

# Moral Uncertainty and Political Philosophy

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This dissertation is submitted for the degree of Doctor of Philosophy

I, Andrew MacGregor Isaacs Knox, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.



*To my parents,  
who taught me how to read.*

## Abstract:

This thesis addresses a methodological tendency in political philosophy whereby philosophers develop their ethical views independently of the political realm and then import those views into political argumentation intact, without considering whether this sort of primacy of the ethical is appropriate. Observing that the political is non-accidentally typified by disagreement about all manner of things, including, importantly, the ethical, reveals this to be deeply problematic. Through a discussion of moral epistemology, the thesis aims to show that we should not be certain about our moral beliefs in the face of disagreement, which means in turn that we must alter the way in which we approach political philosophy. It considers two responses to this concern: the Unilateral Solution, which argues that if you have access to the moral facts you may ignore disagreement, and the Pluralist Solution, which argues that moral disagreement ought to be taken seriously and that it is the job of political philosophy to provide a framework in which this disagreement can play out. After arguing that neither of these solutions is satisfactory, the thesis concludes that the moral uncertainty caused by disagreement is unavoidable, and offers some suggestions for how we might practice political philosophy in light of this situation.

## **Impact Statement**

This thesis offers a critique of the methodology of political philosophy and a new way of understanding the relationship between ethics and politics, both in theory and praxis.

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## Preface

Friedrich Nietzsche once remarked that ‘in the philosopher...there is absolutely nothing impersonal and above all, his morality furnishes a decided and decisive testimony as to *who he is*, – that is to say, in what order the deepest impulses of his nature stand to each other’ (Nietzsche, 1917, §6). This remark is as true of this thesis as it is of any work of philosophy. I have been thinking about the ideas discussed here for years, in both formal and informal settings, since my parents first lent me copies of Locke and Marx as a teenager.

Over those years, I have been stunned by the surety of my peers in their moral opinions, often feeling inadequate for my apprehension. This thesis is an attempt to contend with that sense of inadequacy and vindicate my uncertainty. It is an argument designed to show that this uncertainty is an indelible fact of human existence and that we must take it seriously if we are to navigate the complex social world we have built for ourselves. To some extent, it is predicated on its own failure to convince – if everyone were to indulge their uncertainty then our social world would change significantly, rendering this analysis irrelevant. It is a tract designed for a world like ours, in which moral certainty is cheap, common and deadly.

It is also a deeply personal piece, in that it does not primarily seek to provide answers to big political questions like ‘what is the nature of justice?’ or ‘how can we justify coercion?’, although it does have consequences for such questions. Instead, it offers a way of thinking about the much more routine, everyday questions that make up the substance of life as a political agent, questions such as ‘should I go to that protest?’ or ‘ought I vote for this politician?’ It recommends a way of thinking about politics that puts the fact that others inevitably think your beliefs wrong at the centre of how you ought to think about those beliefs, and how you are to act in light of them. In my opinion, political philosophy does not take disagreement sufficiently seriously, either treating it as a ‘mere’ sociological fact of limited philosophical importance or taking it as an unavoidable feature of the social world that can be ‘dealt with’ by philosophy. Over the course of this thesis, I hope to explain why I think that neither of these two reactions is appropriate. I also hope to explain how political philosophy can help us, as political agents, to reconcile ourselves to this disagreement, and the uncertainty it provokes, so that we can live with it. I have no doubt that I will convince very few people – after a lifetime of discussion I have found few who take moral uncertainty seriously –but I hope to at least make the view salient.



This thesis has been a long time coming. It would be impossible to give appropriate recognition to everyone who has helped me develop my views, especially because this is hardly a work of ‘high’ political philosophy – it is instead a rather informal work that understands political philosophy as aid to political agency. As such, it has been indelibly marked by the contingencies of my political life. This thesis is as much influenced by political arguments with friends, encounters with strangers on park benches, protests, rallies, conversations that went into the late hours on the floors of squats, informal lectures in fine restaurants, howls of unconstrained anger, and poetic flights on the nature of utopia, as it has by my formal education. All the same, I will try to give credit where it is unquestionably due and I apologise profusely to those who deserve, but have not received, recognition.

First of all, my gratitude to my parents is inestimable. Their love, kindness and, above all, patience with a boy who never grew up and stopped asking ‘but why?’ has been overwhelming. Their intellectual and personal outlooks have deeply influenced this thesis. Without their support and understanding, I would never have started, much the less finished, this project. I love them with all my heart.

Many thanks also go to the various philosophers who have offered me their time and insights. Raymond Geuss, who supervised my MPhil thesis, deeply influenced this piece. It was only in rereading his work prior to submitting that I realised just how important our long, rambling conversations in his office had been to the development of my views. Mark Calderon was extremely helpful in critiquing an early draft of Chapter Two. Han Van Wietmarschen read drafts of each chapter and offered a great deal of brilliant insight that has been essential in helping me to realise exactly what I was trying to say. And finally, my thanks to Jonathan Wolff, who oversaw this project from start to finish. His encouragement, both personal and philosophical, made this thesis possible. I am extremely grateful to him for his incredible generosity with his time and willingness to engage with my project. His critique accentuated whatever insights can be found in it and toned down its excesses. My work stands much improved because of him.

I also wish to thank my peers for their help with the development of this thesis. Various bits were presented at the UCL PhD Work in Progress Group and the UCL Moral and Political Work in Progress Group. These encounters were always extremely productive and I would like to thank all of the participants for their comments. A big thanks as well to my fellow enlisted personnel in boot camp for their philosophical and moral support. Annika Böddeling read early drafts of several of the chapters and offered extensive and helpful comments, as

did Jonas Vandieken, with whom I have discussed pretty much every aspect of this project. Their insights substantially improved my work and I am very grateful to them.

Many thanks likewise to Alison and Martin Wolf, who offered me the use of their beautiful flat in Liguria; I write this while looking out over the River Magra from their terrace. I am also grateful to them for years of stimulating conversation over Pesach Seder – it is impossible to converse with either of them without learning an incredible amount.

Finally, I would like to thank a couple of people whose friendship and support has improved me in innumerable ways. Alex Fulcher has taught me a lot about the importance of marrying the profane and the sublime, the serious and the silly. Many thanks for the friendship and support over the years. And Adam Cole, with whom I have been friends almost as long as I can remember. There aren't many teenagers with whom you can share a rant about the Forms and a three litre bottle of White Lightning. He has always brought out the best in me, both socially and intellectually, and I am extremely thankful for our long friendship.

For all my protestations about uncertainty, I am certain that I have left out important people whom I ought to thank, and failed to adequately convey the deservingness of those I have. In keeping with the eventual moral of this thesis, this is something I will just have to live with.

*Andrew M.I. Knox*

*Liguria, June 2017*

*All I know is that I don't know,  
All I know is that I don't know nothing,  
...and that's fine*

*– Operation Ivy*

## Chapter 1 – The Tendency

*hoc quodcumque uides, hospes, qua maxima Roma est,  
ante Phrygem Aenean collis et herba fuit*

Propertius 4.1.1-2<sup>1</sup>

Political philosophy is a strange activity. Although volumes are published every year, we rarely seem to agree about what it is or how we should practice it. Minimally, it involves thinking critically about our social arrangements. Beyond this, it has varied massively in scope, aim and ambition. Some philosophers have sought to design the perfect society, some to understand different existent systems of social relationships with their associated advantages and disadvantages. Some have taken it to be a science of the exercise of power and some a liberatory refutation of that power. Some sought to justify the world, others to change it. Found frequently throughout the history of political philosophy, however, is the tendency to develop a moral point of view in isolation from political considerations, assign some primacy of importance to it and then work out its implications for the political. This is a thesis about that tendency (which, from here on out, I will refer to as ‘the Tendency’).

Political and ethical philosophy stand in a very close relationship to one another – they are both forms of social philosophy, that is philosophy that looks at the interactions that occur between people, and both deal with normative ideas, often specifically moral ideas. Beyond that, however, it is unclear – and much debated – how the two relate to one another. The Tendency offers an understanding of this connection. It implies that ethical thought has an epistemic and explanatory priority over political thought. Roughly put, the Tendency suggests that we can resolve certain ethical questions, such as the moral status of human beings, in isolation and then use the answers as the basis of arguments designed to answer political questions, such as which political system we should adopt, given this moral status. The answer to such political questions, as well as their design, is predicated on the answer to the moral question. Take, for example, Rousseau’s question of how the natural freedom of humankind can be reconciled with a social order (Rousseau, 1988) – the question itself does not make sense unless one adopts a moral position by which humankind is, indeed, free in the requisite sense, and ascribes moral importance to this. And the answer he offers – that we preserve this natural freedom by giving law unto ourselves as a community of co-equal legislators – is also predicated on a moral view on the significance of the civic freedom we

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<sup>1</sup> Grazie a Tommaso Di Dio per una bellissima discussione su questa poesia.

create in this act. Both the central questions of political philosophy and their answers are deeply affected by the presence of the Tendency.

In this thesis I argue that the Tendency is deeply problematic. I defend a view about the relationship that ethical philosophy should have to political philosophy and that political philosophy should have to actual politics: a thesis that states that none of these elements can be separated out or given priority. Political philosophy should take politics as it is, a series of real-world practices and institutions by which we arrange and navigate our social world, and think philosophically *about it*. In so doing, we ought to recognise that ethical thought plays a massive part in how we conceive of, operate and judge political institutions and practices – but that in the real world, unlike in much political philosophy, this ethical thought is not formed independently of or prior to political experience and does not come from one distinct source but rather from the interaction of multiple radically different views. The political world is typified by the compresence of multiple moral viewpoints that overlap to a greater or lesser degree in different situations, sometimes without permitting agents to reach agreement. That lack of agreement, coupled with sceptical doubts arising from moral epistemology, makes the adoption of one particular ethical view as the foundation of our philosophical investigations into the political deeply problematic, both in virtue of the epistemic and argumentative priority it gives to the ethical and because it takes one distinct ethical position to be correct, despite lacking adequate grounds for so doing.

Over these five chapters, I will offer reasons why I think that political philosophy that indulges in the Tendency fails to fully appreciate the moral disagreement so central to our political world, exploring the incongruity between the moral certainty implicit in the Tendency and the moral uncertainty of the world that we inhabit. Although our political life is full of profound moral disagreements that give occasion for us to interrogate both the opinions of those who disagree with us and our own views, that is not reflected in political philosophy that indulges in The Tendency. If we can offer argument to suggest that this type of moral certainty is appropriate – that is if the claims of any particular ethical position can be vindicated – then this incongruity need not worry us. The moral disagreements at the heart of politics are then merely the result of all but one side being wrong. If, however, we have reason to doubt the correctness of any given position, we should reassess the significance of this incongruity.

The first person plural here is important. This is an argument presented internal to a certain practice – twenty-first century Anglophone political philosophy. In appealing to this ‘we’,

the prospective readership, I will appeal to arguments about reasoning that will be of interest only to those inclined to engage in this highly particular practice. It is an analysis of how philosophers engage with the world of politics and whether our current practice helps us to navigate this world. Although as political philosophers we often engage with questions that seem quite far removed from the day-to-day concerns of real-world politics, every political philosopher is also a political agent. We are members of a polity and our actions – both in engaging in political philosophy and otherwise – contribute in some tiny way to the shaping of that polity. We write, but this often pales in political importance to when we vote, or protest, or ignore issues, or, at the extreme, go to the barricades. And it is not just such voluntary undertaking that count as ‘political’. As the second wave feminist slogan ‘the personal is political’<sup>2</sup> encourages us to believe, we engage in all sorts of behaviour on a daily basis that constitute political agency by virtue of their performance in a context structured by power relations. These actions have the potential to affirm or disrupt these relations, even if we do not always recognise this. Choices as basic as how we earn the money that puts bread in our mouth are deeply political. This is a thesis about the reconciliation our dual status as political philosophers and as political agents. It hopes to show, using philosophical argument, that the demands of being a political agent in a world typified by disagreement, in combination with the failure of philosophical attempts to resolve, ignore or marginalise this disagreement, should lead us to a different conception of political philosophy. Far from being an exercise in working out the correct normative structure of the political world, I hope to suggest that political philosophy should be a practice through which those who engage in this world are able act in good conscience, even in the face of ethical disagreement and moral uncertainty.

The rest of this chapter explains the Tendency and illustrates its prominence in one particular branch of the history of political philosophy. This will lay the ground for the next chapter, where I will explain why the Tendency is problematic and compare my critique to a pair of recent methodological debates in political philosophy. Chapters Three and Four discuss two putative solutions, the Unilateral Solution and the Pluralist Solution. Having concluded that these solutions do not avoid the problem successfully, the final chapter offers some tentative suggestions for how we might practice political philosophy if we recognise how deeply problematic the Tendency is.

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<sup>2</sup> The term first came to prominence as the title of an essay by Carol Hanisch in the seminal collection *Notes from the Second Year* (Firestone & Koedt, 1970), although Hanisch denies having coined the phrase, giving credit to the editors of the collection, Shulamith Firestone and Anne Koedt (Hanisch, 2006).

One final bit of stage setting: I take it that political philosophy must say something, however minimal, that helps us navigate the real political world. This does not amount to an embargo on utopian thinking or idealisation; it is simply the claim that speaking of the politics of *Νεφελοκοκκυγία*<sup>3</sup> is a mere literary exercise if there is no attempt to relate that discussion to the actual political world. Even the most utopian approaches to political philosophy must at least hint at the relationship, practical or normative, that we stand in to utopia<sup>4</sup> if such discussions are to be anything more than explorations of a nowhere land that has never and will never exist, a *οὐτόπος* as much as a *εὐτόπος*.<sup>5</sup> A blueprint for *Νεφελοκοκκυγία* would not, on its own, qualify as political philosophy if the theorist held that this had no implications for our own politics. Then again, I take it that no one actually does this, preferring either to argue that the norms of utopia should inform our norms or that this utopia is somehow realisable, in however distant or contingent a future. I put forward this minimal assumption not to exclude the work of any particular theorist for failing to be sufficiently ‘political’ but rather to shift emphasis. I want it in the fore the of the reader’s mind that the eventual aim of any coherent political philosophy is to help us with our lived political experience. One crucial aspect of our political world is disagreement in politics at every level, be it questions about the goals and functions of political structure, the way we should achieve these goals or disagreements that arise within the context of an established political arrangement over issues such as abortion, capital punishment, taxation and so on. It is a consequence of the claim that political philosophy must say something about politics in the real world that it must say something to help engage with these disagreements.

## 1.1 Aspects of the Tendency

I choose the word ‘tendency’ because it is important to recognise that what I am describing falls short of being a methodology, properly speaking. It is not a formalised approach to political philosophy, nor is it a ‘tradition’ with writers who see themselves as members. Rather, it is an inclination of political philosophers that is realised in various ways to various degrees, sometimes consciously and sometimes not. If it is, as I will claim, problematic, this variation in its prominence will mean that my worry will impact different philosophers to different degrees. Some philosophers who explicitly use moral premises as the basis of their systematic view will find the whole view called into question as the moral premises they rely on are scrutinised. Some who make sparser use of contested moral ideas will find only those parts of their view that turn on these ideas affected. Some, who take themselves not to rely

<sup>3</sup> *Nephelokokkygia*: ‘Cloud Cuckoo Land’, the ideal city built in the sky in Aristophanes’s *The Birds*.

<sup>4</sup> Although it is worth noting that this can be done, albeit perhaps in an unsatisfying way, merely by describing utopia in non-utopian contexts, forcing the readers to interpret the relationship themselves.

<sup>5</sup> *Outopia* and *eutopia*: a ‘non-place’ and ‘good place’, respectively.

on a singular moral view but rather incorporate an understanding of pluralism into their theoretical apparatus will find that their views are more monist than they admit (see Chapter Four). However, I think few philosophers are immune from the Tendency (see §1.3). This lack of recognition of the Tendency makes discussion of specific instances of it more difficult – since philosophers do not tend to see themselves in these terms, they tend not to discuss why they relate their ethical beliefs to their political ones in the way they do. As such, its defence must be constructed from the implications of views that indulge in the Tendency. Chapters Three and Four represent two general approaches that I think philosophers might take.

Attempting to substantiate the degree to which the Tendency is implicit in the history of political philosophy would be a monumental task – far in excess of what could be achieved in a PhD thesis – so I will confine myself to attempting to demonstrate its prominence in one important branch of our subject’s history: that associated with John Rawls. Robert Nozick’s remark that ‘[p]olitical philosophers now must either work within Rawls’ theory or explain why not’ (Nozick, 1974, p. 183) is even more true now than it was in 1974. I choose this target not only because of the dominance of political philosophy written either in sympathy with or opposition to Rawls’s work but also because of the cliché, often heard in undergraduate introductions to political philosophy, that the subject was dead until John Rawls, standing like Ezekiel in the valley of the dry bones, brought it to life again. It is a testament to the degree to which Rawls’s concerns and methods have shaped modern political philosophy that most early twentieth century political philosophy is now thought so unimportant.<sup>6</sup>

Rawls set himself the task of developing a conception of justice that would be appropriate for an idealised, well-ordered society, including the distribution of ‘primary goods’ necessary for it to be just and stable over generations. Although we might be curious as to why this should be so important as to become the dominant question in political philosophy,<sup>7</sup>

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<sup>6</sup> While it is perhaps true that no-one had attempted the design of a systematic blueprint for a just society with the level of complexity that Rawls’s work offers since the previous century, this view under-represents significant contributions made to the field, especially outside of the English-speaking world. There are a number of counter-narratives one might offer, pointing to thinkers such as Carl Schmitt, György Lukács, Max Horkheimer, Theodore Adorno, Walter Benjamin, Hannah Arendt, Karl Popper, Friedrich Hayek, Leo Strauss, Isaiah Berlin, H.L.A. Hart, Frantz Fanon, Simone de Beauvoir, Antonio Gramsci, John Dewey and numerous others as philosophers who were writing important contributions to political philosophy prior to Rawls bursting upon the scene in the 1950s. That many of these thinkers are rarely taught in general political philosophy courses of Anglophone departments is a testament to the dominance of the Rawlsian tradition. For an account of the history of ‘analytic’ political philosophy in the twentieth century, see (Wolff, 2013).

<sup>7</sup> Raymond Geuss has, somewhat pointedly, asked ‘are reflections about the correct distribution of goods and services in a “well-ordered society” the right *kind* of intellectual response to slavery,



that it is considered important is undeniable. The spectre of Rawls haunts political philosophy and, love him or hate him, engaging is almost a necessary precondition for entry into the profession.

Discussion of the Rawlsian tradition will, however, have to wait until §1.2. For now, I will explain what the Tendency is and highlight its important features. I will describe its various features as ‘aspects’ to indicate that while I take these to be separable ideas, they are all manifestations of a multifaceted phenomenon.

The first aspect of the Tendency is **arguing from ethics to politics**. I will start from quite a bold example, as the starkness of the Tendency’s presentation here will help illustrate my point: in the preface to *In Defense of Anarchism*, R.P. Wolff states ‘ [t]o put it bluntly, I have simply taken for granted an entire ethical theory’ (Wolff, 1970, p. xxviii).<sup>8</sup> Wolff’s argument has a straight-forward structure. He begins from a Kantian ethical position and argues that the conception of autonomy implicit in it is incompatible with political authority, as traditionally conceived. He therefore rejects this conception of political authority as unacceptable (Wolff, 1970, pp. 17-19). Wolff then assesses certain putative solutions to this conflict offered by various forms of democratic theory, rejecting them all (Wolff, 1970, pp. 21-67) before eventually offering up some ‘brief, quite utopian suggestions’ (Wolff, 1970, p. xviii). Note that Wolff begins from a particular ethical stance and uses this as the motor of his critique. He divines the ethical truth and then, having completed that task independently of any political consideration, proceeds to use this ethical truth to critique particular political arrangements, rejecting any that are incompatible with his ethical view. He then surveys the debris and notes that the position he describes as ‘philosophical anarchist’ is the only one left standing, meaning that it is the only acceptable option, although he does not offer a systematic positive proposal. The political follows from the ethical, rather than the other way around or standing in a symbiotic relationship wherein the historical fact of their

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torture, and mass murder?’ (Geuss, 2005, p. 31). Had the salient feature of twentieth century political life been the lack of a coherent conception of liberty, equality and distributive justice then we might well agree that Rawls’s response was entirely satisfactory. However, the events to which Geuss refers were and remain prominent and widespread despite the existence of longstanding traditions of political theory that preclude them in the name of the political ideals that Rawls’s work serves. It is thus difficult to understand why the appropriate response is to theorise those ideals further, rather than investigate why they have had so little effect on events.

<sup>8</sup> R. P. Wolff is, of course, not strictly speaking part of the Rawlsian tradition, although he was one of the first philosophers to offer an extended critique of *A Theory of Justice* (Wolff, 1977). I discuss his work here because he is particularly explicit about the relationship between his ethical beliefs and his political philosophy and thus his work allows for a clearer initial presentation of the working of the Tendency than works in which this connection is more obscure.

simultaneous and reciprocal development is somehow represented argumentatively.<sup>9</sup> His work is an example of how the Tendency can be used destructively, first assuming a particular ethical position and then rejecting any political arrangement incompatible with it. This act of exclusion indulges in the Tendency just as much as political philosophy that uses ethical premises as an edifice upon which to construct a positive political view.

The second aspect of the Tendency is **the assumption of the ethical's superior argumentative weight**. While few philosophers have been quite so blasé as William Watson in endorsing the idea of *fiat justitia et ruant coeli*,<sup>10</sup> the ethical is often taken to require more argumentative force to be unseated than other considerations. For some theories it cannot be unseated at all, for example theories that posit the inviolability of certain ethical concerns. Take, for example, Nozick's understanding of rights as 'side constraints', where you are not allowed 'to violate these moral constraints in the pursuit of your goals' (Nozick, 1974, pp. 28-33). Nozick states that '[s]ide constraints upon action reflect the underlying Kantian principle that individuals are ends and not merely means; they may not be sacrificed or used for the achieving of other ends without their consent. Individuals are inviolable' (Nozick, 1974, pp. 30-31). This inviolability means that ethical concerns regarding rights always trump any other type of concern.

Wolff displays this aspect as well: when autonomy is found to conflict with authority, the thought of abandoning autonomy, the 'primary obligation of man' (Wolff, 1970, p. 18), is not seriously considered. Wolff explicitly follows Kant in thinking it follows from people's responsibility for their actions that 'men are metaphysically free, which is to say that in some sense they are capable of choosing how they shall act.' This, in combination with the fact that 'man has the capacity to reason about his choices' means that people 'stand under a continuing obligation to take responsibility for [these choices].' (Wolff, 1970, p. 12). From this, Wolff argues that a morally responsible person is autonomous in that 'we may say that he gives laws to himself, or is self-legislating' and 'not subject to the will of another' (Wolff, 1970, p. 14). This Kant-inspired conception of moral personhood is the basis for his argument that autonomy and political authority conflict and his resolution of this conflict in favour of autonomy is swift and decisive.

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<sup>9</sup> Raymond Geuss is of the opinion that politics before ethics is the more common order of development historically, stating that '[e]thics is usually dead politics: the hand of a victor in some past conflict reaching out to try to extend its grip to the present and the future.' (Geuss, 2010, p. 42) I tend towards the symbiotic view — this thesis is, in part, a push towards introducing this symbiosis to our understanding of political philosophy.

<sup>10</sup>'Let the skies fall, so long as justice be done' (Watson, 1974).

Rawls makes a similar move in his dismissal of utilitarianism (Rawls, 1971, §5 & §6). He critiques it for failing to ‘take seriously the distinction between persons’, suggesting not only that it is common sense that the basic rights and liberties of individuals should not be traded for net gains in utility across society as a whole but also justifying his claim by arguing that it is a consequence of principles of justice that would be selected in the original position (Rawls, 1971, p. 28). This conception of the appropriate choice situation for determining principles of justice for a society is a deeply moralised one predicated on a certain understanding of the importance of viewing people as free and equal (see §1.2.4). It is not clear why it should be the appropriate starting point for a rejection of utilitarianism. Under a utilitarian way of viewing the issue wherein all considerations are mapped on the single axis of utility, a net gain resulting from efficiency gains from the infringement of some persons’ liberties would be acceptable. Such trade-offs are, however, precluded from Rawls’s view because of the prior assumption of human beings’ status as ‘free and equal’, a starting point certain Utilitarians would reject. He sets up the argument as if it were a straight-forward refutation of utilitarianism when, in reality, utilitarianism is inconsistent with the assumptions from which he begins.

It is no accident that Wolff, Nozick and Rawls all make reference to Kant’s ethics, nor that his influence has the consequence of elevating the ethical above all other consideration. In starting from the thought that ‘[e]veryone must grant that a law, if it is to hold morally, that is, as a ground of an obligation, must carry with it absolute necessity’ (Kant, 1997a, 4:389) Kant established a basis for the idea that the moral law is a trump card and gave it force by suggesting that this is a conceptual truism that all must recognise (see §1.2.3). Philosophy influenced by this view allows the ethical to circumscribe the range of acceptable political solutions, that is the outcomes of ethical philosophy dictate to us the range of acceptable political thought. This is well brought out in Nozick’s claim that that

‘[m]oral philosophy sets the background for, and the boundaries of, political philosophy. What persons may and may not do to one another limits what they may do through the apparatus of the state, or do to establish such an apparatus. The moral prohibitions it is permissible to enforce are the source of whatever legitimacy the state’s fundamental coercive power has’ (Nozick, 1974, p. 6).

Our moral views restrict what political philosophy can justify and therefore the set of acceptable philosophically outcomes. Although the second aspect does not necessitate the first – you could design a political system without moral considerations and then attempt to adjust it to fit morality – it does lend itself it. If you have to abide by certain constraints, you might as well pay heed to them from the start to save yourself from expending pointless

effort, just as sensible people follow building codes from the outset of construction rather than attempting to bring buildings up to code afterward.

The third aspect is **the univocality of the ethical**, the belief that the ethical views that a philosopher begins from are uniquely correct. Whether they believe in some form of Kantianism like Wolff and Nozick, utilitarianism like Peter Singer or a belief in the unity of all values, like Ronald Dworkin,<sup>11</sup> philosophers who indulge in the Tendency share the belief that their preferred ethical position is the correct one. Even views that embrace ethical pluralism, like the later Rawls, have a particular view about the nature of this pluralism that itself represents an ethical position taken to be correct while monism and other versions of pluralism are incorrect (see Chapter Four). Views differ on how expansive or limited the set of ethical facts may be. Advocates of anti-perfectionist liberalism, for example, take the paucity of their set to be a major advantage as this leaves serious ethical issues to the individual, not the philosopher.<sup>12</sup> But those who indulge in the Tendency take there to be ethical truths that are (intellectually, rather than historically) pre-political, and that uniquely determine the correct response to ethical questions. It is this aspect of the Tendency, in combination with the second, that explains why philosophers should begin with ethics and then move on to politics (aspect one). If there is a single, univocal ethical position that represents the moral facts (aspect three) and considerations born of this position are the most weighty considerations in political questions (aspect two), then it makes sense to establish these facts first to see what political views they will or will not permit (aspect one).

Having discussed arguing from ethics to politics (aspect one), the assumption of the ethical's superior argumentative weight (aspect two) and the univocality of the ethical (aspect three), we come to the fourth and final aspect of the Tendency, **discourse-relative certainty**. Philosophers who indulge in the Tendency take it that while ethical philosophy forms the basis of political philosophy, when we are engaged in political philosophy we can take our ethical beliefs to lie securely outside our inquiry, having previously established their veracity. That is why their certainty is 'discourse-relative' – it is only within the context of political philosophy, not absolutely, that they are entitled to feel certain of their convictions. The claim is not that these philosophers do not take their position to be open to question. Rather, the claim is that *when engaged in political philosophy* these philosophers take themselves to have done the work to secure the ethical foundations of their arguments and, as a result, treat these beliefs as outside of the scope of political consideration. This, of

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<sup>11</sup> See (Wolff, 1970), (Nozick, 1974), (Singer, 1979) and (Dworkin, 2011).

<sup>12</sup> See, for example, (Rawls, 2005), (Ackerman, 1980, 1994), (Barry, 1995b), (Larmore, 1996, 1999), (Quong, 2011), and (Nussbaum, 2011).

course, does not mean that they think these beliefs infallible – discourse-relative certainty means only that they do not question these beliefs *when engaged in non-ethical (that is political) discourse*. Because they are philosophers, they are eager to engage with criticisms of their ethical position but in doing so switch back into the ethical domain, looking at such matters independently of politics before affirming some position confirmed purely by ethical considerations. This position can subsequently be imported into the political domain, where it can again be treated as certain. Such a tactic makes good sense in the context of aspects one and two of the Tendency – if we are to treat ethical philosophy as the foundation of political philosophy and build up from that, assuming always that the ethical takes argumentative precedence, a malformed ethical view will likely result in a malformed political one. It thus makes sense to go back and repair the foundations or the entire edifice will be unstable. And if this metaphor is an appropriate one to describe what is going on in political philosophy that indulges in the Tendency, its extension shows why discourse-relative certainty is an essential feature of it – only cowboys build on foundations that they doubt are stable.

I take it that what justifies the Tendency is the belief that the moral premises in question can qualify as knowledge, or something that operates very much like it in argument. Given the facticity of knowledge, moral knowledge, if available, acts as a fine foundation for political inquiry. Not that thinkers who indulge in the Tendency are closed to the possibility that their moral premises might be disputed – philosophers are always open to good argumentation. Rather they take it that until such a serious disputation occurs moral beliefs that are properly justified are knowledge, or close enough to it that they can offer the same firm ground. Even if no knowledge claim is made, a philosopher's ethical beliefs are treated with discourse-relative certainty, which, in the context of a political argument, plays the same functional role.

Philosophers do not often discuss the status of the moral beliefs that underpin their political philosophy. This means that it is hard to offer examples of philosophers speaking directly about their employment of the Tendency and to analyse the justification they offer for it. However, we can abduce some indirect evidence for believing that they are certain about these moral beliefs. If these moral premises were offered as mere hypotheses, we would expect to see much more political philosophy phrased conditionally, in the form of 'if it is true that P is wrong, then Q' and this conditionality would be stressed. While this is sometimes used as a rhetorical device, it is almost never used as a structuring principle. Philosophers use such conditionals to illustrate the lemmas of dilemmas but rarely if ever to say that their entire philosophical approach is conditional on the truth of core moral

premises. Even when they do — and one might think that this is a sympathetic reading of the R.P. Wolff quotation above — they pay the conditionality of their theory only lip service. Such statements act as an acknowledgement of the possibility of being wrong, a sign of intellectual humility, rather than an attempt to incorporate this possibility into their theoretical approach. They are disclaimers, not serious considerations of the uncertainty of those premises. That they admit the limitations of their ethical convictions shows that they recognise that they are not entitled to absolute certainty while preserving the possibility of discourse-relative certainty. Regardless of how philosophers might think about such ethical claims when pressed to give some justification of them and of their relationship to political philosophy, their foundational moral beliefs are often treated as if they were certainties relative to the purpose at hand.

