



Moral Philosophy after 9/11 by Joseph Zalman Margolis. A Review, A Reaction, Some Reflections

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Review

In many ways this must perforce be a curious kind of review. It is of a book not yet published in Spanish, of a book first published in an Indonesian language, then in a Turkish one --languages of Muslim countries interested in modern thought. In this case, they show interest in the thought of a Jewish-American philosopher, perhaps the most generous and honest philosopher of this --so young yet so mangled-- century. Needless to say, it is a book unlikely to ever be published in Spain, if my many futile attempts to get any Margolis book published in Spain for the last 12 years are anything to go by.¹

Still, it is a review which must be written about a book that must be read. Why? You may well ask. The review which follows attempts to answer this question in a succinct way. The short answer is that *Moral Philosophy after 9/11* is very likely the closest we shall come to a practical theorizing of how to prevent race-suicide at the present time. Its greatest moral, and shortest line, is simply this: "beware of men of principle" (16).

Confronting that fateful September event head-on, Margolis gives his opinion on what that terrorist strike should cause us all to consider. It may well be that:

9/11 is a philosophically oblique, still inchoate, but politically frontal attack on the conceptual hegemony of an entire run of Western moral and moral/political practices deemed responsible for grave injustices and unpardonable evil visited on a people unable (before now) to begin to right such wrongs.(3)

¹ This is not, strictly speaking true, in this year 2004, Nobel out of Oviedo, did publish Margolis' *Desarmando el cientifismo*. This was a brave attempt by a small academic press, while such self-styled "philosophical" publishers as Trotta, Pre-Textos, the arrogantly named Siglo XXI, and a list too long to cite all waited on the fast buck. Waited, that is, for someone influential to tell them that Margolis was influential. Thus neatly justifying the consensual nature of the Spanish ideologues and the banality of Spanish academic philosophy in general. Fernando Savater, in his bearded wisdom, deemed the first article on Margolis' work at large too insignificant to publish. That work is now available to the reader online at *A Parte Rei*, Nobel were gracious enough to refer to it in their introduction.

Much later in the book, comes the ominous and sadly true admission that: “We (that is mankind at large) have, in short, “capacitated” destruction worldwide before we have capacitated the possibilities of human well-being” (111). That is, for example, we have made it possible for a twelve-year-old, mentally-retarded child to kill himself and innumerable others while we have not made it possible for him to get enough to eat or a place to live.

Throughout 9/11, Margolis highlights why the attack upon the Twin Towers and upon the Pentagon had, or should have, such a profound impact on Western canonical ideas of moral philosophy, what the attacks show we have ignored in our theorizing, what they help us to see more clearly. Phrases used concerning the event are frequent. The moral messages of that “insane” day are omnipresent to tighten an argument which throws into relief how fragile (justifiable) morality has always been. A seeming departure from “what **must** be true” is followed or preceded by such comments as : “That is why I read 9/11 in the way I do”; “Think of 9/11, for instance, as the transformation of political weakness into a weapon of incalculable power”; “The truth is that *Sitten* are inherently fluxive... that is surely part of the meaning of 9/11”; “The answer to 9/11 is a contingent and historized reading of *humanitas*”. This remains true even when the book is pitched upon the most abstract of philosophical planes.

The book divides into five chapters as follows: 1) A Reasonable Morality for Partisans; 2) Second-Best Moralities; 3) The Moral and the Legal; 4) Human Selves and Moral Agents; 5) Humanity and Moral Diversity. Chapters four and five will be dealt with in a rather desultory, unsystematic fashion since I feel that, for those new to Margolis’ thought --at the risk of much oversimplification-- certain points essential to an understanding of chapters 4 and 5 need spelling out. Firstly, however, we might here, briefly, review the opening sections, though, by doing so, we inevitably, detract from the book’s well-wrought structure.

The “reasonable morality”, of chapter one, is the taking of our customary morality and extending its generosity by making what was once taboo now free of that status. Such an extension is already implicit in our society, as in the case of *now* marginalized groups. We extend **nullum malum** to the limits which our life-style may permit: as in the case of homosexual partners, drug-takers, voluntary suicides, assisted suicides, sex changes, and so on. Acceptance of these things are already at large in society and the taboo on them may be lifted. The “minimum good”, **minimum bonum**, which we expect for our own children --food, shelter, the capacity to compete, on an equitable basis --usually, having the money to do so-- for those things which our society has judged to be good-- may be extended to all children within our society and, from there, by way of **adaequatio**, to all the children of the earth, technology and economy permitting.

