Theory, Culture & Society
http://tcs.sagepub.com/

Politicians, Honesty and the Higher Amorality of Politics

Niklas Luhmann

Theory Culture Society 1994 11: 25
DOI: 10.1177/026327694011002002

The online version of this article can be found at:
http://tcs.sagepub.com/content/11/2/25.citation

Published by:
SAGE
http://www.sagepublications.com

On behalf of:
The TCS Centre, Nottingham Trent University

Special Section on Luhmann

Politicians, Honesty and the Higher Amorality of Politics

Niklas Luhmann

I

There seems to be an easy answer to the problem implied in this topic. When asked whether politicians have to be honest one would probably respond: 'In principle, yes!' Difficulties arise when the question is posed in more precise terms. The question should not be phrased to ask whether politicians *have to be* honest because no one can be made to do something. Instead, one could consider whether they *should* be honest — which would be followed by the query as to who determines what would happen if politicians were not honest. On a further level one could ask whether, in fact, they *can* be honest. One cannot expect something impossible, and maybe the moral problem contained in the question solves itself by declaring honesty to be an impossibility.

The distinction between have to/should/can forces us to be more precise in stating the issue. Should one go so far as to demand that *all* politicians have to *say* in all situations what they *really think*? In that case, one demands something that would bring all communication, even in everyday life, to a sudden standstill. Or one could envisage a special morality applicable to politicians, one could expect exemplary moral conduct in the sense of guidebooks for medieval rulers. But who would want to argue for such moral rigour in the light of the awareness that this would lead to the self-dissolution of politics? We would then have ethically superior politicians — but without politics.

But as soon as one then tries to attenuate this ethical rigour

Theory, Culture & Society (SAGE, London, Thousand Oaks and New Delhi), Vol. 11 (1994), 25–36

one is on a slippery slope – where to? Is there a rule that differentiates within unavoidable dishonesty between acceptable and unacceptable dishonesty? Would it help to establish guidelines for deliberation? But what use would that be for a politician whose job requires him or her to speak faster than they can think?

In the face of these complications which arise when one attempts to define more precisely what the problem is, it would be advisable to find out more about the actual situation. This problem is, after all, not new and one may be able to have recourse to earlier writings. Such an approach would lead us back into the sixteenth and seventeenth century, the period of the earliest observations and accounts of the first modern territorial states and their 'reasons of state'. It is our impression, that *only then* had the issue of honesty in politics really been taken seriously and discussed in depth, in particular with reference to the set of viewpoints associated with the name of Machiavelli. It might therefore be worthwhile to introduce briefly the level of debate reached then, and to consider what may still be relevant of it today – or, if it isn't, why this is so. We can establish an ethics of politics appropriate for today only in dialogue with the past, and this requires, first of all, an awareness of historical difference.

II

The outcome of these earlier debates regarding the moral problems associated with statecraft can be summarized in a few points.

1. One takes it for granted that man is endowed with a moral competence. There exist no doubts in principle regarding the relevance of moral judgements in politics, even though Machiavelli serves as a symbol for just such a doubt. The problems that exist arise *within* morality.
2. There is a moral problem that arises only after 'the fall', and it is a *social* problem defined as a moral one: how can one keep acting morally *if others do not*. It is possible to follow the Stoics and simply try and do one's best – but is this prudent and reasonable as regards actual circumstances of life? Is it maybe the case that a given situation requires a certain deviation from the path of complete conformity with moral precepts.
3. Not all general rules – for example, that one should keep one's promise – apply in all circumstances. There may be higher

interests (the communal good, the maintenance of the church or the state) which derogate, as we say, law and morality. It may be an unavoidable necessity to order the murder of political opponents or to disregard breaches of the law by members of the aristocracy. This kind of problem gets resolved through the 'exception to the rule' – formula and moral indignation gets deflected by imposing stringent conditions for the admittance of such exceptions. A ruler must be seen to be plagued by scruples.