With this initial characterisation we can now take on the ways in which the Tendency manifests in the Rawlsian lineage.

## 1.2 The Tendency and the Rawlsian Line

Given Rawls' centrality to modern political philosophy, I take it that a discussion of the presence of the Tendency in Rawls's work, and those works that he counts as influences, will give the reader enough of a grip on what I am concerned about to see its presence in the writings of those who have followed in Rawls's footsteps. Rawls had a wide range of influences and even a complete discussion of the figures he discussed in his lectures on moral and political philosophy (Rawls, 2000, 2007) would be more than I have space for here, so I will discuss only the three authors he cites as influences on the development of justice as fairness in *A Theory of Justice*: Locke, Rousseau and Kant (Rawls, 1971, p. 11).

### 1.2.1 Locke

Locke's political philosophy builds a complex political system from a simple moral premise — the 'Law of Nature'. The Law of Nature is given by God, who has ultimate authority by virtue of the right of creation (Locke, 1988, II, §6). It is accessible by Reason, which is the voice of God speaking within us (Locke, 1988, I, §86). This Law is both universal and timeless — 'an Eternal Rule to all Men' (Locke, 1988, II, §135). Locke is never fully explicit about the details of this Law, but often uses its 'teachings' as the premises in arguments, for example his argument that since all persons are the property of God by virtue of the right of creation, existing for his pleasure rather than our own and made equal, we cannot subordinate and destroy other humans as we might animals, over which we have dominion.

Just as our status as God's property prevents us from killing ourselves, so too does it say that we may not 'take away, or impair the life, or what tends to the Preservation of this Life, the Liberty, Health, Limb or Goods of another' (Locke, 1988, II, §6). Every aspect of Locke's political theory, from his views on contracting out of the State of Nature (Locke, 1988, II, §87) to his views on property (Locke, 1988, II, §31-2.), slavery (Locke, 1988, II, §23), punishment (Locke, 1988, II, §8) and so on, derives from his theological morality.

Locke begins his discussion of the nature of political power, by which he means the 'power of a Magistrate over a Subject...a *Right* of making Laws with Penalties of Death, and consequently all less Penalties' (Locke, 1988, II, §2-3), by arguing that humans are in a '*State of perfect Freedom*' in the State of Nature, free to act as they wish 'within the bounds of the Law of Nature' (Locke, 1988, II §4), which is knowable to those 'who will but consult it' (Locke, 1988, II, §6). Thus even prior to the existence of civil society we are bound by the moral law – the State of Nature is a '*State of Liberty*, yet it is *not a State of License*...*The State of Nature* has a law of nature to govern it, which obliges everyone' (Locke, 1988, II §6). Not only must we obey the Law of Nature when in the state of nature but our emergence from the state of nature into civil society, and the society we emerge into, must conform to this law. Beginning from a highly particular ethical position – his own somewhat idiosyncratic understanding of Calvinism<sup>13</sup> – he immediately circumscribes the pre-political by the moral, meaning that the political is similarly proscribed (aspects one & two).

Locke then proceeds to show how we, 'all equal and independent' (Locke, 1988, II, §6), might contract together to avoid certain inconveniences of the State of Nature connected to enforcement of the Law of Nature. Every move in the argument is consistent with God's word (Locke, 1988, II, §95-122). Locke is very explicit that the Law of Nature determines the limits of each individual's rightful power (Locke, 1988, II, §40) and that the Legislative, 'the Supreme power in every Common-wealth', can have no more power than the aggregate of the power given over by those to compact to create it, meaning that its power is similarly bound by the Law of Nature (Locke, 1988, §23, §135). He also suggests that 'the *Municipal Laws* of Countries' 'are only so far right, as they are founded on the Law of Nature' (Locke, 1988, II, §12). This is the univocal morality upon which Locke's political theory is erected (aspect three).

The claim that the Law of Nature is univocal seems initially to be undermined by Locke's view that we may disagree with each other as to its proper application in particular cases,

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<sup>13</sup> See (Dunn, 1969, esp. ch. 8) and (Marshall, 1994).

despite the fact that the Law of Nature is ‘as intelligible and plain to a rational Creature, and a Studier of that Law, as the positive Laws of Common-wealths, nay possibly plainer’ (Locke, 1988, II, §12). However, this is soon cleared up when we realise that the problem here is not that the Law of Nature is not univocal. The Law itself is univocal, for it is the word of God, but due to our various deficits we develop a variety of interpretations of it. Because of human weaknesses that include the tendency to judge in our own favour, to get carried away in enacting justice and to be our ignorant ‘for want of study’, we tend to differ in our reading of it in particular cases (Locke, 1988, II, §124-6). This is why we alienate our interpretive and enforcement powers to create a political society – to have an impartial arbitrator of the demands of the Law of Nature that solves disputes in a publicly recognisable way (Locke, 1988, II, §13, §87, §123-7, §135-7). On the face of it, this might seem to be giving more argumentative weight to a political concern (the necessity of someone having the authority to judge disputes) over a moral one (concern for the correct interpretation of the Law of Nature) and therefore to clash with aspect two. However, the nature of this political solution is already proscribed by the range of interpretations of the Law of Nature available. Many things contradict the Law of Nature, none of which can form part of the political solution. Locke’s views on morality still determine the appropriate political solution, even if there is some degree of inescapable variation in our understanding of the moral law as it applies to particular cases.

It is also perfectly clear that Locke holds his belief in the Law of Nature with complete certainty, both from the general tenor of his remarks about God and Reason and from explicit statements such as ‘it is certain there is such a Law’ (Locke, 1988, II, §12) (aspect four). What is more, his remarks on the perfidy of atheists in *A Letter Concerning Toleration* betray an unassailable confidence in the moral foundations of his political view. There he states that “[t]hose are not at all to be tolerated who deny the Being of a God. Promises, Covenants, and Oaths, which are the Bonds of Humane Society, can have no hold upon an Atheist.’ (Locke, 2013, p. 81) Given the centrality of contract to his view, an inability to be bound by such a contract precludes one from entering into society. Although he never makes this association explicitly, atheists are, for Locke, akin to children, lunatics and idiots. Of these last three categories he says, ‘if...any one comes not to such a degree of Reason, wherein he might be supposed capable of knowing the Law, and so living within the Rules of it, he is *never capable of being a Free Man*’ (Locke, 1988, II, 60). It might be the case that the atheist, unlike these others, *chooses* to ignore Reason but either way, the atheist presumably lacks the understanding of the Law and so has not ‘*attained* to a state of Freedom’ that ‘gives ‘him a free disposing of his Property according to his own Will, within the compass of that Law’ (Locke, 1988, II, §59). Such comments are not the remarks of a



man of uncertain faith and his exclusion of those without faith evidences the univocality of Locke's moral universe. Even if our own epistemic limitations allow for variations in our answers to questions of doctrine, manifesting in differences in what Locke calls 'speculative opinions' and 'articles of faith' (Locke, 2013, p. 75), the range of acceptable views is still defined with reference to the Law of Nature, which is univocal even if we disagree on the finer details of what it says. For to live without Reason to guide us would be to live 'amongst Brutes...[in] a state as wretched, and as much beneath that of a Man, as theirs'. Here Locke's limited tolerance – extending only to religious views commensurable with the Law of Nature (Locke, 2013, p. 79) – interestingly foreshadows Rawls's pluralism, which permits of a range of 'comprehensive conceptions' so long as they are 'reasonable'<sup>14</sup>.

### 1.2.2 Rousseau

Rousseau's approach to political philosophy was, in a sense, more philosophical and less political than Locke's. Locke was concerned to draw together strands of post-Cromwellian political discourse to form an endorsement of constitutional monarchy where ultimate sovereign power rested with the people (or, rather, people like his patron Anthony Ashley Cooper, 1<sup>st</sup> Earl of Shaftesbury), thus justifying the deposition of King James II. Rousseau's interest in the subject had less immediate aims. Rather, the great 'watchmaker's son' was deeply motivated by his own experiences living among both the high and the low of European society. His experiences caused him to develop a profound moral distaste for the inequality upon which his society was built (Shklar, 1978). This inspired his approach to political philosophy, which is interested not only in the moral order and its proper political application but also in using moral psychology to explain how we find ourselves in such a

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<sup>14</sup> Rawls himself discusses the relationship between the structure of Locke's theory and of justice as fairness, saying, that 'Locke's conception of natural law provides us with an example of an independent order of moral and political values by reference to which our political judgments of justice and the common good are to be assessed. Correct or sound judgments are true of, or accurate with respect to, this order, the content of which is in large part specified by the fundamental law of nature as God's law. Thus Locke's view contains a conception of justification distinct from the conception of public justification in justice as fairness as a form of political liberalism. However, justice as fairness neither asserts nor denies the idea of such an independent order, or justification as showing moral and political judgments to be true by reference to this order.' (Rawls, 2007, p. 112) Rawls thus attempts to distance himself from Locke by suggesting that the justification of political and moral judgment in Locke is found in the natural law, while political liberalism has no such independent doctrine and relies rather on the claim that a given political or moral judgment is publicly justifiable to all reasonable persons. However, this is somewhat unconvincing given that the putative importance of public justification is itself in need of argumentative support. While on Rawls's view justification is a function of people finding something justifiable (and even this is not really accurate, given that he uses the morally-loaded concept of 'reasonableness' to limit the number of people who matter in such affairs (see §1.2.4 and Chapter Four), that this should count as justification in a political context derives from certain moral beliefs about persons as free and equal. Structurally, both theories' notions of justified political judgment bottom out in an independent moral belief of the author; Rawls's version merely requires an extra step.

ruinous state of inequality. Using philosophical argument in the form of a hypothetical contract theory, he seeks to show how we might extricate ourselves from this state.

That Rousseau's moral convictions motivated him to write about political philosophy is not enough to secure the charge that he indulges in the Tendency. In fact, it is completely orthogonal to the concerns of this thesis. I imagine that every political philosopher is motivated at some level by their moral views. That your moral inclinations inspire you to write political philosophy does not mean that you use these inclinations as part of your argument.<sup>15</sup> We are only interested in Rousseau's use of moral premises in the formal content of his political arguments, not his general moral temperament.

To understand Rousseau's political vision, it is important to understand the current political state of humankind and why it is problematic, as spelled out in the *Discourse on the Origin and Foundations of Inequality Among Men* or *The Second Discourse*. Rousseau starts by offering a speculative history of the origins of society designed 'to indicate...the moment at which right replaced violence and nature was subjected to law'' (Rousseau, 1988, p. 9). However, whereas humans in the State of Nature – for both Hobbes and Locke – were more or less fully formed in their cognitive capacities and tendencies, the inhabitants of Rousseau's original State of Nature are pre-rational and live by instinct alone (Rousseau, 1988, p. 26). Natural man lives

...wandering in the forests, without industry, without speech, without shelter, without war, and without ties, with no need of his fellow men, nor any desire to harm them, perhaps without even recognizing anyone individually, savage man, self-sufficient and subject to few passions, had only the sentiments and knowledge appropriate to that state. (Rousseau, 1988, pp. 31-2).

The Second Discourse tells us the story of how we move from this state to a state wherein we come to be dependent on others to satisfy our needs, arguing that many of humanity's worst qualities are the result of this transition and are therefore artificial (*pace* Hobbes). It is from this mutual dependence that the 'bonds of servitude are formed' (Rousseau, 1988, p. 33). Differences in the ability to satisfy needs emerge, leading to the dependence of the weak on the strong, and the establishment of the state, which serves the interests of the strong by legitimising their dominance and the interests of the weak by ensuring their protection. It is against this pessimistic description of the emergence of society – hypothetical although

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<sup>15</sup> See the discussion of Marx's views on justice in §1.3.3

deeply revelatory of how inequality structures actual society and lies at the core of its deficiencies – that Rousseau constructs his alternative, described in *On Social Contract*.

It is in this positive proposal, or rather in the foundations upon which it is built, that we must look for evidence of the Tendency. *The Discourse on Political Economy*, which links the Second Discourse to *On Social Contract*, sets out a number of constraints on what a legitimate state would look like. Here Rousseau offers us the highly moralised conception of humanity upon which his entire positive political philosophy is predicated – the idea of humans as naturally free and equal. It is as a result of this natural equality, Rousseau says, that ‘political authority...can be founded only upon agreements, and the magistrate can command others only by virtue of the laws’ (Rousseau, 1988, p. 59). It is also here that we encounter the first mention of The General Will, the ‘first principle of public *economy* and the fundamental rule of government’ (Rousseau, 1988, p. 63). The General Will, the will of the body politic, is associated with sovereignty, the supreme authority derived from the people and manifest in the legislative act. It licenses and sets limits to government, which has only an executive function (Rousseau, 1988, p. 61). That this view of The General Will is manifestly moral is made clear by Rousseau’s proclamation that ‘the most general will is also always the most just...the voice of the people is indeed the voice of God’ (Rousseau, 1988, p. 62).<sup>16</sup> Rousseau sets out three maxims which popular government, ‘a government whose aim is the good of the people’ (Rousseau, 1988, p. 63), must abide by to be legitimate. These are:

- I. The government must follow The General Will, distinguishing it accurately from any particular will including its own. In essence, this is the requirement that ‘the administration should conform to the law’, since the law, when well conceived, is the edict of The General Will (Rousseau, 1988, pp. 63-67).
- II. The government must ‘[m]ake certain that all particular wills are in accord with [The General Will]’, that is to teach citizens how to have civic virtue (Rousseau, 1988, pp. 67-75).
- III. The government must not only protect citizens but also provide for their sustenance (‘the public needs’) (Rousseau, 1988, p. 75).

We can now start to see a structure emerging. Beginning from a conception of humans as naturally free and equal, Rousseau argues that only a certain legislative structure is suited to

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<sup>16</sup> This commitment to the idea that justice is, by its very nature, impartial is one of the core commitments of Rawlsian political and moral philosophy and is one of the main moral convictions that structure contemporary political philosophy in the Rawlsian mould. Its most well-known advocate is perhaps Thomas Nagel (Nagel, 1986).

that conception of humanity, that which is accordance with The General Will. Given this legislative structure, only certain executive structures are appropriate – those which conform to the three maxims laid out above. Thus, Rousseau’s conception of humanity determines the need for The General Will, the core of his political philosophy. If it can be shown that this conception is inherently moral, we will have evidence of the Tendency. Here we must turn to Rousseau’s most often read and most highly regarded political tract, *On Social Contract*.

Having offered criteria that a legitimate government must meet given that humans are free and equal in the Third Discourse, Rousseau takes up the question of what constitutional arrangements would have to be in place for a state to be worthy of obedience. His starting point is the intense conflict described in the speculative history of the Second Discourse wherein ‘the obstacles to [man’s] preservation in the state of nature have a resistance greater than the forces each individual can use to maintain himself in that state’ (Rousseau, 1988, p. 92). That creates a problem – since man in the state of nature is free and equal he may not subordinate himself to another, that is to renounce his liberty, without ‘renounc[ing] his humanity, the rights of humanity and even its duties’ (Rousseau, 1988, p. 89). Hence, the aim of *On Social Contract* is

To find a form of association that defends and protects the person and possessions of each associate with all the common strength, and by means of which each person, joining forces with all, nevertheless obeys only himself and remains as free as before.’ (Rousseau, 1988, p. 92).

The way this can be done, according to Rousseau, is for every associate to alienate all of his rights to the community as a whole on the condition that all others do the same (hence preserving their status as equals) and collectively decide on the constitutional arrangements of their future society – ‘[e]ach of us puts his person and all his power in common under the supreme control of the general will, and, as a body, we receive each member as an indivisible part of the whole’ (Rousseau, 1988, p. 93). Thus no individual is subordinate to another and none commands the obedience of another; rather they collectively give laws to themselves as equals, which preserves their natural freedom and equality. In so contracting the ‘union is as perfect as it can be’, and no rights are left to private individuals for fear of conflict between the private judgments of individuals and the judgment of the collective, which would lead to the perpetuation of the state of nature and the association becoming ‘tyrannical or ineffectual’ (Rousseau, 1988, p. 93). Thus, the association created by individuals forming together as The General Will and collectively giving laws to themselves is totalitarian in a formal sense – it recognises no sphere of life outside of its own authority. The absolute authority of the sovereign, that is the ‘collective and artificial body’ (ibid.) that is produced by this act of association and whose will is The General Will, extends even to

the right to revise and reject laws that it has given to itself, including its own basic constitutional arrangements (Rousseau, 1988, p. 94). The only limit to its power is the nature of the act of association itself, which Rousseau says

...so [determines the clauses of the contract]...that the slightest modification would render [those clauses] null and void, so that, although they have never perhaps been formally enunciated, they are everywhere the same, everywhere tacitly admitted and recognized, until the social pact is violated, and each person regains his original rights and recovers his natural liberty, losing the civil liberty for which he renounced it. (Rousseau, 1988, p. 92).

Thus, beginning from the claim that humans are naturally free and equal and determining any act of subordination to another to be anathema to this, Rousseau proposes a way of maintaining this freedom while entering into civil society: by unanimous consent to the complete alienation of one's rights to the collective, of which one is a member on equal standing to all others.

Since the entirety of Rousseau's political philosophy emanates from this notion of humans as free and equal, we ought to look more closely at what he means by this. The sense in which humans in the state of nature are free and equal is fairly straight-forward. Humans in the state of nature have what Rousseau refers to as 'natural liberty' – 'an unlimited right to everything that tempts him and to everything he can take' (Rousseau, 1988, pp. 95-6). While Rousseau offers no explicit discussion of the sense in which humans are naturally equal in *On Social Contract*, the Second Discourse begins with a distinction between natural inequality, which relates to 'differences in age, health, physical strength, and qualities of mind or soul' and 'moral or political inequality', which consists of different privileges that some enjoy to the detriment of others, such as being more wealthy, more honoured, more powerful than they, or even making themselves obeyed by them' (Rousseau, 1988, pp. 8-9). Rousseau claims that 'no individual has natural authority over his fellow man' (Rousseau, 1988, p. 88), which would have the consequence that humans in the initial stages of the state of nature have moral/political equality, even if there exists some very limited degree of natural inequality.<sup>17</sup> Rousseau does not offer much argument as to why we should think this is so – he claims that 'the first law [of man's nature] is to see to his own preservation' and that once he has reached the age of maturity he becomes 'the sole judge of the proper means of preserving himself, he thereby becomes his own master'. We might take issue with this

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<sup>17</sup> As discussed in the Second Discourse, as the history of the state of nature proceeds, people come to dominate one another and destroy any such moral/political equality that might have existed, resulting in the situation of profound inequality to which the social contract is the remedy. Hence Rousseau's remark that 'the fundamental pact...substitutes a moral and legitimate equality for whatever physical equality nature had been able to impose among men, and, although they may be unequal in strength or in genius, they all become equal through agreements and law' (Rousseau, 1988, p. 98).

argument in a number of ways,<sup>18</sup> but they would be orthogonal to our main concern. The senses, therefore, in which Rousseau thinks that humans in the state of nature are free and equal are fairly limited, more material than moral.<sup>19</sup>

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<sup>18</sup> Why, we might ask, should we think that the biological drive to self-preservation is in any way *morally* compelling? *Pace* the Cornell Realists, this is not obvious. It seems to mistake a biological fact for a moral one. Rousseau makes considerable use of this idea and builds it up to support the notion that ‘the most important of [the state’s] concerns is its own preservation’ (Rousseau, 1988, p. 101), a radical conclusion indeed. Rousseau’s argument also seems to imply that a person’s natural freedom is conditional on them being the best judge of what would result in their preservation – leading to the obvious consequence that if one is not the best judge, one ought not be free. This resembles Aristotle’s argument for natural slavery (Aristotle, 1998, Bk. 1, Ch. 6), which Rousseau rejects as having mistaken the order of causation — if humans lack this capacity to judge, it is because they have been subjugated, rather than them being subjugated because they lack the capacity to judge. While Rousseau may be generally right, it seems radically implausible to think that every human lacking this capacity does so because they have been made a slave. If Rousseau gets away with this sleight of hand and is allowed to claim that all humans are naturally free, it is only because his state of nature is a speculative history designed for illustrative purposes and therefore bends to his argumentative will.

<sup>19</sup> That said, we should be extremely cautious of claims about human nature and attempts to build political philosophy on them. All too often these claims are merely moral claims in disguise. Drawing the line between ‘natural facts’ about humankind and contingent social realities is very difficult, if intellectually coherent at all. Horkheimer gives us good reason to think it is not, including the necessary historical situatedness of scientific knowledge, the formalism implicit in its methods and the distorting influence of science’s position in the division of labour in capitalist systems (see (Horkheimer, 1975a)), although earlier in his writings he did promote the idea that ‘man’s striving for happiness is to be recognized as a natural fact requiring no justification’ (Horkheimer, 1975b, p. 44). Feminist Theory, Queer Theory, and Critical Theory of Race have also contributed significantly to the study of the relationship between our social arrangements and those things we consider natural facts (see, for example, (Harding, 1980), (Hubbard, 1988), (Longino, 1990), (Butler, 1990), (Anderson, 1995), (Hannaford, 1996), (Mills, 1997), (Fausto-Sterling, 2000), and (Zack, 2002)). The immodesty of our intellectual forbearers should remind us to be extremely cautious when making assumptions about ‘human nature’. We ought not to forget that Aristotle thought that there were ‘natural slaves’ (*Politics*, Bk. 1), Kant constructed a scientific account of the natural superiority of the white race (Kant, 1997b) and Hegel thought that ‘[w]hen women are in charge of government, the state is in danger, for their actions are based not on the demands of universality but on contingent inclination and opinion’ (Hegel, 2003, §166). Although regarded as natural facts by those authors, we now view these opinions as lacking any grounding in fact and merely illustrating the prejudices of their time. The point is not to shame dead white men but rather to point out that claims about human nature have often turned out to be vehicles of prejudiced, unphilosophical moral presumptions. It is notable that we do not just deny their veracity when debunking them, as we would other putatively scientific claims, but offer sociological explanations for why these thinkers held these things to be natural, making reference to their historical intellectual contexts and moral beliefs. They were not simply — or even primarily — ‘wrong’ in a scientific sense. Historically, such claims about ‘human nature’ have been ethically loaded in a way that claims about the nature of atoms have, arguably, not been (although again Horkheimer and his fellow travellers might contest this). They are, as Nietzsche would have it, ‘interpretation, not text’ (Nietzsche, 1917, §22). To ignore this and assume that we no longer code our prejudices as science seems hubristic. Even the questions that form the basis of much academic political inquiry — for example, disputes over the primacy of individuals or that of groups in the analysis of society — have often been thought to be riddled with problematic assumptions. Take, for example, the contrast between Marx’s influential critique of methodological individualism, its accusation aptly summed up by his description of the type of individual that Smith and Ricardo start with as features of ‘the aesthetic fiction of the small and great adventure stories.’ (Marx, 1971, p. 17), and two of the founders of public choice theory, James Tullock and Gordon Buchanan, who reject any ‘organic interpretation of collective activity’ in the social sciences as relying on a ‘mystical’ conception of the general will (Buchanan & Tullock, 1967, p. 12). Some natural facts used to ground theory might be relatively free of moral claims — for example the claim that human beings must drink water to live — but these are rarely the type of ‘fact’ that forms the basis of political theory.

Morality creeps in when Rousseau moves from the brute fact of people as free and equal – in that they are able to do what is within their power and are not, by nature, subordinate to others – to the claim that this is morally significant. Even if humans are naturally as Rousseau describes in the state of nature, that alone offers no reason to think that this is morally laudable. Rousseau elides the concepts of the natural and the moral, ascribing moral significance to his claim that human beings would be a certain way had they not been affected by the development of society. The architecture of his political philosophy itself is deeply revelatory of its moral basis. Recall that the state of nature he constructs is not a historical one but rather a ‘just so story’ – it is designed to highlight those features of the world that he takes to be morally unacceptable and illustrate what humankind would be like in their absence. *On Social Contract* is a vision of what social arrangements would look like were humans, now corrupted, to regain paradise. In pairing together these contrasting visions – of man’s current corrupt state and of the state that would return him to his nature – Rousseau endorses a moralised vision of how man ought to be. His political philosophy emerges directly from this, offering a view of politics that is firmly limited by it. As Jean Starobinski observes, ‘[h]e proposes this ideal as a universal model, as a norm. In *On Social Contract*, there is an implicit negative aspect: “I reject everything which is not included in this ideal city”’ (Starobinski, 1988, p. 227).

Further evidence that this moral picture of humankind lurks in the background of Rousseau’s work is provided by the argumentative inadequacy of Rousseau’s transition between free and equal persons in the state of nature and free and equal persons in civil society. The sense in which humans are free in the state of nature refers to their ability to do whatever is in their power, which Hobbes called the ‘right of nature’ (Hobbes, 1996, Ch. XIV), while their equality refers either to their rough equality in strength, intelligence and so on (natural equality) or to the claim that, in the initial stages of the state of nature, no one has authority or social advantage over anyone else (moral/political equality). However, the sense in which people are free and equal in civil society is notably different. They are free in that they are subject only to laws that they have given themselves and therefore only limited by The General Will, which they form a part (civil liberty). Not only are these types of freedom not formally equivalent, Rousseau is quite explicit about his belief that the second is more valuable, pointing out that ‘another benefit which can be counted among the attainments of

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What is more, these facts often allow for radically different interpretations of their moral significance. In light of all this, it seems prudent not to assume that ‘natural facts’ about humankind are free from ethics. If indeed they turn out to be morally loaded, the theory that is based on them has indulged in the Tendency.

the civil state is moral liberty, which alone makes man truly his own master, for impulsion by appetite alone is slavery, and obedience to the law that one has prescribed for oneself is liberty' (Rousseau, 1988, p. 96).<sup>20</sup> Far from preserving the material freedom of the state of nature, Rousseau's political philosophy covertly swaps it for a different, moral notion for which he offers little argument. His treatment of the notion of equality is not much better. If we are to read the equality of the state of nature as the equality of capacity that Rousseau shares with Hobbes (Hobbes, 1996, Ch. 8) then this is clearly different from the equality of individuals as participants in The General Will and there is no argument from the former, as a brute fact about human animals, to the latter, as a normative, structuring principle of politics. If we are to understand equality in the state of nature as a condition in which no person is naturally subordinate to another, then this alone is insufficient to ground the moral claim that no person ought to be subordinate to another, which is necessary to maintain the suggestion that Rousseauian contractualism is the only acceptable solution to the problem of how we are to derive a legitimate social order.

We can now finally see how Rousseau embodies the Tendency. Rousseau argues from the ethical to the political (aspect one) in presenting a highly moralised vision of human nature and the way in which it has been corrupted by inequality. *On Social Contract* begins with an idea of how humans ought to be – free and equal – that masquerades as a brute fact of their nature but is in essence a moral view unsupported by argument. This conception forms the basis of his entire subsequent discussion. It also defines its limits, meaning that the ethical has superior argumentative weight over other considerations. Rousseau is unequivocal in claiming that 'the greatest good of all, which should be the end of every system of legislation...comes down to these two principal objectives, *liberty* and *equality*.' (Rousseau, 1988, p. 115, italics in original) and that only those systems that aim at these objectives, as interpreted through The General Will, are acceptable.<sup>21</sup> With regard to univocality, he takes the moral law of the universe to be univocal as '[a]ll justice comes from God'. But that is strictly speaking irrelevant to the matter at hand because 'if we knew how to receive [justice] from so high a source, we should need neither government nor laws' (Rousseau, 1988, p. 105). That 'clauses of [the social contract] are so determined by the nature of the act that the

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<sup>20</sup> It does not seem to occur to Rousseau that there is some space between being the slave to one's appetites and being a rule-worshipping self-legislator. Perhaps the greatest spokesman of the idea that one might be free while rejecting all rules, even those one gives to oneself, is Max Stirner (Stirner, 1995).

<sup>21</sup> This claim is somewhat complicated by Rousseau's passion for historic states that practiced slavery, something he holds to be completely contrary to the moral law (Rousseau, 1988, pp. 88-9). He never addresses this tension in a satisfactory way and to the extent that he does say anything, he seems to think that slavery was the price paid for the freedom of full citizens of Athens, Sparta and Rome (Rousseau, 1988, pp. 144-5). His remarks offer little insight into the moral acceptability of this.



slightest modification would render them null and void' is, however, evidence of the univocal morality from which the contract emanates. The clauses are so fixed because they are the only way in which free and equal persons can contract so as to retain that status. So if the necessity of them retaining that status is a moral necessity, as I have argued it is, there are no other relevant moral considerations beyond Rousseau's moralised conception of free and equal persons.<sup>22</sup> Finally, that so much of the apparatus needed to support this conception of free and equal persons is found not in *On Social Contract* but rather in his other works and merely taken for granted, if indeed it is argued for at all, shows that Rousseau has established this moral view of human nature to his own satisfaction prior to engaging in consideration of how his moral vision could be realised in a political setting. Nowhere does he entertain the idea that his extremely particular notion of humans as free and equal might be incorrect, much the less give this possibility any theoretical significance. That is an example of discourse-relative certainty.

### 1.2.3 Kant

We now turn to Immanuel Kant, who, as we have already seen, had a profound influence on both Rawls and many of the contemporary political philosophers associated with him. It is Kant's ethical views, as found in the *Groundwork to the Metaphysic of Morals*, that really interest us here and it is this text, rather than Kant's political work, that Rawls cites as important in the formation of his theory (Rawls, 1971, p. 10 fn. 4). The influence that Kantian ethics has had on twentieth century political philosophy far outweighs the influence of his political writings.<sup>23</sup> In discussing Kant I intend to show how Kantian ethics is particularly well suited for political philosophy that indulges in the Tendency, rather than trying to show that Kant himself indulged in the Tendency.

Whereas Rousseau was content to begin from the dual contentions that humans were free and equal and this status must be preserved in civil society if that society is to be considered legitimate, Kant was interested in providing an argumentative basis for that status. Kant represents an advance from Locke's view that moral principles are discoverable by Reason, instead arguing that Reason requires us to give ourselves, as a law, the categorical

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<sup>22</sup> That Rousseau thinks that different populations will require different form of government (Rousseau, 1988, p. 112) in no way undermines this claim, as these differences arise in the forms of government and political institutions that The General Wills of difference populations select for themselves, not in the process of free and equal persons uniting together to form civil society itself. The Contract itself is universal.

