality of success concerning a Nazi's preferences or goals does not seem compatible with our moral intuitions. In this sense, such a perspective of well-being should, first and foremost, be capable of submitting the various preferences or goals to an independent moral evaluation. This means that wellness should no longer be the primary focus of evaluation.

The same type of critique can also be addressed to the second group, namely those who characterize well-being as a specific state of consciousness. When inquiring about the degree of subjective satisfaction of a group of women in a chauvinistic society, it would be easy to imagine that most of them consider their lives pleasurable. One could observe the same when investigating these feelings among a group of underprivileged children who, without shoes, adequate clothing, books, housing, or enough food, have fun playing football on the street. In neither of these two cases would we find that the expression of their satisfaction is a sufficient reason for maintaining the *status quo*. A sexist society is said to be unfair, although some women feel comfortable belonging to it. A society where children do not enjoy the material goods required for their full development is intolerable, even though their victims do not perceive themselves as such and experience their lives as pleasurable.

Provided such a critique is correct, we may conclude that well-being, in either of the two interpretations so far mentioned, does not satisfy our concept of justice since, in both analyses, it is not to the primary source of our moral evaluation. I am not saying that well-being issues are irrelevant in the debate on justice and, above all, in the definition of public policies. I just want to point out that welfare does not really seem to be the best choice for the pursuit of equality. In other words, what we seek to accomplish when we claim equality for our shared conception of justice is not precisely well-being.

The perspective of welfare justice is renewed with Peter Singer. As we have seen⁵⁸, Singer will choose as the focal point of equality the equal

consideration of preferential interests. The author thus distinguishes two major interest groups. The former would be the preferred interests of individuals and should, from the point of view of justice, always be taken into consideration. The second group would be the other interests that individuals could have and which should be judged as hierarchically inferior on a scale of satisfaction of social demands. From a moral point of view, we would be committed to identifying and respecting the preferred interests of each individual.

Singer will then defend the interest to enjoy a pleasurable life, a life of well-being, where we can minimize our suffering, as our preferred interest. Therefore, this interest should be assigned to all other beings who, like us, are conscious of pleasure and pain, namely all sentient beings. By considering the equal consideration of preferential interests as the focus of justice and by not privileging the interest of beings belonging to the human species, Singer inevitably commits himself to broaden the universe of justice to other animals.

For the author, justice should always protect the preferred interests of sentient beings. Only then could we seek to find a balance between the other interests. In this sense, we would no longer be morally justified in ignoring the preferred interests of other beings, in the name of our non-preferential interests. Singer, however, does not elaborate on the process of identifying the preferred interests, nor on their role in the process of identifying those concerned by the concept of justice.

Rawls: Justice as fairness

In the 20th century, Utilitarianism, while a moral perspective, largely dominated the philosophical scenario of the Western world. In the field of justice, the principle of maximization of well-being became the target of numerous formulations, producing, as we have just seen, a wide range of welfareist proposals. In 1971, John Rawls published the book *A Theory of Justice*⁵⁹, in opposition to Utilitarianism. Rawls thus revitalizes the debate on political philosophy. His book gives the discussion of justice an authentically contemporary look, and the moral discussions began to envision new horizons, in addition to attempts at the ultimate foundation of morality and responses to moral skepticism. For decades, Rawls would hear criticism and make adjustments to his theory. For this exposition, aiming to outline the main aspects of the theory, I use his reformulations in *Political*

*Liberalism*⁶⁰ and, in its final version and posthumous work, *Justice as fairness*⁶¹.

Rawls proposes an approach to justice that, although it supposes morality, intends to limit its pretensions to the political universe. The bases of the proposed theory are presented through a constructive hermeneutics of the facts and ideas that influenced contemporary Western societies, thus creating what we know as political liberalism. Therefore, Rawls intends to advocate two principles of justice applicable to the basic structure of a well-ordered society.

That said, he clearly sets the limits of his investigation. Since it is specifically focused on the basic structure of a society, his theory disregards both issues relating to the relationships between individuals as well as those relating to the totality of a person's values, thereby not being a comprehensive doctrine. Since it focuses on issues of justice in a well-ordered society – a society that Rawls defines as formed by free and equal individuals, who are no longer in a state of absolute scarcity and who can fully develop their fundamental abilities of reasoning and the establishment of a life project –, the theory inevitably disregards issues that concern justice in societies that are below the proposed standards.

Considering that we are dealing with well-ordered societies, Rawls defends, as a means of justification of principles, a public justification that includes elements shared by the various comprehensive concepts that make up the totality of political society. The resulting principles are those on which a superimposed consensus is reached. Participants in such a consensus would then be able to acknowledge, in a shared core of political ideas, something of their own comprehensive conception. Thus, these principles would not be seen as antagonistic to particular global notions, but as grounded in them. The endorsement of the basic ideas of political organization would be part of the comprehensive conception of each of the members of society.

To ensure the impartiality of the chosen principles of justice, Rawls adopts the methodological artifice known as the veil of ignorance. Individuals able to participate in the choice of principles should fully abstain from knowing about their actual insertion into society. The context in which the principles of justice are selected, under the veil of ignorance, will be called the “original position”. In order to integrate the original position or, more specifically, to be part of the process of choosing the

principles, individuals representing the economically productive sectors of society would be chosen. For the purpose of argumentation and by methodological artifice, individuals should have all the know-how necessary for the demands of the various sectors. Here it is important to emphasize that these individuals represent economically productive segments, as opposed to groups identified based on natural characteristics, such as sex, skin color, etc. According to Rawls, by definition, natural features are arbitrary, and we could not allow arbitrary elements to interfere in the determination of principles of justice. From this standpoint, citizens or representative individuals will also be described as productive/active social agents over time, unaffected by the vicissitudes and adverse circumstances of illness, accidents at work, etc.

Under these conditions, the two principles would then be elected: the principle of equality of fundamental freedoms and the principle of equality of opportunity, plus the principle of difference. The principle of difference defines the distribution of primary goods. According to this principle, a fair distribution would be one which favors the least economically favored part of society, or rather the part which, in ordering the distribution of goods, occupies the lowest level of the scale. Once this condition is met, the principle would not set any limit for the acquisition of goods at other levels, nor the distance between the various segments of the scale. This means that between the two extremes, i.e., the group of the least favored and the group of the most favored, we could identify a great distance. The theory will also disregard the percentage of individuals in each group. It means that the number or percentage of individuals that will be benefited does not intervene in the principle of distribution of goods. The less favored segment of the economic scale will be subject to the principle of difference, regardless of the percentage of individuals that are at this level. Rawls clearly describes the distinction between the principle of difference and a principle of utilitarian maximization or, still, a principle of full equality of resources, such as the principle of equality of resources, endorsed by Dworkin.

There is an additional reservation on the concept of primary goods. We recall that, for Rawls, the principles of justice exist in well-ordered societies that are not affected by unfulfilled primary needs. Hence, we must be careful not to identify primary goods with basic goods or with an essential minimum. Within the scope of his theory of justice, truly basic goods

should have been distributed by now. In other words, every construct that involves the original position – the veil of ignorance and the impartial choice of the principles of justice – is only possible because an existential minimum has been guaranteed for all segments of society. From then on, the principle of difference would determine the criterion of a fairer distribution of other resources.

Rawls considers that there are two mechanisms for determining basic freedoms: (i) the observation of freedoms that are historically suggested as basic or sustained as such by a large number of comprehensive conceptions, or (ii) an analytical derivation. In this case, the basic freedoms would correspond to the political and social conditions essential for the proper development and full practice of the moral powers afforded to free and equal individuals.

The primary goods will be those that correspond to the needs and demands of citizens, that is, of political beings with a certain level of abstraction. Rawls outlines five categories of primary goods: (1) the basic rights and liberties; (2) freedom of movement and free choice of occupation; (3) powers and prerogatives of offices and positions of authority; (4) income and wealth; and (5) the social bases of self-respect.⁶² As in his categorization of the principles of justice, the author differentiates basic freedoms, equal opportunities and the principle of difference, I propose we consider as the focal point of the principle of difference the primary goods, in the sense of income and riches. Same as the basic freedoms, Rawls states two alternatives for the formulation of the list of primary goods: (i) the average of what is affirmed by competing doctrines as generic means and as items of special institutional protection; and (ii) the analytical derivation of goods from the normative conception of the free and equal person. In this case, too, Rawls takes the analytical path.

What reasons could have led him to this choice? Although Rawls does not make explicit arguments in favor of the analytical path, I would like to consider two possible alternatives. The first reason lies in the fact that a choice based on the first alternative would make the content of the principles under consideration too vulnerable. Any empirical investigation is, by nature, biased, limited, and likely to be misleading. This has been the main reason why heirs of the Kantian rationalist tradition have used all resources to escape from this alternative.

The other reason is related to the aspiration for a superimposed consensus. For the content of the principles of justice to remain unharmed in a forum of public discussion among citizens with divergent conceptions of good, thus leading to a superimposed consensus, nothing could be more appropriate than to justify them as an analytical derivation of the normative concept of person. In this way, it encompasses all citizens, i.e., all members of political society who satisfy the conditions of rationality and reasonability. This is undoubtedly a good reason to opt for the second procedure, but it also contains its burden. If Rawls intends to provide a minimalist conception of basic freedoms and primary goods - based on historically shared ideas and ideals – the first alternative seems far more appropriate. However, in this case, there would always be a review of the contents of what we suppose to be basic freedoms and primary goods. What else should we expect from a liberal and democratic political society?

His analysis of the content inherent in the principles is based on two capabilities that Rawls identifies as fundamental to his concept of person: the ability to take part in the process of social cooperation and to take part in society as an equal. Trying to avoid a metaphysical, psychological, or anthropological conception of the person, Rawls focuses his theory on a concept of person that he considers strictly political and normative. In this respect, people or citizens are the members of society who can develop two moral capacities: the sense of justice and the ability to create a concept of good. They are rational individuals, in the trivial sense of the term – competent to understand arguments and recognize their validity – and also reasonable, in the sense that they can take into consideration and be influenced by other people’s interests. Each citizen should then be considered able to review and modify his or her conception of the good based on rational or reasonable grounds.⁶³

Considering this, we need to ask ourselves where and for whom we want justice. Even if we look for justice with a magnifying glass, we will not find in any tangible society the distinguishing traits of a well-ordered society. This has been one of the main critiques addressed to justice as fairness. Beyond the possibility of finding such societies – after all, Rawls made it very clear that he was not referring to real societies. Still, to an ideal society – his conception of justice radically limits the group of those concerned. Explicitly speaking, do we want a concept of justice that applies only to rational individuals – capable of sustaining a conception of good

and developing a life project – and reasonable, capable of exemplifying the social virtue of justice? Or are we willing to pursue a more inclusive conception of justice?

We saw that the selected principles of justice would be part of a core of political ideas shared by reasonable citizens. In the real world, it does not seem trivial that supporters of divergent comprehensive conceptions can really come to a consensus, albeit that we can assign some degree of reasonability to them. In Rawls, the alternative would be to define deviant comprehensive conceptions as unreasonable or in direct conflict with the established political order. In the real world, this alternative would not solve the conflict, but on the contrary would only make dialogue even more difficult, given that rational individuals seem to believe they have nothing to learn from those they call unreasonable.

Admitting all the presuppositions of the theory – the characterization of the members as free and equal people, reasonable and with a sense of justice, capable and willing to cooperate in the development of a stable political society –, why not suppose, as well, that other principles could later be chosen? For instance, we could ask why it would be less reasonable, in the original position, to select as the principle of justice, the principle of maximization of well-being, or a principle of total equality of resources. Anyway, if this possibility exists, then Rawls will be losing ground in his own field. However, this is a matter that we certainly cannot answer *a priori* and on which only a real public debate could decide.

In contrast to the utilitarians and Rawls, Dworkin defends the resources as the center of equality. However, for a perspective of justice centered on equality of resources may satisfy an ideal of social organization - in which individuals have their rights considered seriously - Dworkin, firstly, outlines a hypothetical model for the implementation of the exchange of resources for the desired goods in equal form.⁶⁴ Subsequently, to ensure the effectiveness of this distribution process among unequal individuals and the maintenance of justice over time, Dworkin introduces two mechanisms that should prevail throughout the continuance of the political society: the insurance and progressive taxes on income eventually acquired.