4. As far as honesty is concerned, the same pattern applies but with some additional rules. An initial exhortation suggests that being honest is a more practical course to take than being dishonest and brings greater benefits in the long run. As we would say, there is less need for burdensome information – or that honesty is the best policy. But even in daily life this is by no means a sure-fire recipe, as is shown in Francis Bacon's famous essay, 'Of Simulation and Dissimulation'. It is necessary to take into account how much others can bear and how they are likely to react. If this applies already in ordinary life then how much more will it apply in the far more complicated case of the affairs of state?
5. A way out may be offered by a solution which tends to appeal to more rigid moralists: the distinction between simulation and dissimulation. In simulating we actively aim to deceive others; they are misled, lied to, cheated. In dissimulation we only hide our own thoughts or the amount of information we have available or a secret. Here it is suggested that one is not allowed to lie but neither does one have to tell the whole truth. We must not lie to others but neither do we have to alert them. One could develop a complex casuistry out of this which then again allows for exemptions to be made. A deception with minor consequences may be less reprehensible than not alerting someone to a mortal threat. I am not very aware of such moral casuistry but it may be possible to find out more in the literature dealing with the confessional and pastoral care.
6. Finally, in the seventeenth century it was accepted that honesty and sincerity could not be communicated. Anyone claiming to be honest would at the same time give off the impression that there might be doubts about it. This person would allow for the possibility to be, or not to be, believed in a situation which otherwise would not have given rise to this problem had it not been for this crude communicative attempt. To escape this problem, argumentative refinements were established: how is it possible to

> communicate one's honesty without communicating it directly? And what happens if this attempt is recognized as such? Is it still possible to rely here on modes of conduct, tact, discretion, the ability to look the other way, which can exist only among the higher strata in society?

To sum up this excursion into an era long passed, it could be said that we disovered two paradoxes: the paradox of the moral code and the paradox of communication. The paradox of the moral code has to do wih the recognition that morality sometimes requires immoral acts in order to avoid it rendering itself impossible. The paradox of communication is about the communication of something incommunicable. The futility of efforts to resolve these paradoxes has produced some highly artificial constructs which count among the best that can be found concerning our topic. A sociological interpretation of this state of affairs would suggest that we are dealing with a semantic interpretation of a transitional state that had not been fully comprehended. In these conditions, society was still described naturalistically as a civil union, and social action moralistically as either good or bad; but the phenomena no longer corresponded to the preconditions of this semantic system — phenomena such as the printing press, a money economy and the territorial state.

III

We may still find admiration for these feats of reflexivity from early modernity — but they are of no use to us anymore. To refer back to them evokes the sense of something that is no longer achievable and leads to the problem of how to orient ourselves in their absence when it comes to morality in politics.

We have to take it as given that the paradoxes still exist. But their dissolution can no longer be attempted within the context of the teachings of *prudentia*. The formulation of this paradox as a paradox already renders this option unviable. What we are left with, seen superficially, is another differentiation, that between naivity and cynicism as far as matters of morality are concerned. This, however, is taking the easy way out since either position could be taken up without much effort of the intellect.

If one looks carefully at the structural changes of the societal system one notices above all its high degree of differentiation, internal dynamics and the mutual dependence of the majority

of functional systems. One should, in addition to the political system, consider here also the economy, science, law, education, health services, religion and the family in its modern form. This development makes it difficult to consider society as being integrated on the basis of morality. It would not suffice merely to establish enclaves with a certain amount of amorality, such as profit-orientation in the economy, insincerity in politics, scientific research without concern for its consequences, a sexual interest in one's partner that goes beyond that required for reproduction. These are all concerns characteristic of the late Middle Ages and early modernity. Today, however, we can see and have to accept *that the values of functional systems are not moral values.* We would not see much sense in judging ownership in contrast to non-ownership in moral terms, i.e. as one being morally good and the other bad. The same applies to government and opposition, sick/healthy, truth and untruth as the outcome of research, or winning and losing in sport. The two-value coding of functional systems can in no way be made congruent with the moral code good/bad and with this, the whole self-organization of these functional systems escapes moral control. Indeed, the withdrawl of morality from these spheres is demanded and sanctioned by morality. It would be an affront to our moral sensibility if a party in power considered itself as morally superior just because it had a majority at this point in time. It would be equally questionable to withdraw our moral acceptance from someone simply because he lost a court case and was on the wrong side of the law in this particular instance. We no longer look upon diseases as God's punishment for morally questionable conduct; at the same time, we no longer face the problem of having to find justification for God's actions in the face of the suffering of innocent people. In the case of Nobel Prize winners, their interventions regarding how the world is run or their support for good causes is not justified by their scientific achievements and represents a clear misuse of their well-deserved reputation in their own field. Sensible educationists are likely to avoid turning failure in school into a moral disaster; they are much more likely to attribute the blame to society as a gesture indicating their own predicament.