A sample comment may serve to illustrate Margolis’ *conditio sine qua non* for acting “reasonably”, or **rationaliter**, in a seemingly unresolvable moral dispute:

(i) admit the prima facie validity of opposed claims in a standoff...; (ii) act to resolve the impasse without overriding the seeming force of (i); (iii) admit that the valid or “objective” resolution would (and could) never exceed the dialectical resources of the partisans themselves (or the resources of similarly placed parties)...(iv) ...persons, functioning as the partisans they are, may be expected to be prudent --or, better, to make provision for their prudentiae by what they judge to be reliable means... (3)

“Second-best Moralities”, the subject of chapter two, simply shows up the pretence of standard moralities and admits that no one single person or group can possibly *know* what is best for all mankind. It is here that Margolis respectfully demolishes the whole of Eurocentric thought as regards ethics. He also shows why

such banalities as Rawls “Justice as Fairness” appeal to so many liberal ideologues. In a more sweeping and a more philosophically responsible fashion, than I have expressed it, Margolis, reviewing what has passed in the West for moral philosophy, puts the matter thus:

... a good part of Western philosophy has been strongly disposed to treat moral judgments as entitled to systematic primacy over acts and practices –as, say, being logically atomic, or contextless, or propositional, or best represented by propositional claims modeled in accord with a bivalent logic, or demonstrably true or right in a way convergent and consistent across all informed societies, or at least potentially or progressively universalizable, or not to be construed in the sittlich way at all, or not relativized or confined in sittlich histories, or confirmed by cognitive or rational powers that are not themselves confined to partisan interests or tethered to our Sitten or even bound by naturalistic limitations...(63)

In Chapter 3, incisively, Margolis divides the legal from the moral as follows:

...in a moral/political dispute, we cannot rightly draw on a formally prepared array of categories procedurally fitted for determinate moral findings... a legal charge begins with a carefully circumscribed inquiry, but a “moral” charge institutes a partisan dispute de novo and shapes the very sense in which the involved partisans believe the dispute ought to proceed... In the moral case, we try, as partisans, to carpenter the public perception of the case itself, the very description and interpretation of the acts in question... (59)

The moral or ethical is, then, a very serious but also a very conceptually tricky kind of quagmire; immersed thoroughly in it, how can we free our minds sufficiently to understand the other man's point of view when, often enough, we do not even understand exactly where our own point of view came from, much less how it may be justified to one similarly but opposedly situated? On the optimistic side, throughout *Moral Philosophy After 9/11*, Margolis mentions that welfare and survival, even among fanatics, tend to override absolute fanaticism. He cites the Jonestown massacres where, finally, prudential concerns overcame fanatical dedication. Internationally, he mentions how *sittlich* hatreds may dissolve, as in the case of France and Germany. Today, these two countries are, formally, the best of buddies, while for the last 150 years or so, they were the most deadly of enemies. He mentions North Korea's willingness to “talk” to the USA about nuclear restrictions and China's willingness to live with a dual economy.

SCIENCE vs. Morality

In all these circumstances, throughout 9/11, Margolis “theorizes” a “second-best” morality. He begins with the *sittlich* (the given form of life, conventional morality, our quagmire, if you will) **and** certain seemingly biological traits or predispositions (the tendency to feel the pain of others, to sympathize with fellow creatures). Here, again, one sees Margolis' keynotes struck: “the second-natured nature and the biological”. While neither is truly **moral** in any universalizable way, yet together, by way of **summum malum, minimum bonum**, extended **adaeqationally** to encompass **humanitas**, they may easily vye with any revealed “truth”, which, usually, leads to assured empirical death for unbelievers. Perhaps, because the philosophical thinking is so wise, true optimism lies in the fact that all moralities are human constructions, artifacts of one hegemonic élite or society or another and, *ipso facto*, are obviously

open to reconstruction because they are artifactual. The Scientific Positivists, the Muslims, Christians, Jews, Buddhists, Janeists, Hindus, and the rest, have “made up” all their respective absurdities, therefore, they can also stop, reinterpret, or modify them. However, they may always choose not to and prefer some kind of *jihad* or other.