Consider now the first step. To demonstrate it, Dworkin proposes the allegory of a group of people who have been shipwrecked on a deserted island. At this site, newcomers will have to establish rules for coexistence

and distribution of available goods that satisfy a moral principle according to which all must have the same rights. To preserve equal access to goods, and the freedom of choice of each individual, it is initially proposed that a certain number of 'shells' be distributed equitably. After that, an auction is organized in which each member may exchange his shells for the goods he wishes. In other words, the exchanges will take place until all individuals are confident that they have acquired the package of goods appropriate to their demands, thus not coveting the package of others. In other words, the exchanges will take place until all individuals are confident that they have acquired the package of goods appropriate to their demands, thus not coveting the package of others.

Nevertheless, in the allegory, as in life, some individuals will be luckier than others. Those who wished to grow land in the south of the island may have their plantations destroyed by a plague, by rain, etc., after a while. With the same number of shells, those who chose goods that favor fishing may have tripled their efforts, thanks to their successful fishing activity in the area. At the end of this brief time, those who initially had the same resources will now be in very different conditions. In life, as on the island, inequity will result not only in greed for the goods of others but also in the strong impression that we may be drifting from the ideals of a concept of justice that protects the freedom and the fundamental rights of each individual. The scarcity of some will favour unbalanced power and any chance of control over one's own choices. To prevent an original situation of impartial justice from degenerating, Dworkin will include, as a good to be purchased at the auction, insurance for bad luck. Just like all other goods, the choice of insurance is free. Thus, each individual may choose to accept the burden of having made "bad" choices as well as not having taken precautions against this possibility.

However, Dworkin also accepts the existence of individuals who, as a result of specific disadvantages, would require specific goods, to fully perform their role as participants in the auction. In which case, their choices wouldn't be as free. Before anything else, they would be forced to seek out the available goods that could minimize their initial deficiencies. To prevent situations of this type, Dworkin grants specific resources to equate - i.e., provide equal conditions - individuals who are naturally unequal and who might be at a disadvantage, as a result of characteristics or factors before the auction.

This procedure should include all those who, because of their identifying features, could be victims of prejudices that violate their fundamental rights. By using the expression “identifying features,” I want to avoid entering into the merit of the dichotomy between the natural and the social. Skin color, gender, sexual or religious preferences, etc., can also be part of the core of our identifying traits. For all these cases, in which we may become subject to prejudice and have limited access to particular goods, Dworkin anticipates the implementation of specific justice mechanisms. Dworkin’s perspective is thus able to correct injustices or inequalities of consideration and treatment arising from natural and/or socio-cultural characteristics related to each agent.

Finally, in order to safeguard compensatory mechanisms for the situations as mentioned earlier and to prevent us from building a society in which inequality among the individuals causes envy and undermines the bonds of solidarity, Dworkin introduces progressive taxes on income eventually acquired. In other words, the higher the increase in their initial income, the more an individual will pay in taxes or fees, to contribute to a redistribution of goods.

While Rawls proposes a theory of justice aimed at determining justice principles for the basic structure of well-ordered societies, Dworkin intends to think of justice mechanisms that ensure an equal distribution of resources among the individuals who comprise the society. While Rawls rejects from the debate about justice all supposedly natural characteristics, for considering them arbitrary, Dworkin recognizes such arbitrariness and ensures that specific justice mechanisms are in place, in order to avoid the holders of such traits from being harmed in their choices and prevented from enjoying their resources, like all the other members of society. While Rawls rejects from the debate about justice all supposedly natural characteristics, for considering them arbitrary, Dworkin admits such arbitrariness and ensures that specific mechanisms of justice are in place, to avoid that people with such traits are harmed in their choices and prevented from enjoying their resources, like all the other members of society. Dworkin was a mentor and a leading advocate of affirmative actions. His theoretical approach was specially directed to issues at the frontier between ethics and law, aiming to clarify and solve some of the central moral and political dilemmas of contemporary societies.

Following the divergence between Rawls' and Dworkin's perspectives, I would like to outline one aspect common to both: the option to determine, heteronomous to the agent, the object, or the content of what we intend to equal. As a result, both neglect the primary source of validation, that is, the agents themselves. By dropping the point of view of the agent, his perspective is in danger of promoting a distribution that no longer takes into account particular aspects related to the individual experiences of each agent. By doing so, what we want to equal through an egalitarian concept of justice is in danger of: (1) corresponding solely to the choices of financially significant individuals, under the veil of ignorance, as in Rawls; or (2) becoming no more than a quantitatively value, as seems to have been the case with the number of shells, in Dworkin.

For Dworkin, the agent is introduced after the equal distribution of resources. During the auction, the agent must choose the goods, including insurance against bad luck. Also, in Dworkin, there is a choice that suggests a free agent, able to deliberate and reflect also on any future needs. Before the auction, tax resources will be available to those whose choices may be adversely affected by the existence of special needs. By doing so, we are contemplating victims of prejudice and people with specific disadvantages. However, what about those who cannot make such choices? Through the equal distribution of resources, we eliminate the main reason why individuals with socioeconomic disadvantages are, in real societies, prevented from making particular choices. With the extra resources provided both to victims of prejudice and people with physical disabilities, we have also mitigated other forms of coercion that could lead such individuals not to act freely or make choices, at their discretion. The point is that our society is not solely comprised of individuals who make or could make choices and who can reflect on their ends and risks. My question is, how much resources should we allocate to individuals who do not have this capacity? Extra resources? Fewer resources? Should we give them some resources at all? Dworkin's theory seems perfect within a model of society where all individuals could be described as potential members of a major auction. This is not our society. In real societies, some individuals cannot, in the most fundamental sense, make reflected choices. In real societies, some individuals cannot, in the most fundamental sense, make reflected choices.

Sen and Nussbaum: capability approach

Amartya Sen proposes the capability approach as an alternative to the two perspectives discussed above. According to the author, this perspective differs from the others in at least three aspects. Firstly, his perspective does not start from the identification of the characteristics of an ideal or perfectly fair society, but rather from the comparison between societies or social alternatives that are more or less fair within a given society. Therefore, he would not implement what he called “transcendental institutionalism”⁶⁵, which Sen supposes to be found in theories such as that of Rawls and Dworkin. Hence, his approach intends to address the real social demands of societies related to justice, departing from abstract theories excluded from real human experience.

Secondly, the capability approach considers that justice concerns are not restricted to institutional arrangements, but also include behaviors adopted by people in the course of their social interactions and the patterns of behavior of social actors in the delivery of justice.

Thirdly, Sen credits his perspective on justice as belonging to result-oriented approaches. The capability theory should focus on the life that people are effectively able to lead in the context of existing institutions. Accordingly, it differs from procedural-based theories of justice, which seek to establish ideal conditions that can ensure impartiality and, based on these conditions, create a single set of universal principles that should regulate the institutions of a fair society, as in Rawls’ approach.

The fundamental political objective of the State when managing public policies is to ensure that all citizens under its custody perform, to a minimum extent, in Sen’s words, their “agency”.⁶⁶ That is, performing the functions necessary to live life as they have chosen or as they value it. Thus, **freedom** of functioning will be the focus of equality.

Capability, capacities, and functionings, as presented by Sen, are correlated but distinct concepts. The difficulty in adequately understanding this distinction has led several authors to misinterpret Sen’s proposal. According to his definition, capability corresponds to the freedom to perform or achieve a combination of functions that express real opportunities to conduct ways of living, within a range of available alternatives. Capabilities refer to the various combinations of interrelated states and actions in which a person may be or may be able to perform. The

functionings refer to each action or state that forms the various options of combinations available. Capability - a term used by Sen always in the singular - is specifically related to freedom, which makes freedom the center of equality in the capability approach.⁶⁷

Concerning the distinction between capability and functionings, which is very unclear in the context of both Sen's work and that of his disciples, I will adopt a difference only in terms of quantity or degree here. Therefore, I propose that a capability should be interpreted as the power to carry out a widely understood activity or function. In contrast to the different mechanisms, also characterized as activities or functions, the functionings would be used to implement a given capability. So, my ability to sing would be related to a series of functionings, such as respiratory function, the functioning of my vocal cords, hearing function, and so on. The detailed breakdown of operations will, therefore, vary according to the respective capability. In the ordinary use of language, we usually eliminate any reference to functionings and directly relate to capabilities that make other capabilities possible. My teaching capability would be related both to my capability of expression or to my cognitive capability, as well as to the functionings that enable them, such as my respiratory, cardiac and vocal cords functionings, etc.

The emphasis on capability – freedom of choice over the capacities or functioning groups that one wants to accomplish – is quite crucial to Sen. Thus, the author aims to preserve the central role of the agent in determining what is socially due to him and in what are his life projects. The agent, the object of our moral consideration and the one concerned with our concept of justice, is again the one capable of exercising his freedom. Furthermore, for such capabilities to be effectively implemented, the capability approach calls for the adoption of complementary measures, whether by institutions, the State, or other individuals. Sen wants to integrate those prevented from practicing their freedom due to socioeconomic and/or cultural reasons. He takes a careful look at the sources of cultural, religious, racial, and sexual oppression that, in many ways, prevent many individuals around the world from making choices and effectively living the life they have chosen to live.

Pairing justice and freedom, Sen draws attention to the failure to understand development or wealth without considering the real contribution of income to capability, that is, the effective freedom of each citizen to

choose what he wants to be and do. Its perspective embodies the undeniable merit of including the demands of each agent – seen as concrete individuals belonging to specific cultures, ethnicity, gender, and religions – at the core of the debate on justice. Freedom, a value so dear to political liberalism, once again comes into play, delimiting the universe of justice. I want to advocate a less liberal and more inclusive concept of justice.

Theory of capabilities of Nussbaum⁶⁸ offers some variations. To begin with, the author adopts the term “capability” in the plural (capabilities) and, associating the theory with an Aristotelian conception of the human being, proceeds to report to a central set of supposedly universal capabilities. The fundamental capabilities mark each human life; without the expression of which the very notion of human dignity would be violated. Such capacities would be essential in the different domains in which human beings operate (health, work, education, leisure, politics, etc.), considering the various stages of the existence (birth, childhood, adolescence, adulthood, old age, and death). For the performance of these capabilities, some social, economic, cultural, etc. conditions are necessary so that the individual can effectively choose and fulfill a specific way of life suited to what he wants to be and/or achieve.

Among the core capabilities, Nussbaum highlights the freedom to be healthy, to live a life with average longevity, to exercise control over the environment, to be well-nourished and sheltered, not to be affected by preventable diseases or die prematurely, to have body integrity, to use practical reason, to think and imagine, to experience emotions and to establish relationships with others.⁶⁹

While Sen specifically advocates the freedom of functionings as paramount to meet the demand for equality within our concept of justice, Nussbaum goes further and seeks to concretely determine what would be the core capabilities common to all human beings. Nussbaum’s concern with the determination of the set of capabilities that typifies human life caused the focus of his theory to translate into the capabilities themselves or basic functionings.

While Sen specifically advocates the freedom of functionings⁷⁰ as paramount to meet the demand for equality within our concept of justice, Nussbaum goes further and seeks to concretely determine what would be the core capabilities common to all human beings. Nussbaum’s concern with the determination of the set of capabilities that typifies human life

caused the focus of his theory to translate into the capabilities themselves or basic functionings. This misunderstanding – favored by the debates on the indicators of quality of life and the reference to vulnerable groups, including non-human animals – was dissipated in her book *Creating Capabilities: The Human Development Approach*²¹. In the book, the author vehemently presents the freedom to elect and exercise the life that each agent desires as the focus of justice.

The functionings approach

The functionings approach is intended to expand the boundaries of our paradigm of justice. To this end, I will propose that respect for the basic functionings of each individual should be the focus of equality.