And so on. What do we make of all these cases? Do they contain the socio-structural reasons for the fact that the teachings of *prudentia*, studded with exemptions as they are, are no longer sufficient? Are our problems the result of a different kind of complexity,

one that would require other instruments of observation and description which are not yet available?

In any case, it is worth noting that the withdrawal of morality from the coding of functional systems is morally justifiable and justified. Morality accepts its own retreat in moral terms and relinquishes the right to intervene in the options maintained by the the two-value code of the functional systems. It relinquishes any role in the mechanism of selection in schools, in political manifestos, in economic policy, and so on. In doing so, to repeat, a moral system judges itself in moral terms and would consider a moralizing approach that encroaches on the functional systems as morally suspect. A moral system of this type has to be independent enough to be able to decide on its own applicability and non-applicability. In this way, it responds to the given functional differentiation of the societal system.

IV

We are here confronted with a problem which is really the concern of *ethics*. By ethics we have come to mean, since the eighteenth century – in a change that is itself a consequence of the socio-structural development indicated – not any longer the doctrine of the good, orderly, virtuous life but an academic theory concerning the justification of moral judgements. But is that an appropriate approach to our problem? Moralists do not, after all, find it difficult to justify their opinions. If one tries to suggest different viewpoints an argument ensues; they start from their moral scheme and consider anyone who dares even to just ask for reasons as someone who wishes to give serious consideration to the negation of their moral position, to something that is bad, to the destruction of the environment, to the unequal treatment of women. If one debates on this level one is forced into either moral naivety or moral cynicism – with no sign of ethics in any meaningful sense!

An ethics capable of engaging with contemporary conditions would have to be able to arrive at a judgement as to whether moral standards can or cannot be applied. It would have to be able to deal with morality as a *form* with *two sides*, that is a good and a bad one, which both come into effect. Seen this way, all moral judgements construe good and bad qualifications. Seeing something as good implies that something else has to be bad. Theories of ethics have tried to deal with this and find reasons, at least on higher levels of

abstraction, towards which judgements converge and on which consensus appears possible or, at one further level of abstraction, can at least be claimed to be reasonable. This theoretical programme has failed, however. The universality aspired to resides only in the *form* of morality, in the *ambi*valence of its code, in the *differentiation* between a good and a bad side – and not in any theoretical principles. It is possible to cite more than enough reasons, if by that we mean providing criteria for judging something as morally good or bad. But these reasons cannot be reduced to a socially accepted core formula. The only universal form is the moral code, and in accordance with it people everywhere and forever have been moralizing about all kinds of issues. It is in relation to criteria, that is on the question under what conditions it is right or wrong to regard something as good or bad that opinions differ. It is exactly within the terms of an ethically reflexive morality, that is one that observes itself, that it is hard to see how that could ever be changed.

There are now available to us logical tools which help us to analyse such problems: the beginnings of an operative, constructivist logic, cybernetic theories concerning the monitoring of monitoring systems, research into the logical preconditions of the acceptance and rejection of ambivalent schemes, such as positive/negative, true/untrue, good/bad; further, examinations of paradoxes and the conditions of their operative (not, however, their logical-deductive) solutions. All these might be of relevance for ethics. Whether an ethic that incorporates such cognitive tools can then still recommend itself as morally good has to be doubted, however. With this it might also lose the right to carry on using the time-honoured name of ethics.