<sup>23</sup> As discussed above with reference to Wolff, Nozick and Rawls. Some works that explicitly identify with Kant include (Nagel, 1979), (O'Neill, 1985), (Beitz, 1999), (Larmore, 1999), (Dworkin, 2011), (Gaus, 2011). See (Galston, 1993) for a discussion of Kant's contemporary political appeal.

imperative, thus creating rather than receiving the bindingness of morality (Kant, 1997, 4:431). He argues that to have a rational will we must be free, in the sense of being the author of the laws that bind our behaviour, and that the law that rational wills would give themselves is the categorical imperative, thus producing a striking connection between being free and rational and agreeing with Kant.

Kant begins the *Groundwork* by stating that his aim is to ‘work out for once a pure moral philosophy, completely cleansed of everything that may be only empirical’, arguing that ‘the ground of obligation...must not be sought in the nature of the human being or in the circumstances of the world in which he is placed, but a priori simply in concepts of pure reason...[moral philosophy] does not borrow the least thing from acquaintance with [man]...but gives to him, as a rational being, laws a priori’ (Kant, 1997, 4:389). We can see already how Kant’s approach to moral philosophy is particularly well suited as a basis for political philosophy that indulges in the Tendency. If moral truth is ahistorical, universal, and closely tied to rationality, then the nature of morality is prior to and not affected by the trivial complexities and transient conflicts of politics. Insofar as morality is understood a priori and political philosophy has at least some a posteriori content, this guarantees that any moral premises used in political argumentation will be derived prior to and independent of politics, thus securing aspect one, arguing from the ethical to the political. From thinking that there is a single set of rational moral principles that govern the behaviour of all rational beings it is a small step to thinking we should adopt social arrangements that reflect these principles. Given that this morality is law-like and inviolable (Kant, 1997, 4:416), no considerations drawn from the real world of human political interaction can unseat it, which means that aspect two of the Tendency – the argumentative superiority of the ethical – is given a theoretical grounding. Indeed, this is how Kant himself proceeds in his own political work, though, as I have said, that is not our principal concern here.<sup>24</sup>

Having satisfied himself that the moral worth of an action does not lie in its expected effect but rather in its motive and that for an action to have true moral worth it must be done *from* duty (Kant, 1997, 4:398-4:401), Kant suggests that the impulse from which one ought to act is that of ‘conformity of actions as such with universal law’, leading to the first formulation of the Categorical Imperative: ‘I ought never to act except in such a way that I could also will that my maxim should become a universal law’ (Kant, 1997, 4:402). Thus, when one thinks of a maxim and wishes to know whether acting in accordance with it is moral, one

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<sup>24</sup> See esp. *On the Common Saying: ‘This May be True in Theory, but it Does not Apply in Practice’*, *Perpetual Peace: A Philosophical Sketch*, and *The Metaphysics of Morals*, all republished in (Kant, 1991).

must consider whether it would be possible for everyone to act on this maxim without contradiction. If it is not, then this maxim is forbidden by the moral law. This reference to the concept of law is crucial in giving Kant's moral system its rigour and force, for 'only law brings with it the concept of an *unconditional* and objective and hence universally valid *necessity*, and commands are laws that must be obeyed, that is, must be followed even against inclination' (Kant, 1997, 4:416, italics in original). It is the categorical imperative alone that has the 'tenor of a practical **law**', neither imperatives of skill or of prudence impel us in the same way (Kant, 1997, 4:420, bold in original). What is more, the moral law is not only binding on human beings but on all rational creatures, 'not merely under contingent conditions and with exceptions but with *absolute necessity* (Kant, 1997, 4:408, italics in original). Thus Kantian ethics offers a conceptual sorting mechanism that is designed to be the arbiter of moral acceptability. Further evidence that this law is univocal can be adduced by considering the Formulation of the Law of Nature, which says '*act as if the maxim of your action were to become by your will a **universal law of nature***' (Kant, 1997, 4:422, italics and bold in original). The first formulation might be read as permitting you to test one maxim at a time, finding two maxims to be universalisable without contradiction yet still incompatible with each other. Willing such maxims as a law of nature, however, means willing them such that, like the actual laws of nature, they must co-exist with all other laws of nature and therefore must be mutually compatible, leading to a necessary unity in the moral law. This picture is slightly complicated by the various refinements and modifications that the categorical imperative goes through before the end of the text, which leads to a plurality of principles. But Kant is quite explicit that these are equivalent formulations of a single, univocal moral law (Kant, 1997 4:436).<sup>25</sup> What is more, since it is not enough that one's comportment be in accordance with the moral law, but rather one must also act '*for the sake of the law*' (Kant, 1997, 4:390), Kant's moral theory is univocal not only about the behaviour in which we are to engage but also about our motivation for engaging in that behaviour.

That Kant takes the work of investigation and establishing the '*supreme principle of morality*', that is the categorical imperative, to be self-contained ('itself a business that in its purpose is complete and to be kept apart from every other moral investigation' (Kant, 1997, 4:392)) shows that he operates with a degree of discourse-relative certainty (aspect four). That the principle is 'supreme' and the foundation of all other moral investigation ensures that it is not to be doubted in the investigation of other matters, while Kant's deliberate separation of the investigation into this principle shows that he holds the subject of the

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<sup>25</sup> See (Allison, 2011), who argues that the formulations are equivalent, in that they would result in the same duties.

*Groundwork* to be a wholly separate matter from other moral or political investigations. The way in which certain precepts of Kant's philosophy, most notably the Formula of Humanity ('[s]o act that you use humanity, whether in your own person or that of another, always at the same time as an end, never merely as a means' (Kant, 1997, 4:436)), are adopted as foundational truths by many of Kant's heirs indicates that these inherited moral artefacts are held with discourse-relative certainty those heirs as well.<sup>26</sup>

But why should we think that there is such a moral law? That is a question Kant asks himself, and his answer is instructive in understanding the appeal of his system to future generation of philosophers. Answering it, however, requires an extended foray into the second and third sections of the *Groundwork*.

Kant states that if there is such a law 'then it must already be connected (completely a priori) with the concept of the will of a rational being as such' (Kant, 1997, 4:426). The will, according to Kant, is the capacity to act in accordance with representations of laws in pursuit of an end (Kant, 1997, 4:427). If Reason gives us certain unconditional requirements that are incumbent on all rational beings then they must all share some end (ibid.). That end, if it is to serve as 'the ground of a possible categorical imperative' (Kant, 1997, 4:428) must be something the existence of which has absolute worth – an end in itself. Such a thing exists, according to Kant – it is the rational being, rightly called 'person' because 'their nature already marks them out as an end in itself, that is, as something that may not be used merely as a means' (ibid.). All other ends are merely of conditional worth, whereas persons are of absolute worth. This is shown by Kant's claim that we only pursue other ends in order that we might serve ourselves, that is to treat ourselves as the final end to which other conditional ends are subordinate (ibid.). We thus build up to the grounds of the categorical imperative, that '*rational nature exists as an end in itself*', and Kant stress that rational creatures necessarily represent their own existence in this way (Kant, 1997, 4:429, italics in original), thus leading to the Formula of Humanity discussed above. But why are we motivated to obey this law? Kant suggests that there are two ways we might be so motivated, either because of some benefit to us served by our conformity to it (heteronomy) or because we ourselves endorse the law *qua* law (autonomy) (Kant, 1997, 4:432). Heteronomous motivations cannot be the basis of categorical imperatives, as our desire to obey the law would be contingent on the connection between obedience and benefit. If the moral law exists, we must be able to be motivated by it unconditionally, and the way this is done in

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<sup>26</sup> A complete accounting of the influence of this principle would require a monograph; for a few examples beyond those already discussed, see (O'Neill, 1985), (Nagel, 1987, p. 223), (Larmore, 1996, p. 136), (Dworkin, 2011, p. 265).

Kant's system is by thinking of ourselves as issuing universal law that applies to ourselves as much as to any other rational being. We are motivated to obey the moral law because we endorse the moral law independently of any particular interest it serves and give it to ourselves as law – we are self-legislators. This conception of rational beings giving the moral law to themselves as universal law-givers leads Kant to the final formulation of the categorical imperative, that one 'act only *so that the will could regard itself as at the same time given universal law through its maxim*' (Kant, 1997 4:434, italic in original). That makes possible the idea of a 'kingdom of ends', 'a systematic union of various rational beings through common laws' wherein

'A rational being belongs as a *member* to the kingdom of ends when he gives universal laws in it but is also himself subject to these laws. He belongs to it *as sovereign* when, as lawgiving, he is not subject to the will of any other. (Kant, 1997, 4:433, italics in original).

Kant's debt to Rousseau here is obvious. It is in conceiving of ourselves as a legislator that we attribute to ourselves dignity, the inner worth that means that we have status as an end in ourselves (Kant, 1997, 4:434-5). Lawgiving confers worth and therefore must have it itself; autonomy, the capacity to regard ourselves as able to give universal laws to ourselves and abide by them, is 'the ground of the dignity of human nature and of every rational nature' (Kant, 1997, 4:436).

At this point in the argument, Kant still does not take himself to have proved the existence of the moral law. All he has done is to show that *if* morality is 'not a chimerical idea without any truth' (Kant, 1997, 4:445) then it must have the character described above – further proof of the univocality of his system. The third section of the *Groundwork* is devoted to showing that the moral law does, in fact, exist. While the particularities of Kant's deduction of the moral law are not especially important for our purposes, the spirit of his approach has had a tremendous impact on modern political philosophy. For Kant, will is that feature of rational animals that leads to action, and freedom is the property of will that allows action 'independently of alien causes *determining* it' (Kant, 1997, 4:446). Freedom, however, must be law-bound as the will is the cause of our action and the concept of a cause entails the idea that it brings about a particular effect. The will must act for a reason, that is to bring about an effect, and this must be derived from a principle of action. The free will must therefore give to itself these principles of action. To think otherwise is, apparently, an absurdity (*ibid.*). However, the laws that the free will gives to itself are those it devises for itself and as such it is autonomous. This, for Kant, is equivalent to the maxim 'to act on no other maxim than that which can also have as object itself as a universal law' (Kant, 1997, 4:447), which is the

Categorical Imperative. Thus, for Kant, being a free, rational agent *just is* giving to oneself the Categorical Imperative as law. A reasoning being cannot but regard itself as free in this way, for receiving instruction from without would be heteronomous and the determination of judgment would not be due to reason but rather ‘impulse’. So if we regard ourselves as having the capacity to choose our actions, we must regard ourselves as free (Kant, 1997, 4:448). Rational beings have the ability of viewing themselves from two standpoints: that of creatures of the world of sense, heteronomous under the laws of nature, and that of creatures of the intelligible world, autonomous under laws we give ourselves. Insofar as we can think of ourselves in this second way, we necessarily think of our will as independent of the ‘determining causes of the world of sense’, that is we posit our own rational will, and are therefore autonomous, in other words, free (Kant, 1997, 4:452). This freedom cannot be proven in experience but is rather a necessary presupposition of thinking of ourselves as rational beings possessing a will (Kant, 1997, 4:459).

What is important for us about this deduction is the tight connection between rationality, freedom and right. From a singular conception of rationality, we are told what it means to be free. Freedom takes its place as the central concept of morality, allowing us a conception of autonomy and moral responsibility ostensibly suitable to the nascent liberal capitalism of the time. From this conception of freedom, and a recognition that it is a feature of all rational beings, a system of morality is born, one that gives univocal commands that bind all, despite its origins in laws that we each give to ourselves individually. We find ourselves entangled in the most elaborate and stringent systems of morality ever devised and yet, surprisingly, find out that we devised it, although we could have devised it in no other way without doing violence to our status as rational creatures. This logic, in turn, creates the great sin of modernity – irrationality.

The historical impact of Kant’s moral theory cannot be overestimated. His moral philosophy provided the potential for a secular morality (although he did not see it that way<sup>27</sup>) that assured its holders of their own correctness in the face of disagreement, backed as they are by ‘Reason’. The new possibility that God might be knocked off his pedestal and Reason placed upon it marked a radical change in the justification of morality, while preserving its binding and inescapable character. Its influence on subsequent moral and political

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<sup>27</sup> Although Kant’s personal faith is not to be doubted, he does remark that our notion of God as the ‘highest good’ is derived from our ‘*idea* of moral perfection that reason frames a priori and connects inseparably with the concept of a free will’ (Kant, 1997, 4:409, italics in original). This observation creates an epistemological disconnect between God and morality — even if God is the highest good, our knowledge of the good itself, derived from Reason alone, is what informs us of this, so it is possible to know the good by Reason independently of knowledge of God.

philosophy is enormous. Indeed, we see the same ‘implacable, cutting, uninspiring prosaic sincerity’ in many contemporary political philosophers with regards to their moral beliefs as Heine saw in Kant and Robespierre (Heine, 1852, p. 191).

#### 1.2.4 Rawls

Having discussed the three individuals Rawls cites as crucial to the pre-history of justice as fairness, we can now analyse the various ways in which Rawls himself indulges in the Tendency. At first glance, Rawls might not seem an obvious indulger of the Tendency. His later work, *Political Liberalism*, is pitched as an effort to take reasonable pluralism about conceptions of the good seriously. Even in his earlier work, in which pluralism is not his prime concern, he claims to develop his conception of justice from notions that any rational agent would select as ordering principles for a society, were they to be rendered suitably impartial. After its publication, Rawls claims that *A Theory of Justice* was not designed as a univocal theory about the appropriate structure of social relations for all persons but rather as a theory of justice about the basic structure of a ‘modern constitutional democracy’, one that is ‘political, not metaphysical’ and does not depend on ‘claims to universal truth, or claims about the essential nature and identity of persons’ (Rawls, 1985, pp. 223-224). As Joseph Raz puts it, ‘[t]he firm starting point is the society of the here and now, and every society sufficiently like it’ (Raz, 1990, p. 6), adding that the Rawls’s theory starts not from Rawls’s own moral convictions but rather from ‘the fact that certain beliefs form the common currency of our public culture’ (Raz, 1990, p. 8). That does not look much like a theory that starts from a univocal ethical position and allows it to circumscribe the political.

Such appearances, I would argue, are deceiving. The opening lines of *A Theory of Justice* are instructive here:

Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests. (Rawls, 1971, p. 3)

Putting aside the fact that justice is subject to numerous different interpretations,<sup>28</sup> the importance of justice to political structure posited in this claim seems to indulge in the Tendency. It certainly precludes a number of moral views that do not take justice to be the ‘first virtue of social institutions’, such as Benthamite Utilitarianism. Although he quickly adds that, as stated, the above is ‘expressed too strongly’ and that his actual intent is to assess the degree to which this contention is sound, it is not clear that he gives serious consideration to the possibility that it is not. Even at the end of his first section Rawls describes justice as ‘the most important virtue of institutions’ (Rawls, 1971, p. 6), betraying just how briefly his suspension of judgment lasts. In this opening salvo Rawls gives moralised conceptions of justice and personhood that display aspect two (the assumption of the ethical’s superior argumentative weight). And even if these ideas are present in our current political culture, they are certainly not, as Raz would have it, ‘givens of our common culture’ (Raz, 1990, p. 8). Rather, they are distinct moral positions. In moving from these positions to the question of the correct distribution of primary goods Rawls displays aspects one (arguing from ethics to politics). And the claim that all ‘free and rational persons’ under the Veil would chose the same principles of justice, upon pain of irrationality, displays aspect three (the univocality of ethics) just as it did in Kant’s case. This univocality is further evidenced by that fact that the principles could be arrived at by a single, rational agent, rather than by the agreement of many, which is more common in social contract theories (Hare, 1973a) (Hampton, 1980). It is worth noting that Rawls been criticised for assuming that persons under the Veil would choose his principles<sup>29</sup> – his univocal position, disguised as what any rational agent would choose, has struck others as odd, even if it is for reasons that have nothing to do with the Tendency. The debt that this tactic owes to Rousseau and Kant is obvious. The final aspect of the Tendency, discourse-relative certainly, is displayed by the absence of a thorough argument for the notion of persons as ‘free and equal’. Although Rawls discusses what it means to be free and equal in the requisite sense – which he understands through the two moral powers: a capacity for a sense of justice and a capacity for a conception of the good – he offers no discussion of why we should consider humans to actually be free and equal in this sense, beyond agreeing with Kant that it is our ‘nature’. The absence of a discussion of this issue in a work on political philosophy shows

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<sup>28</sup> Raymond Geuss, for example, points to four different senses of justice:

- 1) in accordance with established legal codes;
- 2) in accordance with what the legal codes ought to say;
- 3) the Aristotelian sense of ‘all the human excellences together’ (1094a-1095a); and
- 4) justice in distribution.

He suggests that equivocation between these different senses is responsible for much confusion in contemporary political philosophy (Geuss, 2014, pp. 156-162). G.A. Cohen has also stressed the difficulties of defining the term (Cohen, 2008, p. 7).

<sup>29</sup> (Sen, 1970), (Arrow, 1973), (Hare, 1973a, 1973b), (Harsanyi, 1975), (Cohen, 2008)



that Rawls holds it to be outside of the scope of political discussion, while his employment of it shows that he has no doubts regarding its veracity.

There are further reasons to think that Rawls is engaged in the Tendency. Take the central conceit of *Political Liberalism*, that the picture of a well-ordered society that Rawls originally put forward in *A Theory of Justice* should be corrected to reflect the fact that:

A modern democratic society is characterized not simply by a pluralism of comprehensive religious, philosophical, and moral doctrines but by a pluralism of incompatible yet reasonable comprehensive doctrines. No one of these doctrines is affirmed by citizens generally. Nor should one expect that in the foreseeable future one of them, or some other reasonable doctrine, will ever be affirmed by all, or nearly all, citizens. Political liberalism assumes that, for political purposes, a plurality of reasonable yet incompatible comprehensive doctrines is the normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime. (Rawls, 2005, p. xvi).

Initially, this would seem to absolve Rawls of the Tendency, or at the very least of aspect three (the univocality of the ethical). He recognises that politics involves a large degree of disagreement about morality, and opts for an approach reflecting this. However, as the discussion of variant interpretations of the Law of Nature foreshadowed, there is a deep and fundamental difference between ‘reasonable disagreement’ and disagreement *simpliciter*. The second is a better description of real-world politics. The theorist’s conception of ‘reasonableness’ is an integral part of the theory: the delimitation of eligible, that is reasonable, positions is circumscribed by the views of the theorist prior to entering the political sphere, despite these positions being the subject of disagreement (see Chapter Four). In stipulating that we are only interested in ‘reasonable’ disagreement Rawls starts from a univocal moral position that dictates our approach to political philosophy. His view univocally determines the appropriate conception of the ‘reasonable’, which in turn determines the set of acceptable conceptions of the good. Choosing from outside these limits is a transgression against ‘reasonableness’, just as in *Theory of Justice* any failure to endorse the two principles of justice was a transgression against rationality.

Finally we must turn to Rawls’s notion of ‘ideal theory’ or ‘strict compliance’ theory. Although ‘ideal theory’ has gone on to take several distinct meanings,<sup>30</sup> here I will only discuss Rawls’s own use of the term, the attempt to ‘examine the principles of justice that would regulate a well-ordered society’ where ‘[e]veryone is presumed to act justly and to do his part in upholding just institutions.’ This is to be contrasted with ‘partial compliance theory’, which ‘studies the principles that govern how we are to deal with injustice’ (Rawls,

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<sup>30</sup> See fn. 69

1971, p. 8). Ideal theory requires theorists to indulge in the Tendency because if everyone is presumed to act justly, the principles of justice must be univocal. To act justly, modelled individuals must have a conception of justice known to, and endorsed by, all. Consider what the model would look like if that were not true – each member of the society would act on their own conception of justice, meaning that some would violate the theorist’s conception of justice unless it just so happened that every member of society alighted on a conception of justice that recommended exactly the same actions as the theorist’s. On the highly plausible assumption that this would not happen – an assumption supported amply by history – the model would contain a high degree of non-compliance relative to the theorist’s own conception of justice.<sup>31</sup> If strict compliance is stipulated, this can only be because the conception of justice in play is singular. And since that is an assumption of the model, it must be prior to it and circumscribe to some extent its results (aspects one and two). It must, in other words, indulge in the Tendency.

One might point to two important aspects of Rawls’s writings to defend against the accusation that he indulges in the Tendency – his use of reflective equilibrium and his interest in the notion of stability. One important feature of Rawls’s work is his adoption of the idea of reflective equilibrium from Nelson Goodman (Goodman, 1955). At its most basic, reflective equilibrium is an inquisitive method that encourages us to check the results of our theorising against our already held beliefs, modifying these elements to ensure that they cohere with one another. If the results of our theorising do not accord with our previously held beliefs, we must either adjust our theorising to produce more coherent results or adjust our initial beliefs in light of this new theoretical outcome. In this process ‘even the judgments we take provisionally as fixed points are liable to revision’. We go back and forth between our theoretical conclusions and our considered judgments, modifying each until reaching a state of harmony (Rawls, 1971, p. 20). In employing this method, it seems as if Rawls evades aspect one of the Tendency – arguing from ethics to politics. If our initial beliefs are subject to scrutiny in light of our subsequent conclusions the argument must run both ways. It would also open the possibility of denying aspect two – the argumentative superiority of the ethical – by creating the possibility that any particular belief might be dislodged by another, regardless of whether the belief in question is moral or not. Finally, it precludes discourse-relative certainty, since it requires us to ‘work from both

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<sup>31</sup> A Rawlsian reply would presumably make reference to the claim that all rational persons under the Veil of Ignorance would chose the same principles of justice, which is what gives the model its univocal conception of justice without impositions by the theorist. However, as suggested above, the idea that individuals would necessarily come to Rawls’s solution if they were rational is not particularly convincing. It is also not a general defence of ideal theory but rather only works for Rawls’s own version or something sufficiently similar.

ends' (ibid.) in our arguments and go back to reconsider our initial beliefs in light of the results of our theorising.

However, Rawls's actual employment of the technique shows it to be a lot less radically fallibilist than it would initially appear. Rawls first introduces the idea in the context of the design of the original position from which the principles of justice will be derived (Rawls, 1971, p. 18ff). To derive this heuristic Rawls says that you argue from 'widely accepted but weak premises' (Rawls, 1971, p. 18) to the description of the original position. Using a series of short, under-developed arguments, assumptions and claims about what it would be 'reasonable' to think, he offers some conditions that this modelled choice situation must meet, including that no one be advantaged by natural fortune or social circumstance, that conceptions of the good do not affect choice, that the parties are equal and so on. The principles that would be selected under these circumstances are then to be checked to see whether they 'match our considered convictions of justice or extend them in an acceptable way' (Rawls, 1971, p. 19). When there is a mismatch, we have two options – either to modify our account of the original position to get a different result or to adjust our initial judgments about justice.

A few points should be made about this. The first appeals to the specific context in which Rawls initially suggests using reflective equilibrium – the design of the original position. Note that the original position is a device of representation meant to specify conditions under which we might derive principles of justice. The device itself is deeply influenced in its design by a number of moral concepts, most notably the idea of persons as free and equal. As a result, the outcomes of deliberation in the original position are already limited by the device's moral design. It could well produce results that are in tension with some aspects of the moral beliefs with which we started, but the force and profundity of this tension will necessarily be limited by the derivation of the design of the device itself from a moral conception that is, initially, not subject to reflective equilibrium. Any tension between the results of the original position and the moral beliefs that designed the original position will be minimal precisely because the nature of the device is proscribed by the moral convictions from which Rawls starts. This supports the claim that aspect one, arguing from ethics to politics, is in play. Whatever the degree of revisability is possible under reflective equilibrium, the initial set of judgments we work from in Rawls are his own, disguised as those common to the public political culture of late twentieth century Western democracies.<sup>32</sup> Those judgments might turn out to be in tension with the principles produced

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<sup>32</sup> R.M. Hare takes Rawls to task for this in a particularly vicious way in (Hare, 1973a)

in the original position but since those principles are heavily circumscribed by the method of their generation this tension is unlikely to be severe. Even if there is some feedback between ethics and other considerations, those other considerations are, by virtue of the design of the theory, *already* ethically circumscribed.

This points us toward our second worry –while the method of reflective equilibrium states that all of our judgments should be open to scrutiny, it does not tell us anything about the degree of scrutiny to be employed. Just because a judgment is open to revision does not mean that it will be revised, or that its rejection will be given serious consideration. Rawls states explicitly that ‘[t]here are questions which we feel sure must be answered in a certain way...[t]hese convictions are provisional fixed points which we presume any conception of justice must fit’. That these convictions are ‘liable to revision’ (Rawls, 1971, p. 20) does not mean that they will be – so long as the beliefs are firmly held, this formal possibility has little impact. While reflective equilibrium demands that all judgments be revisable, it does not say that they must be equally revisable. It is entirely consistent with reflective equilibrium that we hold the moral judgments from which we started to be nominally revisable while thinking them so certain that we never expect to come across a judgment likely to unseat them. In fact, given the last point about the procedure by which principles of justice are generated, it is highly unlikely that we will discover such a judgment. A great deal of space exists between reflective equilibrium’s requirement that judgments be formally open to revision and the degree of actual revisionary activity we would want to see before thinking that aspect two (the argumentative superiority of the ethical) and aspect four (discourse-relative certainty) are effectively counteracted.

If reflective equilibrium is to be a defence against accusations of indulging in the tendency, its effectiveness depends entirely on the spirit in which it is used. Full-blooded employment of wide reflective equilibrium<sup>33</sup> might cause a person to seriously doubt and reassess their initial moral convictions. But this does not strike me as an accurate description of how Rawls uses the method. He is very candid about both the fixed (although supposedly revisable) points of conviction from which he starts and the fact that the point of reflective equilibrium is primarily to ensure that the principles of justice that we select appropriately match our initial moral convictions, rather than to cause us to investigate those convictions. Evidence of this is given by statements such as:

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<sup>33</sup> Wide reflective equilibrium involves a person ‘consider[ing] the leading conceptions of political justice found in our philosophical tradition (including views critical of the concept of justice itself)’ whereas narrow reflective equilibrium is when a person brings their ‘general convictions, first principles, and particular judgments’ in line without considering alternative conceptions of justice. (Rawls, 2005, p. 384 fn.16)

[T]he philosophically favoured interpretation of the initial situation incorporates conditions which it is thought reasonable to impose on the choice of principles. By contrast with social theory, the aim is to characterize this situation so that the principles that would be chosen, whatever they turn out to be, are acceptable from a moral point of view. (Rawls, 1971, p. 120).

And

The third point of view – that of you and me – is that from which justice as fairness, and indeed any other political conception, is to be assessed. Here the test is that of reflective equilibrium: how well the view as a whole articulates our more firm considered convictions of political justice, at all levels of generality, after due examination, once all adjustments and revisions that seem compelling have been made. A conception of justice that meets this criterion is the conception that, so far as we can now ascertain, is the one most reasonable for us. (Rawls, 2005, p. 28).

While reflective equilibrium creates a degree of fallibilism about all of our judgments on paper, this is not enough to escape the Tendency unless we actively treat our moral judgments as fallible, rather than merely ascribing them to that status without consequences. As I pointed out before, Rawls never truly questions the idea that justice is the first virtue of social intuitions, nor does he effectively question much of the moral basis of his political view. Although the moral judgments on which Rawls bases the design of the original position are up for revision by virtue of the nature of reflective equilibrium, the argumentative function to which that Rawls puts that concept is not to revise those judgments but rather to use them to check that the procedure gets the right results, as the above quotations show. Reflective equilibrium guarantees revisability for any particular judgment, but if that judgment is revised only with reference to principles resulting directly from that judgment – as in the case of principles produced from a modelled choice situation appropriate for free and equal persons and then used to assess the initial moral judgment that persons are free and equal – it is unsurprising if we end up merely reaffirming the original judgment. Rawls's original position, which is the basis of his entire political philosophy, is the product of a moral judgment that persons are free and equal. This is aspect one – arguing from ethics to politics. That the products of the theory might then be used to revise the original moral judgment does not constitute arguing from politics to ethics because the principles of justice devised are inherently moral, since they embody have been affected by the moral attributes they have inherited from the modelled choice situation.

Reflective equilibrium also might appear to guard against the accusation of aspect two (the argumentative superiority of the ethical) by guaranteeing the revisability of all judgments. In theory that means that a moral judgment might be rejected due to the need to accommodate a

non-moral one. That defence quickly falls apart for two reasons. First, all that you need to subscribe to both the superiority of the ethical and to the technique of reflective equilibrium is to also subscribe to a difficult to revise principle of deliberation whereby ethical considerations are given superior weight. Second, even if you do not do this, the protection afforded by reflective equilibrium is only formal – employing it guarantees only the possibility of revision, not that revision will actually feature in an account. Aspect three, the univocality of the ethical, is preserved formally by reflective equilibrium by the mere concept of an equilibrium – once you have got all of your beliefs in order and stabilised, you will presumably have a single, univocal ethical conception with which you are operating.<sup>34</sup> And again, with aspect four (discourse-relative certainty), while it is formally the case that reflective equilibrium makes discourse-relative certainty impossible in light of the need to ‘work from both ends’, this formal possibility requires an informal willingness to question those ‘provisional fixed points’ for fear that they become *idées fixes*.<sup>35</sup> In short, the effectiveness of reflective equilibrium as a tool for avoiding the Tendency depends entirely on the vigour with which it is employed. Rawls, I would contend, fails to make serious use of it.

The other defence that might be employed against the suggestion that Rawls indulges in the Tendency is to point toward his promotion of the value of stability, which is not generally seen to be a moral value but rather a political one (Klosko, 1994, p. 1884). Rawls was concerned with what was required to produce a society that was able to reproduce itself over time, which he describes as ‘fundamental to political philosophy’ (Rawls, 2005, p. xvii). There are two obvious ways in which an interest in stability might defend against accusations of the Tendency: it could be employed as the foundational value on which political argument could be based,<sup>36</sup> thus undermining aspect one (arguing from the ethical to the political) and it could provide a non-moral value that might require realisation in any acceptable political arrangement, thus undermining aspect two (the superior argumentative weight of the ethical).