In its theoretical construct, the functioning approach will depart from Sen by electing as the focus of justice, not the freedom of functionings, but the functionings themselves. The immediate emphasis on functionings allows us to include those who will not develop some specific capabilities, such as freedom, in its most basic form, the autonomy or power of self-determination. By include – in the sense of morally respecting or integrating – we mean not preventing or harming, but instead promotes the functionings the individual is capable, which shapes his or her own identity. Here, we will be including the most elementary functionings (getting rid of pain, finding acceptance and expressing sensations and feelings), to the most complex (the ability to deliberate on means and their ends, the ability to develop a life project and build a world view, and the ability to take part in the sociopolitical life of a society).

Similarly, the perspective of functionings departs from the theory of capabilities, as proposed by Nussbaum, not only because it does not recognize freedom as the focus of equality, but also because it rejects any conventional notion of human being and the acknowledgment of supposedly universal core capabilities. From the perspective of functionings, our access to what is essential is always empirical and depends on the very particular circumstances experienced by the various individuals. Therefore, the approach embodies the perception of different forms of functionings that, from the constitution of the individual's own identity, should be regarded as basic or fundamental. Nussbaum's aspiration for universality is replaced by the inescapable recognition of diversity and

uniqueness inherent in the forms of life and the concrete existence of each individual.

My belief is that, by adopting as the focus of justice the basic functionings of the many existing functional systems, (1) we will be able to expand our discourse on justice to better rescue its claim of universality and, at the same time, (2) we will be more able to incorporate and respond to the specific demands of each individual. Therefore, it is necessary to clarify what precisely a functioning or a functional system means in this theoretical context.

Identify something from the functional point of view is, first of all, an individuation process. A process that is opposed, for example, to a process of individuation that resorts to the material constitution of the object concerned. Functionally individuating an entity means identifying it from its functional role. Let's see how this works, by answering the following question: How do you describe or what kind of entity is writing this text now? We can think of three types of answer to this question:

1st. answer : A physical entity, formed by bones, flesh, various liquids, brain mass, etc. Simultaneously, a thinking mental entity with emotions, who believes, desires, and fears a number of things.

2nd answer: A physical entity formed by bones, flesh, various liquids, and brain mass, among others.

3rd answer: A physical entity capable of reacting to stimuli, apprehending, reproducing and gathering data, processing and organizing information, and generating responses in the form of actions or behaviors.

Analyzing them separately, we find that the first answer describes what philosophy has devised as ontological dualism. According to this perspective, each human being would be formed by two distinct substances: a mental substance and a physical substance. Any rupture in the parallelism between these two worlds, the mental and the physical, would also undermine our identity.

The second answer relies on a description of my material constitution. Admittedly, we can accept that this is the correct definition. But would it also be, if not complete, at least sufficient to define the object at issue, that is, to identify the one that is writing this text? Even if we expanded the material base, mapping my genotype in the smallest details and, for argument's sake, everything that takes place in my brain, my guess is that we wouldn't obtain a satisfactory description of the author of this text. I say

this not because I presume that, in addition to a body, I also possess a mind, but because being the author of a text is to perform a specific function, while the definition of a function is independent of the identification of its foundation of material achievement.

The third answer gives a functional, generic description of what I am. If we wish to know more, we can investigate the stimuli to which I have been exposed in the course of my existence. We can also investigate the various mental arrangements of such stimuli and what they have generated as my responses to the world. The fact is that, although all this occurred on a material basis, I would no longer be able to resort to it to ensure my unity or identity over time. Every instant, part of my cells die, and others emerge in their place. My bones lose and acquire calcium according to age and/or my consumption of specific foods. My face reflected in the mirror generates perplexity when compared to photos from an old photo album.

From a functional point of view, discriminating an individual means identifying the set of functional processes that define and distinguish him/her from other entities. What I understand as a functional system is nothing more than the collection of such processes, added to the stimuli and responses offered by the organism altogether. An individual will be understood as a flexible combination of systems, with distinct physical and functional characteristics. Such a definition may satisfy both the characterization of a human being or other living things as well as of inanimate creatures.

When choosing the aspect of the functional integrity of a system as the focus of justice, we are overlooking other elements that distinguish us from other existing entities or forms of life. In this regard, we will no longer be able to restrict the scope of justice to the small group of beings that functionally resemble us. Our main difficulty at this point is to adequately identify what full realization means for each functional system (in general) or each individual (in particular). Each individual has their characteristics and is immersed in specific settings – from which they derive not only what they are or their identity, but also their standards of what is a well fulfilled or happy life.

Our concerned people are no longer abstract entities or agents under the veil of ignorance, but concrete individuals: with natural and social characteristics that define their scope of possibilities, their aspirations and the way they are treated by others. If “giving equal normative value to all”

(or “considering all equally”) means acknowledging the right of each individual to exercise his or her functionings, then our differences should be taken seriously, and we should ask ourselves – within different contexts – what measures are needed to achieve this ideal of justice. Hence, the functionings approach engages us with two types of policies - sometimes considered incompatible with an egalitarian concept of distributive justice - policies of reparation and policies of recognition.

Throughout history, ethnic and gender differences have been responsible for unequal and inhumane treatment in the most diverse societies. Such discrimination has left profound consequences in the development of fundamental human capabilities, requiring repair mechanisms. Establishing such mechanisms is what the so-called affirmative actions⁷² are aimed at today. Such practices seek to ensure a special consideration to the demands of those who have been excluded from the necessary guarantees for the good performance of their operations. Consequently, the introduction of such reparative mechanisms – far from contradicting the principle of normative equality –, results from the adoption of an egalitarian concept of justice. In other words, the implementation of reparatory discrimination mechanisms is now considered a fundamental step towards the achievement of a society in which everyone can be regarded as an equal object of respect, that is, for a fair society.

While investigating what is fundamental to a person’s full development, we also recognize that human beings need to establish community bonds, be part of groups, and be accepted by them. No matter the size of the groups or the intensity of the relationships, any exception in this case only confirms the rule. Not being accepted by other members of the group, or the group’s lack of public recognition as a specific unit (cultural, racial, political or gender), undermines their self-esteem and thus their possibility of full achievement. Those concerned are not deterritorialized, timeless agents, whose desires have been emptied of all and any content, but human beings with concrete bonds that largely delimit their demands and achievements. Therefore, it is based on a universal principle of respect that we must now also recognize the need of specific groups by a form of political representation capable of expressing the values by which they are identified. Fulfilling this goal is the objective of identity policies.

The German philosopher Axel Honneth is the leading spokesperson for the demand for recognition as the focus of justice. In tune with identity policy movements in the United States, focused mainly on racial and gender identity claims⁷³, Honneth will rescue a Hegelian philosophical tradition and challenge a distributional concept of justice.

Assuming that the functionings approach can embrace the demands for recognition, without imposing the following any polarization between distribution and recognition, I chose to indicate, but not to develop, Honneth's perspective in the scope of this chapter. Before concluding, however, I would like to mention one final approach, advocated by feminist philosopher Nancy Fraser, and born out of the confrontation between justice as distribution and justice as recognition.

Justice as parity of participation

Fraser's journey through the justice debate begins with the topic of the distribution/redistribution of resources, the product of her Marxist tradition, and the influence of a Kantian-based conception of justice, proposed by John Rawls. Then she attempts to reconcile the demands for redistribution and recognition at the heart of the debate with Honneth. When challenging the one-dimensional aspect of the concept of justice as recognition, developed by Honneth⁷⁴, the author will endorse the thesis of the two-dimensionality of situations of injustice, thus stressing the necessary inclusion of the dimensions of redistribution and recognition in the development of an adequate concept of justice. Also sustaining a differentiated conception of recognition, her perspective will finally adopt as the focus of equality the status or representation in the socio-political realm. Here the defense of what will be called "parity of participation".

Fraser's debate on the perspective of recognition will be critical of an identity concept that, according to her, results in defense of policies addressing the identity aspects of specific groups. For the author, the recognition model considers non-recognition as a detriment to identity and emphasizes the psychic structure to the detriment of social institutions and social interaction⁷⁵. Identity policies, when putting the group as the object of recognition, would aggravate this process, puts moral pressure on individual members to conform to a given group culture.⁷⁶ In contrast, Fraser suggests an understanding of recognition as social status, i.e., as the

possibility of participating as an equal in social life. According to this notion, it would be up to us to analyze the institutionalized standards of cultural valuation. These standards could generate hierarchies in the social domain, resulting in relationships of subordination and exclusion. The demand for equality of social status should be addressed to the critique and deinstitutionalization mechanisms of restrictive and domination standards that, consequently, prevent parity of participation and its replacement by standards that promote it.

According to Fraser, this model is then able to avoid many of the difficulties resulting from the recognition model adopted by the identity policies: it avoids (1) the essentialization of identities; and (2) the attempt to replace the demand for social change by the demand for the reengineering of consciousness; (3) it values the interaction between groups; (4) it avoids a reification of culture; and, finally, by putting the question, according to the author, in the field of ethics (5) it provides a normative approach to recognition, compatible with the priority of the right over the good.⁷⁷

How should we interpret these advantages? In Fraser's critiques, there is an element that concerns the metapsychology of the agents. I prefer to disregard this discussion because it goes beyond the scope of justice. For our debate, it is crucial to know whether or not identity policies need to be committed to an essentialist conception of identity – in which the transformation would imply a reengineering of consciousness, leading to the encapsulation of different social segments and the reification of different cultures. As I have tried to show in the previous item, there is at least one way to interpret the adoption of identity policies that are not committed to these aspects. Besides, there is a strong pragmatic appeal to identity policies. These groups, whether or not they have their own permanent identity, are politically stronger. Bringing individuals together in groups can strengthen typical demands, without violating the integrity of the individuals who make up the group.

The fifth advantage requires some prior clarification. Fraser is reintroducing ethics as something that relates to a conception of a good life, values, and an end when she signals the movement from the field of ethics to the field of norms. Instead, she presents the normative field as the one dedicated to rules and principles that determine the right and the wrong, which she describes as the field of morality. I have tried in previous chapters to unravel this polarized view of ethics and morality. I advocated a

conception of morality that was not strictly normative and prescriptive, but instead directed towards a notion of good living and the realization and/or flourishing of each individual. The reason I proposed this interpretation of morality was related to its particular form of justification. I tried to show that the strength of the prescriptive character of moral statements did not originate in rationality, but in the fact that we identify with their content and incorporate their demands into our interpretation of a fulfilled life. Bringing the debate on justice back to the strictly normative level does not seem to me to be an advantage, more than just a disadvantage, a mistake, to say the least, a strategic one.

Finally, I would like to stress that the solution offered by Fraser to the various cases of injustice affecting us, through equal status and political participation, has the same burden that I attempted to highlight in the conceptions of justice of Rawls, Dworkin, Sen and Nussbaum, namely, the commitment to the rationality/freedom of agents. Fraser is right to suppose that parity of participation in the political arena presupposes an adequate distribution of resources and, at the same time, the recognition of the social status of the individual. However, this does not exclude the fact that many are not capable of participatory parity, for reasons other than lack of resources or recognition/status, such as, for example, individuals with severe cognitive deficits or severe mental disorders and, inevitably, all the other non-human animals. What to do in these cases? Her notion of justice will exclude from the scope of justice the same individuals left out by Rawls, Dworkin, Sen, and Nussbaum, for the same reasons.

Final remarks

I strove to present a concept of justice compatible with the moral perception that the term “all” should correspond to an ever-larger group of individuals, absorbed with their forms of life, perhaps never “chosen” but experienced. A perspective that would recognize the bonds of socio-cultural, linguistic, ethnic, and religious identity of the groups that make up society, but also of individuals excluded from the categories mentioned above. To included does not imply becoming a citizen - a member of civil society, with the right/obligation to vote -, but to listen to his demands and to create conditions so that he, even if outside the social, cultural or legally established order, can manifest his identity and live authentically, without the stigma and ties created by the society in which he lives.