That is, on the pessimistic side, there is that “however”. Maybe, as with the 9/11 perpetrators, certain “believers” will choose death (universalized) as the **summum bonum**. Perhaps, as with the Tasmanians and their “baby-strike”, whole groups will refuse to propagate on the basis of the fact that the White Man is too horrible to live with.. Also, the rhetoric of rich leaders may convince themselves that the lesser “scum” of humanity should be done away with anyway. Pessimism (for humans as a species) is certainly the natural consequence of the inane optimism of true believers --though it is strange how Arafat, for instance, never goes in for self-immolation nor why certain noble, self-sacrificing Christians do not take it upon themselves to damn their own souls by killing foetuses continually and thus ensuring no babies are born to Original Sin. The Pope, for one, being an extremely wealthy man, might go in for this, but only if he were logically consistent. Arafat, Ayatollahs, Presidents, Princes and Kings, and the Pope are prime instances of **prudential** overriding ideology. In my opinion such **prudential** are rampant among the rich, occasionally glimpsed by the very poor. That is the rich could not care less about their rhetoric of Nationalism and the very poor know it is all a “con”.

Margolis, of course, does not put things this way. His book is measured, analytic, probing. He lays out the logical consequences of certain **weltanschauung**. He rests his analysis on “second-best” morality, “second-order” considerations of legitimacy, “second-natured” selves. His is a counsel of active humility in a world of arrogant righteousness. Ultimately, Margolis’ philosophy does indeed stem from Protagoras’ dictum that “Man is the Measure”. And, just as no-one is really willing to accept Protagoras’ dictum --all being god-sent and divinely advised in their own eyes-- so, although his book *Moral Philosophy After 9/11* is probably the best hope we have --because it is sensible, profound, empirically oriented and pragmatically balanced-- that hope is a slim one indeed. Hierarchs and heresiarchs will have their sway otherwise they might have to work. For, as Dr. Goebbles said: “It doesn’t matter what you believe. It only matters that you believe”. All the world’s current “leaders” are “believers”, after all. How truly hard it is to be an atheist is very seldom considered in any standard moral text book.²

Beyond Dr. Goebbles, another famous Nazi --I only use Nazis since the Nazi experiment was the most startling example of *sittlich* change in living memory-- Goering, proclaimed that: “History is always written by the victors”. This is but a pale echo of Thrasymachus’ contention that “might is right”. Margolis, however, shows that moral strength may accrue to a cause way beyond the actual physical or technological strength of the immediate contestants. He instances Finland but the same may be said of Vietnam or Kosovo. In a global setting, moral pressure may defeat the most powerful of régimes.

While a new **rationaliter** morality --in light of 9/11-- is the main concern of the work, however, it is by no means all there is here on offer. Among other things, the book condenses in one compact burst of brilliance: the History of Western Moral Philosophy; a clear defence of relativistic logics; a potted summary of the rise of the modern state; a review of the great issues of our times; a theory of Selves and moral agents; a veritable catalogue of the shortcomings of every philosopher from Plato to Levinas and Habermas; a disquisition on moral power as opposed to *realpolitik*. And,

² Quoted from Reg Gadney’s *Mother, Son and Holy Ghost* (1998), the statement is unwittingly made by “the Prime Minister” (Tony Blair, that wealthy, baby-faced, religious fundamentalist, poor excuse for a human being).

while as early as 1866, La Société de Linguistique of Paris had forbidden all papers and discussions on the origins of language, Margolis even makes a fruitful stab at an hypothesis on this very subject. Thus:

My thought is that prelinguistic communication must have begun to develop incipient linguistic features somewhere in the evolutionary sequence of prehuman life (for instance, among intelligent monkeys and primates, by making possible reference to different kinds of danger, here and now, by different calls). The unique placement of the vocal chords in humans permitted a fine-grained articulation of sounds that could have been fixed for certain primitive grammatical functions...(95)

This is an hypothesis perhaps surprisingly given unusual backing in the case of certain sorts of gopher who not only communicate danger to other gophers, but also specify the nature of the danger, be it a coyote, a wolf, or whatnot. Such gophers have distinct sound pitches for their different enemies (the White Tailed Gopher, **Cynomys leucurus**). They not only identify the predator but also specify the individual, it seems, by different pitches in their cries.