Rawls’s views on the role and importance of stability changed somewhat between the publication of *A Theory of Justice* and *Political Liberalism*. For the sake of this discussion I will concentrate on stability as it appears in *Political Liberalism*, for two reasons. The first is

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<sup>34</sup> That is, either one that is univocal in the sense that it is held to be the one correct view or one that is univocal in that it is the single regulating idea that ranges over a variety of acceptable moralities. See Chapter Four for an extended discussion of such ‘univocal’ moral pluralism.

<sup>35</sup> Fixed ideas – a notion borrowed from psychology to describe a pathological preoccupation of mind resistant to modification or revision.

<sup>36</sup> Arguably, this how Hobbes and Bernard Williams interpret the notion of stability (Hobbes, 1996), (Williams, 2007)),

that it has been argued that the understanding of stability as derived from congruence in *A Theory of Justice* is dependent on a comprehensive doctrine (Freeman, 1994), (Barry, 1995a, p. 887). Given that comprehensive doctrines, as understood by Rawls, are inherently moral, if the concept of stability is derived from a comprehensive doctrine then Rawls's view indulges in the Tendency. More importantly, Rawls took great pains to revise this view of stability, having found it inadequate – so it seems more worthwhile to look to his considered later view to see if it provides any defence.

We can start with the question that Rawls asks at the beginning of *Political Liberalism*, ‘‘How is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable although incompatible religious, philosophical and moral doctrines?’’ (Rawls, 2005, p. xviii). The grammar of the sentence would imply a parallel importance between stability and justice as values. Rawls saw that the diversity of comprehensive doctrines that people hold makes the prospect of a well-ordered society along the lines set out in *A Theory of Justice* ‘unrealistic’ (Rawls, 2005, p. xvii). As such, a political arrangement must be reached that is not only stable over time but also respects citizens as free and equal, each possessing of their own comprehensive doctrine. What he suggests is a ‘political conception’ of justice that acts as a free-standing ‘module’, to be slotted into the comprehensive doctrines of citizens, which involves an acceptance of and allegiance to the basic structure of society but does not rely on any comprehensive doctrine for this support. This is to be more than a ‘mere modus vivendi’ where ‘social consensus founded on self- or group interests, or on the outcome of political bargaining: social unity is only apparent, as its stability is contingent on circumstances remaining such as not to upset the fortunate convergence of interests.’ (Rawls, 2005, p. 147). Rather, it is to be an ‘overlapping consensus’ where all citizens are able to affirm the principles of justice and basic structure of society from within their own comprehensive view. The difference is not merely that the second is necessarily more stable because the individuals in question will continue to support it regardless of changes in the balance of power but also that stability becomes a distinct value that persons pursue in addition to those values specified by their comprehensive conceptions of the good. So it appears as if stability, a distinctly non-moral value, is one of the *desiderata* of Rawls's ideal political arrangement, and shapes his project.

This picture, however, ignores an ambiguity in the nature of stability as a value. Stability can be a value in one of two ways – either it is a value in itself or it is a value conditional on the value of that which is stable. If the stability of a political arrangement is to be valued intrinsically, then there is a strong case to be made for the idea that stability is a political, not a moral value. Understanding stability in this way permits the possibility of a regime that is

morally unconscionable being praised merely because it is stable. This is arguably how the concept appears in Hobbes – his sovereign is given more or less unlimited power because the division of power would lead to instability and eventually descend back into the state of war (Hobbes, 1996, Ch. XVIII). Hobbes puts such a premium on the value of a stable civil society, contrasting it with the anarchy of the state of nature, that he is willing to forgo all consideration of the morality of the regime in question. However, another far more common approach to understanding the value of stability makes it conditional upon the value of that which is stable, that is on the political arrangement in question. Understood in this way, the stability of a noxious regime is not seen as valuable; stability is only seen as valuable when it is a quality of something already worthy of praise. It is clear that Rawls understands the value of stability in these latter terms. Although ‘stability’ and ‘justice’ appear in the question stated above as if they are equal concerns, this is not a fair picture of the emergent theory. As Brian Barry says, ‘Rawls is concerned not with the stability of societies in general but with the stability of just societies’ (Barry, 1995a, p. 881). Justice has priority, both procedurally and in terms of importance.

One way to see this is to look at the ordering of Rawls’s argument. *Political Liberalism* has two stages of ‘exposition’. In the first, justice as fairness is set out as a freestanding view that gives us the basic structure of society and only in the second stage is the question of stability discussed (Rawls, 2005, p. 64). If, as I have argued above, both the derivation of the original position and its employment are inexorably bound up with the Tendency, this ordering itself indicates aspect one (arguing from ethics to politics). Rawls does not argue from stability as a value but rather argues from moral values to a political conclusion, only then suggesting that this conclusion must be stable if it is to be acceptable. While this formally speaks against aspect two (the argumentative superiority of the ethical) being present, as unstable political arrangements can be rejected, that the political arrangements that arrive at this check are prescribed in advance by moral considerations should give us pause. Political solutions have already been vetted by Rawls’s moral view before being checked for stability. Statements such as

What if it turns out that the principles of justice as fairness cannot gain the support of reasonable doctrines, so that the case for stability fails? Justice as fairness as we have stated it is then in difficulty. We should have to see whether acceptable changes in the principles of justice would achieve stability; or indeed whether stability could obtain for any democratic conception. I do not pursue this inquiry but assume, on the basis of a number of plausible considerations, that the case for the stability of justice as fairness, or some similar conception, goes through. (Rawls, 2005, pp. 65-66).



ought to also undermine our confidence that Rawls really intends stability to be a forceful value that can trump ethical considerations. That the ‘the question of stability does not arise until the principles of justice are already provisionally selected’ (Rawls, 2005, p. 65) shows that, while not a mere afterthought, stability is a value *only because* it facilitates the realisation of other values. Rawls’s inquiry is really about the derivation of a political arrangement suitable for free and equal persons, a deeply moral pursuit, and he cares about stability only because unstable political arrangements cannot perpetuate themselves. That is a far cry from the Hobbesian purely political version of stability as a value. Stability comes into Rawls’s picture long after moral considerations have given it shape, meaning it offers no defence against aspect one (arguing from the ethical to the political) and acts only to choose between different political arrangements that have already been vetted by Rawls’s moral position, meaning it is ineffective protection against aspect two (the superior argumentative weight of the ethical). Despite his commitment to reflective equilibrium and interest in stability, Rawls indulges in the Tendency.

With Rawls we have reached the last great landmark in political philosophy. Since the publication of *A Theory of Justice* most debates in mainstream Anglophone political philosophy have been carried on, to a greater or lesser extent, in his shadow. I hope now to have both made clear what the Tendency is and how it appears in Rawls and those authors that most influenced him. The Tendency is a proclivity found among political philosophers that separates the tasks of ethical and political philosophy, seeing to the former first and then using it as a basis for the second. In doing so, its approach to the political is entirely determined by our particular moral view, despite the fact that one of the most salient features of the political world we live in is the existence of deep moral disagreements. This sets us up for the next chapter, in which I will discuss why I take it that the Tendency is problematic and compare this critique to two other methodological critiques that have been much discussed recently and bear some resemblance to it. However, before we move on, it is worth discussing a few canonical philosophers who have managed to avoid the Tendency more than most, as a discussion of how they have done so will help us to see what the Tendency is and investigate the degree to which it is embedded in the history of political philosophy.

### 1.3 Notable dissenters from the Tendency

Just as it would be impossible to give a complete account of those philosophers who indulge in the Tendency in this thesis, it would be impossible to give a complete account of way in which it has been avoided. I will thus restrict myself to commenting on some of the ways

that major figures within the canon could be said to have done so to some degree, although it was in no way deliberate, except perhaps in the case of Marx.

### 1.3.1 Machiavelli

Machiavelli dedicated *Il Principe* to Lorenzo de' Medici the younger, Duke of Urbino, as a guide to ruling, an instruction manual for the good prince, that drew argument and evidence from both ancient and modern history. The specificity of his audience allowed him to make an assumption that guides the whole investigation – the importance to a prince of maintaining *il suo stato*, a notion that has less to do with our modern notion of 'state' and more to do with the personal territorial possessions, reign, and status of the prince. The value of continued rule follows directly from the nature of a prince – since it is the business of a prince to rule, a good prince does it well. Although Machiavelli does not exclude 'moral' considerations from his discussion, he takes it that the realisation of moral qualities is not the primary concern of princes and that it is perfectly justifiable for them to act immorally in the preservation of *i loro stati* (Machiavelli, 1969, p. 81). At several points in the text Machiavelli praises the *virtù* of those who act immorally (Machiavelli, 1969, pp. 56-60, 76, 95-6). Machiavelli clearly does not indulge in aspect two of the Tendency, the assumption that moral considerations trump non-moral ones.

Machiavelli's discussion is guided by two elements that contribute to success in ruling, *fortuna* and *virtù*. The first, fortune, is self-explanatory and not particularly pertinent to our discussion. *Virtù*, however, is the quality that the prince ought to pursue and exemplify, so if it is a moral quality then we ought to suspect that Machiavelli is engaging in the Tendency. I would contend that it is not. *Virtù*, as Machiavelli uses it, is far more similar to ἀρετή<sup>37</sup> than it is to the modern sense of virtue. It connotes technical excellence – the ability to accomplish your purpose regardless of obstacles. In the case of the prince, the purpose is to rule. Just as we can read Aristotle's *Nicomachean Ethics* as a handbook of the virtuous life for Athenian gentlemen, *Il Principe* can be read as a handbook for sixteenth century Italian rulers. This comparison also shows why Aristotle falls victim to the Tendency and Machiavelli does not. Aristotle assumes the moral superiority of the Athenian way of life, and offers the *Nicomachean Ethics* as an idealised codification of its ethics. He suggests that its truths stem directly from the nature of humankind and from the teleological orientation of aims toward εὐδαιμονία.<sup>38</sup> The *Nicomachean Ethics* suggests that life lived in accordance with its precepts is the only appropriate one, thus supplying a univocal morality. Machiavelli

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<sup>37</sup> arête: excellence

<sup>38</sup> eudaemonia: flourishing

need make no such claims. He need only rely on the conceptual relationship between being a prince and ruling, and argue that to rule, and to continue to rule, a good prince must act in certain ways. Thus the entire text is a conditional exercise in means-end rationality predicated on the desire to rule. If that imperative is lacking, the advice has no force. Nor does Machiavelli offer a moral theory beyond a few brief and feeble remarks that pay lip-service to the morality of his time; religion is simply a useful cloak for the prince's aims. Machiavelli is thus decidedly not arguing from ethics to politics (aspect one). He takes it that political considerations can outweigh moral ones, thus denying that ethical considerations have superior argumentative weight (aspect two). While he pays some lip-service to Christian morality, which would imply that he takes morality to be univocal, morality plays no active part of this theory, and thus any moral beliefs he might have had are sub-theoretical and irrelevant, undermining suggestions that he might be party to aspect three, the univocality of the ethical. As for discourse-relative certainty (aspect four), you might argue that he is certain of the irrelevance of morality to his purpose and thus certain about a particular form of amorality, relative to his discourse. It could be argued that certainty of the falsity of moral claims is as much a moral position as any affirmative claims about morality (Dworkin, 2011, p. 67). That point, I think, is both correct and important – those who adopt amorality as their starting point are still elevating a single view on the nature of morality above others as the starting point of their political philosophy. However, such figures at least stand in a different relationship to the Tendency than those who actively endorse a positive position because while the latter exclude that which contradicts their moral stance, the former exclude nothing. Exploring their work is thus potentially fruitful.

### 1.3.2 Hobbes

Hobbes's *Leviathan*, with its reputation for extreme amorality, is another obvious candidate for a political philosophy that eschews the Tendency. Hobbes begins from a picture of humans outside of society and unbound by its rules, a 'state of nature'. In it human beings, being naturally self-interested and unbound by moral considerations, primarily seek their own advantage at the expense of their fellow humans. Such a way of life, absent civil government, would be a constant 'state of war' in which life was 'solitary, poore, nasty, brutish, and short' (Hobbes, 1996, Ch. XIII.). All of the comfort and security of life in civil society would be absent, and we would all live in 'continuall feare, and danger of violent death' (ibid.). In the state of nature, which is to say the state of war, 'nothing can be unjust. The notions of right and wrong, justice and injustice have there no place. Where there is no common power, there is no law, where no law, no injustice. Force, and fraud, are in warre the cardinal virtues' (ibid.). Hobbes accords to people one right, the 'right of nature', which

is to do whatever one sincerely judges to be necessary to one's survival (Hobbes, 1996, Ch. XIV) – for Hobbes assumes that humans above all pursue their own self-preservation. From there, he designs an argument to show that human beings would find it in their interest to compact together to appoint an entity that has sovereignty over them and can impose laws with punishment of death. The tension between Hobbes's approach and the Tendency is all too obvious. He starts from an imagined state of constant conflict in which morality has no role to play, thus demonstrating that he is not arguing from ethics to politics (aspect one). That moral considerations are not even presumed to be available to the inhabitants of the state of nature denies them argumentative weight since the point of the theory, and all social contract theory, is to show that a political solution is acceptable by showing that agents in a suitably modelled situation would select it. Because Hobbes excluded morality from the considerations relevant to his model, they cannot be the basis of the arguments he uses to justify civil society. Thus aspect two, the superiority of the ethical, is not present. Hobbes's constant reaffirmation that human beings use terms such as 'good' and 'bad' in such a way as to merely favour themselves, combined with his refusal to give a corrective for this by way of a theory of correct morality (Hobbes, 1996, Ch. XV), is evidence that he does not take morality to be univocal, or at least not in any way that would be theoretically useful for the purposes of political philosophy. And insofar as he displays aspect four, discourse-relative certainty, he does so in the same way as Machiavelli, in that he is certain of the irrelevance of morality. However, unlike Machiavelli he does offer a more complete justification of this move internal his political theory, by way of his theory of moral thought in the state of nature, or the lack thereof.

However Hobbes might be thought to indulge in the Tendency in a number of ways. He moves from the right of nature to a series of commands that he calls the 'laws of nature', one of which is that we ought to keep our covenants (Hobbes, 1996, Ch. XIII and XIV). Hobbes is unclear about the source, nature and authority of these laws, allowing for them to be multiply interpreted as 'theorems of reason, commands of God or as commands of the civil sovereign' (Gauthier, 2001, p. 258). While I cannot go into the scholarly debate here, it suffices to note that different interpretations invite different associations with the Tendency. If these laws are the commands of God, it is hard not to see them as overtly moral. Thus in arguing from God's commands to required action in a political context, Hobbes argues from the ethical to the political (aspect one). As defiance of God was looked upon somewhat negatively in the seventeenth century, it seems fair to assume that these considerations trump others (aspect two) and that they are univocal (aspect three). If, however, these laws are theorems of reason, then they merely state what is necessary for survival and have only prudential rather than moral force. But then some sense must be made of Hobbes's frequent

insistence that men have an obligation to obey these laws (Gauthier, 2001, p. 263). The third interpretation, that the laws of nature are given force by the sovereign, relies on a prior obligation to obey the sovereign. But that creates a problem as well. The sovereign is established by a covenant between individuals and gains its power from them, so we must understand the force and bindingness of this covenant before we can understand the force of the sovereign's right to obedience. Without covenants having some binding force, the act of establishing the sovereign could not create a duty of obligation on the part of the people toward the sovereign; the people could merely extricate themselves from that covenant at will. So we must have some reason to keep our covenants. In Hobbes, the need to keep our covenants is given as among the laws of nature. But this interpretation grounds the force of the laws of nature in the not yet established sovereign. Thus, in taking the proper interpretation of the force of the laws of nature to be that they are civil laws given by the sovereign, we reason in a circle (Gauthier, 2001, p. 282).

Given that Hobbes treats these laws as in some sense binding and builds them into the architecture of his theory, it matters how he explains this bindingness. The repeated claim that these laws are 'immutable and eternal' (Hobbes, 1996, Ch. XV) should give us pause about interpreting them as principles of pure rationality born of the drive to self-preservation, since there are presumably circumstances in which self-preservation is best achieved by breaking the laws. That said, this difficulty might be resolved by the claim implicit in the passage that follows, that those things proscribed always tend toward war and are therefore incompatible with the aim of self-preservation. This can be taken as an empirical claim – but for it to have the appropriate force for a rationally-self-interested person, the universality of the claim must hold. Otherwise there would be instances in which it is rational for agents to act against the laws of nature to ensure their own preservation – and it seems extremely improbable that this is true. All hitherto existing societies have accommodated a degree of rule breaking and free-riding. To claim that violation of the laws of nature necessarily leads back to the state of war is unsupported by history, although perhaps a comprehensible fear for someone who had lived through the Wars of the Three Kingdoms. Although Hobbes thinks that one's obligation to obey the sovereign is binding short of the sovereign demanding that you not defend yourself from their sword, it is not clear that this is the only situation in which it would be irrational for you, from the point of view of the desire for self-preservation, to disobey. Hobbes's answer – that allowing any limitation of sovereign power allowing people to decide when to obey the sovereign would degenerate into the state of war (Hobbes, 1996, Ch. XVIII) – is unconvincing.

So whether the laws of nature are purely rational theorems for self-preservation, commandments of God or given by the sovereign, we have a problem. Interpreting them as God's commands indulges in the Tendency in precisely the way Locke's theory does (see §1.2.1). Yet if they are rational theorems for self-preservation then Hobbes has escaped falling into the Tendency, but we nevertheless need to know why these theorems should hold even in cases in which obedience to them would be disadvantageous. If they are given by the sovereign, we must have an explanation of how we can be obliged to obey the sovereign that does not rely upon the imperative to preserve covenants laid out in the laws of nature. Deciding on the correct interpretation is far outside the scope of our discussion, but I think that the question mark left as to where the laws of nature get their force leaves open the possibility that Hobbes's account of the bindingness of covenants is moral rather than prudential. If the laws of nature are morally obligatory, as, for example, George Schedler argues (Schedler, 1977), then Hobbes clearly indulges in the Tendency. In addition, there are also certain ways in which Hobbes uses the concept of 'human nature' that might mean he indulges in the Tendency<sup>39</sup>

### 1.3.3 Marx

The philosopher who perhaps most obviously and deliberately stands in opposition to the Tendency is Karl Marx. The first aspect of his work to note is his belief that morality is part of the ideological superstructure that a particular mode of production (the way in which the means of production and the relations of production interact at a certain period of history such that we might satisfy our material needs, such as feudalism or capitalism) has developed in order to stabilise and preserve itself (Marx & Engels, 1998, Volume 1, Part 1). Each epoch of human history produces a set of moral ideas that serve a function – they ensure that peoples' thought and actions are orientated toward the preservation and propagation of that mode of production. This view of the origin of morality precludes indulgence in the Tendency. You cannot argue from ethics to politics because morality, as a socio-historical artefact, is derived from the economic/political arrangements of material life. Adopting a Marxian understanding of ethics precludes the possibility of starting political arguments from them, for ethics are drawn from real historical conditions, the real starting point of inquiry. This is well brought out by what Marx calls the 'First Premise of Materialist Method' in the German Ideology:

[t]he premises from which we begin are not arbitrary ones, not dogmas, but real premises from which abstraction can only be made in the imagination. They are the real individuals, their activity and the

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<sup>39</sup> See fn. 19

material conditions under which they live, both those which they find already existing and those produced by their activity. These premises can thus be verified in a purely empirical way...The first premise of all human history is, of course, the existence of living human individuals.’ (Marx & Engels, 1998, pp. 36-7),

Marx’s view of those political thinkers that he took to use moral ideas in their arguments is further evidence that he did not indulge in the Tendency. A particularly visceral example of this is the way in which he mocks the political programme of the Lasallians in the *Critique of the Gotha Program*. He dismisses their calls for the ‘undiminished’ proceeds of labour, ‘equal right’ and ‘fair distribution’ as ‘obsolete verbal rubbish’ and ‘ideological nonsense about right and other trash’ (Marx, 2000a), showing how little time he had for those who would use moral concepts as the basis of political argumentation. It is important to note in this connection that Marx did not think it was necessary to provide any moral assessment of capitalism. Rather, he was interested in providing an economic and political analysis of it. He wished to understand, in the first instance, how society worked, rather than whether it was morally acceptable or not. While other socialists thought that the end of capitalism would be brought about by using moral argument to reveal its flaws, Marx sought to analyse the internal dynamics and logic of the system to show how its own contradictions would cause it to collapse. The degree to which he was successful in this aim is irrelevant here; what is important is the observation that he did not allow moral claims to be the basis of his theoretical arguments. That is obviously another way in which Marx avoids aspect one, since one cannot argue from ethics if one systematically excludes them from theoretical consideration. But that exclusion is also a way of avoiding aspect two, the superior argumentative weight of the ethical, for Marx did not even allow ethics enough weight to play a role in his theory of capitalism and its demise.

Further evidence emerges from his views on justice, which have been the subject of much debate since the rise of ‘non-bullshit Marxism’ and the corresponding increase of serious treatment of Marx by analytic philosophers ( (Wood, 1972) (Husami, 1978), (Wood, 1979), (Geras, 1984)). I think Allen Wood successfully makes the case that Marx’s notion of justice (*Gerechtigkeit*) is a purely juridical one, belonging to a particular mode of production and stating the proper relations between individuals under that mode of production. Each mode has its own form of justice, and what is just under one may not be just under another. Justice is part of ideology, as discussed above, and has evolved according to historical materialism as a feature of a given mode of production designed to aid its propagation. This does not mean that justice cannot be used as a tool of criticism, if one were so inclined. Husami is correct to point out that nothing in Marx precludes the possibility of a different,

revolutionary conception of justice evolving in the womb of a mode of production to which it is antagonistic (Husami, 1978, p. 34). György Lukács's interpretation of Marxism is in many ways an exploration of this notion (Lukács, 1971). Presumably this development is in fact part of the adjustment of the superstructure necessitated by the development of a new mode of production once the current mode of production fetters the development of the means of production. However, Husami makes a mistake in moving from the observation that such a critical standpoint is available to those living under a particular mode of production to the biographical claim that Marx was adopting this standpoint. Even if a 'proletarian' theory of justice is available that can be used to critique the conception of justice that corresponds to bourgeois capitalism, it is clear that Marx has not adopted it in his argumentation.

This observation brings us to the core of the case for the defence: that despite some uses of moralised language Marx never employs moral notions in argument. Marx doubtless had many beliefs about the immorality of capitalism but these do not appear as premises in his arguments. Historical materialism does not employ any judgments about the rightness or wrongness of the social formations it describes. Although his lack of explicit argumentation on the subject makes a precise statement of his view problematic, it seems that insofar as Marx thought the fall of capitalism inevitable, it would not come because capitalism was 'wrong' but rather because of the contradictions implicit in it. The immiseration of the proletariat is a necessary feature of capitalism and one that will spur people to action, but it is no part of the theoretical project to decry it as wrong. And this is the point: Marx's theoretical project, nebulous and far-reaching as it is, is hard to understand as a coherent whole. But one thing it clearly is not is a moral jeremiad. Marx's interest is never in determining whether capitalism, and its associated socio-political manifestations, is right or wrong; his interest is in determining what it is and how it works. Recognising that Marx had the capacity to distinguish between those beliefs that were properly part of his theoretical view and those that were not allows us to do away with tortuous interpretations of Marx's view of morality such as G.A. Cohen's, which claims that 'Marx mistakenly thought that Marx did not believe that capitalism was unjust, because he was confused about justice.' (Cohen, 1983, p. 43). Rather, we can recognise that Marx had moral views but did not think that they were the proper subject of his work. His moral convictions are sometimes betrayed by his love of evocative language; but that does not mean that they are, properly speaking, part of his theoretical view. Were they, we would expect him to use them in his argument, which he does not. In refusing to use morality in argumentation, Marx completely avoids the Tendency.



Nevertheless, one area of Marx's philosophy perhaps cannot be understood without bringing morality into the picture – the views about alienation under capitalism expressed in his earlier work. The notion of alienation found in the 1844 Manuscripts, with its roots firmly planted in Feuerbach's critique of religion, understands humans as alienated from their species-essence by the character of productive activity under capitalism. Rather than production being a social activity done to meet the needs of all, the labour relations of capitalism disguise it as a series of discrete, non-social activities done merely for the satisfaction of individual need. This, *inter alia*, is the alienating nature of capitalist production. The details here are less important than the claim that alienation is problematic because it divorces us from our species-essence (*Gattungswesen*). It is not easy to determine exactly what Marx meant here, since he rarely addresses the issue directly, and many of our clues come from inverting the descriptions of alienated life divorced from species-essence. However, what is clear is that life in alignment with species-essence is to be sought – that is the meaning of human emancipation for Marx (Marx, 2000d). It is a description, however bare, of human life as it ought to be. As such, it is a moral ideal. And the claim is incomprehensible without drawing a contrast with non-alienating production, at least implicitly. Claims about species essence are claims about human nature similar to those employed by Aristotle and Hobbes – and we should be wary of them.<sup>40</sup> The critique of capitalism as alienating relies on moral judgments, opening Marx up to the charge that here he indulges in the Tendency. It is, however, an open question as to how important we should think these early texts in our overall understanding of his work.

This brings us to the end of our discussion of the nature of the Tendency, of its presence in the Rawlsian tradition, and of those canonical philosophers who have largely managed to avoid it. In the next chapter, I will discuss why I take it that indulging in the Tendency is fundamentally problematic.

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<sup>40</sup> See fn. 19

## Chapter 2 – Disagreement and Moral Uncertainty

*After a careful investigation into the meaning of the word heretic,  
I can discover no more than this, that we regard those as heretics  
with whom we disagree*

Sebastian Castellio

In the previous chapter, I described a methodological phenomenon common in political philosophy and demonstrated its presence in the work of Rawls and in the authors who influenced him most. The Tendency is the name I have given to philosophers fully determining their moral views in isolation from political concerns and then using these moral views as the basis of their political philosophy. Morality obviously plays a central role in political philosophy, just as it plays a central role in real politics. However, the relationship between moral philosophy and political philosophy and the proper role of the former in the latter are controversial. The Tendency represents one way of interpreting this role – a way of structuring political argumentation by working out moral premises in isolation from political considerations and then taking them to be both the starting point for political arguments and the ultimate arbiters of their correctness. Having described the Tendency, I will now explain why it is deeply problematic.

In brief, my objection to the Tendency is that the moral premises upon which philosophers base their arguments are less certain than they take them to be. Given that the Tendency uses arguments with moral premises to secure political conclusions, the insecurity of these premises means that the conclusions that are based upon them inherit this uncertainty. However, philosophers who indulge in the Tendency rarely acknowledge this uncertainty, much less think it philosophically significant. The certainty with which these philosophers practice political philosophy is at odds with the reality of our political world, which is typified by intense contestation over the moral claims that underpin political argument, contestation that situates morality within the political realm rather than independent of it and prior to it. The incongruity between the discourse-relative certainty of political philosophers and the constituent moral uncertainty of the political world means that political philosophy that takes its moral basis to be secure and outside of the scope of investigation is distinctly ill-suited for the minimal requirement of a political philosophy I put forward as a *desideratum* in Chapter One – that it help us navigate our political world.

Consider the different ways in which political philosophers might compose an argument, given discourse-relative certainty about some moral proposition P. P might be among the premises in an argument. In the simplest case, the argument might specify a connection between P and some conclusion Q, such that ‘If P then Q’, and then argue ‘P therefore Q’ by *modus ponens*. As a toy example, we could render Nozick’s argument regarding the inviolability of rights for the sake of the greater good (Nozick, 1974, pp. 32-3) as an argument of the form:

- 1) If human beings are individual then their rights (understood as side-constraints) cannot be abridged for the sake of the collective good
- 2) Humans are individual
- C) It is impermissible to violate the rights of others for the sake of the collective good

If Nozick were to concede that (2) were merely a hypothesis, rather than a certainty, *Anarchy, State, and Utopia* would be an examination of the consequences of belief in P, rather than an assertion of the correctness of the view.<sup>41</sup> The same is true of entailment (1).

Alternatively, moral views might be used in political philosophy to exclude options. If you take it that P is true and it is not possible that ‘P & Q’, you conclude that not-Q. Rather than offering a positive deduction of some particular conclusion from some moral premise, you exclude particular conclusions because they contradict things you hold certain. Take, for example, the way that many liberal philosophers take the conception of persons as ‘free and equal’ to be foundational,<sup>42</sup> thus excluding any argumentative conclusion that contradicts this proposition, such as support of a theocratic dictatorship. Similarly, this is the style of argument used by R.P. Wolff to establish that philosophical anarchism is the only acceptable position (see §1.1). Here the philosopher must have good reason for their certainty that P, as otherwise the exclusion of Q lacks justification.

These are just two simplified examples of how moral premises might be used in arguments in political philosophy – the level of complication is frequently far greater. However these

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<sup>41</sup> Nozick does admit that there is something odd in the way in which philosophers often present works as ‘as though their authors believe them to be the absolutely final word on their subject.’ (Nozick, 1974, p. xii). He claims his work is an ‘exploration’ of certain ideas, rather than a practical political tract or the final word on the subject. Regardless, although he explicitly states that he intends to ‘give it all to you: the doubts and worries and uncertainties as well as the beliefs, convictions, and arguments’ (Nozick, 1974, p. xiv) he does not seem to have any serious doubts about the ‘strong formulation of individual rights’ (Nozick, 1974, p. xi) from which he starts. Given that all of *Anarchy, State, and Utopia* is predicated on that belief, his lack of doubt is significant.

<sup>42</sup> For just a few examples, see (Locke, 1988, §95), (Rawls, 2005, pp. 18-19), (Quong, 2010, p. 64), (Gaus, 2011, pp. 1-25).

simple examples nevertheless help to show the import of the moral claims that political philosophers take to be certain in political argumentation.

I should say something about the relationship between knowledge and certainty in this context. Knowledge tends to be understood as a relationship that obtains between a subject and a proposition, such that S knows P when the particular conditions are met. These conditions are stipulated by a theory of knowledge. Certainty tends to describe the state of mind of a thinker relative to a proposition, such that when the thinker is certain of the proposition, they do not doubt it or inquire further into its veracity. Knowing P is often taken to be good grounds for being certain that P but one can be certain in the absence of knowledge and under many theories one can know without being certain. While I take it that many political philosophers believe they know the moral premises on which they base their arguments, I do not want to make a claim that strong because it would force me to take a position in the huge debate about the concept of knowledge. It would also require an investigation into the theory of knowledge held by these philosophers, a subject on which few have published. Considering that what I am interested in is the role of moral beliefs in the construction of political argumentation, it is enough that the philosophers in question are certain of the relevant beliefs, or rather that they write as if they are certain of them in the context of political argument (what I have called ‘discourse-relative’ certainty in Chapter One). In this context, certainty has the same argumentative function as knowledge, in that the beliefs in question become secure and unimpeachable. If it can be shown that philosophers should not treat their moral beliefs as certain, then their arguments must be reconsidered. Because of this functional equivalence between knowledge and certainty in the context of argument, many of the arguments and thoughts presented here will draw on sceptical resources designed to attack knowledge claims, and adapted to discuss the question of what justifies certainty. Even if philosophers do not explicitly pretend to knowledge, their practice is deeply guided by its ideals. In the following chapter I will argue that the certainty implicit in the Tendency is inappropriate because that is enough to make my case. But that should not obscure the fact that the argument also undermines knowledge claims in general. Insofar as political philosophy is seen as a knowledge-seeking or knowledge-generating enterprise, the argument will have strong negative consequences for practice.