AUTHORS	PROCESS	FOCUS	WHO DECIDES	WHAT IS DECIDED	FOR WHOM
WELFAREISTS SINGER	Maximization principle	Well-being / preferential interests	Individual and/or State	Measures to maximise well-being	Society
RAWLS	Original position (veil of ignorance + economically active individual)	Basic freedoms, opportunities and primary goods	rational / reasonable individuals, representative of economically active groups	Principles of justice	Basic structure of society
DWORKIN	Auction + insurance + taxes	Resources ("Shells")	Regulatory Agency	Amount of resources	Individuals
SEN NUSSBAUM	Free choice	Capability: freedom of capabilities and/or functionings	The agent	Capacity set and or functionings	Agent
DIAS	Empirical research	Basic Functionings	Moral Society and/or State	Mechanisms to promote basic functionings	Individuals / Groups (functioning systems)
FRASER	Critique of institutionalized standards	Parity of Participation	Political actors	Mechanisms to ensure redistribution of resources; equal status and political representation	Citizens

RECOMMENDED READINGS

DIAS, M. C. (org.). *Functionings Approach: for a more inclusive point of view*. Amazon, 2014.

D. DWORKIN. *Sovereign Virtue*. Harvard: Harvard University Press, 2005

FRASER. N. *Reconhecimento sem ética?* Lua Nova, São Paulo, 2007.

NUSSBAUM, M. *Creating Capabilities: The Human Development Approach*. Cambridge: Cambridge University Press, 2011.

RAWLS, J. *Justice as Fairness: a Restatement*. Harvard: Harvard Univ. Press, 2001.

SEN, A. *Inequality Reexamined*. Harvard: Harvard University Press, 1995.

SEN. A. *The Idea of Justice*. Harvard: Harvard University Press, 2009.

SINGER, P. *Practical Ethics*, Cambridge: Cambridge University Press, 1993.

CHAPTER IX. Inclusion of non-human animals

This chapter aims to provide a theoretical basis for the inclusion of non-human animals as the focus of our moral consideration. I intend to list some criteria currently used in our attribution of moral value to other individuals and explore their theoretical foundations. Finally, I will outline a model for assigning specific moral value, based on which the distinction between human and non-human creatures has no relevance.

In recent decades, we have witnessed a significant increase in concern regarding the treatment of non-human animals by humans. The number of vegetarians and the debate on the use of non-human animals in scientific research aimed primarily at improving and implementing human life is growing. Within this context, conflicting positions are confronted. In addition to those who argue for or against the exploitation of other beings to our advantage, some react with total perplexity, since they cannot grasp where the root of such controversy lies. In this chapter, I will support the thesis that the problem of the relationship between human beings and non-human animals is just one more aspect of the moral dilemma that concerns the actions and values of human beings in general. Therefore, the root of the controversy would be in the determination or recognition of the moral status of non-human animals, in the extensive network of relationships that integrate human communities and their perceptions of what would be a life guided by ethical standards and values.

Frontiers of the moral community

First of all, it is up to us to determine the criteria based on which we, human beings and rational agents, delimit the scope of morality, and assign moral status to other entities.

At first glance, we often identify resorting to reciprocity and/or symmetry. In other words, the moral community would be made up of beings equally capable of establishing mutual relationships. In similar situations, where the balance between the parties is present, the agent/subject and the object of morality may alternate their roles without jeopardizing the relationship. As a result, the parties would be formed of rational beings, capable of rationally manifesting their purposes and

interests and defending them before an equally qualified audience. Any inclusion of other beings could conceivably be espoused indirectly only, given their instrumentalization to promote the interests of the agents, or it would rely solely on a shared collective altruistic attitude. This model is endorsed by the various theories of contractual basis, including theories of law.

An alternative would be the adoption of the criterion of “belonging” to the community. In this case, the rational agent would admit that beings towards whom he holds asymmetrical relations, such as the relationship of dependence, would also be the object of moral consideration. Therefore, within the limits of the moral community and assuring them a moral status, even in cases of inferior hierarchy. This alternative is, for example, compatible with the moral perspective of the ethics of care⁷⁸ and ecofeminism⁷⁹, where moral commitments depend on the bonds between individuals.

This perception of what it means to be a member of the moral community may explain why it seems trivial to us to regard children, the mentally ill, and other human beings as objects of moral consideration. After all, they are under our care and protection. Together with them, we share much of our lives experiences and outline part of our aspirations for the future. As such, we usually include as an object of our moral consideration human beings who do not yet exist or who may not exist at all. We think about the future of our grandchildren when our children are still young. We create a better world for generations that we will never get to know. This apparently unreasonable projection of our interests on behalf of other human beings is simply part of our way of being in the world, and no rational agent will fail to recognize the evidence of such experiences.

This recognition in the sense of belonging can be broadened to non-human animals. Similarly, we demand moral consideration for our pets. In many cases, they are our greatest companions. Dogs and human beings, for example, have formed a bond that no one else seems to question. What is surprising, in these cases, is that we often fail to extend our moral consideration beyond the specific object of our connections. In most cases, our pet is part of our family, but our neighbor is just another dog or cat that disturbs our sleep. We do not believe that we owe them equal consideration, even though we know that they belong to our community. Respect for other human beings’ pets would be a derivation of our respect for another human

being's object of esteem. These cases, however, are only distortions, and, to remove them, we could refute the criterion used for belonging.

If my analysis is correct, we may have a problem. Either the criterion of belonging is wrongly interpreted as the bond we establish with particular individuals, or we cannot use it as a criterion for the recognition of moral status from a universalist perspective. We would find it challenging to expand our moral consideration to beings with whom we are not directly related.

A third option, which is not incompatible with the others, is the attempt to identify a characteristic or attribute common to all the beings that are part of our ideal moral community. The benefit of this approach is that others can accept it, but it can also be more comprehensive, denying the characteristics listed by the previous approaches and resorting to something more essential. Thus, we could refuse rationality and belonging as identifiers and delimiters of our universe of moral consideration, and resort to something even more general that would allow us to better rescue the claim of universality of our moral judgments. By opting for a more fundamental focus, we will also be breaking with the moral hierarchy granted to supposed rational beings. However, we need to identify which attribute would promote the expansion of the desired morality. This type of investigation leads us to the question of the nature, identity, or mode of individuation of the members of our moral community or, in other words, those whom we intend to include as the focus of our respect or moral consideration.

Identification of the ones concerned

One of the most promising characterizations of the ones concerned resorts to our nature as rational beings. Rational beings can provide arguments, examine hypotheses, analyze other people's arguments, and reflect, based on their considerations. The Kantian sense is that they are beings capable of realizing, through this process, an abstraction of all forms of sensitive cohesion and allowing themselves to be determined by a formal principle of reason. In doing so, they establish a new order in the natural world: an order determined by the agent, as a free being of sensitive determination. This capability will be called autonomy or power of self-determination. Creatures capable of self-determination decide their individual ends. To recognize their "nature" or "essence" means to

acknowledge them as self-determined beings, authors of their own lives, or, in the words of Kant⁸⁰, as ends in themselves. From these considerations, Kant provides us with the concept that to this day stands out as the moral principle *par excellence*, namely, the categorical imperative in its second formulation: the consideration or respect for such beings as ends in themselves. As a result, it is morally forbidden to instrumentalize, coerce, or fortuitously impose heteronomic obligations and goals on beings capable of self-determination.

I do not want to discuss the implications of whether or not it is reasonable to associate rationality with autonomy so firmly and, in particular, with autonomy understood as freedom from any sensitive determination. We can adopt a contemporary version of this principle - such as the non-instrumentalization of beings capable of deliberating on their ends (Tugendhat) - or of the principles that establish an ideal speech situation - for individuals capable of integrating a rational reasoning discourse (Habermas).⁸¹ We can also interpret rationality, and the ability to judge autonomously, as a necessary condition for the establishment of symmetrical contractual situations. Finally, what I want to emphasize is that the choice of rationality and/or the power of self-determination as the foundation for the determination of behaviors and moral principles - however soft is the interpretation given to this capacity - delimits the scope of morality to beings capable of manifesting it. Although this may sound somewhat familiar, I would like to stress that such an interpretation of morality - and therefore of the limits of our moral community - neglects many of the beings with whom we have relations, whether human or not.

In short, if we disregard the rhetorical power of such formulations and seriously consider the notion that the object of our moral consideration are the beings capable of electing their own ends (authors of their own life project), then we will avoid associating babies, the mentally challenged, senile individuals, future generations, our pets and the vast majority of non-human animals, among others, as objects of moral consideration. In fact, in a world of scarcity and economic dependence in which we live, there are enormous contingents of human beings who will never be able to act autonomously. If the exclusion of these beings causes us disgust and indignation, then we must take our feelings seriously and seek something more fundamental that brings us closer and resembles all these beings.

The most common approach is the one suggested by Hume⁸² and classic Utilitarians⁸³: the vulnerability to pleasure and pain. According to Hume, right or virtuous would be the attitudes or qualities that would maximize individual or collective pleasure and minimize pain. Wrong or vicious would be the actions or qualities that would promote individual or collective displeasure. While formalizing the choice of vulnerability to suffering and pleasure as a characteristic of all the ones we believe worthy of consideration, the moral principle *par excellence* – the universal principle based on which we judge morality, justice or the correctness of our conduct and norms – prescribes the maximization of pleasure and the minimization of the suffering of all concerned. The Utilitarian principle will undergo several transformations in the course of its history until it reaches the model suggested by Singer⁸⁴ of the maximization of preferential interests. In this perspective, all sentient beings have preferences, including living a life as free as possible from suffering and pleasurable. Our moral commitment would thus be to promote the preferences of all sentient beings.

While I have already made a brief presentation of Singer's perspective in chapter 3, I would like to revisit some aspects specifically related to the animal issue⁸⁵. By adopting sentience as the attribute for recognizing a being as morally concerned, Singer incorporates non-human animals into morality. It would be enough for us to recognize that living a life that is minimally pleasurable and free from excessive and avoidable suffering is a preference for us so that we can attribute this preference to other beings who, like us, are vulnerable to pleasure and pain. It would be enough for us to recognize that living a life that is minimally pleasurable and free from excessive and avoidable suffering is a preference for us so that we can attribute this preference to other beings who, like us, are vulnerable to pleasure and pain.

It was not long before science revealed that animals that are very different from us, also having a central nervous system, can, therefore, be sensitive to pain.⁸⁶ Meanwhile, other philosophical/theological⁸⁷ defenses for the insertion of animals in ethics have emerged and, with them, the demand for the inclusion of all animal species. Singer seems sensitive to this demand, although we do not find in his work any examples that report us to cockroaches or rats. I insist on this because I value coherence. If we adopt sentience as a criterion, we need to extend our moral consideration to

all beings capable of experiencing sensations of pleasure and pain. It would be a mistake to suppose that only beings who possess a nervous system like ours possess such a capacity. I don't want to presume that Singer made a mistake. I would instead identify as an incoherence concerning another aspect of his work, more specifically, the existence or not of some hierarchy between the various sentient beings.

Singer argues that the preferences of sentient beings are all on the same hierarchical level. As I see it, this means that, from a moral point of view, any suffering inflicted on a dog, a cockroach, or a philosophy professor is also a moral offense. If a hierarchy exists, it should be between what Singer calls preferences and the other interests that individuals may have. The realization of preferences is morally more important than the fulfillment of interests of another order, regardless of individuals concerned. This means that a human being's interest in eating any animal meat is hierarchically inferior, that is, morally less important than any animal's interest in not being painfully sacrificed and living a life of restrictions.

However, the problem occurs when we ask whether or not there is a hierarchy in the case of preferences of human beings and preferences of non-human animals. In this respect, if we follow only what has been said so far, the answer would be negative. In other words, if we are relying solely on sentience as a criterion, there would be no reason to privilege one of the parties. Singer does not pursue this reasoning and introduces a variant, a new form of consciousness, the consciousness that some individuals have about their projects, their choices, their finitude, in short, a type of consciousness very close to that of the moral agent. Should there be a tie, the preferences of these beings should be privileged. While I may be mistaken, I do not find in Singer an argument that justifies this step, and I consider it a deviation from the original argument.

