

Personal Ethics and Political Ethics*

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1 The Problem of the Relationship between Personal Ethics and Political Ethics

The moral ambit—understood in the generic sense, as that which is opposed to the amoral—has an identical extension to that of the ambit of freedom. Private life as well as professional, economic, and political life are equally moral realities. Together with personal ethics there also exist professional ethics, economic ethics, social ethics, and political ethics. Here, we will not discuss the different parts of ethics, but rather we will focus solely on the distinction and the relationship between personal and political ethics. Personal conduct is regulated by personal ethics, ordered towards the good of human life taken as a whole. We now ask whether or not the moral order of life and the activities of political society have the same aim.

The importance of the issue can be understood if one considers, on one hand, that the life and development of individuals—including their personal ethical development—presuppose certain social and political conditions, according to which the State may, through means of coercion, require or prohibit certain behaviors; and, on the other hand, that personal liberty is one of these conditions, one of the most important, in virtue of which freedom is rightly seen

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as a fundamental and inalienable right of the person. For these two reasons, the State's use of its coercive power is a rather delicate matter which should be based on criteria of justice, dignity, and practicality—criteria which should be rigorously specified and applied. If this not done so, great evils will arise just as much from the personal as from the political standpoint.

2 Two Inadequate Solutions: The Ethics of Aristotle's *Polis* and the Modern "Politicization" of Ethics

An inadequate way of resolving the problem consists in thinking that political ethics should be an exact equivalent of personal ethics. This is the type of solution that Aristotle gives to our problem. For Aristotle, the ethical perfection of man is developed and expressed completely and thoroughly within the political realm. The *polis* and its laws tend toward and, in a way, cause the formation of the citizen's ethical virtues. Hence, the knowledge of what makes the *polis* good and fair depends on the knowledge of that which makes a good and happy life for the individual: ethical virtues are also criteria and objectives of political laws. The good man and the good citizen are equated, in the sense that the individual, insofar as he is ordered toward his own perfection, is also ordered toward the *polis*.¹

This political theory contains notable strengths. It is indeed true that the genesis of virtues and their annexed moral education require a particular form of human community which is unified by a conception of the good, by a common tradition, and by certain shared ethical paradigms. Moreover, it is equally true that social and political relationships, as well as their organizational and utilitarian dimensions, will inevitably have an expressive dimension: they always express certain conceptions of man and of the good,

¹ Concerning this interpretation of Aristotle, cf. Welzel, H., *Derecho natural y justicia material*, (Madrid: Aguilar, 1957); D'Addio, M., *Storia delle dottrine politiche*, 2nd ed., (Genova: Edizioni Culturali Internazionali Genova, 1992), vol. I, 70ff.; Rhonheimer, M., "Perché una filosofia politica? Elementi storici per una risposta", *Acta Philosophica* I/2 (1992) 235-236; also see some useful points in Ritter, J., *Metafisica e politica*, (Casale Monferrato: Marietti, 1983), 63. A different interpretation, in my opinion not convincing, given by Gauthier, R.A. — Jolif, J.Y., *Aristote. L'Éthique à Nicomaque*, vol. II, I, Lovaina-Paris 1970, 11ff.

and they propose models which transmit and reinforce in citizens the sense of their identity and the value of their membership to the group.

Nevertheless, it seems to me that, in its original formulation, the Aristotelian political model would prove unsuccessful today, for at least three reasons. The first is that with Christianity, there enters into play the concept of the person, whose dignity and freedom ultimately rests in a sphere of values that transcends politics. This breaks the link by which the individual was organically linked to the *polis*. “The Greco-Roman ideal of a political community, in which they seamlessly merge religious ethical requirements with the more strictly political, becomes impossible after the Christian experience.”²

The second reason is that in today’s society there exists a certain pluralism of conceptions of the human good, so it seems that the political order should look primarily to guarantee to each person and group the conditions of a free, peaceful, and just coexistence. Finally, the third reason lies in the invasion of the domain of personal freedom (morality) to an unbearable extent; creating a situation of police vigilance and of manifestly unjust governmental interference, and endows the State with the function of acting as the source and the judge of personal morality—a function which does not belong to it.

Let us call another inadequate—and currently very widespread—solution ‘*politicization of ethics*’. This represents the opposite extreme to the position just described, and it historically was born as a reaction to that position. The main goal of this second solution is to avoid intolerance, i.e., to exclude radical and definitive assessments of personal ethics which are used to justify the unjust employment of political coercion. The means chosen for achieving this goal consists in redefining the object of ethics, claiming that it must deal solely with those rules of justice that are necessary to guarantee coexistence and social collaboration. Everyone would regulate his or her own personal (or private) life according to personal choices outside of the scope of morality.³

² D’Addio, M., *Storia delle dottrine politiche*, vol. I, (1992), 127-128. Cf. Also Ratzinger, J., *Chiesa, ecumenismo e politica*, (Cinisello Balsamo: Paoline, 1987), 142ff, especially p. 156 (English translation: *Church, Ecumenism, and Politics*, New York: Crossroad Publishing Co., 1988), our translation.