The argument will proceed first by setting out reasons to be sceptical of political philosophy that is reliant upon moral premises treated as certain. I will argue that moral matters are the subject of equipollent disagreement – disagreement wherein each party to the disagreement has an equal claim to correctness and no neutral way to arbitrate the dispute exists – and that this blocks the establishment of any particular ethical position, undermining the justification

of the Tendency. After briefly looking at two ways of responding to this sort of sceptical worry, I will argue that neither saves the Tendency because disagreement is inescapable for those living in non-homogeneous societies. Having made the case that we should not feel certain about our moral views and that the moral contestation intrinsic to politics makes this uncertainty salient and unavoidable for the political philosopher, I shall conclude that our default position should be moral uncertainty and thus we should reject the Tendency. In the final section of the chapter I will discuss two other methodological criticisms that bear some relationship to my worry – the depoliticisation complaint and the moralising complaint – to clarify my point.

## 2.1 Schemas of Assessment

What would have to be true for the Tendency to be an appropriate way of approaching political philosophy? Since the Tendency uses moral premises as the basis for political arguments, those moral premises should be secure. That is, they must be adequately supported by argument and we cannot have good reasons to doubt their veracity. The claim I intend to substantiate in this section is that we have good reason for doubt, and that this reason underpins the fact that moral philosophy has not reached many firm and uncontested conclusions over two and a half millennia. Essentially, our epistemic limitations mean that we are unable to achieve any sort of neutral arbitration between putative answers to moral questions, leaving us in a position where  $S^1$  believes that  $P$  on the basis of  $E^1$ ,  $S^2$  believes that not- $P$  on the basis of  $E^2$ ,  $S^3$  believes  $Q$  on the basis of  $E^3$  and so on. I will describe this sort of position as one of equipollent disagreement, that is disagreement between equally situated positions. It is the main driver of the Pyrrhonian sceptic's position – that in a situation of equipollent disagreement there is no reason to favour one position over the others and so we must suspend judgment (see Sextus Empiricus, especially the eighth mode of scepticism, discussed in (Annas & Barnes, 1985)). If there is equipollent disagreement over our moral beliefs then there are reasons to doubt that they are correct – and therefore we should not indulge in the Tendency.

The problem can be neatly summed up by pointing to an ancient version of it in Plato's *Euthythro* (6b-9c). Before arriving at the more famous 'Euthythro Dilemma' (10a), Euthythro suggests that being pious is being loved by the gods. Socrates points out that there are things that are loved by some gods and hated by others, which would make them both pious and impious. If the gods disagree about what is worthy of love, there will be disagreement among their worshippers about what is pious. In just the same way, if moral theories disagree about what is right, subscribers to those theories will disagree on normative

questions. In both cases, a non-question-begging way of deciding who is correct is necessary. Parties to the disagreement offer reasons for selecting their side but, as I will attempt to substantiate in this chapter, these reasons are question-begging and therefore inadequate.

I will have to do some groundwork to get to this claim. To see the strength of the Pyrrhonian position, we must start with a brief discussion of the psychology of disagreement. Technically speaking, the Pyrrhonian position need not be motivated by any actual disagreement – one can argue to the same conclusion by noting hypothetical perspectival differences. But I think that approaching the question through the discussion of real, albeit schematised, disagreements is more helpful both because it is closer to the way moral thought proceeds for most people and because it makes salient the intellectual pressure that is brought to bear upon us by an actual person opposing our view.

Here I will introduce the notion of a schema of assessment. A schema of assessment is the collection of elements that an individual uses to decide how to understand claims and whether to accept or reject them. This could include other beliefs that the individual holds, facts that they take themselves to know, beliefs about the authority of the source of the claim, beliefs about appropriate methods of analysis relative to a specific claim or an entire area of discourse, acceptable forms of reasoning understood as what Miriam Schoenfield calls ‘epistemic standards’, which act ‘as a function from bodies of evidence to doxastic states which the agent takes to be *truth conducive*’ (Schoenfield, 2014, p. 199) and so on. Specialists in epistemology or philosophy of mind might balk at the imprecision of this notion, but it is deliberately so in the hope of remaining as neutral as possible between differing epistemological positions. It strikes me that there is something intuitive about the minimal idea presented: that when we assess a claim we employ a complex of different elements, including what we already believe and our beliefs about the ways in which we can acceptably come to believe things. This complex is our schema of assessment. My intention here is merely to offer a shorthand for this set of cognitive elements, whatever they might be. Although it is underdeveloped, simplistic and deliberately theoretically naïve, this gives the idea certain flexibility that outweighs these disadvantages by permitting us to take an ecumenical approach to certain issues in psychology, epistemology and the philosophy of mind.

Note also that this is an account of *active* reasoning about claims, rather than a general account of how we come to believe things. Often we are presented with claims that we accept unquestioningly. Sometimes this is because of a recognition of the authority of the

source of the claim (for example, I tend to take Stephen Hawkins at his word with regard to physics); sometimes it is because we have little motivation to care about the veracity of the belief (I might well believe you unquestioningly about the time of day if I have nowhere to be, but be more inquisitive if I have to catch a train in twenty minutes); sometimes we are not focussed on the belief in question (as when you read an incidental detail in a book that sticks in your head); sometimes it is merely because we have conversational norms that suggest we ought to trust the testimony of others, provided that certain conditions are met, and therefore do so (Sosa, 1994). However, this sort of unreflective belief is not what is involved in the discussion of contested moral beliefs. Although certain beliefs might come about through such a process, when we think critically about them we are forced to give reasons for our belief these reasons constitute a schema of assessment. This schema of assessment might well be different from the schema of assessment that first licensed the belief (as in cases where you forget your original reasons for believing but acquire new ones) or the schema of assessment that causally explains your belief (as in the case of false consciousness or beliefs arrived at by ‘system 1’ reasoning, that is unconscious or automatic reasoning).<sup>43</sup> These problems do not undermine the idea that we engage in active reflection about our beliefs when we disagree; they merely suggest that we might be wrong about why we hold a certain belief.

A practical example: in investigating a historical text, I assess it in light of my beliefs, including thoughts about appropriate historical method, claims about world history and so on. If I believe that the claims made in the text are well supported by evidence, follow acceptable patterns of inference and are consistent with my other relevant beliefs, I will come to believe those claims. The schema of assessment employed is the set of these elements. It will doubtless share some members with schemas of assessment used to assess other claims, for example the schema of assessment I use to assess whether the March on Rome convinced Vittorio Emanuele III to appoint Mussolini as Prime Minister of Italy shares some members with schemas of assessment used to assess closely related claims such as the claim that Luigi Facta was the previous Prime Minister of Italy, fewer but still some members with schemas of assessment used for certain sociological claims regarding Weber’s theory of charismatic authority and almost none with the schema of assessment used to decide whether I am enjoying the cup of tea that I am currently drinking.

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<sup>43</sup> Dual Process Theory is the view that human beings engage in two types of reasoning, an implicit, automatic process termed ‘system 1’ reasoning and an explicit, controlled process termed ‘system 2’ reasoning. The exact understanding of these two systems varies but ‘[t]ypically, one of the processes is characterized as fast, effortless, automatic, nonconscious, inflexible, heavily contextualized, and undemanding of working memory, and the other as slow, effortful, controlled, conscious, flexible, decontextualized, and demanding of working memory.’ (Frankish & Evans, 2009, p. 1).

Because we are not particularly tidy thinkers and unable to hold all the contents of our mind in front of us at once, we often have elements that cannot be held together. Real people have complex psychologies that display a degree of inconsistency, tension and even contradictions between different commitments. When we come to realise there is a conflict between elements of our schema of assessment, we seek a method to arbitrate between conflicting elements (Festinger, 1962). I will call the schema of assessment that is employed in the arbitrations of two accepted elements an arbitrating schema of assessment. Typically although not always this will involve abstract principles of reasoning and considerations of the weighting one should give to particular elements. An arbitrating schema of assessment can also range over two schemas of assessments, rather than two elements, as in cases in which we are deciding on the appropriate methods for establishing the truth of a claim. This is not to suggest that certain schemas of assessment always range over others, creating a fixed pyramidal structure that orders our cognition. The dominant metaphor here is that of a set, not a pyramid. It is not an enduring cognitive entity that occupies some fixed position within a rigid, hierarchical structure of similar entities but rather a collection of various elements brought together for the purpose of arbitration of a specific issue.

When we are presented with a question, we assess putative answers with a schema of assessment. If this schema of assessment recommends the selection of one particular answer, we adopt that resolution and the elements involved in it. This only happens in simple cases where all considerations point toward one answer, such as when asked what two and two equal in a low-stakes situation.<sup>44</sup> More often, different considerations point toward different answers. Here we employ an arbitrating schema of assessment to decide the issue, as some considerations must be brought to bear to arbitrate authoritatively between the options. Questions that are immediately answerable with reference to a single schema of assessment are shallow questions; those that employ arbitrating schemas of assessment are deeper ones.

Disagreement necessarily involves multiple schemas of assessment, whether it is actual disagreement between two people or hypothetical disagreement engaged in by a single person comparing the recommendations of different schemas of assessment. If two individuals employed the exact same elements in assessing an issue, they would presumably reach the same conclusion, provided that the question is such that it allows for a singular, determinate answer and that the individuals make no mistakes in their reasoning. Thus, the

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<sup>44</sup> I stipulate that the situation be low-stakes because it has been argued that high-stakes situations, i.e. one wherein knowing that P is crucial to attaining some positive outcome (or avoiding some negative one), raise our standards for knowledge ascriptions (Stanley, 2007).



type of shallowness associated with the simple cases described above cannot exist in the case of disagreement because of the necessary presence of different schemas of assessment. Beyond this, the depth of disagreement varies massively. It should be stressed that often we agree, and often this happens quite quickly. Parties that do not employ the same schema of assessment initially might come to do so through a process of discussion. Sometime we can reach agreement with only minor alterations to the parties' schemas of assessment because they agree on an arbitrating schema of assessment and can agree on how this affects their schemas of assessment. Sometimes we hold extremely different schemas of assessment but find that enough is shared between them to arrive at an answer that represents a compromise between the two. Disagreements that cannot be resolved are reasonably rare, but they are crucially important. In such cases, we disagree about the appropriate arbitrating schema of assessment, leading to a more protracted dispute. In this way, disagreements can be deep or shallow. The deepest are those where no appropriate arbitrating schema of assessment is shared between the disputing parties.<sup>45</sup>

It is also possible for individuals to agree by employing different schemas of assessment that both recommend the same solution. Such agreements, we might say, are 'shallow' ones. For example, you and I might agree that Arsenal is the greatest FA cup side ever – but whereas you accept this by virtue of them having won the cup more times than anyone else, I accept it by virtue of my partisan commitment to the belief that 'we're by far the greatest team the world has ever seen'.

We are rarely called upon to assess a single element independently of others (Quine & Ullian, 1978, pp. 16-19). The components that make up our schemas of assessment are dense and interconnected; frequently accepting or rejecting particular ideas cannot be done without serious adjustments elsewhere. We tend toward doxastic conservatism, accepting those elements that require smaller changes in our already accepted elements (Harman, 1986, Ch. 4&5). So when called upon to accept or reject a new element we are inclined toward those changes that least disrupt our world-view. That makes certain profound disagreements all the more intractable, for one side might be asking the other to acquire an element that requires profound changes and forces them to reject or alter a number of their previously held elements. That said, such profound changes are still possible and it might be the case that

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<sup>45</sup> The reader might note some similarities between the discussion of disagreement here and Thomas Scanlon's discussion of the three types of moral disagreement, especially 'disagreement about reasons', in *Moral Theory: Understanding and Disagreement* (Scanlon, 1995, pp. 349-353). I have however avoided adopting his terminology to widen the scope of the discussion beyond moral disagreement to all types of disagreement.

there are no beliefs so firmly held that that are not potentially subject to rejection (Quine, 1953, p. 43).

Finally, understanding the idea properly also involves understanding its limitations – since schemas of assessment are merely the elements that we actually employ in assessing claims, the absence of relevant information or principles of reasoning are just as important to the composition of schemas of assessment as the positive elements. The situation in which we must judge under incomplete information is all too common, as is the situation in which we are not aware that we lack information. Sometimes we are aware that our schemas of assessment are deficient, as when there are ‘known unknowns’ relevant to the matter at hand. At other times we are unaware that we lack relevant elements. From the first-person perspective, this second situation, we should note, is indistinguishable from the situation in which we have complete information, raising the worrying possibility that we often make judgments based on an inadequate schemas of assessment but are unable to recognise these judgments as dubious as a result.

I should stress that this is not offered as a picture of a ‘rational’ process and no notion of ‘good’ reasoning has so far been invoked. The discussion has yet to invoke epistemological considerations, that is questions of the appropriate ways for ideally rational agents to think. I do not intend to discuss how such characters should think about a disagreement – they are not features of our world. Rather, I aim to discuss how *we* should think about actual disagreements that occur between actual people, meaning the discussion will assume that people are less than ideally rational agents, often in quite profound ways. Later in the chapter, we will move on to a discussion of the issue of justification, a concern more central to traditional epistemology, but this discussion will be deeply constrained by the way that people actually do think. This is because I take the notion of ‘proper’ reasoning to be a function of people’s schemas of assessment, rather than taking their schemas of assessment as an attempt to track some transcendental notion of ‘proper’ reasoning.

## 2.2 Pyrrhonian Scepticism

With the notion of a schema of assessment in place, we can turn to the sceptical worry that lies at the heart of this thesis: the problem of moral uncertainty. The claim that I aim to substantiate in this section is that the tools that we use to arbitrate disagreements can be justified only in a coherentist way, meaning that when there are disputes about who has a better claim to correctness, we have no recourse to a neutral vantage point from which we can resolve the disagreement. In such cases, there is equipollent disagreement about what

sort of evidence and inferences justify claims. Given that we must think some claim justified to warrant certainty about it, these claims are undermined when there is an open question as to what qualifies as justification. While we might think that someone we disagree with is not our epistemic peer<sup>46</sup> because they have an inferior schema of assessment, our justification for thinking that schema of assessment to be inferior is the product of an arbitrating schema of assessment that is subject to dispute. Our interlocutor will also take us to have an inferior schema of assessment, justifying that belief with reference to their own arbitrating schema of assessment. For either side to be justified, we would have to decide which of the two schemas of assessment is correct (if, indeed, either is). In the absence of some appropriate arbitrating schema of assessment to decide between them, both schemas of assessment have equal standing. I will argue that this arbitrating schema of assessment is unavailable to us, which makes the disagreement about the right way to assess the claim in question an equipollent one. If we recognise that we have reasons for our belief that are no better than the reasons that others have to reject that belief, our justification is only as good as theirs. This makes us epistemic peers, in that we are as good as each other at evaluating the claims that our moral beliefs are justified. Thus we are left in the Pyrrhonian position where each believes that they are correct because they are correct by the lights of their own schema of assessment, but we lack a neutral way of assessing which schema of assessment is the correct one. This ought to make us far less certain about our moral beliefs.

It is worth noting that some views present in actual disagreements will fail on their own terms, which means that the disagreement will not be equipollent. For example, if a particular view involves a blatant contradiction and the person who holds it subscribes to the principle of non-contradiction, their view will fail to reach their own standards for acceptability. Such views are not really pertinent to our discussion, which is concerned with views that have a sufficient degree of coherence that they can be used as the basis of political argumentation.

Consider what happens when two sides get involved in deep disagreement and their schemas of assessment have insufficient intersection for them to come to the same answer. They must

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<sup>46</sup> An epistemic peer is someone we think of 'as being as good as you at evaluating such claims' (Elga, 2007, p. 484). Elga credits the term to Gary Gutting, for whom epistemic peers are people equal in 'intelligence, perspicacity, honesty, thoroughness, and other relevant epistemic virtues' (Gutting, 1982, p. 83). I prefer Elga's version, which concentrates on the evaluative equality between the two rather than any specific regard in which they are thought to be equal. This is because of a certain commitment I have to seeing epistemic virtues as internal to a schema of assessment. Elga's version allows us to understand peerhood as a relational property that asserts some non-specific form of equality of competence, whereas Gutting's version commits us to a particular view of what goes into this notion of competence.

now look to their arbitrating schemas of assessment to find a resolution. But here there is also insufficient agreement to get either side to substantially change the schema of assessment with which they started. It is not just that they disagree about what is relevant to the resolution of the issue, they also disagree about how one should go about seeking an answer. To each, their position seems correct, justified as it is by their schemas of assessment. And this justification seems to them sufficient to guarantee correctness, even knowing that the other side takes it to be incorrect.

What we need is a method of arbitrating which of these schemas of assessment is the appropriate one, a schema of assessment that ranges over that held by the interlocutors and is neutral between them to ensure fairness in arbitration, that is to avoid begging the question. If we can identify this neutral schema of assessment and use it to decide which of the two candidate schemas of assessment is the correct one, we can claim that the belief generated by that schema of assessment is justified. If we cannot, we find ourselves in the Pyrrhonian position.

The problem is that access to a schema of assessment that is incontrovertibly correct and allows us to see that one side is right and the other wrong is an impossibility for beings like us. The suggestion that we, as historically located beings with our particular epistemic abilities, could assess the disagreement from a neutral perspective would be to argue that we can have access to an Ur-schema of assessment, one to which all others are subordinate. I find Hilary Putnam's metaphor of the 'God's eye point of view' (Putnam, 1981, Ch. 3) helpful in understanding why this is problematic. Putnam introduces this metaphor to explain what he finds wrong about the 'externalist perspective' in philosophy, which holds that 'the world consists of some fixed totality of mind-independent objects'. He contrasts this with his view, 'internalism', which holds that questions like 'what does the world consist of?' only make sense 'within a theory or description' (Putnam, 1981, p. 49). The 'God's eye point of view' is the perspective from which the world can be viewed as it truly is, independent of any distortions that our own ways of understanding might create. If truth, on the externalist's picture, is 'correspondence with mind-independent or discourse-independent "states of affairs"' (Putnam, 1981, p. 50) then the God's-eye point of view is the perspective from which one can observe this connection or the lack thereof. The basic problem with this approach is that there is no way to observe both the way things appear to us and the way that things truly are in order to compare them. Multiple, incompatible ways of describing the world exist – but the externalist wishes to whittle these down to 'The One True Theory' (Putnam, 1981, p. 73). However, that ambition stumbles for the fundamental Kantian reason that there is no way to move beyond how things appear to us and get at how

things actually are (Putnam, 1981, p. 62). Putnam argues that philosophers have been searching for such a God's-eye point of view for centuries, but that the enterprise ultimately represents a 'natural but unfulfillable impulse' (Putnam, 1981, p. 74). Ultimately, '[t]here is no God's eye point of view that we can know or usefully imagine; there are only the various points of view of actual persons reflective of various interests and purposes that their descriptions and theories subserve' (Putnam, 1981, p. 50).

Although Putnam's discussion of the God's-eye point of view relates to ontology, the metaphor itself can be usefully adapted. The Ur-schema of assessment described above, the neutral schema of assessment used to adjudicate between particular schemas of assessment, is like the God's-eye point of view. It has access to the world as it truly is, independent of all of our partisan schemas of assessment. However, we have no access to this schema, but only to our own. And try as we might, we cannot get past them. We cannot inhabit the Ur-schema and our ability to imagine it will always be hampered by the fact that we construct it using our own schemas of assessment.

The issue here is not one of ontology – there might or might not be a single, unique schema of assessment from which moral claims can be assessed – but rather an epistemological one. Even if such a schema exists, we have no access to it. Any attempt to move from our schema of assessment to a neutral one will be deemed correct or incorrect relative to our notion of neutrality, which will be part of the coherentist complex of elements that deemed us right and our interlocutor wrong. The position we begin from will inevitably colour the putatively neutral schema of assessment we adopt, meaning our notion of neutrality is the product of a schema of assessment that is subject to contestation. We might be able to conceive of a neutral schema of assessment in the abstract, thought of as the God's-eye point of view, but it cannot be argumentatively useful because we cannot step outside our schemas of assessment and adopt it. All parties to the dispute will be in the same position: we take ourselves to be correct from a neutral perspective but our assessment of our neutrality is born of our particular positions. We will all be convinced of the correctness of our positions, and that they are correct from a neutral perspective, although the notion of neutrality we operate with will be different. Just as we are disinclined to back down, so too will our opponents be, for they are right by the lights of their own schemas of assessment. There seems no non-question-begging reason to favour one putatively neutral arbitrating schema of assessment over the other.

This points to a problem with many philosophical arguments that endorse some variation of the 'ideal observer' theory – the idea that what is right or wrong, good or bad, is what an

ideal observer would be disposed to so judge. The basic idea is made clear by Adam Smith's exhortation that we must 'examine our own conduct as we imagine any other fair and impartial spectator would examine it' (Smith, 1984, III, I).<sup>47</sup> The pronoun is crucial here – as *we* imagine any other fair and impartial spectator would examine it. Even if we think that the correctness of some proposition is determined by what an ideal observer would be inclined to accept, we have no epistemic access to such a position. Our imaginings of it are a wholly inadequate substitute. The connection between what the ideal observer would judge and what we think they would judge is insufficient to give us access to their opinions. We cannot say, 'if I were the ideal observer, I would judge that P'. We can recognise that an ideal observer would judge well, but that does not give us access to the content of the judgments that they would make. Furthermore, while we might have some thoughts about how they would judge (accurately, taking into account relevant information and so on), it is not clear that we really agree on what notion of judging well means when fully specified.

So what is the significance of all of this for us? If what I have set out above is an accurate picture of the way in which we assess claims, then the reasons that philosophers have for holding their moral views with certainty are grounded in their web of belief, to borrow a metaphor from Quine (Quine & Ullian, 1978), and their justification is internal to that web. When we encounter others who reject our moral view and engage with them about it, we attempt to offer argument in support of our position. But that argumentation is convincing only to the degree that our interlocutor adopts a schema of assessment that would incline them to accept our argumentation. Often we do discuss moral matters with those who hold relevantly similar schemas of assessment and can reach some agreement, but there are also times when we encounter people whose schemas of assessment are so radically different from ours that no agreement is possible. In such cases the disagreement is extremely deep. However, when we consider the above picture of claim assessment, we note that our interlocutor also has reasons, internal to their schema of assessment, for their moral beliefs and, in the absence of a neutral schema of assessment that can arbitrate between our views, we are engaged in an equipollent disagreement. Given that we lack any non-question-begging reason to select one schema of assessment over another, we ought to suspend judgment.

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<sup>47</sup> Incidentally, it is not clear that Smith can be criticised on these grounds, since, as Amartya Sen says, 'the device of the impartial spectator is used by Smith to open up questioning, rather than close down a debate with a formulaic answer allegedly derived from the impartial spectator seen as a definitive arbitrator' (Sen, 2009, p. 404fn). The theories that I wish to target, unlike Smith's, take it that the views of the ideal observer give us definitive answers, rather than merely raising questions. I invoked Smith both because he is the *locus classicus* of this idea in Western philosophy and because his statement of the idea is rather pithy.

I should stress again that the disagreement itself is not necessary to inspire the sceptical thought – considering the hypothetical possibility that you might have held a radically different schema of assessment can drive the same worry. The importance of disagreement is not that it grounds sceptical worries but rather that it makes them salient to us. Sceptical worries are always possible but rarely worth entertaining. However, as I will go on to argue, the presence of moral disagreement makes salient to us the fact that there are multiple persons who adopt radically different schemas of assessment to us in moral argument and that we lack non-question-begging reasons to think our view superior to theirs. Consideration of the conflicts that make up the substance of politics and the diversity of moral views that underpin them acts as a constant reminder of our epistemic limitations. Although the sceptical worry could be arrived at by the consideration of hypothetical disagreement, it is the centrality of actual disagreement in politics that compels us to consider it.

To make the problem clearer, we can consider a toy example of a Kantian disagreeing with a Utilitarian over whether one is permitted to lie to an axe-murderer who is looking for your friend. The Kantian thinks that the proper interpretation of Kant's moral philosophy forbids lying, whereas the Utilitarian believes that lying would create the greatest good for the greatest number and therefore is the right thing to do.<sup>48</sup> This disagreement is extremely deep and no arbitrating schema of assessment to which they could both assent seems available. The claim is not that agreement is impossible but rather that, on first blush, the deontological, duty-orientated approach of Kant seems fundamentally incompatible with the consequentialist, felicity-related approach of Utilitarianism.<sup>49</sup> There will thus doubtless be cases in which the interlocutors share no arbitrating schema of assessment – a possibility confirmed by the fact that some people consider certain beliefs, for example in the validity of the categorical imperative or the felicific principle, to be foundational and unquestionable. When Kantians consider the Utilitarian's view, they reject it because of its incompatibility with the categorical imperative and the considerations that support it, that is the schema of assessment that led to their endorsement of Kantianism. When the Utilitarian considers the Kantian's view, the same is true, *mutatis mutandis*. Both are correct to reject the view of the other given their respective schemas of assessment, but this tells us nothing about which schema of assessment we should favour if we are not already partisan. Even if we are partisan, recognition of our inability to occupy the Ur-schema of assessment alerts us to the contingency of our own moral beliefs and the fact that our interlocutor is in the same

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<sup>48</sup> These Kantians and Utilitarians are, obviously, not very nuanced caricatures but there are both naïve Kantians and naïve Utilitarians about.

<sup>49</sup> Derek Parfit famously contests this, claiming that Kantianism, Utilitarianism and Consequentialism are 'climbing the same mountain on different sides' (Parfit, 2011, p. 411).

position. This forces us to recognise the equipollence of moral disagreement. This recognition, in turn, should undermine the certainty with which we hold our moral beliefs. That is not to say that we cannot believe our schema of assessment is better than theirs. We clearly do, or we would not use it to assess claims. The point is rather that our schema of assessment is better relative to the commitments that we already have; the same goes for the opposing side. We must bear in mind that we have no way of demonstrating the invalidity of their schema of assessment and as such must recognise that their way of assessing claims stands on as firm a footing as our own, in other words that it is justified by the schema of assessment within which they operate, which in turn is justified by its coherence with their overall set of beliefs.

Part of the problem is that we often cannot agree on what would constitute a ‘correct’ answer, meaning we are unable to come up with an ecumenical answer to the question of what entitles us to certainty about our views. Often, we not only disagree about P but also about what sort of evidence is adequate to establish P. Consider a disagreement between someone who believes that the Bible is the literal word of God<sup>50</sup> and a biologist who believes in evolutionary explanations of the origins of humankind. How do we establish the criteria for a ‘correct’ answer to the question ‘did human beings evolve from single-celled organisms?’ What makes for a better answer? The biologist might point to the greater predictive and explanatory power that our schema has with regards to the natural world, a common move for supporters of scientific method.<sup>51</sup> But that will only be considered ‘better’ if our reason for holding that schema of assessment is to develop a scientific understanding of the physical world or to manipulate it in predictable ways. If we have other concerns – such as ascending into the Kingdom of Heaven – our schema of assessment will be notably lacking. The scientist and the fundamentalist do not just disagree about the answer, they also disagree about what constitutes a correct answer – because they hold radically different schemas of assessment. The two sides lack the ability to show that the other side’s schema is incorrect, a product of us having very different views on what it would be to be right.

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<sup>50</sup> While this is an obvious caricature, and many creationists do not reject scientific schemas of assessment entirely or even for the most part, at least some believe that the Bible is the sole legitimate authority on the origins of humanity. For an example of the endorsement of a stringently literal reading of the Bible and consequent rejection of all scientific explanations of the origins of humankind, see Henry Morris and John Whitcomb (Morris & Whitcomb, 1961). That opinion is not uncommon — a Gallup poll released in 2017 recorded that 38% of adults in the United States agree with the statement ‘God created humans in their present form at one time within the last 10,000 years’ (Gallup, 2017) although Gallup notes that this view is less common than it has been in recent memory.

<sup>51</sup> In actual scientific practice, the relationship between prediction and explanation is somewhat controversial. See (Douglas, 2009) for an interesting, historically-informed discussion.



Sarah McGrath suggests that in cases of disagreement we can resolve the issue by identifying experts with reference to ‘some kind of independent check’ (McGrath, 2009, p. 97, emphasis removed) and following their lead. For example, she suggests that we check the competence of weather reporters by looking at their track record compared to how the weather actually turned out. However, this solution only works where there is a shared schema of assessment used to identify experts. Where no shared schema of assessment exists there can be no ‘independent check’ to ascertain who qualifies as an expert. Again, this is a result of our different aims, which cause us to have different views of what it is to be right. The believer in evolution will look to the best evolutionary biologists; the creationist to the best interpreter of Scripture. Similarly in morality, we determine who is a moral expert with reference to the moral schemas of assessment that we already employ, which merely entrenches us further in our partisan position while doing nothing to resolve the equipollent disagreement. Deference to experts stems from and reinforces the schema of assessment we already have, so McGrath’s suggestion is unhelpful in resolving deep disagreement.<sup>52</sup>

So what is the epistemic upshot of all this? The epistemic norms that determine the criteria of correctness we endorse for moral views are part of our particular complex of schemas of assessment. We have a notion of the type of justification necessary for us to be certain that our moral views are correct, which is part of the schema of assessment that we employ in assessing moral questions. But this notion is itself controversial. When we are certain that P we take it that our belief in P is justified. However, just as there is a dispute about P, there is a dispute about what would justify the claim that P, and there is no neutral, non-question-begging concept of justification available to the parties. We have a situation in which the fact in question is disputed by each party, with the added difficulty that the relevant notion of justification is disputed by each party. Each party is correct by their own lights but there are no reasons to select one schema of assessment over another that do not beg the question. The situation is one of equipollent disagreement. Without knowing which notion of justification is the relevant one, it seems folly to be certain that P (or not-P). Despite our desire to avoid the Pyrrhonian position, we appear to have fallen into it. As Voltaire said, *‘[l]e doute n’est pas un état bien agréable, mais l’assurance est un état ridicule.’*<sup>53</sup>

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<sup>52</sup> It is interesting to note that it is unclear what might qualify as an ‘independent check’ on the correctness of a moral theory. While scientists might suggest predictive success as a criterion of good theory internal to scientific practice, no such confirmation is available in morality. Particular moral theories might have their own conception of how to check if a particular act is right but these are internal to the theory, not to the practice of morality *simpliciter*. There is no way of confirming the results of a moral theory that is independent of that theory itself and therefore neutral in determining which, if any, moral theory is most successful. In this regard, morality is more like faith than science.