A more significant deviation is seen in a text written in the form of dialogue⁸⁸, in which Singer replies to his daughter that if her life were compared with a cat's life, hers would have priority under any circumstances. What kind of argument, within his theory, could be used to justify this hierarchy? What type of evidence, within his approach, could be used to justify this hierarchy? Is Singer bringing relationship, care, or responsibility to particular beings as a moral argument that compels us to privilege them? That would certainly be the downfall of his theory, and I prefer to assume that the article was nothing more than an artistic license

from the author. Be warned; I do not mean that from a moral point of view, we cannot present arguments to justify the privileges we grant to our children. I'm just trying to show that, whatever these arguments are, they won't be found in Singer's preference Utilitarianism.

That being true, perhaps many are willing to support the critique that the Utilitarian perspective, both in general as well as Singer's, is very demanding of ordinary beings, like us. We mean to be ethical. Still, in practice, we spend a lot more on fulfilling the shallow interests of our children than we would willingly spend on African refugees or abandoned animals. How can we reconcile this sad observation with a peaceful night's sleep? I have previously indicated what I suppose is one of Singer's argumentative flaws. Still, I have no doubt that the real reason why the majority of people reject his utilitarianism has nothing to do with any such slip, but with the practical effects that this theory could have on our private lives.

Having finished this brief tour on Singer's perspective, I now proceed to the third option.

The third approach is to focus on the basic functions of each functional system. According to this perspective, what we want from a moral point of view is for each one to carry out their own functionings and projects in the best possible way, that is, in their fullness. This project is not interpreted as a rational choice of beings with the power of self-determination but can be understood as the realization of a functional system to its fullest. This third approach is capable of embracing the demands of rational and self-determined beings; the needs of sentient beings for a life minimally pleasurable and free of excessive and avoidable suffering and, finally, the silent demands of various systems that long for their own flourishing.

Focusing on the basic functionings of the multiple systems and understanding as basic functionings, the ones that guarantee the identity of each system, we are morally committed to diverse demands, unmeasurable among themselves, and, as a result, non-hierarchical. Thus, the only identifiable hierarchy will be between basic and non-basic functionings, but not between systems. The supposed simplicity or complexity of a system will play no role in the moral value assigned to it. In the event of a conflict between basic functionings of different systems, we should assess the importance of these functionings within each system.

For the sake of clarity, I propose this situation: Individuals A and B need medication to survive. The medicine is a necessary resource for their basic functionings. The drug has the side effect of causing extreme discomfort in both individuals. Individual A has plans for the future and would be able to endure any suffering to increase his chance of carrying them out. Individual B does not have the ability to design a future and assess how much pain he would be able to endure, not even imagine a reason for it. It is possible that while reading about this experiment, you will add elements that will change my decision making. Still, so far, I would decide to provide the medicine for individual A.

Similarly, let's consider that individuals C and D are hungry. Hunger causes immense displeasure and threatens the metabolism of both. C has other functionings that represent, at the moment, his primary focus of attention and is capable of bear the discomfort caused by hunger to achieve his goals. D feels hungry and is not able to divert his center of attention from the sense of displeasure generated by such a state. Once again we would be faced with a scarce but fundamental resource to provide basic functioning for two individuals. If no other elements come up in this case, my decision would be to relieve D's hunger.

In both examples, one of the individuals could be a human being and the other a non-human animal. That is irrelevant. The decisive factor for the choice was the estimation of how much the resource provided could contribute to the individual's well-being. I also aimed to clarify that the information collected is fundamental to the decision-making process. There is, therefore, no *a priori* choice, and the decision can be changed according to the elements brought in for each case. In my opinion, this will always be the moral decision when we do not have arguments that set up a prior hierarchy between the various individuals.

Embracing a new paradigm

According to this perspective, we can include in our universe of moral consideration, not only human beings and non-human animals but also the environment. In this respect, our main difficulty is no longer (i) finding a justification for considering the other; and becomes (ii) knowing what would full realization mean for each functional system, in general, or for each being, in particular. It is, therefore, a challenge for our empirical

investigations and a technical difficulty to be overcome by human knowledge regarding the world in which it is included.

Yet, if it is we humans who identify such systems and, to some extent, recognize their needs and define their means of accomplishment, then wouldn't we be at risk of falling into an anthropomorphization of other beings?

Regardless of any value judgment, it is we humans who build an ethical way of life. It is we, humans, who take other beings as objects of study, of knowledge and moral consideration or respect. All these factors make us moral agents *par excellence*. We are responsible for a moral life and for the treatment that we bestow on other entities. During the process of knowledge production, we can be tempted to incorrectly project into other beings' characteristics that distinguish our species. From a moral point of view, we can remain attentive to this error and develop an imaginative capacity to expand our sensitivity to previously imperceptible demands. We can ignore our intellectual arrogance and give more voice to our own feelings. We can see and hear in a less "anthropocentric" way. To avoid projecting our demands on the other, the only weapons we have are a continuous process of consciousness-raising and careful attentiveness towards the other.

However, the gravest moral flaw would not be an error of perception, but to place ourselves at the top of a hierarchical scale of the beings concerned by our moral discourse. This is a mistake that, as I see it, not Singer would escape. While acknowledging the priority of the basic preferences of some non-human animals over the general interests of human beings, Singer has no hesitation in admitting that the life of beings capable of elaborating a life project is hierarchically superior to life only lived⁸⁹. According to the approach outlined here, such an ability would be part of a specific type of functional system. Having or not such capacity would be only demand from us particular behaviors. However, the recognition of specific abilities would not justify the attribution of greater or lesser moral value to this group of beings. Right ethical conduct requires the adequacy between the identification of the capacities or characteristics of functional systems and the equal respect for their specific implementing forms.

Apart from the possibility of, from this point of view, determining a moral hierarchy between the existing diverse beings, we are left with

dilemmas, where we cannot decide between the interests at issue without resorting to some form of hierarchy between them. Therefore, I can only indicate that we should be as coherent and comprehensive as possible in our moral decisions. We must balance our choices in the best possible way, even when we know that the decisions of the present may not be right in the future.

We are responsible for the moral ordination that we render to our present choices, and we should be able to be accountable for them in the future, resorting to the valid criteria of their situational coherence and comprehensiveness. We cannot do much beyond that. Morality, the same as human knowledge, is bound to surrender to our own limits. We will make mistakes and transform our mistakes into a form of learning, but we will not prevent the pitfalls and moral conflicts that afflict our way of being in the world alongside other beings. This makes our moral judgments essentially non-definitive and requires us to be constantly vigilant about their revisions, the changes in contexts, and the demands inherent to the various forms of existence.

RECOMMENDED READINGS

DIAS, M. C.; OLIVEIRA, F. (Eds). *Ética Animal: um novo tempo*. Rio de Janeiro: APEKU, 2018.

SINGER, P. *Practical Ethics*, Cambridge: Cambridge University Press, 1993.

CHAPTER X. Art and environment

Expanding the frontiers of morality

In the previous chapters, I have tried to show how – under a morality aimed at respecting the various existing functional systems – we could include non-human animals as an equal object of moral consideration. I also advocated a functional reading of the various existing entities. However, if we truly understand that being acknowledged as a functional system makes one subject to our moral consideration, wouldn't we be opening the doors of morality to any and all kinds of entities that can be functionally defined? My first answer is that we would be covering many, but not all of them.

In this chapter, I want to support this expansion to at least two groups of entities: the work of art and the environment. In this process, I intend to demonstrate the reason why I state that we do not inevitably need to be committed to moral consideration and the realization of all existing functional systems.

Back to the functional system concept

Identifying something from a functional point of view is, above all, a process of individuation. This process contrasts, for example, with a method of individuation based on the material nature of a given object. The functional individuation of an entity means identifying it from its functional role.

In this sense, we can refer to an object, for example, a bookcase, as made of wood or “used for”, “has the function of” storing books. In chapter eight, I aimed to show that recourse to the physical constitution of an object may not be enough to identify it. In addition to a bookcase, several other objects are made of wood. Thus, referring to the physical aspects seems to fail because (1) it is not sufficient to distinguish/discriminate the object from other objects also made of wood; and (2) it does not satisfy any necessary condition, since many objects, in terms of their function, can be made of very different materials. Clear examples are tin openers, corkscrews, telephones, and levers; in short, cases in which both the shape and the physical constitution of a single object may be the most varied.

So far, we are in a strictly descriptive scope, and many may claim that, regarding the production of knowledge, this is perhaps not the most appropriate method of identifying and/or distinguishing entities. I would say that this method offers us some explanatory advantages, at least concerning the knowledge of minds and/or beings to which we attribute physical and mental predicates. By explanatory advantage, we can better understand and clarify the relationships between physical and mental aspects that occupy our daily lives. More particularly, the functionalist perspective allows us to eliminate the explanatory gap between the mental and the physical; and to reconcile our intuition that many of the functions we perform are multifaceted, that is, they can be performed by physically distinct entities.

A functionalist perspective of the mind enables us to embrace a very ancient belief, albeit one that is still strange to many. That our minds are not limited to our brain or our body; rather, our mental operations are distributed between input and output in the totality of our physical body and the world. Diverse inanimate objects integrate, in each case, our capacity to respond to lived situations and to produce knowledge. So, these objects are perceived as coupled systems that may, as a result, integrate what we call “our mind”. This brings us to the thesis of the extended mind which, as I intend to illustrate, is widely disseminated in our daily lives.

The extended mind: descriptive features and moral consequences

Consider a fairly common situation. I’ve just scheduled a meeting with my student, Diogo. Since my memory is no longer the same, and I often fail to keep track of all my schedules, I write down all the appointments in a diary that I always bring with me. I then check the day and time of my meeting in the diary, and when the time is right, I get to the meeting room. Diogo comes at the scheduled time. When I ask him how he manages to get to the meeting on the exact day and time, he tells me that he remembers setting up the meeting one hour before Logic class at IFCS. Diogo resorted to the information stored in his memory and, thanks to this resource, he showed up on the right day and at the right time. The information in Diogo’s memory is part of his cognitive process. In my case, I managed to be there on the right day and time because I resorted to the information in my diary. Wouldn’t it be accurate to say that this information is part of the cognitive process that made it possible for me to arrive at the meeting? If

we agree with that, then we could admit that part of our cognitive process may include elements that are beyond the limits of our body.

The above example confirms what Clark⁹⁰ advocates as a principle of parity, i.e., that which requires similar treatment for distinct elements playing the same role or function in the process of knowledge production. The information stored in Diogo's memory and the information kept in my diary have the same purpose, namely, they integrate the cognitive process that makes it possible for us to arrive at the meeting on the correct day and time.

This functional perspective feature, which is merely descriptive, can, however, have consequences from the point of view of morality. Thus, perhaps we can justify why some objects, albeit inanimate, should be the object of our moral consideration.

Continuing the example above, suppose someone steals my diary. I would be deprived of essential information to do my job and accomplish my tasks. The damage caused by the theft would be much more significant than physical damage that could result in a temporary loss of consciousness. Depending on the information in the diary and the potential to recover it in some other way, the damage could affect me to very different degrees.

Just imagine that now we are no longer talking about a diary, but a computer, with no backup, in which are all the articles that I have not yet published and the photos of the first years of my daughter's life. I can assure you that, at least in my case, I would have preferred to have part of my own body removed, rather than being deprived of all such information. My articles, regardless of their objective merit, are my way of projecting my beliefs into the world. They are, in this sense, the part of me to which other people will have access when I, while a singular material entity, is no longer in the world. They are part of what other "selves" will share about me. The photos of my daughter are memories that I share with her and with everyone who somehow participated and will participate in our lives. In these two cases, something fundamental to me would be lost forever. And, at least in the case of articles, it is also evident that such a loss could undermine my self-esteem and my sense of personal fulfillment.

Let us now turn to less personal examples, but rather explanatory. Let us imagine that *Mister X* is a blind individual who is using a cane to calculate his distance from other objects, thereby ensuring his physical integrity in the face of possible collisions. Anyone who removed his cane

would be causing him damage and compromising part of his functioning. The cane and *Mister X* form a unique functional system. Breaking this connection means damaging the system. Other clear examples of this kind can be represented by a student's notebook, the glasses of a myopic, or the piece of cloth a baby uses to sleep. All these objects can be so connected to our cognitive and/or affective system that they become part of who we are. This is even more evident when we think about our language, books, music, and images that we register in the world. Any damage to any entity of this type is damage to our own form of realization.