³ In this line, with diverse and complex nuances, there is a shift of the concerns of Larmore, Ch., *Patterns of Moral Complexity*, (Cambridge, UK: Cambridge University Press, 1997), and Habermas, J., *Erläuterungen zur Diskursethik*, (Frankfurt am Main:

This problem is certainly important, but it is not well resolved. The distinction between the public and private ambits, or between personal morality and political morality, is relevant and necessary in relation to the powers of the State and of criminal law; however, it is not always easy to establish. Now if that distinction means leaving the private ambit out of the philosophical search for truth—as it inevitably does in the ‘*politicization of ethics*’—, then it makes the mistake of expelling from ethical reflection all that regards the good of man. Human good is then dissolved in a set of private choices which would be equally valid despite being contradictory.⁴ Because of the effects produced, this solution ends up turning against itself. From it flows an ethical vacuum which generates attitudes and habits which are inconsistent with the rules of collaboration and of impartiality which political ethics considers universally binding. The lack of valid ethical motivation leads to the demands of justice being perceived as an external constraint that exasperates, with the consequent situations of ‘anomie’ or ‘normlessness’.

The ‘*politicization of ethics*’ is today one of the elements that hinders an adequate understanding of personal ethics. When, for example, from the principle that the police should not intervene if a person is intoxicated or if there is homosexual behavior taking place at home and it is not disturbing anyone, one concludes that such behaviors correspond to personal choices about which ethics has nothing to say, then one has confused the difference between ethical reflection and the penal code. This leads to the same error as the first solution, but now with a different intention.

The first solution sacrificed freedom at the altar of the truth of the human good; the ‘*politicization of ethics*’, however, sacrifices truth at the altar of freedom. Both solutions presuppose an unsustainable anthropological thesis: that the human, as a being endowed with intellectual knowledge and freedom, contains within him or herself a contradiction that can be solved only by sacrificing one of the two terms.

Suhrkamp, 1991).

⁴ It is one thing to assert that whoever says “A” and whoever says “not A” must be equally respected and not discriminated against by virtue of their thought. Another thing is to say that both positions are equally true, or that philosophical reflection has nothing to say about them. From the need to respect everyone, moral skepticism does not follow, in fact, it is not suitable for founding such respect. Nothing can be established upon skepticism.

3 The Formal Distinction between Personal Ethics and Political Ethics

The solution that seems to me to be the most appropriate is very old, although it has gone almost unnoticed in the history of philosophical thought. Suggested by Saint Thomas in the opening paragraphs of his commentary on Aristotle's *Nicomachean Ethics*,⁵ it is a different approach to the one discussed throughout the commentary, which is that of Aristotle.⁶

Saint Thomas clearly states that within ethics not everything is political, nor is everything personal ethics or an application of it. Ethics has three parts: personal ethics, familial ethics, and political ethics. Each of them is a moral knowledge, since ethics is a unitary knowledge, but each of these parts has a specificity regarding its formal object, that is, each has its own logic. The distinction between personal ethics and political ethics is based on the way in which political society forms a whole: there exist actions of political society as such which result from the collaboration between parties in view of the good or specific end of the political whole (the common political good), but individuals and groups within political society retain a field of their own actions and ends.⁷

Personal ethics concerns all of the actions performed by the individual as such, including those concerning political society—for example, paying taxes—

⁵ Cf. St. Thomas Aquinas, *In decem libros Ethicorum Aristotelis ad Nicomacum Expositio*, 3rd ed., (Torino-Roma: Marietti, 1964), lib. I, lect. 1, nos. 4-6 (English Translation: *Commentary on Aristotle's Nicomachean Ethics*, Notre Dame: Dumb Ox Books, 1993).

⁶ Cf. for example lib. I, lect. 3, no. 38.

⁷ The common political good must be carefully distinguished from the common good in the wider sense: the integral common good. Many aspects of the common good in the wider sense do not depend on politics, but on a joint variety of processes of social cooperation of a familial, economic, industrial, academic, etc., nature or character, that should not, and often times could not, be governed by politics. The only proper task of politics in relation to these processes is to guarantee that they can freely develop and, in a good few cases, to offer a general legal framework for their correct development. Politics must take great care to reject the temptation of practicing 'social engineering'. In social processes, and much more in the context of contemporary globalization, there has been accomplished a cooperation and coordination of knowledge and interests possessed by millions of people, which is impossible to gather into the minds of a governmental bureau.

evaluating their consistency with the good of human life taken as a whole; that is, evaluating their morality, which also includes the virtue of justice. On the other hand, political ethics concerns the actions taken by political society, i.e., it directs and regulates the acts by which political society gives itself a form and a constitutional, legal, administrative, economic, health, etc. organization, evaluating such form and organization from the point of view of its own goal for the political community as such, which is the political common good. The morality of the form which, under various aspects, political society gives itself depends on its congruence with the common political good. Political ethics is ill-equipped to determine the morality of the actions of the individual as such: rather, this is the task of personal ethics.