<sup>53</sup> ‘The state of doubt is not an agreeable one, but to be certain is ridiculous.’ (Voltaire, 2016, p. 418)

## 2.3 Responding to irresolvability

The position we now find ourselves in, where  $S^1$  believes that  $P$  on the basis of  $E^1$ ,  $S^2$  believes that not- $P$  on the basis of  $E^2$ ,  $S^3$  believes  $Q$  on the basis of  $E^3$  etc and there is no way of settling the dispute without begging the question, is an uncomfortable one.<sup>54</sup> However, it is not immediately obvious that we are forced to adopt the Pyrrhonian response – the complete suspension of judgment.<sup>55</sup> In at least some cases, we can offer a practical solution by delimiting those options, the ‘relevant alternatives’, that we take to be worthy of consideration, and by excluding options we deem irrelevant. If we can eliminate all but one relevant alternative, we need not be bothered by Pyrrhonian worry.

The notion of ‘relevant alternatives’ comes from Fred Dretske (Dretske, 1970) and while I do not intend to use the notion exactly as he does, it is worth briefly looking at his exposition of the idea to acclimatise ourselves. Dretske argues that when we use epistemic operators

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<sup>54</sup> The reader might note here some similarity between my claims regarding moral disagreement as being equipollent and Alisdair MacIntyre’s diagnosis of the maladies of the modern moral world in *After Virtue* (MacIntyre, 1981), especially his claim that there is conceptual incommensurability between different moral theories, i.e. ‘each argument in the debate is logically valid and follows from its premises but we possess no rational way of weighting the claims of one as against another’ (MacIntyre, 1981, p. 9). What MacIntyre and I agree on is well summed up by his claim that ‘if we possess no unassailable criteria, no set of compelling reasons by means of which we may convince our opponents, it follows that in the process of making up our own minds we can have made no appeal to such criteria or such reasons. If I lack any good reason to invoke against you, it must seem that I lack any good reason’ (MacIntyre, 1981, p. 10). However, our reasons for arriving at this conclusion are importantly different. MacIntyre views the situation as resulting from the breakdown of moral language caused by the fragmentation of pre-modern forms of life by the Enlightenment. Once complete and integrated ways of life, each with their own ethical theory and practice, were destroyed, leaving behind only some decontextualised fragments from which we mistakenly build our modern moral theories. While I agree that the Enlightenment had a profound effect on moral practice and theory, I would describe its effect not so much in terms of the breakdown of an old, laudable way of understanding morality but rather as the loss of confidence in the putative moral authority of the morality associated with particular ways of life. The advent of modernity might make the sort of epistemological argument I am offering more salient than it would have been in the past but, as my allusions to the *Euthyphro* and Pyrrhonian scepticism above show, it is a thought that was also available to the ancient Greeks. I need not rely on a historical account in the way MacIntyre does to make my point, nor am I attracted by the nostalgic yearning for the past that he shares with Rousseau and Nietzsche.

<sup>55</sup> Traditionally, the Pyrrhonian sceptic recommends not only that we suspend judgment in the case of equipollent disagreement but also that this state should be maintained as abandoning the attempt to ascertain knowledge will ensure a form of tranquillity. I agree that the first stage of this — the suspension of judgment — is an appropriate response in the first instance but do not believe that this necessarily commits us to adopting the second stage. As the reader will see in Chapter Five, I take it that our necessary situatedness in political life and the unavoidability of action mean that this suspension of judgment must end at some point. I merely advocate for the view that we should maintain this suspension of judgment for as long as possible before life forces us to act. I have neither the argumentative resources nor the desire to say definitively that the Pyrrhonian recommendation ought to be rejected. In this connection I can merely point out that even if we do take such an attitude, we cannot remove ourselves from the world and thus some action or inaction must follow from this position. The view argued for in this thesis is inspired by the Pyrrhonian’s negative critique, not the positive proposal.

such as ‘know’, we do not merely rehearse facts but rather we are attempting to do certain things, such as offering an explanation. To do this, we put the fact into a ‘network’ of possible alternatives that allow us to understand what is being explained. Thus, when we explain why P, we do so by explaining why not Q or R, where Q and R are contextually relevant alternatives to P – in Dretske’s own example we explain why Brenda did not order dessert ‘*rather than, as opposed to, or instead of* ordering some dessert and *eating it*’, but not instead of ordering some dessert and chucking it at the waiter. Thus ‘[i]t is this competing possibility which helps to define what it is that I am explaining when I explain why Brenda did not order any dessert’ (Dretske, 1970, p. 1021). If you change what the relevant alternatives are, you change what is being explained. Dretske argues that in cases of knowledge claims, if you know that P, you know it within a framework of relevant alternatives, Q and R. Even if it is true that not-S, some non-relevant alternative, is implied by P such that if S then not-P, it does not follow that failing to know that not-S means that you do not know that P given that what you know is fixed by the set of relevant alternatives {P, Q, R}. Thus, to use another of Dretske’s examples, although knowing that the animal in the zoo cage is a zebra (P) implies that it is not a cleverly disguised mule (not-S), it does not follow that in knowing that the animal is a zebra, you know that it is not a cleverly disguised mule because being a cleverly disguised mule is not among the relevant alternatives in the original context of explanation, which was given by the need to offer an answer to your son asking you what animal was in the cage marked ‘Zebras’. Had your son asked whether the animals in the cage are cleverly disguised mules, the situation would be somewhat different. This is because an option, for Dretske, is raised to the status of a relevant alternative merely by being mentioned.

What I adapt from Dretske is the procedure he recommends for establishing knowledge – that to claim that one knows P one must first eliminate all relevant alternatives. I take it that this procedure suffices for justifying certainty. For example, if I know I have eaten and think it possible that I ate *bessara*, leftovers or cereal for breakfast, I must first rule out cereal (which is pointless; I would never eat it) and then leftovers (which are still sitting in my fridge, so I could not have eaten them). In addition, I must not be able to rule out that I ate *bessara* – it cannot be uneaten in the pot, for example. Having ruled out all of the relevant alternatives except *bessara*, which I have not been able to rule out, I can be certain that I ate *bessara*.

However, in adapting this terminology, I wish to alter it somewhat. I take it that what makes an alternative relevant is not merely that it is mentioned but rather that it is relevant to the type of question that we are trying to answer. Consider how I might respond if someone

throws another possible answer into the mix – the possibility that I ate nothing because the external world does not exist. While I might be unable to offer a conclusive elimination of this possibility, that does not compel me to take it seriously. Just because it is an alternative answer does not make it a relevant one. Relevance is a practical matter, related strictly to the type of question being asked. If the type of answer we receive seems inappropriate to the question, we dismiss it. Dismissal, it should be noted, does not necessitate resolution. Had the question of what I ate for breakfast been raised in a discussion of scepticism, the denial of the external world might seem a relevant response. But when it is raised while inspecting my cupboard before a trip to the supermarket, it is not. It is simply the wrong type of answer, and therefore not a relevant alternative. Responses to scepticism often take this form. They state that, while they cannot answer the sceptic, they can give reasons why they need not give the proposal serious consideration. This, I take it, would justify discourse-relative certainty – if you were certain that you had considered and justifiably rejected all answers to the question at hand except one, you would have solid grounds to believe that answer and use it as a basis for further inquiry.

To see the force of delimiting relevant alternatives with reference to the question that we are trying to answer, imagine a three-way disagreement between two scientists who disagree over whether climate change is caused by humans and a person who takes Alex Jones<sup>56</sup> to be an authoritative news source. When the two scientists talk, they are trying to solve a scientific question. They give scientific answers. Their respective schemas of assessment for scientific claims doubtless share at least some elements and their objectives in answering scientific questions overlap to some degree. As such, both give relevant alternatives that must be considered. When the Alex Jones devotee parrots his views, they are not giving a scientific answer. Their response is unbound by norms of scientific inquiry and their goal is not to produce a scientific answer, and so it is not a relevant alternative in the consideration of a scientific question. None of this guarantees that the scientific question is the one that we ought to ask. But if it is the one we are asking, we had better answer it rather than some different question. Of course, our decision to deem these views irrelevant is a product of our schema of assessment – a schema of assessment that will share many members with that used to determine our understanding of the question. There is no escaping this. But our commitments to our practical purposes mean that we will choose to deem Alex Jones-style answers as irrelevant alternatives.<sup>57</sup>

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<sup>56</sup> A notorious far-right radio talk-show host, internet conspiracy theorist, snake oil salesman and climate change denier.

<sup>57</sup> Intellectually, that is — we ignore the fact that people hold these views at our peril. In fact, you might think that our decision to ignore the existence of such views has been disastrous, leading to

So now we have a procedure that is designed to help us determine when we are entitled to certainty, can it be used to help us overcome equipollent disagreement over moral matters? As far as I can see, there are two ways in which we might attempt to do so. First, one might design the question that guides our inquiry in such a way that only one moral view is relevant to it, thus allowing the inquirer the certainty that it is a good starting point. Second, one might assert that while there are multiple relevant alternatives on questions of morality, all of which must be accounted for in our question, there is a thin enough moral position available that is shared by all these positions and so can be used as the basis for an answer, meaning that it is the only relevant alternative at its particular level of abstraction. Both of these approaches, I take it, fail.

In adopting the first approach, we might specify that we are not interested in questions that range over the whole of politics but rather questions that pertain to the politics associated with a certain type of morality. This, essentially, is what Joseph Raz does in his claim that his *The Morality of Freedom* is ‘addressed primarily to people who grew up in the embrace of the liberal tradition’ (Raz, 1986, p. 1). By addressing his work primarily to those who already share the moral position implicit in the liberal tradition – or rather who share commitments to liberal moral principles at some level of abstraction that allows for shared schemas of assessment, even if there is disagreement about fine-grained details – Raz is essentially asking questions about *liberal* political philosophy. Such an inquiry need not address itself to broader political concerns and, as such, can deem non-liberal moral positions to not be relevant alternatives.

I take it that this attempt to limit the scope of the questions we ask in political philosophy runs afoul of the minimal constraint set out in Chapter One: that political philosophy in some way helps us navigate the political world in which we live. Raz’s project might well succeed in providing insight into the best possible version of liberalism. But while liberalism is an important part of the modern political world, it does not exhaust it. The questions that we have to contend with are wider than questions of liberal morality – they are questions of political morality broadly speaking. One of the most fundamental of these is the question of how we are to live together given a diversity of moral views – the foundational question of Rawls’s *Political Liberalism*. But it is important to note here that the ‘we’ is determined not by any shared moral commitment but rather by proximity and by the contingent histories of

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Donald Trump’s decision to pull out of the Paris Agreement. That, however, takes us into the domain of politics rather than that of science.

the nation-states we inhabit. The range of views is so diverse<sup>58</sup> in twenty-first century Western liberal democracies that attempting to answer political questions as merely the political questions of one particular moral position will lead us to seriously misunderstand the world (see §2.4). Why should we think that an exclusively liberal political philosophy will help us understand a world populated by anarchists, communists, religious fundamentalists, Neo-Nazis, racist radical nationalists and the many other types of non-liberal? Politics, as we encounter it, is not the politics of one morality but rather the result of the interaction of many. If the approach of limiting the relevant alternatives by limiting the question fails to help us understand the world we live in, it must be rejected. Even if only viewed as an exploration of the political consequences of a moral view, the results of such an investigation will suffer from analysing these consequences as if the particular view held by the author were known to be correct, rather than one among many views of uncertain veracity.

I should stress at this point that nothing I have said here precludes there being a great deal of agreement within a society about a great number of moral and political issues. Many of us clearly do agree about a great number of things – the size and complexity of the societies we have built is a testament to this. However even if there is a great deal of agreement present, that is not enough to disarm the worries I am attempting to raise, which turn on the presence of disagreement even if only at the margins. The problem of moral uncertainty will exist as long as politics has dissenters. Their number is unimportant; what matters is that they provide relevant alternatives to the question of the appropriate moral basis for political argument. That said, the rapid evolution of communications technology in the past thirty years has called into question the idea that these dissenters are few in number; their impact on politics seems to grow daily. We would also be wise to not over-estimate the significance of agreement on morality. While some philosophers have argued that convergence in moral belief is good evidence of this belief standing in some relation to moral truth,<sup>59</sup> it seems equally possible that convergence is a reflection of the intense programmes of education undertaken in all Western nations. Convergence in belief can be brought about by the state exerting power in the formation of its citizens (Althusser, 1970), even though technology – at least in the West – is currently weakening the state's grip on the intellectual formation of its citizens.

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<sup>58</sup> And this is without even considering the diversity of views the world over, all of which are relevant to political questions in the age of globalisation and instant communication.

<sup>59</sup> See (Parfit, 2011, §121) and (Williams, 1985, pp. 135-152) for discussions of convergence in ethics.

The second approach takes account of moral diversity but argues that there is a core morality so thin that it is shared by all relevant parties. As such, it answers questions about politics *simpliciter* but denies the diversity and fundamental incompatibility of the many views involved. While there is ineliminable disagreement about many particular moral beliefs, there is a thin core that can be used to structure these political disagreements in a non-arbitrary and non-partisan way. This is the approach taken by *Political Liberalism* and similar views (see Chapter Four). For now, I think it is sufficient to say that as an empirical matter the claim that all relevant parties share such a core morality is false – there is insufficient overlap between the White Supremacist and the Black Panther, the liberal democrat and the Maoist, the religious fundamentalist and the anarchist to justify this approach. Rawls implicitly recognises this in *Political Liberalism*, and it motivates his decision to discuss reasonable disagreement, as opposed to the sort of disagreement we encounter in our political lives. If this core morality is not shared by all, it is subject to disagreement from some and, given what has come before, we should think this an equipollent disagreement.

So if we cannot limit the question to one of a specific political morality without it becoming unhelpful in understanding the world in which we live, and no core morality is shared by all, we are left with uneliminated relevant alternatives to the question of the appropriate moral basis of political philosophy. At the limit, there is also the problematic case of the political amoralist, who holds that no particular action is disbarred in the pursuit of their aims. For any view from which a philosopher might wish to begin their inquiry, there are relevant alternatives that remain in play. Knowing that such alternatives are uneliminated means that we are not entitled to certainty in our moral views, which in turn means that the political conclusions we secure from them inherit that uncertainty.

Ultimately, the point I am trying to make is simple. Life in a society in which moral disagreement exists is a constant reminder that you have no non-question-begging way of establishing the truth of our moral beliefs. Real political agents do not need to be aware of anything as complex and obscure as my notion of a schema of assessment – the thought that we might be right by our own lights but wrong by the light of others' views while lacking any real way of determining who is wrong finds its common non-philosophical form in the realisation that we would have other equally deeply felt moral beliefs had we been brought up in a different community. This plurality of uneliminated relevant alternatives, and the lack of a non-question-begging way of eliminating alternatives, allows Pyrrhonian scepticism to creep into the picture – awareness of the limitations of our justifications of our beliefs generates the sceptical worry and engaging with disagreement about them with our

epistemic peers makes such worries salient. The realities of politics means that moral contestation cannot be simply ignored – it is a constituent part of politics in any non-homogenous society – and the range of relevant alternatives is defined by those party to the debate. Every position in the debate represents an answer to the question at hand.

Political disagreements arise in contexts wherein the parties to the disagreement live together and their actions affect one another. Hume's claim that most of us cannot just pack our bags and leave the political community we were born into is as true now as it was in his time (Hume, 1987). We cohabit, so we must find some way of doing so, even if this is just a begrudging *modus vivendi*, or we must eliminate one another. Just as individuals must live together at the local level and the national one, the economic, political and technological ties that bind the modern world together mean isolationism at the international level is an illusion. In the realm of real politics, we simply do not have the option to just walk away from political disagreement. Even if it is impossible to come up with an intellectual resolution to the problem, we still need a political one.

What makes this all the more difficult is that refusal to decide an issue is not neutral but rather represents a position in the disagreement that will be more or less favourable to each of the parties. A refusal to make a decision might result in the preservation of the *status quo*. Alternatively, if the *status quo* is in a state of decline, refusal to make a decision might hasten its departure. If a new *status quo* is cementing its position, deciding to do nothing permits it to continue. The exact manner in which not deciding affects the political situation will vary from case to case, but the point is that politics has a momentum of its own. Given that the political landscape must be some way relative to the preferred solutions of the parties involved, failing to make a decision is never neutral between the parties except when all parties are equally upset with this indecision. What is more, political solutions are, by their very nature, coercive.<sup>60</sup> For anyone who thinks that coercion should not be employed lightly and that strong justification must be offered for it, this gives extra reason to take disagreement seriously.<sup>61</sup>

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<sup>60</sup> The centrality of coercion to politics is so often repeated that it would seem a banality, if not for the inclination of contemporary theorists to endow it with grave moral seriousness. See, for example, (Rawls, 1971, p. 136), (Larmore, 1999, p. 607), (Nagel, 2005, p. 128), (Dworkin, 2011, p. 8), (Gaus, 2011, p. 463), (Valentini, 2011, p. 208ff).

<sup>61</sup> Although I should stress that my argument in no way turns on holding this attitude toward coercion (see the next section). I merely take it that a good proportion of philosophers do worry about this and therefore should take the problem of moral uncertainty seriously.



## 2.4 Consequences of the Tendency

So what does all this mean for political philosophy? Political philosophers are political agents, albeit ones who engage with politics in particularly indirect and abstruse ways. The philosopher who wishes to start from their own ethical preconceptions, no matter how minimal, must give us a reason why that is the ethical position that we should use in our understanding of politics. Disagreement about these starting points forces us to be aware that we have no non-question-begging justification of our ethical views, which means that we are not able to eliminate all relevant alternatives and therefore ought not to be sufficiently certain of them to indulge in the Tendency. As a result, it is an approach to political philosophy that is not appropriate in a world where there are relevant moral alternatives. This is the problem of moral uncertainty.

Those philosophers who indulge in the Tendency implicitly deem the views of others to be defeated or irrelevant – this is a necessary feature of views that ground their political philosophy in a univocal ethical view. In doing so, the limits of their political philosophy are drawn more narrowly than the limits of actual politics. Philosophers who indulge in the Tendency take their own moral starting point to be correct, which means that they interpret political conflicts not as cases of equipollent moral disagreement but rather as conflicts between a party with access to The Truth (that is, the philosopher) and those who are wrong. That is likely to produce political philosophy that is distinctly inappropriate for the world we live in as political agents: one marked by moral uncertainty and disagreement. Such political philosophy pretends to moral certainty to which it is not entitled, and erects far-ranging conclusions upon that illusion. It speaks univocally about a world populated by a multitude of voices. It does not help us to address the politics we encounter every day: the politics of a world riddled with disagreement, in which we lack moral knowledge but must somehow live together.

There are several consequences to this. The analysis and subsequent prescriptions of philosophers who indulge in the Tendency are open to a charge of failing to appreciate the moral complexity of the political, which in turn significantly warps their understanding of it. If my arguments are correct, a multitude of moral views – none of them manifestly incorrect – must be considered and their relationship to one another understood. Yet political philosophy that indulges in the Tendency takes there to be only one of real importance – that of the philosopher. That view is established, while others are seen as heretical. Often other views are not seen as having the status of relevant alternatives that must be considered but

rather than of incorrect suggestions, the authors of which must be dealt with, not engaged with. That position is both philosophically and practically problematic.

There are two related charges here, first that philosophy of this sort oversimplifies and second that it distorts.<sup>62</sup> The boundary between these is somewhat fuzzy, as simplification often leads to distortion and the degree to which either charge applies to any philosopher depends on the extent to which they indulge in the Tendency. With regard to the charge of oversimplification, it is hard to see what the insights of political philosophy designed for a world typified by univocal morality can tell us about a world typified by equipollent moral disagreement. Such a view analyses a world far simpler than our own, where a single true and readily accessible moral stance dominates, even if not everyone accepts it. We, however, live in a world of far greater moral complexity, where we have no reason to be certain of the correctness of any particular stance and we have to deal with equipollent disagreement. Thoughts generated for the first world will be insufficiently complex for the second. They not only offer us an inaccurate picture of the world – one wherein we are entitled to moral certainty – but also fail to give us any guidance of how to cope with a morally uncertain world.

As for distortion<sup>63</sup>, to take moral issues to have been decided prior to political activity not only fails to reflect the way in which such issues manifest in reality, but is also liable to completely warp our picture of these issues, making our engagement with political reality problematic. In starting from a set of ethical beliefs one has already adopted a specific schema of assessment. But the ethical schema of assessment adopted by the philosopher in analysing a disagreement is just what the disagreement itself is about. If the philosopher sets out to assess the political disagreement about capital punishment after previously having already determined the correctness of retribution, they have prejudiced the issue, just as a

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<sup>62</sup> These charges parallel Onora O’Neill’s distinction between ‘abstraction’ and ‘idealisation’, although O’Neill does not take abstraction to be necessarily problematic in the way that I take oversimplification to be. (O’Neill, 1996).

<sup>63</sup> The metaphor of ‘distortion’ is somewhat imprecise when used to describe how partisan commitments can affect our views of political reality, since it seems to imply that an undistorted view might be possible, something I have denied. But we should not worry about this implication too much, for much the same reason that distortion is still a useful concept when talking about sound processing. There is no such thing as the unprocessed tone of an electric instrument — all amplifiers process the electric signal they receive in the process of amplification — but we are able to understand that particular amplifiers have particular qualities that alter the tone of the instrument in specific ways, even if we are unable to understand how the signal would sound unamplified. In just the same way that selecting a particular amplifier will give you a particular sound, approaching a particular political debate from a particular moral stance will affect your understanding of that issue in a way that is inseparably tied to your moral stance. Given what I have said about the impossibility of establishing any particular moral view as the unquestionably correct one, we should attempt to recognise how our moral views affect our understanding, realising that they are equivalent to the signal as processed by the amplifier, not the signal in and of itself.

jury member who decides that one piece of evidence is conclusive prior to hearing all the facts biases their interpretation of anything they hear subsequently. When political philosophy is practiced in this way, the battle is half won before it has begun, for the enemy has been disarmed in advance. If you approach an instance of political disagreement already believing in a limited range of acceptable solutions, it is hardly surprising that you reach the conclusion that the other side is simply wrong. While this has not gone unnoticed by philosophers in particular cases – for example, Nozick’s claim that ‘Rawls’s original position presupposes that no historical-entitlement conception of justice is correct’ (Nozick, 1974, p. 202) – there does not seem to be an awareness that this type of criticism applies to any approach to political philosophy that indulges in the Tendency. The Tendency does not treat rival views as genuine opponents, to be considered as real threats to the authority and sanctity of its views. Rather, it dismisses them without a proper hearing. W.B. Gallie’s claim that certain concepts are ‘essentially contested’<sup>64</sup> and his discussion of the advantages of recognising this is helpful here to explain what I mean:

Recognition of a given concept as essentially contested implies recognition of rival uses of it (such as oneself repudiates) as not only logically possible and humanly ‘likely’, but as of permanent potential critical value to one’s own use or interpretation of the concept in question; whereas to regard any rival use as anathema, perverse, bestial or lunatic means, in many cases, to submit oneself to the chronic human peril of underestimating the value of one’s opponents’ positions. One very desirable consequence of the required recognition in any proper instance of essential contestedness might therefore be expected to be a marked raising of the level of quality of arguments in the disputes of the contestant parties. (Gallie, 1956, p. 193).

Gallie’s point here is that refusing to recognise the essentially contested nature of the matter at hand results in our not taking other views sufficiently seriously, underestimating their strength and overestimating the strength of our own. There is a difference between the mere recognition that there is contestation over a concept and the recognition that this contestation is essential to that concept and ought to structure the way we think about it. In adopting the former attitude, it is far too easy to think rival positions unimportant and tread your own path insulated from criticism. Such an approach inevitably leads to distortion of other views and the underestimation of their strength. By recognising not only that the concept in question is contested but also that this is an essential feature of it, you give other views their intellectual due and open your own view up to criticism, leading to the intellectual improvement of your own view. I think something similar is true in the case of the moral views employed in political philosophy. They are subject to equipollent disagreement insofar as their justification is internal to the schema of assessment from which they have emerged and therefore we have no non-question-begging reasons to suggest that one of these schemas of

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<sup>64</sup> See fn. 107

assessment is superior. This, I have argued, is a necessary feature of the morality of beings with our epistemic limitations and means that we cannot offer a non-question-begging resolution to this contestation. Given this, it seems inappropriate to hold our moral views with certainty as we are constantly confronted with other moral theories that, for all we know, might well be true and would thus render ours false. Although it seems to us that some moral positions have more to recommend them than others, it is not clear that we should take this to suggest that they do, given that equally situated parties reach precisely opposite conclusions. As long as we lack non-question begging resources to dismiss their views, these theories remain uneliminated relevant alternatives. Brushing this off out of confidence in the correctness of our own views is likely to have dire consequences. Embracing it and building an awareness of the problem of moral uncertainty into our approach to political philosophy will help us avoid the intellectual trap of being too assured, thus improving our analysis. My suggestions for how we might go about this can be found in Chapter Five.

This worry about misunderstanding the political world also undermines one way in which political philosophers might claim to avoid the Tendency. They might claim that rather than trying to establish any truths about the political world and the morality involved in it, they are merely exploring the consequences of a particular view and perhaps inviting others to decide whether they share it. In doing so, they aim not at knowledge of the political world *per se*, but rather clarity about their own moral views and their political ramifications. While this might be thought to avoid the Tendency because it does not require the philosopher to be certain about their view, it does not avoid the further concern that this procedure results in an insufficiently complex understanding of the political world. By investigating the political consequences of a particular moral view in isolation from other moral views that are present in the political debate, this approach fails to take seriously the problem of moral uncertainty. Philosophers must either overcome uncertainty or encode it into the philosophical understanding of politics, if their theories are to adequately reflect the complexity of the political world in which we live and so help us to navigate it. This clarificatory approach does neither. An exploration of a particular moral view might be adequate as a discussion of the implications of that view in isolation. But to offer any robust understanding of the political consequences of that view, it must be analysed *in situ* as part of its political context. In the political context, we must look at how it relates to other views that are present, appreciating the equipollent disagreement between them and how their compresence affect them both. Exploring a particular view and inviting others to share it might not claim to produce knowledge but it certainly does not engage full-bloodedly with the moral uncertainty and equipollent disagreement that political agents encounter. The exploratory

instinct that underpins this approach is however laudable, and with a little adaptation can perhaps avoid indulging in the Tendency. If one were to engage in an exploration of a moral view and its political consequences *as situated in actual politics* without assuming its correctness in the face of equipollent disagreement this would constitute a contribution to the understanding of the political issue. This would include looking at how this view is affected by the views it stands against. An explanation for why this view is being considered rather than others would be required, but that might be as simple as an intellectual division of labour. It would also be difficult to understand the view as a pole in an equipollent disagreement without strictly relating it to other views, so it is hard to imagine such a work *merely* being the exploration of that one view.

To help explain this pair of problems, over-simplicity and bias, and how they relate to one another, I will employ a somewhat heavy-handed metaphor. Titans of industry are not normally thought of as appropriate candidates for high-ranking civil service positions in the Exchequer. Putting aside for a moment any issue of how senior civil servants in the Exchequer choose to act, consider the information on which they act and where it comes from. Such high ranking civil servants are tasked to analyse and understand the economy and design policies that the government might pursue. Were a career employee of British American Tobacco elevated to such a position, we would worry.<sup>65</sup> We might well assume that their commitment to their former company would affect their judgment and we would only trust them to the degree that they showed themselves to have renounced, or at least bracketed, their earlier commitments. This worry has two aspects, one regarding whether the understanding of the economy that such persons develop is adequate for the task at hand (over-simplicity) and one regarding whether this person's commitment to BAT would lead them, deliberately or unintentionally, to offer a biased picture of the matter at hand (distortion).

With regard to the over-simplification worry, a BAT executive would in all likelihood have a conception of competition very different from that of an economist. Executives understand competition as practitioners of business, as partisan advocates, and therefore have a view of what it means that is derived from viewing competition from within the struggle itself. The economist, whose situatedness is more abstract, is far better able to view the fray from afar and analyse it holistically. Economists develop their positions as attempts to understand competition rather than to win it. As such, you might think that they were in a better position

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<sup>65</sup> Unfortunately, real-world instances of this are all too common. See, for example, Karthik Ramanna's *Political Standards*, in which he describes the way in which the design of economic regulations may rely heavily upon a small group of commercially interested experts, resulting in a regulatory regime favourable to private corporate interests (Ramanna, 2015).

to understand the complexities of competition, as well as its overall characteristics, be they practical or normative. By contrast a BAT executive has an understanding of the economy particular to the company and orientated towards its profit margin. Such figures tend to develop only the understanding necessary to serve that overriding aim. Our judgment as to whether they live up to the responsibility of their role will depend in part on the degree to which we think they succeed in leaving BAT's way of viewing competition behind and seek to understand the phenomenon in all its complexity. Note that such over-simplification is not deliberate, it is merely the product of the way that a given individual has learned to engage with the a given phenomenon, be it the economy in this metaphor – or politics in the case of political philosophers.

We also might object to this individual holding a senior civil service role because we would fear they would offer a distorted picture that would favour BAT. The Exchequer has power to affect the playing field in a way that can gives companies unfair competitive advantages. If we thought that someone in the Exchequer were supplying economic analysis that misrepresented facts to justify particular action that would advantage their interests, we would demand their resignation. We would certainly not take their view of 'the way things are' at face value.

The type of commitments the former BAT executive would bring to a civil service role might vary enormously – from an unthinking exclusion of some relevant consideration by virtue of that consideration not ranking as important within the BAT mindset, to a wholesale distortion of the economic situation designed to convince governmental agencies to pursue policies that favour BAT. While we might or might not think that there is a normative difference between the civil servant who is deliberately biased and the one whose bias is unconscious, both are problematic from the point of view of correct analysis, conceived of as an ideal that guides practice rather than something that we can necessarily achieve. Whether their view is distorted by having a BAT executive's understanding of the nature of competition or whether they actively distort their findings by virtue of their commitment to BAT, their views are problematic if we are trying to understand competition itself.