Can any object be a constitutive part of a mind? Of course not. Perhaps any object can be described functionally, but only in specific conditions can we say that an object integrates our cognitive system and, consequently, our mind.

Clark and Chalmers⁹¹, when describing the conditions for an object to be considered a constitutive part of our cognitive system, emphasize the constancy, accessibility, and reliability or automatic endorsement of the information contained in the aggregated entity by the agent. Such conditions allow us to identify the role of our notebook books in a library as part of our cognitive system. Telephone numbers, dates of participation in newsstands, and even the sequence of arguments read in a text are information that I say I have – but to access them, I need my notebook to be within my reach. The history of the Dadaist movement and the sequence of films made by Jean Renoir are information that I can obtain if I have access to the library books or, nowadays, to *Google*. However, I dare not say that I have them. I can access them, but certainly not with the same constancy, agility, and security with which I access my notebook. The information contained in the library books or on *Google* is not, therefore, part of my mind.

The work of art and the environment

Some objects can integrate our cognitive process and become part of our minds. But receiving the privileged status of an entity with moral value will depend on how each object relates to a functional system that we value. When an object is a constitutive part of ourselves as a functional system, protecting, preserving, and respecting it morally is a condition of our own flourishing.

Regarding the previously provided examples, I would like to go further and consider not only the possible entities that integrate our cognitive system but also those that guarantee our personal integrity, also from an emotional and/or affective point of view. There are entities – living beings and objects – without which we could not imagine a full personal identity. This, in my opinion, is the case of the work of art and the environment – both objects of our aesthetic contemplation –, without which we do not experience our own existence as fulfilling or happy.

My personal narrative is so committed to the characters of Dostoyevsky, Proust, Balzac, and others that I would no longer recognize a world in which I could not identify their steps. I see Rio through the poems of Vinícius de Moraes and the music of Tom Jobim. With the lyrics of Chico Buarque, I learned to understand the vicissitudes of the female soul. In the world where these references no longer make sense, I will feel lost, or rather, part of me, perhaps the most important, will no longer exist. In the same way, how could I even imagine that someday the forest -whose sounds, smells, and colors amplified my senses - would be replaced by pastures or a factory? I believe the world – with or without my presence – is more vibrant because of all these things.

Would it not be a mistake, from a moral perspective, to include an entity for the importance or value they may have for us? There is a conceptual misunderstanding here. Unless we adopt a very peculiar ontology about possible worlds and existing entities⁹², we must be able to assume that values are not natural entities, but human attributions. In other words, values are weights that we attribute to everything that relates to us. They are part of the way we report to other entities. However, it does not mean that we cannot base our value assignment on objective criteria, so that, from this moment on, the value of something can be independent of our preferences.

Therefore, to say that it is a moral error to make the attribution of value depend on us, from this perspective, is a fallacious statement, since all attribution of value is a product of the human universe. The moral error would be to make the attribution of value to something solely dependent on our instrumental interest in the object under analysis; however, this is not in line with the perspective I am defending.

My thesis is that our relationship with the environment and the arts is not instrumental, but rather constitutive – constitutive of our process of self-

realization. There is no self-interest or moral subjectivism in this case. Self-realization is once again linked to the notion of a system that longs for its fulfillment. What I am defending is that we do not experience ourselves as accomplished beings, while this accomplishment is not accompanied by the accomplishment of these beings in which we trust the value of our own lives.

Through the work of art, the artist expresses feelings and a very peculiar way of being in the world that can somehow be shared by human beings for years, decades, and centuries. A work of art is much more than the record or projection of life. It can be the historical record of all humanity. It may become the most sublime part of us, the part of us that we share with the other *selves* or even with all humankind. Perhaps that is why, even in the bloodiest conflicts, there is always a strong urge to preserve historical monuments and masterpieces.

Similarly, “nature”, the ecosystem, the biosphere and/or the environment are for us objects of contemplation and fascination, which, at the same time, resignify the dimension of our existence and increase our sense of belonging.

An environmental ethics

From philosophical literature, we use the term *deep ecology*, coined by Arne Naess⁹³, to refer to a perspective that attributes a non-instrumental value to the environment. Its counterpoint would be the notion that our environmental concerns would all be related to how environmental changes may favor or harm human life. In other words, this would be a strictly instrumental, “shallow” interpretation of our relationship with the environment.

It took me some time to understand that someone could identify themselves as an environmentalist defending this approach. Eventually, I learned that almost everyone understood themselves that way. Today I see that this position is not exactly a superficial or shallow perception of ecology, but a more complex process of self-delusion or self-deception of its followers. Biologists and botanists dedicate entire lives to studying species that, from a pragmatic point of view, have little to teach us. How could we understand the persistence of these men if we could not resort to distinct, existential learning, the fruit of the contemplation and admiration of diverse functional systems, in the pursuit of their fulfillment?

Considering they are exceptions and non-experts have the same instrumental relationship with their surroundings, we ask: why do we care about our solar system if our lives are so ephemeral that we will never witness its alterations?

Considering they are exceptions and non-experts have the same instrumental relationship with their surroundings, we ask: why do we care about our solar system if our lives are so ephemeral that we will never witness its alterations? Perhaps there are different reasons to explain our interest in other beings. Nevertheless, I support the hypothesis that, behind our attribution of value, lies a degree of fascination – not particularly for life, as many believe – but for the integrity and diversity of a system.

Naess stresses that the foundations, reasons, or motives for adhering to a perception of deep ecology can be very diverse. Many assume a transcendent/religious approach, in which the biosphere is interpreted holistically, endowed with an absolute value, not relational, of transcendent origin. In this perspective, the biosphere is, then, a minimum unit of reference for morality. According to this perspective, the biosphere is the basic unit of moral reference.

I share Naess' belief that the central focus of deep ecology can be endorsed without regard to any religious belief. The focus to which I refer is non-anthropocentric ethics that embraces the entire biosphere, or rather, the environment, without setting up any kind of hierarchy. In common with many supporters of deep ecology, I also take a holistic view of the realization and the relationship between the various existing systems. But with regard specifically to the perspective defended herein, I would like to emphasize that it is not based on life as a value, nor does it privilege living entities. Its focus is on the functional systems themselves, where the attribute of being alive or does not play any special role for its definition, as we have seen.

Having life, as well as being vulnerable to pleasure and pain and being able to make choices, are characteristics of some systems, and their realization depends on them. In these cases, attention, care, and respect for them is part of our moral commitment. However, the peculiarity of the functionings approach, as a moral perspective, lies precisely in the expansion of our moral commitment beyond the systems capable of performing such functioning.

Assigning a value to the various functional systems is something that we do as human beings. While we do not need to resort to transcendent entities to justify the values, neither do we need to adopt a strictly instrumental form of reasoning for them. What supports/justifies the value, the weight, or the importance that we attribute to specific functional systems are intrinsic to their characteristics, which, in their own way, enrich our world.

The sight of the sunset, the sound of streaming waters on the rocks, and the smell of wet earth can bring to our lives examples of strength, serenity, and continuity. The ability to generate such feelings and our perplexity at the complexity, diversity, and integrity of the different functional systems that are part of nature give the environment a value that is independent of our preferences, but inseparable from our conception of what a fully realized life is.

Towards collective moral commitment

Nowadays, we live a life of excesses, with excessive consumerism, in a society in which we no longer evaluate the need for every item that we compulsively consume. We have two, three, four computers; we have two, three, four cars; we have everything in excess. We take trips - except for interplanetary voyages since we still can't do it - with no desire and no need. We would do it only because they are available at the travel agency next to our house. Why? Because we are addicts, we allow ourselves to be carried away by the unthinking habit of accumulating goods that do not contribute to the real value of our lives. We get used to it and are content to consume, consume, and consume. But the continuation of this way of life has a cost. A cost that affects not only those who have chosen to live like that but on all human beings. Including those who could never decide on what to consume or how to live their lives – non-human animals and the environment itself. In other words, the cost of our lives is an irreparable loss for those who do not enjoy their benefits.

It is the commitment to these individuals - silently harmed, of whom we neglect the minimum conditions for daily achievement – that we need to make to be consistent with our concept of justice and to maintain consistency with the principle of universalistic morality. It is, therefore, a moral commitment, which I would like to understand as a collective moral commitment — one that implies rethinking our practices and, above all, our

way of life in contemporary societies. Ultimately, we must reconcile our “way of life” and/or “our preferences” with the flourishing of other forms of existence.

For those who feel uncomfortable with the proposal of collective moral commitment, I should remind you that the moral attitude is not the only one possible before the various situations that we experience. Some may retaliate that they do not need and do not want to commit themselves to the interests or well-being of individuals of other nationalities, ethnicities, religions, cultures, families, and, most of all, to the realization of different forms of existence. While rejecting a universalistic moral conception – as opposed to a particularistic attitude, which could vary in its extent – no commitment is created. When confronted with those who think this way, we can only regret it.

As I demonstrated in the first chapter, there are several ways in which we can shape our position in the world and several principles by which we can guide our actions. The most frequent include religious beliefs, cultural rules, the pragmatic principle of effectiveness, the political principle of power, the “quasi” biological principle of brute strength, and, above all, the economic principle of profit and the accumulation of wealth that guides contemporary societies. However, the choice of certain principles is not neutral, let alone without consequences. All our decisions are made from a determined universe of values, so we should at least be careful not to engage in choices that could jeopardize our most fundamental values.

Accordingly, I intend to point out two strategies that should be present in the socio-political agenda of people, institutions and/or nations that recognize as a fundamental value the realization of the basic functionings of the various forms of existence that share this planet with us. The first is a form of the political organization of the State itself. The second is a strategy of expanding our perception of others and adopting a moral attitude.

Under its myth of creation, the modern State stands as the result of a social pact between individuals who seek the protection of their fundamental rights.⁹⁴ The defense of such rights is considered the primary purpose of the State. What exactly should be protected, and how should it be protected? Many philosophical works on this subject intend to determine the core of demands upon which we should focus our moral and political project of building a just and equal society. Therefore, supporters of a distributive justice approach will list financial resources, primary assets,

freedoms as well as welfare as what should be equally shared by the State among its compatriots, as a means of sustaining its social function. Those who accept the specific demands for recognition of particular identity groups will broaden this list with other recognition policies. Once again, I do not intend to analyze this vast number of options, but only to highlight an aspect that I believe is fundamental for any of these perspectives of justice to be successful. It concerns how the government is structured and how these demands are met.

How do you know what is essential for individuals to live meaningful lives? My hypothesis is that there is only one way to find a satisfying answer to this question, and that is to let the individuals themselves speak or express themselves. It is unwise or bad faith to suppose that from the altar of the Academy, the Supreme Court, or the Presidency, we can draw a precise knowledge about all life forms and the measures necessary for them to prosper. Regardless of how extensive our knowledge and rich our imaginative capacity may be, there will always be a space-time and experiential limitation that will ensure that what we list as foreign demands are only projections of our own. Thus, we need to choose between a form of government that gives space and voice to all members of the company not only through voting but also through the active participation of members of civil society in a wide range of deliberation processes.

Thus, we speak of a democratic State and a deliberative and participatory democracy, in which each citizen finds adequate means to build well-informed opinions and express, albeit in a less conventional way, their own demands. We are talking about a political structure that (i) guarantees transparency in the actions of its Executive, Legislative and Judicial branches; (ii) allows for the trial and condemnation of our political representatives; (iii) enables the constant revision of the values expressed in our Constitution, to ensure that our State represents and protects us, not only as citizens but as individuals concerned with morality.

For any such social pact to be effectively adopted, it needs to be more than a matter of convenience. It must express our choice for a given form of life, making its realization a constitutive part of our process of personal self-realization. The implications between “a form of political expression” and “our life project” is precisely what I will be typifying as a collective moral commitment. For this commitment to take place, there must be a relationship of trust between the parties and the power structures that

manage the agreements made. For this reason, the basic structure of society must create shared values in each individual, who will assume his role in the construction of the political project and will also take responsibility for its execution.