Actions of the individual can also, however, be subject to political ethics, but only from the standpoint of their illegality, not from the standpoint of their immorality. Political ethics is concerned with the proper ordering of the life of the community, which requires that goods and personal behavior that have a positive interest in the common good (public interest) are protected and promoted by the State, and that personal behaviors which attempt to oppose these goods are also declared illegal. It is the task of political ethics to determine—in view of the common political good and considering all concrete circumstances—which goods should be safeguarded and how, and what negative ethical behavior should be banned and how (criminal, administrative, economic, etc.). In summary: political ethics, in addition to determining the morality or immorality of the actions of the political community—for example, of a civil law or governmental decision, etc.—also establishes the illegality of those ethically negative behaviors which threaten the goods whose protection is required by the common political good.

The structure and division of moral theology according to the duties of man to God, to himself, to others, and to society, greatly hampers the right approach to the problems of political morality, and this accounts for why moral theology remains caught in a loop today. The duties of man to society are, in fact, duties of personal ethics, usually derived from legal justice. Political ethics is not concerned with the duties of the individual to society, but with what the acts of political society *should be*. Political ethics evaluates the relationship between the form that society gives itself and the common political good that is its reason for being.

Maritain proposed a criterion of distinction between personal ethics and political ethics that is closer to what we are arguing here. Maritain's proposal was based on the distinction between the absolute ultimate end and the *bonum vitae civilis*.⁸ However, his proposal included the defect of having two different criteria to judge the same actions, and judging such actions from different points of view—a kind of double standard—when in fact personal ethics and political ethics judge different actions: those of the individual, and those specific to political society.

The distinction we have just established might be challenged by the argument that ethics is always personal, because it is concerned with free actions, which are always actions of individuals, while society cannot be the subject of a free action. Thus, moral or immoral entities would be, for example, the person or persons responsible for a law or an administrative act, and only secondarily and derivatively the law or the administrative act itself. Faced with this objection, it should be noted that our distinction does not deny that free actions are actions of one person or a group of persons. Neither does it deny the personal fault of those who make an unjust law or administrative act. It claims, however, that free human activity has a formally different political operative dimension from the individual dimension, and to fully equate both dimensions would be a mistake that could have an individualistic or collectivist outcome, since such identification is established in favor either of individuality or politicization.

In the case, for example, that a parliament enacts a tax law that is contrary to the common good, the voting officials, if they feel that the law is unjust, are morally culpable. They might not be if they think in good faith that the law is just, and the law proves only in the long term to be harmful to the common good. Now, regardless of the personal morality of the officials, such a law has an autonomy, consistency, morality, and effects which all remain even after 150 years of its enactment, after all who voted for it have died. If such a law is harmful to the common good, it is so also on the assumption that the officials had not realized that it was unjust. If the economic and social circumstances should change so that the law becomes advantageous to the common good, then the law is just and should not be changed, despite

⁸ Cf. Maritain, J., *Man and the State*, Washington, D.C.: Catholic University of America Press, 1998.

the enactors' evil act.

Consider, further, that the legislature is collegial and works according to the principle of political representation. The laws are not those of the officials Peter, John, and Anthony, but of the State, and as such, are judged according to the common good. By means of a parliament which is elected by the people, it is the political community that gives itself the law: it determines how the community should live and organize itself, which is the subject matter of political ethics. And this does not deny, as already stated, that the acts of the officials also possess a personal morality (such officials are honest if their work sincerely seeks the common good, and not when their personal or partisan interest leads them to hold what they know to be harmful to the common good). At this point, we only wish to deny that between both dimensions of morality—the personal and the political—there exists a complete identity, and we argue that between them exists a formal difference, which, however, does not break the profound unity of ethics.

From the distinction between personal ethics and political ethics arise the following consequences.

1. No behavior can possess a double moral standard, one for personal ethics and another for political ethics. It would be wrong to think, for example, that lying should be illegal for individuals and legal for the government or State. There is not a double moral standard, because the same phenomenon can never be regulated at the same time and in the same respect by personal ethics and by political ethics. Each one of these two parts of ethics has a *formally* distinct object, and each with formally different moral dimensions.
2. In carrying out its task, personal ethics and political ethics maintain a close relationship with one another. For example, political ethics could not evaluate the morality of a law about drugs without considering what personal ethics teaches about drug use. Similarly, personal ethics could not specifically determine a person's duties of justice without knowing the laws of the State to which this person belongs, since just laws give rise to a personal moral obligation. Additionally, there are

behaviors that are only ethically positive or negative under the law of the State.