We would be even more suspicious if that person were to declare their commitment to BAT while serving in the Exchequer, yet this is the position in which I take it that philosophers who indulge in the Tendency have placed themselves. They offer an analysis of politics as a whole, a realm typified by equipollent disagreements, while being partisan, meaning that their understanding of the entire complex of issues is affected by their partisanship. Whether

they merely over-simplify by failing to understand the disagreement as equipollent or are distorting the nature of the disagreement by virtue of a prior commitment that shapes their analysis, the analysis of the disagreement that emerges is suspect due to its partisan commitments. Just as the ex-BAT executive can have many types of problematic commitments to BAT, from a company mindset to still being a shareholder, philosophers can have a variety of relations to their moral commitments that are problematic to different degrees, from assuming their commitments to be indelible features of the political world to unashamedly incorporating moral commitments into their views as if disagreement were a plebeian cry to be ignored. Even honest attempts to bracket these commitments fail to remove them – although philosophers tend not to bracket views that they take to be correct, whereas if champions of industry are asked to advise the government they usually make a song and dance about their impartiality.

It is important to note that this charge does not turn on the ‘honesty’ of the philosopher – we should assume that all philosophers are intellectually honest unless given good reason to think otherwise. Even the most well-intentioned philosophers can be victim of over-simplification or distortion as a result of the Tendency. As the Tendency is just that, a tendency and not a full blown methodology, judgment is required to assess quite how problematic the connection between a philosopher’s moral commitments and political conclusions are. But there are a great number of cases where these commitments are problematic for coming to a proper understanding of the political world in which we live. Here, again, I must stress that it is a minimal constraint on political philosophy that it should help us to understand and act in our political world, of which disagreements are a constitutive part. Just as the civil servant recommends a way of understanding the economy to the government, philosophers recommend a way of understanding this disagreement to themselves and to their readers. But if this analysis is faulty, any action recommended as a result is problematic.

Additionally, the ‘opponents’ that the philosopher might have considered in forming their ethical views are not obviously representative of genuine individuals engaged in political contestations – those who collectively generate the set of relevant alternatives – but are rather representatives of philosophical views deemed sufficiently important to justify consideration. Frequently, the only views considered are those that one might have to defend against in print, i.e. other academic philosophers, a demographic that hardly resembles the

broader composition of polities.<sup>66</sup> While a number of political philosophers go out of their way to engage with views that emerge from real political contestation, this is an uncommon approach.

Finally, the Tendency leads to dangerous over-confidence in one's own moral views. If the problem of moral uncertainty is a real problem then it is easy to see why political philosophy that takes one moral view to be correct has allowed itself too high a degree of credence. This has consequences. In politics, people kill and die. Regardless of what you think about the morality of this, few think it insignificant.<sup>67</sup> Believing that your moral position is uniquely correct has throughout history combined with the view that those who do not share your position must be educated or eliminated, and has routinely justified extraordinarily violent behaviour. . The Crusades and the Wars of Religion are obvious examples, but more recent cases are legion, including more modern examples such as the People's Republic of China's current use of 're-education' camps, mass surveillance and repression in its 'Xinjiang Uygur Autonomous Region'. Even if you take it that some instances of violence and death are justified because they accord with your moral view, you are likely think that other instances are unacceptable. We should indeed worry about ways of thinking about the political that establish a particular moral view as 'correct'.

Before moving on to discuss two contemporary methodological worries and show how they relate to my view, I want to take a moment to sum up the argument so far and state clearly what I take to be the problem with the Tendency. Philosophers indulge in the Tendency when they work out their moral beliefs independently of political philosophy and then take political philosophy to be an exploration of the political consequences of their beliefs, allowing them to set the limits for acceptable political argumentation. As such, they seek to understand the political, a realm typified by a plurality of often-conflicting moral views, through the lens of a single moral point of view thought to be correct by the philosopher in question. Yet if beliefs are to be a firm foundation for political philosophy, I have suggested that we ought to be certain of their truth. That others hold different moral beliefs that we cannot offer non-question-begging reasons to reject and which could equally offer a basis for political philosophy should prevent us from being certain that our own views are correct. The problem is not a metaphysical one. I am not claiming that there is no correct moral

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<sup>66</sup> For example, note that in describing the Veil of Ignorance Rawls imagines those behind it making pairwise comparisons between items on 'a short list of traditional conceptions of justice' (Rawls, 1971, p. 106).

<sup>67</sup> Some might object I am helping myself to moral ideas to which I am not entitled. However, I have only noted that people take these ideas to be morally significant. Even if not everyone agrees that they are, disagreement on the matter exists — disagreement that, in keeping with the theme of this chapter, is equipollent. As a matter of moral dispute, the disagreement warrants consideration.



position from which it would be appropriate to start political theorising. Rather it is an epistemic one – if such a position exists we have no way of identifying it. By indulging in the Tendency we adopt an approach that restricts our understanding of the political by assuming the truth of a particular moral theory, despite the fact that politics is so often about conflict between moral theories and their respective political manifestations. That blinkered stance has a serious impact on the way in which we approach political philosophy and exposes us to the charges of over-simplification of the political, presuming our own distorted perspective to be neutral, failing to adequately understand the contours of the debate as conceived of by those involved and being over-confident in our own moral views, leading us to act less cautiously than we might otherwise.

## 2.5 Two related methodological worries and a misunderstanding

First, the misunderstanding. It is important to distinguish the problem of moral uncertainty from a more common worry among political philosophers: the authoritarian exercise of power over those who reject the basis of that power.<sup>68</sup> There is often thought to be something problematic with the authoritarian exercise of power such that it is *prima facie* impermissible and requires special justification. That is not what concerns me here. The view that the authoritarian exercise of power is morally problematic is itself a position within an equipollent debate – endorsing a criticism of political philosophy based on it would open me up to the very criticism I hope to make. Rather, the worry here is about the possibility of developing an inaccurate and misleading picture of the political world, one in which a particular moral position is established, in the religious sense, in the theoretical understanding developed, leaving other moral positions as part of the political world but not salient to the theoretical approach except as objects of study. The argument I am offering does not suggest that we ought to have a commitment to reaching agreement or that we should take any particular attitude to toleration of other views; these views represent exactly the sort of position that I am suggesting we cannot endorse with certainty. The argument of this thesis is motivated by and designed to illustrate our epistemic limitations. The desire or, even more strongly, the requirement to reach agreement and the supposed value of toleration have no place in it. Rather the point is that if we cannot be sure of the correctness of our

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<sup>68</sup> Take, for example, Gerald Gaus's claim that 'A social morality that allows the (self-appointed?) "enlightened" to make moral demands on others that as free and equal moral persons those others cannot see reason to acknowledge is *authoritarian*', which he negatively contrasts with the thought that 'to conceive of another as a free and equal moral person is simply to acknowledge a fundamental constraint on the justification of claims to moral authority over her' (Gaus, 2011, pp. 16-17). Given the centrality of the notion of 'free and equal persons' to Gaus's account, this is a damning criticism. See (Reiman, 1990) for a radically different account stemming from the same concern.

moral views, adopting an approach to political philosophy that does not put this uncertainty at the root of its approach and fails to take seriously the equipollent disagreement at the heart of politics is unlikely to help us understand the world in which we live.

So on to the two methodological criticisms – the depoliticisation complaint and the moralising complaint. Bringing out the similarities and differences between these critiques and my own will, I hope, make my own position clearer. I will avoid labels such as ‘realist’, ‘non-ideal theory’, and so on – they are too vague and candidates for their meaning too contested to be useful here.<sup>69</sup> I also talk extensively about moral realism as a meta-ethical

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<sup>69</sup> Theorists have proposed various ways of cutting up this terrain. Laura Valentini (Valentini, 2010) suggests three different interpretations of the ideal v. non-ideal theory controversy: (1) full compliance v. partial compliance, where full compliance is understood as the conjunction of ‘(i) all relevant agents comply with the demands of justice applying to them; and (ii) natural and historical conditions are favourable – i.e., society is sufficiently economically and socially developed to realize justice’; (2) partial compliance as the negation of (i) or (ii), utopian v. (more or less) realistic theory, understanding the distinction in terms of the whether there are feasibility constraints on theories and, if so, how many; and (3) end state v. transitional theory, where the former concentrate on determining ‘a long-term goal for institutional reform’ and the latter in how we get from the current situation to a more just society (Valentini, 2010, pp. 655-660). Alan Hamlin and Zofia Stemplowska agree with Valentini’s first and third way thinkers have understood ideal theory but also include ‘the distinction between idealisation and abstraction’, where, following Onora O’Neill, ‘[a]bstraction is understood to consist in bracketing off some complexities of a given problem, without assuming any falsehoods’ and ‘[i]dealisation, by contrast, consists in making false assumptions about some significant aspect of the problem’ (O’Neill, 1996, pp. 40-41), and the difference between theories that attempt to model a perfectly just society and those that attempt to suggest ‘local improvements in justice’. They suggest that none of these four dichotomies provides good grounds for a categorical distinction between ideal theory and non-ideal theory. Rather, they suggest that ‘the territory over which the ideal/non-ideal debate ranges is better viewed as a multidimensional continuum’. A more helpful distinction, they argue, would be between a theory of ideas, i.e. a theory the purpose of which is ‘to identify, elucidate and clarify the nature of an ideal or ideals’, and the continuum of ideal and non-ideal theory, which is captured by the four distinctions discussed (Hamlin & Stemplowska, 2012, pp. 51-53). Enzo Rossi and Matt Sleat (Rossi & Sleat, 2014) are primarily concerned with clarifying the meaning of ‘realism’, which they take to be a rejection of moralist approaches that attempt to specify ‘the limits of permissible political conduct through pre-political moral commitments’ (Rossi & Sleat, 2014, p. 689), suggesting rather that we should concentrate on normativity as it arises in the political realm. Citing this as the central feature of realism, they reject the claim that realism is primarily concerned with issues of feasibility (Rossi & Sleat, 2014, p. 690). Matt Sleat argues that the ideal/non-ideal debate is a methodological debate within liberalism, whereas realism offers a critique of liberal assumptions (Sleat, 2016, p. 27). Interpretations of ideal theory, he argues, are divided into those who take it that the object of theorising is to provide a model of an ideally just society to function as an objective and those who understand ideal theory in terms of its lack of sensitivity to certain facts about the real world. While the second is obviously critical of ideal theory, the former is not. Non-ideal theory is the position adopted by those who criticise ideal theory for its lack of ‘regard for the facts’ (Sleat, 2016, p. 29) He suggests that Valentini equates realism with non-ideal critiques of idealism, and argues that this mischaracterises it. Understood as non-ideal theory, realism is merely a call from within liberalism for theory to be realistic, whereas Sleat understands it as a ‘fundamentally different conception of politics’ (Sleat, 2016, p. 31). Under it the political cannot be reduced to or subjected to the authority of any other sphere, especially not morality (Sleat, 2016, p. 33). Thus, any realist position must reject two features commonly found in liberal theories: the idea that the function of politics is to resolve conflict and the belief that pre-political morality determines the content of the political (Sleat, 2016, p. 34). He argues that ideal theory and non-ideal theory are both positions within liberal theory. Liberal theory has a ‘conceptual rather than methodological’ dispute with realism, which regards liberal theory as ‘insufficiently political’ because it fails to recognise the

position in Chapter Three, so it seems prudent to not employ the term ‘realist’ in this context. Instead, I am going to discuss these criticisms as complaints that philosophers have made against their peers, making the target clear and clarifying what exactly the perceived problem is before highlighting any connection they have with my own critique.

### 2.5.1 The Depoliticisation Complaint

**The Complaint:** Contemporary Anglophone political philosophy has stripped politics of all that is genuinely *political* about it. In attempting to force everything into the framework of liberal proceduralism, it turn politics into a decision-making mechanism. Especially notable are the versions of this critique that hold that contestation or power (or both) are central to politics. In a sense, this is a version of the more common complaint that political philosophy is insensitive to facts about the real political world,<sup>70</sup> in that it alleges that the dominant methodology misses certain facts about contestation, violence, bargaining, compromise and other political phenomena. However, I think this would be to misunderstand the critique, which is not so much about the range of things we must consider when theorising about politics, but rather about what politics, itself, is. This fact-sensitivity complaint still seeks to determine the proper structure for a just society or the proper way to pursue a more just society; it merely questions whether we can come up with appropriate answers if we are not including certain facts in our analysis. The depoliticisation complaint, however, claims this obsession with ‘solving’ the problems of politics on paper through the manipulation of concepts causes us to have a narrow and inaccurate view of politics, one that actually strips it of its distinctly political qualities. As Bonnie Honig would have it, ‘[political theorists]

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autonomy of the political and the centrality of conflict. (Sleat, 2016, pp. 34-35). William Galston also thinks that the ‘belief that high liberalism represents a desire to evade, displace, or escape from politics’ is central to realism, although he emphasises the degree to which ‘realism’ is not a unified philosophical programme but rather a ‘community stew where everyone throws something different into the pot’ (Galston, 2010, p. 386). Among the basic elements of this mix he cites anti-utopianism, both in that realism recognises that ‘progress’ in politics is hard won and could be reversed and in its interest in feasibility constraints, the view of conflict as central to politics and in the need for ‘psychological and motivational realism’ (Galston, 2010, pp. 394-398). Alice Baderin divides realism into two families of critiques, ‘detachment’ realists, who criticise political theory for being too abstract to inform political decision-making, and ‘displacement’ critiques, which suggest that political life is somehow undermined by certain practices within political theory. (Baderin, 2014)

<sup>70</sup> See for example Colin Farrelly (Farrelly, 2007), who argues that liberal egalitarian ideal-theorists adopt a ‘cost-blind approach to rights’ and a ‘narrow view of human misfortune’ that ill-equip such theories to help with hard choices that must be made under conditions of scarcity. William Galston suggests that political theory should be sensitive to the very fact that ‘full compliance’ theories deny, that people will not act in compliance with the conception of justice specified by the theorist’s model (Galston, 2010, pp. 404-405). Charles Mills points to several ways in which ideal theory idealises away from facts about the political world (idealised social ontology, idealised capacities, idealised social institutions, an idealisation away from facts about oppression, an idealised cognitive sphere and idealised compliance (Mills, 2005, pp. 168-169)) and suggests that ideal theory is ‘in part *ideological*, in the pejorative sense of a set of group ideas that reflect, and contribute to perpetuating, illicit group privilege’ (Mills, 2005, p. 166, emphasis in original).

assume the task of political theory is to resolve institutional questions, to get politics right, over, and done with, to free modern subjects and their sets of arrangements of political conflict and instability' (Honig, 1993, p. 2). Critics take a variety of attitudes to these ignored political qualities, especially in the case of the claim that contestation is central to politics; some indeed celebrate this contestation as productive and liberatory (Honig, 1993, p. 14) while others take it to be an undeniable fact that must be incorporated into theory (Williams, 2007, p. 13). Alice Baderin points out two prominent versions of this type of critique: (i) the idea that putting a requirement of 'public reason' on political discourse forces individuals to take their most deeply held beliefs to be invalid political ideas because not everyone shares or could share them and (ii) the focus on legal frameworks of rights to the exclusion of all other political considerations, leaving an overly-legalistic picture of politics (Baderin, 2014, pp. 140-1)

**The Target:** All contemporary Anglophone political philosophy, but especially theories that are highly procedural, rely heavily on the idea of public reason or are predominantly legalist are especially criticised.

**Notable examples of the complaint:** Carl Schmitt (Schmitt, 2005, 2007) can plausibly be said to be the originator of this critique. Schmitt argued that his peers put too much stock in the legal system as the core of the political world, enforcing regularity and order. In doing so, they ignore important aspects of the political, including the necessity of a 'sovereign' (an entity that decides in cases in which legal norms provide inadequate guidance or require interpretation), the possibility of states of exception (states wherein the sovereign suspends the law), and the fundamental antagonism at the heart of politics, the friend/enemy dichotomy. Bonnie Honig (Honig, 1993), posits two ways of practicing political philosophy, the way of virtue and the way of *virtù*. Those who practice the political philosophy of virtue, among whom she lists Kant, Rawls and Michael Sandel, aim to 'displace conflict, identify politics with administration and treat juridical settlements as the task of politics' (Honig, 1993, p. 2). *Virtù* theorists, a position she takes to be influenced by Nietzsche, Arendt and Machiavelli, 'seek to secure the perpetuity of political contest' because any 'every politics has its remainders...[and] resistances are engendered by every settlement' (Honig, 1993, p. 3). In other words, virtue theorists devise ways to 'solve' political conflicts, whereas *virtù* theorists recognises the ineliminability of conflict and take the first approach to perpetuate, rather than eliminate, political oppression. Chantal Mouffe (Mouffe, 1993, 1999), heavily influenced by Schmitt, argues that modern political theorists, especially advocates of deliberative democracy such as Habermas and Rawls, ignore the reality of political contestation by positing 'the availability of a public sphere where power and antagonism

would have been eliminated and where a rational consensus would have been realised' (Mouffe, 1999, p. 752). Bernard Williams's claim that political decisions do not tell us who was right and who was wrong but rather who has lost and who has won (Williams, 2007, p. 13), is an example of the problem of depoliticisation, even though his target is 'political moralism' (see below). He argues that political moralism fails to recognise the true nature of political situations – that they are fundamentally about victory and defeat – because it focuses on the moral aspects of the case, misunderstanding situations as cases of intellectualised disagreement in which the fundamental issue is being right or being wrong.

**Relation to my critique:** As in some depoliticisation critiques, I argue that contestation is at the centre of politics. My critique takes a slightly different tack than most, however. Instead of arguing merely for an increased recognition of the centrality of contestation to politics, I take it that the disagreements that underpin that contestation are sufficiently deep that an appreciation of them must go further down and penetrate our understanding of the activity in which we are engaged as political theorists. Depoliticisation critiques have a tendency to concentrate on real-world politics as the locus of contestation; my critique offer reasons why even that is an inadequate recognition of the profundity of disagreement and suggests that awareness of it must permeate our activities both as political theorists and as political agents, as the difference between the two is less significant than political philosophy would often imply.<sup>71</sup> Further, I argue that recognition of disagreement has the consequence of creating moral uncertainty, which is not a feature of the depoliticisation complaint but fundamental to my view. The target of my critique is also wider – while the proceduralist approaches often indulge in the Tendency (see Chapter Four) they are not the only type of theory that does this.

### 2.5.2 The Moralising Complaint

**The Complaint:** This one is a little harder to flesh out, as it is rarely stated in anything other than the vaguest terms. It is often expressed in slogans such as 'politics is not just applied ethics' but without adding much extra detail. Sometimes it manifests itself in ways very similar to the problems of depoliticisation and of fact-sensitivity, claiming that in concentrating exclusively on the abstract morality of political arrangements we miss something important. It takes on a more robust form, however, in the complaint that political philosophers think that ethics can be comprehensively treated independent of politics and then applied to the political sphere. It is not that political philosophy strips politics of its

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<sup>71</sup> The degree to which depoliticisation critiques recognise this varies. Those more influenced by critical theory, for example Chantal Mouffe, will find this thought very familiar.

political qualities, although that is implied. Rather, it is to do with a the belief, held by the critic to be false, that one can reach ethical conclusions independently of political considerations and then employ those conclusions to judge political situations. Depending on the strength with which the critique is expressed, it can claim that it is likely merely to cause us to assess these situations improperly or, if argued more strongly, that it can lead to systematic distortions in our understanding or even have ideological effects that blind us to real political problems. It is also often alleged that politics has its own, non-moral, normativity that is ill-treated by contemporary political philosophy.

**The Target:** Contemporary Anglophone political philosophy.

**Notable examples of the complaint:** (Williams, 2007) (Geuss, 2008)

**Relation to my critique:** This thesis shares many core concerns with Geuss and Williams, at least in headline form. Like myself, both Geuss and Williams offer a criticism of something resembling what I call the Tendency, which Williams expresses as ‘views that make the moral prior to the political, versions of “political moralism”...[that] tend to have the consequence that [political actors] should think, not only in moral terms, but in the moral terms that belong to the political theory itself’ (Williams, 2007, pp. 2-3) while Geuss calls it ‘ethics first’ philosophy, describing it as the idea ‘that one can complete the work of ethics first, attaining an ideal theory of how we should act, and then in a second step, one can apply that theory to the action of political agents’ (Geuss, 2008, p. 8). They offer various critiques of this approach. Williams takes it that political moralism misrepresents the relationship of morality to politics and offers no account of why it has stumbled upon the ‘true moral solution to the questions of politics’ and why ‘these truths have been concealed from other people’ in earlier times (Williams, 2007, p. 9). Geuss rejects it because it gives us insufficient tools for navigating our political world and leads us to ask less useful questions about politics than we might otherwise (Geuss, 2008, pp. 95-100). Both of these overlap with my concern, which also critiques the moral certainty of some political philosophy and its inability to give an account of why others are wrong, as well as its limited practical applications. In addition, we all share a concern with widening the range of considerations that are applicable in political philosophy, consider actual political history extremely important, argue that the type of philosophy we criticise offers poor answers or no answers to real political problems, and we are all, to some degree, focused on the political agent and political action as central to political philosophy.

However my approach and reasons are markedly different. Neither Geuss nor Williams relies on the equipollence of moral disagreement as the engine of their critique, though their worry about the over-confident way philosophers hold their moral views bears some relation to it. Another important point of difference between Williams's critique and my own – although depending on how you read him it might be more a difference in emphasis rather than content – is that Williams seeks to give 'autonomy' to 'distinctly political thought'. In contrast, I take it that ethical and political thought are inseparable within the practical context.

It is sometimes difficult to understand exactly what Williams intended, since his writings on this subject were drafts found on his computer after his death. One exegetical problem is that Williams does not firmly delineate the boundaries of 'moralism'. He uses moral premises in his arguments, for example the 'axiom' that 'might does not imply right, that power itself does not justify' (Williams, 2007, p. 5), so it cannot be a blanket ban on moral premises. Williams thinks that a proper answer to the Basic Legitimation Demand (BLD), that is the demand that the state offer a justification for its power to each person subject to that power, is what distinguishes a legitimate state from an illegitimate one (Williams, 2007, p. 4). What qualifies as a proper answer to the BLD, therefore, will be something that does not fall foul of his axiom, which is clearly a moral axiom. However, Williams takes it that if the requirement to answer the BLD is a moral principle it is not one that is external to politics, because it is designed as an answer to the 'first question' of politics, that is the securing of 'order, protection, safety, trust and the conditions of cooperation' (Williams, 2007, p. 3) and a solution to such a question cannot 'itself be part of the problem'. Presumably this is because such a solution, with no further justification, would violate the axiom cited above. Williams claims that if the BLD is a moral principle, it is not a moral principle 'representing a morality which is prior to politics' (Williams, 2007, p. 5), which is what differentiates it from the principles of 'political moralism'. I must admit, I do not fully understand exactly what Williams means by this. I take it that he means to suggest that the BLD is a moral principle developed as a reaction to the existence of politics, rather than a moral principle developed in isolation from the political context, for example the Kantian deduction the moral worth of human beings derived from their nature as rational beings. Williams hints at least the negative part his interpretation when he says that he rejects 'the derivation of political [legitimacy] from the formal properties of the moral law' (Williams, 2007, p. 9). If that was his intention, then the type of moral principles that Williams finds acceptable, that is ones derived from consideration of the political situation, rather than purely moral concepts, would still suffer from the problems that I associate with the Tendency. Such an

axiom could, if Williams is right, avoid deriving the political from the ethical (aspect one), but it nevertheless takes at least this moral principle to have superior argumentative weight, thus circumscribing the range of available political solutions (aspect two), and in addition takes this limited principle to speak univocally. Thus although Williams attempts to found his view on a set of interconnecting ‘distinctly political’ thoughts – the first question of politics, the BLD, and so on – the axiom upon which he bases his view has most of the hallmarks of the Tendency. As such, it still represents an ethical commitment used as a foundation for political argument, which is precisely the procedure to which I am objecting.

My criticism seeks to go beyond merely suggesting that the Tendency subordinates the political to the ethical and that this subordination is problematic if we wish to understand real politics. I also seek to substantiate the idea that the Tendency is deeply problematic on its own terms, because the fact of moral disagreement, combined with certain arguments derived from considerations of moral epistemology, undermines our right to certainty about our moral beliefs, thus undermining the certainty of any argument that uses moral premises. Unlike Geuss and Williams, who offer a defence of the political against the moral by using political tools, I take mine to be a reconfiguration of the moral and the political understood in a practical context, motivated by epistemic concerns. Critiques of this type have not been a feature of current methodological debates about political philosophy, although the possibility of their existence is alluded to in what David Estlund calls arguments from ‘comprehensive normative skepticism’. Rather than asserting that there is a ‘distinctive kind of normativity in the political realm, one that is in some way “prior” to moral normativity’ (Estlund, 2017, p. 388), I offer a discussion of moral epistemology designed to show the instability of the moral conceits implicit in the Tendency. This instability is due to the moral uncertainty generated by consideration of the contingency of our moral beliefs in light of the counter-factual possibility that we might have held other moral views just as vociferously, a possibility made salient to us by those who we engage with politically but hold radically different views. If we feel the pull of this uncertainty we lose the confidence in our views necessary to think the Tendency appropriate.

Having set out my critique of the Tendency and discussed how it relates to other methodological criticisms of contemporary political philosophy, the first section of this thesis is now at a close. If political philosophy is to deal with the problem of moral uncertainty, it must either show it to be less of a problem than I have made it out to be or adjust its practice in light of the problem. The next section of the thesis will be an exploration of these two options. The next two chapters will explore two types of response that I imagine could be made to the problem. Since the problem has not yet, to my



knowledge, been explicitly posed, there are no direct answers to it to analyse. However I think both approaches can be seen lurking behind much contemporary philosophy that also displays the Tendency.

## Chapter 3 – The Unilateral Solution

*Gentile or Jew*

*O you who turn the wheel and look to windward*

*Consider Phlebus, who was once handsome and tall as you.*

T. S. Eliot

In the previous two chapters I suggested that equipollent moral disagreement undermines political philosophy that indulges in the Tendency. To make this claim convincing, I must investigate possible responses. An effective reply to the worry would provide good reasons for believing that the ethical foundation of a theory is appropriate, relative to the aim of investigating the political. I envision two possible approaches to providing such a response. The first, the Unilateral Solution, is to note the existence of the disagreement and argue that it is unimportant because only one uniquely correct solution to the problem exists. If we can substantiate this solution, it is entirely appropriate that our political investigations should proceed from it. Someone might suggest that all I have done is to show that we have reason to be uncertain of our moral views, but that by itself is insufficient to undermine the Tendency. Moral philosophy has been practiced for millennia; why ignore the fruits of its labours? After all, I cannot be certain that my tea is not poisoned but it would be wasteful to throw it out. Philosophy can give us reasons to support one side in a moral disagreement, meaning that such a disagreement is not equipollent. Thus we avoid the problem of moral uncertainty, and that is enough to justify the Tendency.

This reply underestimates the seriousness of the problem discussed in Chapter Two. However, I think it worth offering a reply for two reasons. The first is that I think it a likely response, so it is worth addressing. The second is that, like everyone else, I would very much like it if moral philosophy could give us moral certainty. The response in question, if correct, preserves that possibility. As such, it is important to see how it is.

The Unilateral Solution attempts to justify the Tendency by justifying the moral facts from which philosophers start. It argues that there is one particular correct ethical position, regardless of what anyone believes. If you have good reason to believe that you have identified ethical position, you are justified in ignoring disagreement because you have good reason to believe that your interlocutors are wrong. It disarms my worry by denying that moral disagreements are equipollent disagreements – rather there are reasons for thinking one particular view correct that we can discover. This would mean that you were entitled to

begin from a particular ethical stance because that stance would represent the moral facts. Putting aside my previous argument regarding the equipollence of such disagreements, I will respond to the objection by suggesting that even if a single, correct ethical stance exists, there is a strong chance that we have failed to alight on it, even when we are convinced that we have. In doing so, I hope to provide those who are inclined to this style of argument with additional reason for uncertainty.

In §3.1 I outline the broad strokes of the Unilateral Solution. Then, in §3.2, I discuss a couple of constraints that any candidate theory must meet. §3.3 offers an epistemic challenge to the type of meta-ethical theory that underpins the Unilateral Solution, drawing heavily on the work of Sharon Street. In §3.4 and §3.5 I discuss how this challenge might be met before concluding that none of these attempts work. The final section discusses why the Unilateral Solution will not work – it lacks the resources to allow us to know the moral facts with sufficient precision or confidence to justify pushing disagreement to one side. That means that we are back to the problem of moral uncertainty.

Before going further, it is worth restating something that was said in Chapter One, in light of the discussion of schemas of assessment. This work is aimed at philosophers, and its argument is designed to appeal to their schemas of assessment. For example, I make use of evolutionary concerns in this chapter to motivate my argument – but this will only be effective if the reader believes in evolution. I take it that most philosophers will, because philosophers have an overwhelming tendency to theorise in a way that seeks to avoid actively contradicting science. However, the Darwinian framework is only one of several schemas of assessment for understanding the history of humankind; a religious believer will reject my view immediately. There is nothing much to be said about that, beyond the fact that our views do not have enough in common for this work to appeal to them. *I think that those who would employ the Unilateral Solution without employing a Darwinian framework – for instance someone who look to the Bible inform their views of morality and the origins of humankind– must still meet the epistemic constraint (§3.2.1) of showing how the Bible is a legitimate source of their certainty. But they would find any such demand obtuse in light of their belief in Revelation. Their faith eliminates the problem of moral uncertainty. That said, it is not the intention of this thesis to convince religious believers of the significance of the problem – it is aimed specifically at philosophers and is a work about how philosophers should consider the political world. It has no direct implications for those who do not engage with the world in the way that philosophers do. All references to ‘we’ are references to ‘us’ philosophers, by which I mean those inclined to think in a particularly argumentative way, rather than those whose role in the division of labour has ‘philosophy’ attached to it.*

### 3.1 The structure of the Unilateral Solution

So what would be required for an ethical position to be a justified starting point for political philosophy? One way in which we could justify starting from a particular moral stance would be if that stance had access to the unique moral facts. Pretenders to this throne have appeared in many guises, but historically the most prominent has been some form of moral realism.<sup>72</sup> The structure of such theories gives us a good starting point for our investigation of the Unilateral Solution. This is because moral realist theories tend to have two features that allow theorists to pursue the Unilateral Solution. These are:

- 1) Moral facts – moral realists believe some feature(s) of the world account for truth and falsity of our moral beliefs, which, as a short hand, I will call ‘moral facts’. The nature of these facts is a matter of dispute among moral realists, some believing that they are natural facts<sup>73</sup> and some, following Moore, believing that they are non-natural facts (Moore, 1903).<sup>74</sup> What is important is that these facts make our moral pronouncements determinately true or false. I offer this skeletal description to allow for the inclusion of a range of theories from ‘minimal realist’ meta-ethical theories,<sup>75</sup> which take their moral facts to be less ontologically weighty, to ‘robust realism’,<sup>76</sup> which defends a much stouter conception of facts. I leave open the possibility that under some theories these

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<sup>72</sup> ‘Moral realism’ is almost as contested a term as ‘political realism’ (see fn. 69). The two features of moral realism that I have picked out, or something functionally equivalent, are present in most versions of the view. However, they are not universal features. Some, for example (Cuneo, 2007, pp. 45-49), reject stance-independence as a necessary component of realism. As I use moral realism as a way to explaining what features of a view are important if it is to support the Unilateral Solution, it is not important to settle on what realism ‘really’ means. In fact, I take it that the views Cuneo wants to include as realist that do not have stance-independence moral facts — i.e. one’s wherein moral facts are ‘necessary’ but constituted by what ‘ideally rational human agents in epistemically ideal conditions’ would approve or disapprove of (Cuneo, 2007, p. 47, emphasis removed) — could also act as a basis for the Unilateral Solution because of the qualification that these facts are necessary. For an excellent survey of recent understandings of moral realism, see (FitzPatrick, 2009).