Almost every country or contemporary geopolitical unit holds a great diversity of individuals with different cultures, religions, ideologies, and languages. Considering global commitments, diversity is hardly measurable. How can we create a relationship of trust and shared values in such different universes? This is a formidable challenge for those who long for a moral community without borders. This is where I offer the last hypothesis of this book. It is only through an intense process of consciousness building for others that we will be able to incorporate their demands into our moral discourse. If this is true, we must invest in a differentiated process of formation. An educational process that inspires sensitivity and construction of imaginative rationality, in which we improve our ability to feel and show empathy for others. Maybe it's time to bring poets and musicians back to the *polis*⁹⁵ so they can teach us the art of living according to the laws of the heart.

RECOMMENDED READINGS

NAESS, A. *The Ecology of Wisdom: Writings of Arne Naess*. DRENGSON, A.; DEVALL, B. (Eds.), Berkeley (CA): Counterpoint, 2008.

Bibliography

ARISTOTLE. *The Complete Works of Aristotle* (ed. J. Barnes), Princeton: Princeton University Press, 1995.

AUBENQUE, Pierre. *La Prudence chez Aristote*. Paris: Presses Universitaires de France, 1963.

BARKER, Ernest. *The Political Thought of Plato and Aristotle*. New York: Dover Publications Inc., 1959.

BENTHAM, J. *An Introduction to the Principles of Morals and Legislation*. J. H. Burns e H. L. A. Hart (Orgs.). London: Athlone Press, 1970.

BENTHAM, J. *A Fragment on Government*, J. H. Burns e H. L. A. Hart (Orgs.). London: Athlone Press, 1977.

BLACKBURN, S. Anti—realist expressivism and quasi—realism, pp. 146—161. In: COPP, D. (Org.). *The Oxford Handbook of Ethical Theory*. New York: Oxford University Press, 2006.

DEWEY, J. *Human Nature and Conduct*. Carbondale: Southern Illinois University Press, 1922.

DEWEY, J. *Theory of the Moral Life*. Introd. de Arnold Isenberg. New York: Holt, Rinehart & Winston, 1960.

DIAS, M. C. *Ensaio sobre a moralidade*. Rio de Janeiro: Editora Pirilampo, 2015.

DIAS, M. C. *Justiça Social e Direitos Humanos*. Rio de Janeiro: Editora Pirilampo, 2015.

DIAS, M. C. *A Perspectiva dos funcionamentos*. Rio de Janeiro: Editora Pirilampo, 2015.

DIAS, M. C. y OLIVEIRA, F. (Org.). *Ética Animal: um novo tempo*. Rio de Janeiro: APEKU, 2018.

DWORKIN, D. *A Matter of Principle*. Cambridge, MA: Harvard University Press, 1985.

DWORKIN, D. *Sovereign Virtue*. Harvard: Harvard University Press, 2005

FLANAGAN, O. *Self—Expressions: Mind, Morals, and the Meaning of Life*. Oxford: Oxford University Press, 1998.

GAUTHIER, D. *Practical Reasoning: The Structure and Foundations of Prudential and Moral Arguments and their Exemplification in Discourse*. Oxford: Clarendon Press, 1963.

HABERMAS, J. *Moralbewußtsein und Kommunikatives Handeln*. Frankfurt: Suhrkamp, 1983.

- HARE, R. M. *The Language of Morals*. Oxford: Oxford University Press. 1952.
- HARE, R. M. *Moral thinking: Its levels, method, and point*. Oxford: Oxford University Press. 1981
- HARE, R. M. *Essays in Ethical Theory*. Oxford: Clarendon Press, 1989.
- HAKSAR, V. *Equality, Liberty and Perfectionism*. Oxford: Oxford University Press. 1977.
- HUME, D. *Enquiries concerning Human Understanding and concerning the Principles of Morals*. L. A. Selby—Bigge (Ed.). 3^a ed, vers. P. H. Nidditch. Oxford: Clarendon Press, 1975a.
- HUME, D. *A Treatise of Human Nature*. L. A. Selby—Bigge (Ed.). 2^a ed, rev. de P.H. Nidditch. Oxford: Clarendon Press, 1975b. HURKA, T. *Perfectionism*, New York: Oxford University Press, 1993.
- JOHNSON, M. *Moral Imagination: Implications of Cognitive Science for Ethics*. Chicago: Chicago University Press, 1990.
- KANT, I. *Kritik der praktischen Vernunft*. Pref. de Paul Natorp. Berlin: Georg Reimer, 1908.
- KANT, I. *Grundlegung zur Metaphysik der Sitten*. Jens Timmermann (Ed). Göttingen: Vandenhoeck & Ruprecht, 2004.
- KENNY, A. *Aristotle on the Perfect Life*. Oxford: Clarendon Press, 1992.
- KENNY, A. *The Aristotelian Ethics — A Study of the Relationship between the Eudemian and Nicomachean Ethics of Aristotle*. Oxford: Clarendon Press, 1978.
- LARMORE, C. *Patterns of Moral Complexity*. Cambridge: Cambridge University Press, 1987.
- MACINTYRE, A. *A Short History of Ethics*. Londres: Routledge, 1967.
- MACINTYRE, A. *After Virtue: A Study in Moral Theory*. Notre Dame, University of Notre Dame Press, 1981.
- MACINTYRE, A. *Whose Justice? Which Rationality?* Notre Dame, University of Notre Dame Press, 1988.
- MILL, J. S. *Utilitarianism*. Cambridge: Cambridge University Press, 1989.
- NOZICK, R. *Philosophical Explanations*. Cambridge, MA: Harvard University Press, 1981.
- NUSSBAUM, M. *Women and Human Development: The Capabilities Approach*. Cambridge: Cambridge University Press, 2000.
- NUSSBAUM, M. *Frontiers of Justice, Disability, Nationality and Species Membership*. Cambridge: Harvard University Press, 2007.

NUSSBAUM, M. *Creating Capabilities: The Human Development Approach*. Cambridge: Cambridge University Press, 2011.

PLATO, *Complete Works*. (ed. J. M. Cooper). Indianapolis/Cambridge: Hackett Publishing Company, 1997.

RAWLS, J.A. *Theory of Justice*. Cambridge (MA): Harvard University Press, 1971.

RAWLS, J.A. *Political Liberalism*. New York: Columbia University Press, 1993.

RAWLS, J.A. *Justice as Fairness: a Restatement*. Harvard: Harvard Univ. Press, 2001.

RAZ, J. *The Morality of Freedom*. Oxford: Clarendon Press, 1986.

RORTY, Amélie Oksenberg (org.). *Essays on Aristotle's Ethics*. Berkeley: University of California Press, 1980.

SCANLON, T. M. *What We Owe to Each Other*. Cambridge (MA): Harvard University Press, 1998.

SEN, A. *Inequality Reexamined*. Harvard: Harvard University Press, 1995.

SEN, A. *Development as Freedom*. Oxford: Oxford University Press, 1999.

SEN, A. *The Idea of Justice. A ideia de justiça*. Harvard: Harvard University Press, 2009.

SEN, A.; WILLIAMS, B. (Orgs.). *Utilitarianism and Beyond*. Cambridge: Cambridge University Press, 1982.

SHER, G. *Beyond Neutrality: Perfectionism and Politics*. Cambridge: Cambridge University Press, 1997.

SINGER, P. *Animal Liberation*. Londres: Jonathan Cape, 1976.

SINGER, P. *Practical Ethics*. Cambridge: Cambridge University Press, 1993.

SINGER, P. *Ethics*. Oxford: Oxford University Press, 1994.

SINGER, P. *How are we to live? Ethics in the age of self-interest*. New York: Prometheus Books, 1995.

SINGER, P. *One World: The Ethics of Globalization*. London: Yale University Press, 2004.

SMART, J. J. C.; WILLIAMS, B. *Utilitarianism, for and against*. Cambridge: Cambridge University Press, 1973.

SMITH, A. *The Theory of Moral Sentiments*. D. D. Raphael e A. L. Macfie (Eds.). Oxford: Oxford University Press, 1976.

SPENCER, H. *The Principles of Ethics*. Vol. I, Indianápolis: Liberty Classics, 1978.

STEVENSON, C. L. *Ethics and language*. New Haven: Yale University Press, 1944.

TUGENDHAT, E. *Probleme der Ethik*. Stuttgart: Reclam, 1984.

TUGENDHAT, E. *Vorlesungen über Ethik*. Frankfurt am Main: Suhrkamp, 1994.

Editorial board

Ana Luisa Rocha Mallet - *Universidade Estácio de Sá*
Carolina Magalhães de Pinho Ferreira - *Universidade Federal do Rio de Janeiro*

Carlos Dimas Martins Ribeiro - *Universidade Federal Fluminense*
Cinara Maria Leite Nahra - *Universidade Federal do Rio Grande do Norte*
Cristiane Maria Amorim Costa - *Universidade do Estado do Rio de Janeiro*
Daniel Abreu de Azevedo - *Universidade de Brasília*
Diana I. Pérez - *Universidad de Buenos Aires*
Diogo Gonçalves V. Mochcovitch - *Universidade Federal do Rio de Janeiro*

Fabio Alves Gomes de Oliveira - *Universidade Federal Fluminense*
Guilherme Dias da Fonseca – *Université Clermont Auvergne | França*
Jefferson Lopes Ferreira Junior - *Universidade Federal do Rio de Janeiro*
Maria Clara Marques Dias - *Universidade Federal do Rio de Janeiro*
Martina Davidson - *Universidade Federal Fluminense*
Manuel Villoria Mendieta - *Universidad Rey Luan Carlos | Espanha*
Maria Andréa Loyola - *Universidade do Estado do Rio de Janeiro*
Michelle Cecille Bandeira Teixeira - *Universidade Federal Fluminense*
Murilo Mariano Vilaça - *Fundação Oswaldo Cruz*
Paula Gaudenzi – *Fundação Oswaldo Cruz*
Rafael Ioris – *University of Denver | EUA*
Rafael Haddock-Lobo - *Universidade Federal do Rio de Janeiro*
Renata Ramalho Oliveira Ferreira - *Instituto Nacional de Câncer*
Rita Leal Paixão - *Universidade Federal Fluminense*
Suane Felipe Soares - *Universidade Federal do Rio de Janeiro*
Wallace dos Santos de Moraes - *Universidade Federal do Rio de Janeiro*

Copyright

desta edição ©2020 by Ape’Ku Editora e Produtora Ltda

Foi feito o depósito legal conforme Lei 10.994 de 14/12/2004

Proibida a reprodução parcial ou total desta obra sem autorização da editora

Produção gráfica: Ape’Ku Produções

Direitos desta edição reservados à

Ape’Ku Editora e Produtora Ltda

Rua Jornalista Orlando Dantas, 4 PV 3 - Botafogo

Rio de Janeiro – RJ – CEP: 22.231-010

contato@apeku.com.br

www.apeku.com.br

D541a Dias, Maria Clara

About us: expanding the frontiers of morality. / Maria Clara Dias. –
Rio de Janeiro: Ape’Ku, 2020.

152 p. ; 23 cm.

ISBN 978-65-80154-19-7

1. Ethic - Moral philosophy. 2. Ethic. 3. Moral conditions. 4 I. Title. II.
Author.

CDD 170

Impresso no Brasil

Printed in Brazil

Notas

[← 1]

This statement –incompatible with some interpretations of the concept of law and natural law by authors such as J. Finnis – is part of the moral perspective defended in this book.

[← 2]

Reference to the mythology according to which Prometheus steals the fire from the gods to give to human beings.

[← 3]

A period in philosophy also characterized as the philosophy of consciousness, inaugurated by Descartes, which reached its peak with the philosophy of Kant.

[← 4]

See, *D.HUME. Enquiries concerning Human Understanding and concerning the Principles of Morals*. L. A. Selby-Bigge (Ed.). 3^a ed, vers. P. H. Nidditch. Oxford: Clarendon Press, 1975a.