V

Be that as it may. We can try and describe what second order observers might find noteworthy as they observe how moral issues are dealt with in political life. Here we are less interested in determining who is morally good or bad as in the consequences of the operative use of a specific distinction.

It is an everyday fact that political communication is shot through with moral aspects. Judging by reports in the media, there is no shortage of colourful statements. It can also be assumed that the media which dwell on these aspects contribute their own share to the impression that political culture is constituted by a culture of

mutual insults which have to be direct enough to be intelligible to anyone, however limited their understanding of politics. At the same time, if moral invectives were accurate and damaging then the political stage would long ago have been emptied. This peculiar phenomenon is particularly noticeable during election campaigns. It reminds one of a simile from E.T.A. Hoffmann's story about the princess Brambilla: two lions set upon each other with such ferocity that at the end there was nothing left apart from their tails. But who would be interested in choosing between two tails?

This can't possibly be taken seriously, one might think. But it happens in front of our very eyes. Not even a trace of honesty. It is not a matter of moral naivety (excepting, maybe, the case of the Greens) but neither is it to do with moral cynicism. Nor is it an instance of 'dialectical' synthesis of naivety and cynicism since, according to Hegel's view, dialectical movement is based on an activity of mind and this is something that is evidently absent here. It may have more to do with a particular kind activism and its expression of political moralism. It appears that politicians act on the basis of the — more or less justified, but ultimately unprovable — delusion that voters decide on the basis of moral criteria.

This stands in open contradiction to a basic postulate of democratic political systems, that is that voters should be in a position to choose between a governing and an oppositional party in elections. This calls for the choice to be morally open-ended. Each party, in order to present itself as democratic, has to accept the democratic credentials of the other parties. The point would be, in conditions of equal moral opportunity, to present one's own programme as politically better, or to point towards past performance as a reason for continuity or a change in office. If it was possible to determine in moral terms which party deserved recognition and which did not, then political elections would be a consequence of moral judgement and precisely not a test of political achievement or a preference for a particular political course.

Sociologists tend to assume that there are reasons why things are the way they are. Maybe it is due to the tendency towards a two-party system, with a very small quantitative difference between the main parties, that every means is welcome in order to gain the vital few percentage points of the votes. Maybe it is because the important themes of our time do not lend themselves to party political handling. One can think of the dependence of welfare policies on the

developments on international financial and commodity markets or of the manifold problems posed by ecological threats. With these problems there are no clear alternatives and parties can only promise to do their very best; bouts of moral shadow-boxing may serve to maintain the impression that voters do have a choice — be it only one between good and bad political forces.

This may go some way towards explaining a good deal. But if such explanations are accurate then they merely confirm the basic tenor of such an analysis, that is that ultimately we have to look towards the political constellations which, in the end, determine whether and how party politics has recourse to moral arguments. In this case, politicians are indeed themselves victims of political power when it comes to their moral self-presentation.

VI

This account merely reformulates what is already contained in the theoretical premises of our analysis. We recognize a structural non-identity of moral code and political code, a contradiction between the communicative practice of politicians and the functional postulates of the democracy they claim to espouse. There can be no simple reduction of politics to morals — apart from political systems in which opponents disqualify one another in moral terms and in this way hope to remove them from the political arena.

This does not yet adequately capture the relationship of politics and morality. It is precisely because we are dealing with two distinguishable differentiations, with two different forms of choosing between positive and negative values, that we have to expect some interferences. We do not even wish for a congruence between the two codings. Such a congruence would, if expressed in terms that are neither moral nor political, reduce system complexity too drastically. But neither do we wish for politicians who act immorally. It is, however, precisely the independence of the political code from moral evaluations which calls for a specific morality of its own — such as a morality of political fairness.