Along the way, *9/11* draws striking analogies from the various realms of human activity and bursts flashes of unlooked-for literary parallels. It is one hard gem of a book, and it is short. It is **not**, however, for all the “family” (of Man). Those who take their stand on revealed religious foundations and who are incapable of acting **rationaliter** will dismiss it out of hand. It is a sobering rather than an optimistic work and “only” offers pragmatic solutions to our common global crises.

The Ontology

It has always been Margolis’ position that there is no “Human Nature”. Man is not a “natural kind” creature, as is the camel or the frog, nor is he equivalent to “Homo Sapiens Sapiens”, a species. Man is a second-natured creature, groomed in a specific culture. He is biologically embodied but culturally emergent. That is, there is nothing which humans do that can be intrinsically against their nature since Man is rather a “History”, a being with collective attributes, self-reflexive, horizontally confined historically --to one “episteme” (Foucault’s term) or another. He is a being moulded by his material surroundings hence artifactual (in a vaguely Marxian sense). Man is preformed and “prejudiced”, using this latter term in the sense it is given by Hans Georg Gadamer, viz. Man evolves with “for-judgement”. It is his very prejudices which enable him to make any future judgements at all. It is his cultural attributes, acquired through growing up in a specific society, that empower him to judge anything in the first place. Such prejudices are internalized as language or the lingual (Paul Ricouer’s term for language-like activities: dance, art, cooking, and so on).

Although language is not considered by Margolis as autonomous --detachable from some form of historical life-- it may be considered as paradigmatic of the specifically human and, in this book, the attributes of language are extended to open a philosophical way to a new vision of morality. At the same time, Margolis shows how morality and moral concerns are capable of “objective” validity even though the moral must emerge from what is not yet moral, in a form slightly analogous to that in which consciousness stems from an assemblage of cells or genes, or whatever, which intrinsically lack consciousness. The author holds that no moral philosophy --or indeed any other kind of philosophy or theorizing as regards human behaviour at large-- can pretend to pertinence if it has no theory of just what a human self is. Margolis shows

how the following six attributes are constitutive of the Human Condition, of selves. Selves are:

(i) Hybrid beings, at once naturally and culturally endowed; (ii) indissolubly “embodied” in, but culturally emergent (emergent sui generis) with respect to Homo sapiens; (iii) second-natured qua emergent, possessing the powers of agency in the way of languaged thought, speech, intention, choice, deliberate action, knowledge, the acknowledgement of responsibility, and whatever else depends on the mastery of language and cultural practice (feeling and emotion, the sense of mortality); (iv) formed and transformed by the contingent processes of Intentional, gemeinschaftlich history; (v) in possession of powers that are themselves also artifactual, hybrid, second-natured, indissolubly “incarnate” in the biology of Homo sapiens, forever subject to further historied, Intentional, transformative change; and (vi) singly and aggregatively apt as effective moral agents, continuing to alter themselves and others in historicized ways by their own effective “utterances” and interventions.

Margolis illustrates how infants assimilate a language and, once assimilated, this language and its concomitant concepts enable the child to become self-reflexive; to question and criticize itself and its society, to extend predicates from their original instantiation to new usages and new concepts. In this, he outlaws, at a stroke, all structuralisms, Neo-Darwinians, Computer Science Reductionists, Chomskian Innatists, and nominalists of all persuasions. For, after all, to mount their case they would have to use language and they would have to admit they are adults. Inadvertently, then, they would, in the very act of denying Margolis' thesis, prove it. They are beyond the threshold where language acquisition enables them to reflect upon language in language-- a language historized and, as it were, inbuilt in any such theorizer's ability to theorize.

The Moral

Margolis shows how all our theorizing only takes place after this threshold lingual ability has been passed. Therefore, all language usage is context-bound and algorithmically unmanageable and inseparable from our original *sittlich* sources. Any study of the History of Language surely proves his contention. As applied to moral predicates, this implies that such predicates are not closed nor strictly applicable to any pre-established code, as is the law, which is a game played within language, with tight boundaries assigned it. A moral predicate, on the other hand, is rather a newly issued moral judgement in the shape of a true category which is uttered in order to make a moral assessment in its being uttered **and** to attempt to gain adherents to that way of viewing things. For instance, when I say a thing is not “objective”, I imply it does not agree with my conception of the universe, that it is morally suspect **and** that I want others to see it according to my prejudice. The same goes for such common bureaucratic utterances as: “That’s not how **we** do things” –how can one extremely well-fatted, neurotic, officious official speak for **us** all?; “**We** do not say that in Spanish” –as if one Spanish person could possibly know the entire run of Spanish expressions-- and the like. This type of “we” makes morally-laden terms indeterminate but determinable via consensual agreement (one can always ask “we, who?”). Such terms cannot be judged in a propositional manner and they cannot be captured by any strictly bivalent logic.