[← 5]

See J. BENTHAM. *An Introduction to the Principles of Morals and Legislation*. J. H. Burns e H. L. A. Hart (Orgs.). London: Athlone Press, 1970 y J.S. MILL. *Utilitarianism*. Cambridge: Cambridge University Press, 1989.

[← 6]

See P. SINGER, P. *Practical Ethics*, Cambridge: Cambridge University Press, 1993.

[← 7]

KANT, I. *Kritik der reinen Vernunft*. Riga: Hartknoch, 1781.

[← 8]

KANT, I. *Kritik der praktischen Vernunft*. Riga: Hartknoch, 1788.

[←9]

KANT, I. *Grundlegung zur Metaphysik der Sitten*. Riga: Hartknoch, 1785.

[← 10]

See J. HABERMAS, *J. Moralbewußtsein und Kommunikatives Handeln*. Frankfurt: Suhrkamp, 1983.

[← 11]

The question isn't so much "do they think?" or "do they talk?", the question is "do they suffer?" (J. Benthan).

[← 12]

The expression had previously been created by Francis Hutcheson to indicate that the best action should be the one that brings the greatest happiness to the greatest number of people. Hutcheson also suggests a "moral arithmetic" to calculate the best possible consequence.

[← 14]

Period that indicates the beginning of philosophical thought in Greece.

[← 15]

Bentham tried to introduce a formula to measure satisfaction, known as *hedonic calculus*. In this calculation, variables such as: intensity, duration, certainty, extent, etc. would be included.

[← 16]

See L. PARRA: La recepción de Bentham en la Nueva Granada, in *Tiempo & economía*, vol.1, n. 1. Colombia: 2014.
<http://revistas.utadeo.edu.co/index.php/TyE/article/view/944/1039>

[← 17]

See J.S. MILL. *On Liberty* (1859). Cambridge: Cambridge University Press, 2011 y *Utilitarianism* (1861). Cambridge: Cambridge University Press, 1989.

[← 19]

See P. SINGER. *Practical Ethics*, Cambridge: Cambridge University Press, 1993.

[← 20]

Here I think of philosophers such as Kant, Rawls, Habermas, Frankfurt and so on.

[← 21]

For the main critiques of Utilitarianism, see SMART, J.J.C., and WILLIAMS, B.: *Utilitarianism, for and against*, Cambridge: Cambridge University Press. 1973.

[← 22]

KANT, I. *Grundlegung zur Metaphysik der Sitten*, Werke, Frankfurt am Main: Suhrkamp, 1968. Kantian works will be mentioned throughout the text, in abbreviated form.

[← 23]

KANT, I. *Kritik der praktischen Vernunft*, Werke, Frankfurt am Main: Suhrkamp, 1968.

[← 24]

The numbers in parentheses correspond to the paragraphs in the text that are under analysis. The purpose of this signaling is to allow the reader to better compare the reconstruction herein with the original texts.

[← 25]

КрV, А 51/52

[← 26]

KpV, A 266

[← 27]

See opening of section 1.2.

[← 28]

HABERMAS, J. *Moralbewusstsein und kommunikatives Handeln*. Frankfurt a. M: Suhrkamp Verlag, 1983.

[← 30]

See idem.

[← 31]

See idem.

[← 33]

See: J. HABERMAS. *Moralbewusstsein und kommunikatives Handeln*. Frankfurt a. M: Suhrkamp. 1983.

[← 34]

See Idem.

[← 35]

See: Idem, ibidem.

See J. HABERMAS, "Wahrheitstheorien". In H. FAHRENBACH (org), Pfullingen, 1973, pp.155. Four principles are described in this article: (1) All potential participants of "discourse" must have equal chances to use speech acts in such a way that they may place questions and provide answers freely. (2) All must have the same opportunity to present interpretations, statements, suggestions, clarifications, etc. and justifications, and to challenge their claims of validity in such a way that no prejudice remains immune to criticism. (3) Only speakers who, as agents, have an equal chance to apply speech acts, i.e., to express their positions, feelings, and intentions, are admitted to the speech. (4) Only speakers who, as agents, have an equal chance to apply regulatory speech acts, i.e., to give or resist orders, allow and forbid, promise and refuse something, etc., are admitted to the speech.

[← 37]

See E. TUGENDHAT. *Probleme der Ethik*, Stuttgart: Reclam, 1984, p.112.

[← 38]

See A. WELLMER. *Ethik und Dialog*. Frankfurt a. M: Suhrkamp, 1986, p.108.

[← 39]

See E. TUGENDHAT. *Vorlesungen über Ethik*. Frankfurt a. M: Suhrkamp, 1993.

[← 40]

See E. TUGENDHAT. *Vorlesungen über Ethik*. Frankfurt a. M: Suhrkamp, 1993.

[← 41]

See E. TUGENDHAT. *Probleme der Ethik*. Stuttgart: Reclam, 1984, p.132.

[← 42]

About that, see M.C. DIAS. Die sozialen Grundrechte: Eine philosophische Untersuchung der Frage nach den Menschenrechten. Hartung-Gorre Verlag: Konstanz, 1993

[← 45]

On this topic, see the Seventh Letter, by Plato, when he was invited by Dion to return to Syracuse and help in the construction of an ideal State.

[← 46]

About communitarianism, see "Atomism", by CHARLES TAYLOR. In: *Philosophy and the Human Sciences: Philosophical Papers 2*, (Cambridge: Cambridge University Press, 1985); and *Liberalism and the Limits of Justice*, by MICHAEL J. SANDEL (Cambridge: Cambridge University Press, 1982).

[← 47]

This is the case of Martha Nussbaum.

[← 48]

About communitarian perspective, see "Atomism", by CHARLES TAYLOR. In: *Philosophy and the Human Sciences: Philosophical Papers 2*, Cambridge: Cambridge University Press, 1985; and *Liberalism and the Limits of Justice* by MICHAEL J. SANDEL, Cambridge: Cambridge University Press, 1982.

[← 49]

About what I'm considering a subjectivist perspective, see *Methods of Ethics*, by HENRY SIDGWICK, London: Macmillan, 1922; and *A Theory of the Good and the Right*, by RICHARD BRANDT, Oxford: Oxford University Press, 1979.

[← 50]

See G. SHER. *Beyond Neutrality*. Cambridge: Cambridge University Press, 1997.

[← 51]

See idem, p. 159.

[← 56]

The notion of functional system will be detailed in chapters 8 and 10.

[← 57]

This distinction is made by R. DWORKIN in *Sovereign Virtue*. Harvard: Harvard University Press, 2005.

[← 58]

See chapter 3.

[← 60]

J. RAWLS. *Political Liberalism*. New York: Columbia University Press, 1993.

[← 61]

J. RAWLS. *Justice as Fairness: a Restatement*. Harvard: Harvard Univ. Press, 2001.

[← 62]

See J. RAWLS, *Justice as Fairness: a Restatement*. Harvard: Harvard Univ. Press, 2001.

[← 63]

See idem.

[← 64]

For this model, see R. DWORKIN, *Sovereign Virtue*. Harvard: Harvard University Press, 2005.

[← 65]

See A. SEN. *The Idea of Justice*. Harvard: Harvard University Press, 2009.

[← 66]

See A. SEN. *Development as Freedom*. Oxford: Oxford University Press, 1999.

[← 67]

See A. SEN. *Inequality Reexamined*. Harvard: Harvard University Press, 1995.

[← 70]

See A. SEN. *Inequality Reexamined*. Harvard: Harvard University Press, 1995.

[← 71]

See M. NUSSBAUM. *Creating Capabilities: The Human Development Approach*. Cambridge: Cambridge University Press, 2011.

[← 72]

On affirmative action, see M. C. DIAS. "Affirmative Action and Social Justice". *Connecticut Law Review*. 36 (3): 2004, 871- 877.

IRIS YOUNG, was one of the main representatives of gender identity policies, and author of several books on the subject, including *Justice and the Politics of Difference*. New York: Princeton University Press, 1990; and *Inclusion and Democracy*. Oxford: Oxford University Press, 2000.

[← 74]

On the debate between N. Fraser and A. Honneth about justice as recognition and/or redistribution, see N. FRASER and A. HONNETH. *Redistribution or Recognition? A political-philosophical Exchange*. New York: Verso, 2003.

[← 75]

See N. FRASER, N. Reconhecimento sem ética. *Lua Nova*, São Paulo, v. 70, p. 101-138, 2007, p. 106.

[← 76]

Idem, ibidem, p. 106.

[← 77]

See Idem, ibidem, p. 109.

[← 78]

On ethics of care, see: CAROL GILLIGAN. *A Different Voice: Psychological Theory and Women's Development*. Cambridge M.A: Harvard University Press, 1982.

[← 79]

On ecofeminism. See: CAROL J. ADAMS, LORI GRUEN (ed.) *Ecofeminism: Feminist Intersections with Other Animals and the Earth*. Bloomsbury Academic, 2014.

[← 80]

See I. KANT. *Grundlegung zur Metaphysik der Sitten*, Werke, Frankfurt am Principal: Suhrkamp, 1968, second edition.

[← 81]

See cap. 5.

[← 82]

See D. HUME [1751]. *Enquiries concerning Human Understanding and concerning the Principles of Morals*. L. A. Selby-Bigge (Ed.). 3rd ed. vers. P. H. Nidditch. Oxford: Clarendon Press, 1975a.

[← 83]

For example: J. Bentham e S. Mill. See cap. 3.

[← 84]

See P. SINGER. *Practical Ethics*, Cambridge: Cambridge University Press, 1993.

On Singer's perspective, see: P. SINGER, *Animal Liberation*, London: Jonathan Cape, 1976; *Practical Ethics*, Cambridge: Cambridge University Press, 1993; *One World: The Ethics of Globalization*, London: Yale University Press, 2004.

The limits of sentience have been widely discussed. New research carried out with cephalopods has shown that they are capable of performing local processing of the stimuli received. Such a study points out that cognition and consciousness are not limited to the brain. Several factors are currently listed as indicators of consciousness. The presence of anatomical structures such as the brain or the central nervous system is only one element and, it seems, this element is not sufficient and perhaps not even necessary. Based on these findings, renowned scientists published the Cambridge Declaration of Conscience in 2012, where they affirm the phenomenon of consciousness is present in all vertebrates and also in some invertebrates. The declaration can be found on the website: <http://fcmconference.org/img/CambridgeDeclarationOnConsciousness.pdf>. The most critical issue is that the consciousness or experience of pain may be present in animals with a very distinct nervous system from ours and all the other animals to which we have hitherto attributed the specificity of sentience.

See J. M. COETZEE. *The Lives of Animals*. In A. Gutmann (ed). New Jersey: Princeton University Press. 1999.

[← 89]

On this topic, see: P. SINGER, *Practical Ethics*. Cambridge: Cambridge University Press, 1993.

[← 91]

CLARK, A.; CHALMERS, D., "The Extended Mind". *Analysis* 58: 1998. 10-23.

[← 92]

I am thinking here of an ontology that includes, for example, the possibility of transcendent beings and immaterial entities. I do not intend to analyze this hypothesis, since, although it is widespread in common sense, it is incompatible with the philosophical perspective that I have adopted since the beginning of this book, namely, a materialist ontology, not a dualist one.

[← 94]

References to the various contractual versions of the State.

[← 95]

Reference to Plato's *Republic*.

Table of Contents

[FOREWORD](#)

[CHAPTER I. The characteristics of moral discourse](#)

[Chapter II. On the justification of our moral judgments](#)

[Chapter III. Utilitarianism](#)

[Chapter IV. Kant and the Categorical Imperative](#)

[Chapter V. The Kantian heritage](#)

[Chapter VI. Ethics in Plato and Aristotle](#)

[Chapter VII. Moral and political perfectionism](#)

[Chapter VIII. Moral and political justice](#)

[Chapter IX. Inclusion of non-human animals](#)

[Chapter X. Art and environment](#)

[Bibliography](#)

[Editorial board](#)

[Copyright](#)