3. To the same extent that political society is ordered toward the good of the people, political ethics depends on personal ethics. Thus, political ethics can never consider to be good—from the ethical-political point of view—a law which approves an ethically negative personal behavior, nor could it permit a law that prohibits an ethically mandatory personal behavior, or mandate a behavior that a person cannot perform without incurring moral guilt.
4. For establishing that a behavior must be prohibited by the State, it is not sufficient to show that is ethically negative, as it is universally admitted that not all morally wrong acts should be punished by the State. It must be demonstrated that such behavior, in addition to being negative from the perspective of personal ethics, is detrimental to the common good, and out of the same common good absolutely no reason arises to here and now advise tolerance. For the same reason, it is also not fitting to conclude that such behavior is ethically good, or is at least not negative from the perspective of personal ethics, based on the fact that the State does not penalize here and now determinate behavior.

Some examples and applications can better clarify what we are saying. When a person raises the issue of whether to pay all or part of his or her taxes, we are facing a problem of personal ethics, which must be assessed also bearing in mind just civil laws. However, where there exists the issue of whether the State should continue with the current tax system or whether they should make major reforms, we have a problem of political ethics which should be evaluated according to the requirements of the common good. A problem that concerns political ethics is, for example, evaluating how school or healthcare systems are organized. Political ethics is not competent to deal with the morality of prostitution, being an issue that falls neither to the parliament nor to the State. However, presupposing that such behavior is immoral, political ethics must evaluate, in conformity with the common good, the attitude which the state must assume here and now with respect to this

phenomenon. And, depending on the circumstances, it may be politically just to grant a certain tolerance, provided that we always prosecute organizations that force people into prostitution.

There may be circumstances that do, in fact, warrant tolerance—that is, that the State not peruse or prosecute—e.g., the cohabitation of a man and a woman who are not married. However, political ethics considers unlawful any ‘legalization’ of these ‘de facto unions’ or their ‘legal assimilation’ with marriage, as this would assign a public (social) interest to something that responds to exclusively individual motivations and is not subject to legal regulation aimed at ensuring the social function of marriage. Those who choose a lifestyle that does not aim to contribute to the social interest cannot reasonably claim recognition and legal guardianship of a public nature which are based on such social interests. Naturally, people who live in a ‘de facto union’ enjoy all rights and services that the State offers to its citizens, and have at their disposal all of the institutions and all of the acts guaranteed by private law. What political ethics does not allow is for these people to enjoy the rights and benefits of the legal institution which they reject.

In our thesis that the State cannot approve negative behavior from the point of view of personal ethics, it may be argued, for example, that a law that decriminalized small lies or small domestic quarrels could be a good law. Such an argument would not have much sense because it does not respect the distinction between the personal and political ambits. Small lies and small domestic quarrels are not relevant to the political common good, are not within the purview of the State and, therefore, the civil law does not deal with such behavior: with respect to them, the State must simply be silent.

Naturally, if the law is silent about these actions, it is clear that they are not prohibited by law and, therefore, it is arguably implied that they are permitted. However, it may be unfair for the State to explicitly approve them because that would mean that the existence of a private and personal sphere comes from a grant from the State (totalitarianism), when in fact the existence of a personal and private sphere of citizens—in which the State cannot intervene—is a natural right that the State is obliged to recognize and respect. In any case, it is clear that when personal behavior happens

to have public relevance—homicide or serious violence within the family, for example—such behavior ceases to be private.

The conception we have proposed requires that political ethics confront in very concrete terms, and appropriate to the circumstances and characteristics of each country, the problem of the common political good, that is, the form and organization that a society must give itself with its laws and with its generally accepted social customs. Until they reach this point, and as long as the common political good remains merely a general principle, the formal object of political ethics is not reached, which leads to significant problems: political problems that often arise and are poorly resolved. What will be intended, for example, is to support political solutions with arguments of personal ethics, which are only valid in their field; instances and interests will prevail which would not withstand a free public discussion; it will make difficult training citizens in genuine ethical-political competency, as well as in their active and constructive roles in political life and thus, citizens ultimately will turn away from politics.

Political ethics must also question how and to what extent the common political good must express the ‘personal’ ultimate end (and also the social good in a broader sense). It is concerned with understanding that, insofar as we are human, we are faced with two problems: we must live well and we must live together. Living well is more important; living together is more essential, because only together can we live and live well, but living well includes dimensions which are transcendent with respect to living together and which, therefore, cannot be obtained automatically or coercively—though they may be facilitated—for the right ordering of the common life. To give an answer to the problems that arise from the entanglement of the two requirements—living well and living together—would require entering political ethics, which is beyond the scope of these reflections.