Moral predicates, in actual human life, are probably amongst the most often used –just listen to any mother speaking to any small child, reiteratedly reinforcing the “good”, attempting to eliminate the “bad” -- but they are issued *ad hoc* and attempt to persuade others of their legitimacy only *post facto*. Morality, then, is a consensual, historicized, cross-category kind of thing. It falls between prejudice (in Gadamer’s sense), rhetoric, acceptable *sitten* extension, and internalized symbolic projection (in Bourdieu’s sense).

It is foundationless but the very mark of the human self. It is rule-like but follows no rules, since there are no rules to follow, and since history is indefinitely open-ended. Again, think of the small child’s incessant “why, Mummy?” The answer to which, as Wittgenstein noted, is not some foundation or stopping place but rather some form of behaviour, some way of life. When the mature adult asks the same question concerning the “common sense” of her community is when *sitten* come in for critical examination and there emerges the possibility of cultural change.

Moral Philosophy after 9/11 spells all this out with incisive illustrations from the contemporary scene. A simple check-list of the index reveals references to most of the major crises of our times: Ruanda, Somalia, Chechenia, Kosovo, Kashmir, Afghanistan, Iraq, the Sudan, and the rest. In this, it is much more of a living body of a book than Margolis’ earlier *Life Without Principles* (1996) which dealt with much the same themes in a much more abstract and philosophically theoretical manner.

Reflections

This new book is bound to be hotly debated and to cause more than a flutter in the thick forests of academic moral theory since it openly embraces incommensurabilism while pointing up the presumptions of Platonic, Aristotelean, Lockean or Kantian-style universalizable moral systems. It presents a “second best” morality void of transcendental support, of divine revelations, of Platonic forms, of any teleological striving towards the good, of any pretence at the “categorically binding”, of any trust in an abstract and innate “universal Reason”. In 9/11 we find “war” justified and justifiable, in certain contexts. In it, Margolis openly avers that “economic hegemony” may be considered a form of war and that the American use of the “pre-emptive strike” effectively blurs the old distinction between war and peace. Simultaneously, the technological miniaturization of extremely lethal weapons allows minority aggrieved groups to strike back at their perceived, much more powerful, enemies.

Margolis shows and details what many of us already know but are reluctant to admit; moral systems are glorified ways of projecting our own preferences. In “essence”, the book confines to the bin of ideology the very idea that any system of norms can be universally binding on all mankind, either synchronically or diachronically. Further, Margolis holds there is no way out of the “bin”; we are all moral ideologues, all Beckian protagonists. Along the way, he calls into question the sacred cows of the Western World such as that the vaunted “Rule of Law” is *ipso facto* good or that “terrorism” is *ipso facto* bad. He takes seriously the oft-ignored fact that laws are made by men, by ideologues out to make their moral preferences binding on everyone else, the vast majority of whom have no say in the making of those laws. At the same time, he points up the fact that even nations which have very strict codes as regards their own citizens are often willing to extend their *sittlich* practices in the international sphere. Somewhat like an intimate, fanatic fan of Catalan who will deign to speak in public in Castellano. That, after all, is how the U.N. Universal Declaration of Human Rights could be agreed to by many states that would not dream of applying such rights

to their own people. In the international arena, such states are willing to act **rationaliter**, at home, they go on as bigottedly as they please, according to some fundamentalist law or other.