This could be clarified in reference to the sphere from which the idea of fairness derives: the example of sport. Here, too, it would be unacceptable, morally unacceptable, if winning and losing turned into a moral destiny. The difference between the two relates only to criteria to do with sport. For just this reason there exists a moral

view concerning the practice of doping which undermines and even destroys the code of sport and its criteria. The 'higher amorality' of the functional code thus requires a moral backing; or, at least, it is compatible with a system of morals that tries to ensure that the difference between winning and losing is due to merit in the terms of the sport and tells the public something about athletic achievements rather than biochemistry.

Another example would be the issue of plagiarism and falsification of data in the scientific system. It is with these kinds of cases that the ethics commissions at American universities have to concern themselves. Here, too, it is the systems code, the crucial difference, that is at issue and which can only be sustained through trust and morality.

In the political sphere we find parallel problems in the case of corruption which undermines the legal order of the state, and in the case of the illegal acquisition of information concerning specific internal statements by other political parties not intended for the public. In one case it is the difference between the power of office and the public, in the other between government and opposition that is at issue.

The comparison with sport, science and politics makes us aware of the highly specific dependence of functional systems on morality. The codes which define these systems are not sufficient to control them as well. They require external support. This brings about problems of its own if one draws on morality for that purpose.

In circumstances in which the mass media serve as the guardians of morality, the concern with the moral control of functional systems takes the form of *scandals*. There are a number of advantages in this – at least one knows what to avoid and what to be aware of. Scandals emphasize the unique, they highlight individual failing and thereby allow normal business to proceed unnoticed. Anyone who gets caught will be sacrificed so that the rest can carry on as before. This requires that misconduct be well defined and offers an opportunity for onlookers to act surprised and indignant. All this has to do with the mechanisms of selectivity employed in reporting by the media.

This does not in advance establish which conduct will lead to a scandal. That love affairs pursued in hotel rooms should be part of this is probably just a peculiarity of US culture. Political sensibility, however, is required in the case of assaults on the political code,

as in the case of corruption or the illegal intrusion into the confidential files of other parties. Here, scandals serve to bring to the fore how greatly the system is dependent in decisive issues on the voluntary observance of the code and on trust.

There are, however, some great disadvantages associated with scandals as a political form. They are directed at individuals and thereby confirm the prevalent overestimation of the importance of individuals in the political system. Above all, numerous truly scandalous peculiarities of the processing of information in the political system cannot be made the object of scandals. They are called that but they cannot bring about moral indignation – only resignation and apathy. One can think here of the increase of cases of severe financial misplanning which cannot be fully understood unless one imputes an intention to deceive the public; another example would be some equally severe ecological mishaps in already highly sensitized contexts. In such situations one can criticize the whole system or bring those in responsible positions to account, but the mechanism itself can hardly be challenged. From the outside, one can get the impression that the state bureaucracy is constructed as a social network with the main aim of ensuring that nothing happens when something does happen.

These reflections confirm again the basic tenor of these accounts: the political system is not meant to be controlled on the basis of moral criteria; it can control itself only politically. This does not just suggest that real life has precious little inclination to follow the moral path anyhow; but neither does it follow that morality is obsolete in modern societies and that it exists only in the form of personal resentment. Rather, these accounts paint a more complex picture. It appears that the political system, and the same might apply to other functional systems, establishes itself the extent and the form in which it allows morality to become relevant. A political ethics would, above all, have to take into account the system's self-direction. This still allows for some uncontrolled moral flowerings. People are inclined to moralize because the moral contrast of good/bad gives them the opportunity to place themselves on the side of the angels – something ethics has to acknowledge, too.

All this, however, has rendered questionable the traditional interconnection of morality and reason which presupposed the moral integration of society. In circumstances where there was 'holy watching' by neighbours, and under the conditions of traditional

village and town life as well as in territorially expanding aristocratic regimes, this had been a possibility. The abstractions of the Enlightenment concept of Reason pointed to the end of this way of life and finally led to its own disintegration. Now, individuals in particular can feel relieved as they come to realize that today nobody who takes a moral point of view can claim to speak for the whole of society.

Translated by Josef Bleicher

Niklas Luhmann is Professor of Sociology at the University of Bielefeld.