In a way, Positive, internal, Law may be seen as the equivalent in language to a cliché; it is a frozen *sittlich* embodiment of by-gone norms. Margolis confronts us with the fact that a “terrorist”, in the terrorist’s own eyes, may well be as certain of the grandeur and truth of his cause as the liberal democrat is of his. In this, Margolis is no shallow Fernando Savater carrying his cardboard placard around on T.V. simply because he has nothing of philosophical importance to say nor is he a George Bush who “knows” that America is a god-ordained force for good. No. Margolis admits the partisan nature of all contestants. His book sets out to explore how we still might go on, even while accepting these obvious first-order limitations in moral matters. The most poignant part of the book is its acknowledgement that human selves are primarily moral agents, it is their distinguishing feature. At the same time, the moral is shown to be inherently biased, fluxive, historically and geographically limited, foundationless, in any essentialist way. Deftly, Margolis illustrates his points by an effortless and convincing switching from ancient debates to modern instances. He dwells on Thrasymachus and the elenctic Platonic Dialogues and shows their natural affinity with Hobbsean conjectures or Marxist mythology. He moves smoothly from Adam in Eden to Plato in the *Republic* to advance the same lesson; we cannot act according to the inaccessible Ideal. We cannot access the forms and live by them, similarly, Adam had no need to be a moral agent until he ate the apple and thereby distanced himself from the Ideal forever (a view oddly recalling John Milton’s). The sheer pyrotechnics of *Moral Philosophy* leave the reader agasp at the man’s subtle and seemingly inexhaustable control over his subject.

In all honesty, then, I should say that *Moral Philosophy After 9/11* is not simply to be recommended, it is to be considered a vital guidebook for all those interested in the future of Mankind and of the planet. If any can convincingly raise and legitimate their objections to the book, **rationaliter**, surely the onus is upon them to do so.

Terms of Debate:

The following terms are essential to an understanding of this book. They are not at all difficult terms but they might be unfamiliar. Some might object that they are “unusual” or “odd”. Surely, they are no “odder” than Descartes “cogito” or Kant’s “Categorical Imperative” must have seemed to their contemporaries. Further, as Margolis has stated elsewhere, we must erase some parts of the old conceptual landscape in order to give ourselves a glimpse of a new one. New terms are needed because the old ones have lost their currency value.

The fact that the newly coined terms are principally latin terms is, perhaps, Margolis’ nod in the direction of a time when “indicative universals” were comfortably, and dangerously, seen as true, transcendental universals, under some such scheme as that which Thomas Aquinas developed out of Aristotle. The German terms could be a tribute to Kant, Hegel, Marx, and even Heidegger, who struggled for, and often cheated about, some way of regaining these lost foundations for a morality valid for all humankind at all times. The terms are given in order of importance, as I see it, rather than in any type of alphabetical order, as follows:

Ideology: “An ideology is, let us say, either a first-order rationale of the *prima facie* force of our *sittlich* values or a constructed second-order attempt to legitimate “objective” changes in those *Sitten* in ways that would permit such changes to become

as entrenched as the initial practices they modified or displaced" (33). That is, Ideology is either saying: "we are right, you are wrong" or else, 'obviously', "we must change this way of looking at things, it's outmoded, we **now** know that X is right because scientists or God or common sense has revealed it as so".

Second-best Moralities: Taken from the Platonic elenctic dialogues and, more especially, *The Statesman*, Margolis employs the term to indicate that all our conjectures are "second-best" since we have no direct access to the Forms but we construct moralities nevertheless. Plato's Socrates, effectively, does the same.

Second Order Questions: First order is what might be termed an anthropologist's view of our values and norms. They are factual, descriptive, empirical. **Second Order Questions** deal with validity and justification. For instance, Richard Rorty, eschewing all forms of transcendental or revealed privilege, offers "ethnocentric solidarity" as our "fall-back" position. Rorty never determines how we might determine who our determinate "ethno" embraces nor even how we determine what that "ethno" is. Rorty's is a counsel of moral bankruptcy, insufferable arrogance, or despair. Aristotle, in *Protepticus*, had already shown that our first order claims entail second order justification. Any statement of "fact" we make is open to justificatory challenge. Any statement of "fact", such as the melting-point of gold, implies a whole way of life.

Sitten: Taken from Hegel, Margolis uses the term to designate, what Nietzsche would despise as, "conventional morality" or "herd morality". In Margolis, it loses any derogatory sense and is treated neutrally as the norms and values shared by a specific human society. The *sittlich*, at its most conservative, has congealed into the Positive Law of a given community. However, since Margolis argues convincingly that there is no clear difference between inter- and intra-societal conflicts regarding norms, the *sittlich* is rather difficult to pin down. Current laws may not reflect the ethics of minorities in society nor even, in extreme cases, the moral persuasions of the majority. *Sitten* are, however, forms of life which have proved viable, so far.

Prima facie: Any given *Sitten* is **prima facie** "good" but only in the sense that it allows for survival and "works" for those who have interiorized its explicit and tacit forms of behaviour and thought. The **prima facie** is similar to an anthropologist's view of an alien society. It is what is given, what is there in a particular society. It has no higher legitimation, no privilege. It is "first-order" or factual, and can claim no transcendental standing. It is **not** valid for all men at all times. In this sense, the *sitten* of head-hunters and the *sitten* of the followers of the Dalai Lama are equally "good" **prima facie** because certain humans have found they could live by the moral norms implicit in such a life-style.

Rationaliter (Reasonable, reasonably): In many respects, the very cornerstone of Margolis' positive proposals, **rationaliter** is specifically used to distance it from any innate, rational capacity, as in the Enlightenment concept of Reason (Descartes/Kant), and from any "virtue" considered as an essential human excellence (Aristotle/Aquinas). It is by acting **rationaliter** regarding moral disputes that some type of viable settlement might be achieved between incompatible moral outlooks. It denotes "acting reasonably" in accord with three constraints. These are: 1) admitting the **prima facie** validity of opposed positions, as in the extreme case where one man's "terrorist" is another man's "freedom fighter"; 2) ensuring that any solution arrived at does not violate such an admission. For instance, it would mean allowing to both Muslims and Jews, and even Christians, their various historical, religious claims to Jerusalem; 3) admitting that the solution arrived at –dialectically, argumentatively, dialogically– in the dispute should

never go beyond what the disputants in question would accept as reasonable. **Rationaliter** resolutions then would involve saying in effect: "O.K., the I.R.A. (believe they) have a legitimate right to a United Ireland since the English came by force of arms and for reasons of plunder and have broken innumerable pledges admitting that claim throughout history" **AND** "O.K., the English government (believes it) has a moral claim over Northern Ireland because of the Government of Ireland Act of 1920, in which the majority of voters in the North voted to remain part of the United Kingdom". Where do we go from there? You are both "right" **but** let's reach a "reasonable" solution. Of course, being partisans all, nobody will really believe that each is equally right. In effect, acting **rationaliter** involves full admission of opposing viewpoints, but seeks a *modus vivendi*, a way of getting on together despite your inability to concede your opponents' point of view. In brief, moral solutions must be a practical matter not a question of belief. **Rationaliter** is humdrum and prosaic. Proceeding under its banner means saving lives not upholding some necessary truth. Any other way of proceeding invokes some kind of cognitive privilege, revealed truth or essentialist tenet. That is, it is ideology masquerading itself as the Right. Incidentally, it is also part of Margolis' brief that "reasonably", being a predicate, is, like all predication, inherently informal and non-algorithmic. Therefore, each party to the dispute acts "reasonably" according to its lights and to the way it construes the term "reasonable" within its own language and form of life. Obviously, outlawed from **rationaliter** would be Angel Acebes (Spain's late Minister of the Interior) who, at one and the same time, can accuse the Socialists of Spain of: a) Not regarding Spanish interests and b) Being friends of "Nationalists". Logic still applies **rationaliter**. Acebes, however, is self-contradictory. He implies that either Spain is not a nation –if it were he would himself be a nationalist-- or that Catalonians and Basques **ARE** nationalists and that nationalism is a bad thing. Thus, taking into account Spanish interests is also a bad thing, if Spain be a nation.. The same absurdity underlies the pretence of "Centralist Parties", as Margolis shows, "The Centre" of what?: One might well ask. We hear of "central right" political parties but who has ever heard of an "extremist left right" political party?

What saves **rationaliter** argument from vacuity is, in a way, bilingualism, as Margolis never tires of repeating. For every language, there is a bilingual, therefore, loosely speaking, it is generally possible to convert OUR concepts into THEIRS and vice versa. Margolis notes, for instance, how each society may see its own worst potential, its own openness to barbarity, in the rapidity with which the *Sitten* of the Weimar Republic was transmogrified by Hitler, in a few short years, into a society of demented, jackbooted robots. By the same token, we might discover our utopian yearnings embodied in the life practices of some peace-loving South Sea Islanders. Moral concepts are *sittlich* and **prima facie** justified, but they are also open to historical change and critical revision both within a given society and within any globalized debate.

Nullum Malum (No longer Bad): A normative policy going beyond the **prima facie**. Given that there is and can be no changeless rule which can be applied to either human nature or human reason, there can also be no objection to how people live their lives **rationaliter**. The *Sitten* of one society or another, for example, may be against homosexual unions, but there is no essential human nature they might invoke to legitimate the *Sittlich* prejudice. Therefore, **nullum malum** would involve the lifting of customary prejudices piecemeal. Forms of behaviour once considered "immoral" are disburdened of their previous societal stigma, bit by bit. It is a morally generous policy adopted because we know the in-place morality of any society has no further justification than that it is indeed in-place. **Nullum malum** begins when the pretensions

of essentialism, universalism and other faulty moral programs are revealed to be the prejudices that they are.

Minimum Bonum (The Smallest Good): These are the minima which any society considers essential for its own offspring, “from infancy to adult agency” to compete fairly, if they are to achieve that society’s historically entrenched “ideal of the good life”. Equality of education, and the like. **Minimum Bonum** cannot be simply formulaic as in some constitutional declaration, it involves what the economist Amartya Sen calls, “capacitation”, that is, the giving to the people the effective power, usually economic, to ensure that such formulae can be practically applied.

Liberalitas: Acting **liberalitas** is acting to extend **nullum malum** to the farthest point any given *Sitten* can reach to. It would minimize to the utmost any condemnation of life-style or behaviour in the private sphere which did no harm to other societal members, or to the public sphere..

Summum Malum (Greatest Evil): Margolis’ term –deliberately contrasted to Aquinas’ *summum bonum*, a something impossible to know-- for any large scale suffering such as genocide, torture, famine, slavery, massive discrimination on the basis of race, sex, and so on. Relieving peoples or groups suffering from **summum malum** is as close as we might come to the “obligatory” or the “right” within a second-best morality. The **malum** mentioned, Margolis insists, is not a moral matter in itself. It becomes so when we act **rationaliter** or “reasonably”, extending to others our own sense of what our own welfare, species continuation and local customs require. It becomes a moral matter “*faute de mieux*”. It follows from **minum bonum** by way of **adaequatio**.

Adaequatio (balancing or evening-up): An **adaequatio** reckoning is one which compares and contrasts one society’s standard of living with that of another’s and attempts to close the gap should it become too great. **Adaequatio** further involves historical memory; one society’s vision of how much damage some other has inflicted upon it. It is a program for righting perceived wrongs. Probably, its profoundest application would be to Black Africa as a whole vis-à-vis the Western nations.

Prudentiae (Pertaining to sagacity in practical affairs): Used to denote considerations of man’s material necessities –food, water, shelter. A morality geared to prudential considerations is one remaining supple enough to never endanger the animal necessities of people.

Humanitas: All moral and religious philosophies claim to promote and represent what is the “highest good” for all mankind. Since Margolis argues --from empirical data clear enough for all to see-- that such visions are often incompatible, or even incommensurable-- that there is no one such “good”, acting **humanitas** means acting to promote, as far as possible, what we deem good for all mankind without appeal to any cognitive certainty and without exceeding the limits of a “second-best” morality. It is the closest thing to a “brotherhood of man” or “universal human rights” which a second-best morality affords. It is less dogmatic and less pretentious than standard moral or religious doctrines concerning what is “best” for all people everywhere. There simply may be no such thing.

Gesellschaft: A group of free agents who come together for a common purpose and who thus form a society. They may be ethnically, ideologically, linguistically and classwise distinct.

Gemeinschaft: A community sharing a common language and common customs, tacitly, second-naturedly. An ethnic or tribal-type bond unites them. The *gemeinshaftlich* is never, per se, a society. The difference between the *gesellschaft* and the *gemeinshaft* accounts for all the paradoxes implicit in contractual theories of society for they presume the very conditions *ante* which could only obtain after the contract had been made.

The terms were invented by the German sociologist Ferdinand Tönnies in 1887. *Gesellschaft* was based on justice under law, *Gemeinschaft* on friendship. *Gesellschaft* is horizontal, *Gemeinschaft* is pyramidal.