<sup>73</sup> (Brink, 1984, 1989), (Boyd, 1988), (Sturgeon, 1984).

<sup>74</sup> (Shafer-Landau, 2003), (Parfit, 2011), (Scanlon, 2014), (Enoch, 2011).

<sup>75</sup> This term is borrowed from Gideon Rosen, who describes minimal realism as ‘the view that our core beliefs about the disputed subject matter are more or less true...the minimal realist holds that in a thin and metaphysically unambitious sense, our doctrine *correctly represents or corresponds to a genuine domain of fact*: at least some of the objects the discourse posits really exist, and the corresponding singular terms refer; some of the predicates pick out genuine properties, and these are really instantiated, etc.’. Rosen contrasts this with ‘[t]he irrealist, the agnostic and the error theorist’ (Rosen, 1994, p. 281, emphasis in original). David Enoch, even more simply, sums up this idea as the conjunction, ‘Sentences in the discourse are truth-apt, and some of them are (non-trivially) true’ (Enoch, 2011, p. 3).

<sup>76</sup> Robust realism is David Enoch’s name for his position, the thesis that ‘there are objective irreducibly normative truths’ (Enoch, 2011, p. 4). Unlike the minimal realist, he takes it that ‘in whatever sense there are physical facts, there are normative ones, in whatever sense there are truths in biology, there are in normative discourse, in whatever sense in which there are mathematical properties, there are normative ones’ (Enoch, 2011, p. 5).

facts can be ‘deflated’ by being placed on what Simon Blackburn likes to call ‘Ramsey’s Ladder’ – the idea that ‘It is a fact that P’ is merely an emphatic restatement of ‘It is true that P’, which is in turn an emphatic restatement of ‘P’ (Blackburn, 1993, 1998).

- 2) Stance-independence – moral realists hold that that these moral facts exist independently of our attitudes toward them. As Russ Shafer-Landau puts it, ‘the moral standards that fix the moral facts are not made true by virtue of their ratification from within any given actual or hypothetical perspective’ (Shafer-Landau, 2003, p. 16, emphasis removed). If it is a fact that  $\Phi$ -ing is wrong, this would be a fact regardless of whether we knew that  $\Phi$ -ing was wrong, or believed that  $\Phi$ -ing was wrong, or had ever considered whether  $\Phi$ -ing was wrong or even if we had ever existed. Although this notion is notoriously slippery and controversial despite attempts to make it precise (Rosen, 1994), I take it that the general idea is clear.

If stance-independent moral facts exist, one position in a moral disagreement is uniquely correct. If you could identify this position, you would be able to assert its credentials as the uniquely justified starting point for political theorising. If P and Q are moral facts and known to be so, it is unproblematic to begin theorising from them. The existence of moral facts means that one position in a disagreement is correct, while their stance-independence explains both why people can be wrong about them and why we should not take such errors to be philosophically troubling. By the same token, if mathematical realism is true (that is the conjunction of (1) and (2) above altered to talk about mathematical facts) and if Euclid’s axioms are among the mathematical facts and known to be so, you would be justified in starting your theory of the solid geometry of three dimensions with them. Those whose theories are based on the correct facts need not be worried about disagreement – those who would deny P and Q, or Euclid’s axioms, are simply wrong.

The belief in stance-independent moral facts has been a perennial feature of human thought on the justification of political structure, both in theory and in the political arena. The Divine Right of Kings – the notion that a particular king has dominion over a given territory and its inhabitants by virtue of having been anointed by God – is both a theoretical and a practical example of a justification of this style.<sup>77</sup> The theory derives its structure from the normative implications of the fact that God has bestowed authority upon a particular individual. Locke’s notion of the Law of Nature, ‘that measure God has set to the actions of men’ (Locke, 1988, II, §8), is another early-Modern example of the use of stance-independent

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<sup>77</sup> See (Bodin, 1955, Book 1, Ch. 7-10) for one *locus classicus* of this theory and (Figgis, 1914) for an intellectual history of the argument.

moral facts to justify a political system. In contemporary politics, the unguarded talk of human rights so prominent carries the flavour of naïve (in the philosophical sense, not the pejorative one) moral realism, despite the Universal Declaration of Human Rights being notably silent on the origin or nature of these rights.<sup>78</sup>

Stance-independent moral facts, or similar ideas, also permeate the work of many contemporary political philosophers. As an example, we can turn to an extract from Ronald Dworkin's *Justice for Hedgehogs*:

Politics is coercive: we cannot stand up to our responsibility as governors or citizens unless we suppose that the moral and other principles on which we act or vote are objectively true. It is not good enough for an official or voter to declare that the theory of justice on which he acts pleases him. Or that it accurately expresses his emotions or attitudes or aptly states how he plans to live. Or that his political principles are drawn from his nation's traditions and so need not claim larger truth...Of course, people will disagree about which conception of justice is really true. But those in power must believe that what they say is so. So the old philosophers' question – Can moral judgments really be true? – is a foundational, inescapable, question in political morality. We cannot defend a theory of justice without also defending, as part of the same enterprise, a theory of moral objectivity. It is irresponsible to try to do without such a theory. (Dworkin, 2011, p. 8).

Notice the very close relation that Dworkin posits between the belief that moral principles can be 'objectively true' and the possibility of both political theory and political practice. For Dworkin, it is not just that such a position is the correct one for political philosophers and political agents to adopt – it is the only position they can adopt.

It is stance-independence, rather than the existence of moral facts, that gives the Unilateral Solution its power. This is because a mere belief in moral facts does not preclude interpretations that would not allow for the resolution of disagreement in a unilateral fashion, for example subjectivism and relativism. If one interprets moral facts as *subjective* moral facts – moral facts such that it can be true for S that P and also true for T that not-P, neither of which allow the inference that it is true that P or not-P *simpliciter* – then everyone

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<sup>78</sup> The Universal Declaration of Human Rights (UDHR) states that 'recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world' and points out how 'disregard and contempt for human rights' have resulted in 'barbarous' acts, which implies that these rights are instrumentally justified. However, the rest of the document takes a far more realist tone. Article 1 states that 'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.' This factual tone is reflected throughout the document and the document's status as a 'common standard of achievement for all peoples and all nations' implies that it takes its content to be stance-independent, since not all nations take the UDHR to express moral truths (see, for example, Saudi Arabia's objections to some sections, as described in (Ignatieff, 2001, pp. 102-104)). Michael Rosen has argued that the concept of dignity used in the UDHR originates in the post-World War II alliance of Christian theology and Kantian philosophy, two traditions that have the two features discussed above (Rosen, 2018).

in a disagreement is right by virtue of their views fixing the facts of the matter relative to them.<sup>79</sup> Stance-independence, however, precludes the possibility that moral facts can be interpreted in a subjectivist or relativist way, because it means that our attitudes do not fix the moral facts. It guarantees that there is a determinate correct answer to moral questions that applies to all. It does, however, require that there be moral facts.

At the core of the Unilateral Solution is the thought that if 'P is wrong', it is so regardless of what our attitudes toward that statement are. Those who deny stance-independence, or something equivalent in that it provides determinately correct answers to moral questions that are true for all, make room for the possibility of faultless moral disagreement.<sup>80</sup> For example, anti-realists of various stripes, error theorists, nihilists, and so on believe either that the correctness of that statement is in some way constituted by our attitudes or, in the case of error theorists and moral nihilists, believe that the statement is simply false. Such views are not well-suited to the Unilateral Solution. What is needed is the ability to both ascertain the unique moral truth and explain why one's interlocutors are wrong. Imagine two individuals who disagree about the wrongness of some act,  $\Phi$ . If it is wrong to  $\Phi$  and this fact is not in any way dependent on our attitudes toward  $\Phi$ -ing, then A can say to B, 'It doesn't matter that you believe it is not wrong to  $\Phi$ , it is a fact that it is. I am justified in ignoring your opinion, because it is wrong'. That B disagrees with A becomes irrelevant; B is simply wrong. Those who do not believe in stance-independence, or something that similarly fixes the moral facts, do not have this move available to them. Regardless of how B's attitude affects the wrongness of  $\Phi$ -ing, that it does shows that this attitude cannot simply be ignored. If, however, there are known universal moral facts, then the political philosopher can build a political philosophy upon them despite disagreement about their validity. Those who disagree are simply wrong and it is unproblematic to ignore them, at least from the point of view of getting the 'right' theory.

Although I have associated this approach with moral realism, the Unilateral Solution is not only available to moral realists. It is available to any moral theory that posits knowledge of

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<sup>79</sup> Some philosophers are inclined to say that these individuals are not really having a disagreement (Dworkin, 2011, p. 145), (Singer, 1979, p. 6), (MacFarlane, 2007, p. 18), (Köhler, 2012, p. 76), (Hills, 2013, p. 414)). In a sense this is true — to have a theoretical disagreement about whether it is true that P, the parties must agree on what P is. However, in a political situation, to say that they were merely 'talking past one another' is to miss the distinctly practical nature of the disagreement. Although they might be 'talking past each other', they are still having a practical disagreement that can lead to serious consequences — even if subjectivism is correct, those who disagree over a political matter might end up slaughtering one another in the service of their version of 'The Truth'. That their disagreement is predicated on a mutual misunderstanding does nothing to reduce the significance of the disagreement. For a different rejection of this idea see (Mason, 1993, Ch. 3).

<sup>80</sup> Disagreements wherein all of the parties are rational, fully-informed and have made no errors in reasoning but still come to different conclusions (Kölbel, 2004).

stance-independent moral truths, or something functionally equivalent. I have discussed realism so as to approach the type of meta-ethical position that underpins the Unilateral Solution from a familiar direction, not because the Unilateral Solution requires moral realism. This qualification is important, because there are theories that claim that the moral facts are not completely independent of our attitudes but nevertheless hold them to be appropriately specific, fixed and resistant to disagreement, meaning they can be used in the Unilateral Solution. This includes any constructivist position where there is a determinately correct construction procedure that will necessarily give a determinate set of moral facts, including Kantian positions such as Christine Korsgaard's (Korsgaard, 1996). Such positions take it that the procedure itself makes the moral facts, which disbars them from being properly stance-independent because the procedure must be followed to make them, even if only hypothetically. However, these procedures give determinate answers to moral questions that are sufficiently robust to suppress disagreement, which is enough for the Unilateral Solution. It will also include Simon Blackburn's quasi-realism, which purports to secure the result that the moral facts are independent of our attitudes about them (Blackburn, 1984, pp. 217-220), despite Blackburn being a projectivist, i.e. believing that moral properties are not features of the world but rather emotional reactions that we project onto it in the form of moral judgments. The close connection between such attitudes and realism is illustrated by Blackburn's own repeated claim that the upshot of quasi-realism is that the quasi-realist has earned the right to use realist language ((Blackburn, 1984, p. 171), (Blackburn, 1993, esp. Ch. 11)). I mention Korsgaard and Blackburn because of their important contributions to two grand traditions that are not generally thought of as realist: constructivism and emotivism/expressivism. However, I think it is fair to say that the tone of a response that asserts that one position in a disagreement is correct because it is appropriately connected to objective moral facts is a realist one. For the sake of simplicity, I will refer to stance-independent moral facts, or anything functionally equivalent, simply as 'moral facts' in what follows. What is important is not how we label these facts or their metaphysical basis, but rather that they have authority.

The Unilateral Solution has two parts: it must first show both that moral facts of the appropriate kind exist, and then that political philosophers could have sufficient reason to be certain that their moral beliefs match the moral facts so as to form a basis for their theory. In arguing that the Unilateral Solution lacks the tools necessary to underpin the Tendency, I will grant the first part of this strategy and assume, for the sake of argument, the existence of moral facts, focusing instead on whether the Unilateral Solution can achieve the second part of the strategy. If it is to do so, the candidate theory will have to meet what I will call the epistemic constraint and the precision constraint.



## 3.2 A pair of constraints

Any candidate moral theory must be powerful enough to justify the dismissal of other views held by those party to moral disagreement. That means not merely having the moral facts on your side but having the right sort of moral facts. The following two constraints must be met for a theory to be sufficiently robust to play its part in the Unilateral Solution.

### 3.2.1 The Epistemic Constraint

For the Unilateral Solution to work there must be some appropriate connection between the moral facts and our beliefs about these facts such that we have good grounds for certainty in our beliefs. The idea that there are moral facts but that we lack epistemic access to them – or even that our beliefs about the moral facts are completely divorced from the facts themselves – is perfectly cogent, but theories that argue in this way will be insufficient for our purposes.<sup>81</sup> The epistemic constraint has a two-fold motivation, one derived from the role that we want moral facts to play in our thought generally and one from what would be necessary for the Unilateral Solution to play the role necessarily to justify the Tendency.

Turning to the first motivation, imagine what a meta-ethical theory that posited moral facts that are not accessible might look like. Moral facts would exist, and we would have beliefs about those facts. However the two things would not necessarily be connected. Any

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<sup>81</sup> It is somewhat unclear what a moral realist theory of this type would amount to. I know of no examples. Yet we can perhaps gather some clues as to how one could be constructed from Alison Hills's notion of 'moral understanding'. Hills argues that moral knowledge is not the only aim of a moral theory, suggesting that the development of 'moral understanding' is crucial to a virtuous agent (Hills, 2009, 2010, 2013). Moral understanding requires not that you know that P but rather that you, 'correctly believe that q is why p...and you also need a kind of grasp of the connection between p and the reasons why p, so that you can (normally) successfully manipulate by giving explanations and drawing conclusions in similar cases. To exercise your understanding is to use this grasp to judge that P (or to explain why p). Understanding why p requires that you have true beliefs that p and that q is why p, but, unlike knowledge why p, it does not require that those beliefs are safe, or reliably formed, or non-accidentally true' (Hills, 2013, p. 424). Taking the aim of being a virtuous agent through the development of moral understanding to be crucial to an ethical theory, Hills recommends a connected epistemic norm for moral inquiry: follow your conscience. A moral realist theory that aims at moral understanding, rather than moral knowledge, would not have to posit a connection between the moral facts and our beliefs about them to recommend a way of living in the world, and Hills takes it that there are situations in which 'following your conscience is the epistemic norm even if there is no prospect that it could bring you moral knowledge' (Hills, 2013, p. 424). However, given that an individual who has false beliefs about P can follow their conscience just as well as someone who has true beliefs about P, more needs to be said about how we can tell the difference before such a theory would be appealing. It is important to note that this is not the type of theory Hills herself endorses – she believes that 'having and exercising moral understanding may well bring moral knowledge with it' (Hills, 2013, p. 424), which suggests that moral understanding can act to bridge the gap between our moral beliefs and the moral facts. However, a moral realist theory could reject this claim while still thinking that stance-independent moral facts exist, and understanding the practical aspects of their moral theory in terms of moral understanding as a 'best endeavours' approach.

correlation between the fact that P and our belief that P will be accidental. To take up Sharon Street's analogy (which she uses in discussing the claim that our evaluative attitudes might be caused by selective evolutionary pressures) our moral attitudes corresponding to the moral facts under such a theory would be like a ship setting off for Bermuda, allowing itself to be carried by the wind and the tides and yet somehow washing up in Hamilton (Street, 2006, p. 121). What is more, if we held such a moral theory, we would be painfully aware that any correlation would be accidental, and that we could not even be sure such an accidental correlation exists. If we think our beliefs have either no connection or an unknowable accidental connection to the moral facts then we have no reason to believe that actions issuing from them are appropriate.

An analogy: I am so incompetent at astrophysics that I cannot comprehend the science necessary to work out the mass of a particular star. Somehow (the method is irrelevant, as long as it does not involve testimony from someone more expert), I conclude that this star has a mass of  $10M_{\odot}$  (that is, ten times the mass of our sun). As it so happens, it does. However, I lack good reason to believe this and I would be unjustified in basing any further conclusions on it. This, admittedly, is based entirely on an intuition, but it is one that I think plausible: if you know that your belief lacks justification, this lack of justification is transferred to any belief that you form as a direct result of that initial belief. Of course, that belief can subsequently become justified in some other way, but in that case the origin of a belief and its justification come apart. Since we are only concerned here with the transfer of justification, this case is irrelevant to our concerns.

Turning back to the moral case: knowing that your beliefs lack a connection to the moral facts undermines your justification for those beliefs. If beliefs formed due to an unjustified belief lack justification, it is not absurd to suggest that acts undertaken because of those beliefs cannot be justified by them. This puts the individual in a tricky spot. If they take their belief to be unjustified, that belief cannot justify actions issuing from it (again, on the intuitive principle that if you take P to be the reason for  $\Phi$ -ing, and you recognise that you are not justified in believing that P, you ought not take your belief that P to justify  $\Phi$ -ing). If our moral theory cannot inform our actions in a way we take to be justified, it is hard to see what use it is. As Aristotle points out, moral inquiry that merely allows us to know the good but not to become good is of no use (NE, 1103b). A moral theory that cannot provide us with a justification for our moral beliefs, thus makes moral knowledge impossible, is presumably of even less use.

Perhaps there is still a way in which this individual could believe that they are justified in acting on the basis of their moral beliefs. When we find ourselves in a forced moral-choice situation, we have no option but to act according to our moral beliefs. Yet we do not choose, or at least not directly, what principles ‘make sense’ to us, to borrow a phrase from Bernard Williams. Rather, this is the product of our world-historical situation, upbringing, enculturation and so on, as well as whatever thought we have put into the matter (which, in turn, is the product of our previous beliefs and therefore subject to the same constraints). This means that we have a given set of moral beliefs and these are the only ones in accordance with which we can act. Williams puts it rather nicely when he says ‘even in a situation of decision, although the agent decides to do the action, he does not decide that the action, or the kind of action, or the considerations that support the action, make sense to him’ (Williams, 2002, pp. 261-262). It is not that our moral opinions are determined – we still engage in deliberation about them, learn over time, adapt them to our life experience and so on – but rather that this process does not come from nowhere. We are given our moral start in life in a certain context and learn all of the tools we use to engage with moral claims from our environment – the schemas of assessment we employ do not come from nowhere. We accept them *because* they make sense to us and they make sense to us because of who we are.

Insofar the individual who believes that there is no connection between the moral facts and their moral beliefs can have a justification for action, it is granted by the fact that they, like Luther in the apocryphal story, can do no other. Admittedly, this is a very problematic proposal. It employs a very strange notion of justification, opens us to the likelihood that the actions we undertake are contrary to the moral facts and leads to accusation of moral conservatism. I doubt that many moral realists would be happy to accept it. It is also not without merit – in Chapter Five it will be discussed as integral to engaging in political action – but it cannot be taken to be a justification for ignoring disagreement, since there is no reason why that fact that something ‘makes sense’ to you means that you are justified in deeming insignificant the fact that something else ‘makes sense’ to the other parties. This takes us to the second motivation for the epistemic constraint on candidate theories for the moral realist solution.

This motivation derives from the specific task of the Unilateral Solution. Recall that this approach was to short-circuit ethical disagreement by showing that one position was correct, in that it corresponded to the moral facts in the proper way. If the epistemic constraint is not met, it is impossible to know that a given belief corresponds properly to the moral facts. The thought that one cannot act in any way but that which is permitted by one’s moral beliefs,

even knowing that any connection they might have to moral facts is accidental, is no substitute for the justification that comes from knowing that your moral beliefs reflect the moral facts. The same surety is available to every position that can be taken in the debate. Without some extra reason for why your own moral beliefs should override those of others, we are back at square one. Given that the theory has no recourse to the moral facts, no argumentative move from the fact that you can do none other leads to the position that individuals who hold opinions contrary to yours are wrong. This is what accounts for the final clause of the constraint as described above, that we have good grounds for certainty in our beliefs. While there might well be contexts in which true belief on its own is sufficient for certain outcomes, if you wish to ignore the opinions of those with whom you disagree because you are right and they are wrong, you ought to have good reason to be certain that you are right. Without such a justification, the dismissal of other opinions is arbitrary.

### 3.2.2 The Precision Constraint

If the Unilateral Solution is to help us out of the problem of moral uncertainty, the moral facts derived from the relevant moral theory must be appropriately fine-grained to resolve disputes. To see why, it might be helpful to look at some facts that are at the wrong level of generality. Take the extremes: an extremely broad claim such as ‘*ceteris paribus*, killing is wrong’ and an extremely specific claim, such as ‘drowning puppies for fun on Tuesday is wrong’. We can quickly see that these facts are not helpful for our purposes. Take the broad claim first. The Unilateral Solution is an attempt to justify a moral position that can be used as the basis of a political position. It must therefore speak to moral questions as they manifest in political contexts, and these tend to be far more complex than such broad claims can handle. To be useful in solving political disagreements, broad claims must be rendered more specific: ‘*ceteris paribus*, killing is wrong’ turns into ‘killing is wrong in situation *x*’, where that claim is subject to dispute. Similarly, incredibly specific moral propositions are also no help, as these describe situations unlikely to be of much, if any, political import. After all, when was the last time someone proposed a bill supporting the legalisation of infant-cannicide on Tuesdays? If a moral theory is to provide a justification for indulging in the Tendency, it must give us appropriately fine grained answers to moral questions.

So the Unilateral Solution must show that we can be justifiably certain in our belief about appropriately fine-grained moral facts to undercut disagreement; it must meet the precision constraint and the epistemic constraint.

### 3.3 The Epistemic Challenge

With a clear picture of the type of the type of theory that might be a candidate for the Unilateral Solution, we can state the epistemic challenge that I believe undermines this approach. In doing so, I draw heavily on the work of Sharon Street (Street, 2006, 2016). While the challenge is as old as moral theorising itself, Street has taken it up admirably and her writings on the subject have contributed greatly to the tone of the modern debate. The two philosophers that I wish to engage with as the basis for attempts to rescue the Unilateral Solution, David Enoch and Ronald Dworkin, are also directly connected to her work – Enoch offering a reply to Street and Street offering a reply to Dworkin. Street offers two different epistemic challenges, one to ‘realist theories of value’ in general (Street, 2006)<sup>82</sup> and one specifically to Dworkin (Street, 2016), but at their core is the same thought: suppose that there is a unique answer the moral questions over which we disagree; what reason do you have to suppose that you have picked it out? In both cases, Street’s question is driven by the fantastic unlikeliness of alighting on the right answer. However, she motivates this in two different ways. I will present both of Street’s challenges before taking elements from each, directing these resources to a slightly different purpose than that Street intended: the undermining of the Unilateral Solution.

In her challenge to value realism in general, Street mobilises Darwinian concerns. She argues that value realists are compelled to believe that there is some connection between our evaluative beliefs and the independent value facts if they are to avoid scepticism. Not doing so would lead to the unacceptable conclusions I described above when describing a realist theory that denied that we can know the moral facts. She argues that the evolutionary history of our species gives us reason to doubt that the value realist can substantiate this connection in a scientifically acceptable way.

Street starts from the premise that selective pressures seem to be among the factors that shape the development of our moral attitudes. Some behaviours, for example not killing kin, are selectively advantageous and so those who are positively disposed toward them have more success in passing on their genes. Of course, we do not develop ‘fully-fledged evaluative judgments’ (Street, 2006, p. 120) in support of such behaviours right away; rather we develop ‘basic evaluative tendenc[ies]’ that can be understood as ‘unreflective, non-

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<sup>82</sup> Her challenge is actually aimed predominantly at non-naturalist versions of moral realism, but she claims that it extends to naturalist theories so long as they meet a certain criterion: that *which* natural facts are identical to the evaluative facts is not dependent upon our attitudes (Street, 2006, §7). This distinction suggests Street and I have similar targets.

linguistic, motivational tendenc[ies] to experience something as ‘called for’ or ‘demanded’ in itself, or to experience one thing as ‘calling for’ or ‘counting in favor of’ something else’, comparable to the pull a mother bird feels toward feeding her young (Street, 2006, p. 119). Over time, these heritable ‘proto’ forms of evaluative judgments develop and are refined, eventually leading to our more reflective evaluative attitudes. However, had we had a different set of basic evaluative tendencies, for example those of lions, our reflective evaluative attitudes would have been different. Street argues that if realists wish to preserve the connection between the moral facts and our beliefs about them they must explain how these evolutionary pressures affect the picture. They can either assert or deny a connection between evolutionary pressures and the moral facts. If they deny that there is a connection, then the value realist must interpret evolutionary pressures as mere distorting influences upon our moral beliefs. This would mean that our attitudes are ‘utterly saturated and contaminated with illegitimate influence’ as the evolutionary pressures that shape them are influenced by what is selectively advantageous rather than what is moral. They must reach the conclusion that ‘[w]e have thus been guided by the wrong sort of influence from the very outset of our evaluative history, and so, more likely than not, most of our evaluative judgments have nothing to do with the truth.’ (Street, 2006, p. 122).

If the value realist opts for the other horn of the dilemma and asserts a connection between selective pressures and the moral facts, Street argues that they must assert that our ancestors were selected for an ability to grasp moral truths directly, which she calls a ‘tracking account’. She quotes Derek Parfit’s version of this view, that ‘it is possible that “just as cheetahs were selected for their speed, and giraffes for their long necks, the particular feature for which we were selected was our ability to respond to reasons and to rational requirements.”’ (Derek Parfit, private correspondence, quoted in (Street, 2006, pp. 125-126)). Our ancestors developed an ability to ‘track’ the truth of moral judgments because recognising evaluative truths is selectively advantageous and promotes survival. She compares this suggestion against the ‘adaptive link’ account – roughly that our ancestors developed certain proto-evaluative attitudes, such as caring for kin, because they were selectively advantageous and that these eventually developed into the value attitudes we have today. The difference between the two accounts is that in the tracking account we were selected for our ability to recognise truths because these truths are advantageous, whereas in the adaptive link account we were selected for our ability to develop advantageous proto-evaluative attitudes, with no reference to the truth of those attitudes.

Both the tracking account and the adaptive link account are scientific accounts of the origins of our evaluative judgments, so the question becomes whether it is more scientifically

plausible to posit that ‘the presence of these judgments is explained by the fact that these judgments are true, and that the capacity to discern such truths proved advantageous for the purposes of survival and reproduction’ (Street, 2006, p. 126) or that we develop these judgments as the result of developing positive proto-evaluative attitudes to precisely those things that promote survival. Street argues that, by the *desiderata* of scientific theories – parsimony, clarity and explanatory adequacy – the adaptive link account wins ‘hands down’ (Street, 2006, p.129). The adaptive link account is clearly more parsimonious, as unlike the tracking account it need not posit the existence of independent evaluative truths. The tracking account is less clear, as it is not obvious why the ability to recognise evaluative truths should be necessarily advantageous, given that evaluative truths are not all helpful in the quest for survival and are a potential cost in terms of the energy and resources needed to develop them (Street, 2006, p.130). It is also not clear what it means to say that being able to recognise the truth of an evaluative judgment is selectively advantageous, given that unlike the tiger in the bushes these truths cannot kill you. Finally, the adaptive link account offers a much more explanatory account of why we make certain judgments and not others. Its answer is quite clear – those of our ancestors who made such proto-evaluative judgments were better suited to their environment and therefore tended to survive, leading to the survival of their attitudes. The tracking account, conversely, has three difficulties that limit its explanatory appeal: firstly, it must offer an account for why so many of the truths it selects are exactly those judgments that we would expect to be selectively advantageous and therefore would have been selected regardless of their truth. Second, it lacks a good explanation for our tendency to make evaluative judgments that we are inclined to think untrue, for example the privileging of members of the ‘in-group’ over members of the ‘out-group’. Third, it lacks a good explanation for why we failed to select certain attitudes beyond merely restating that they are not true, ‘reaffirming our convictions but adding nothing to our understanding of why we have them’ (Street, 2006, p.132-133). To hold both that there are moral truths and that our beliefs about them are correct, the value realist must either say that our moral opinions have been influenced by evolutionary selection and provide a tracking account, which is scientifically unacceptable, or to hold that selective pressures did not push us toward these moral truths, which has sceptical implications.

Street’s challenge to Dworkin is somewhat different, as it is designed to be specific to his somewhat particular view (see §3.5). But enough similarities exist so that we may see both challenges as falling into a single category: an epistemic challenge to value realism that asks the realist to explain how our moral beliefs and the moral facts are related to one another in the face of non-moral causal pressures that have the potential to affect our beliefs. In her argument against Dworkin, Street expands the range of things that might influence our moral

attitudes to include our particular histories, enculturation, world-historical situation and so on,<sup>83</sup> suggesting that there is no reason to think that these features aid us in identifying the moral truth, rather than driving us further from it. She challenges Dworkin to explain how we can both believe that our normative beliefs are (generally, not infallibly) true and also that they are affected by these various causal phenomena that have the potential to distort moral beliefs. Dworkin's response to the problem, according to Street, is to argue that finding out about the origins of our moral beliefs has no impact, in isolation, upon whether they are true. What is needed is a further 'normative connection' that gives rise to worry about that causal origin. If that is not provided, their connection is a brute coincidence for which no explanation is needed, just as no explanation is needed for the coincidence of the lottery ticket you have bought being selected as the winning lottery ticket. But according to Street, that is not enough. Dworkin is not merely claiming that his moral beliefs have causal explanations and that they correspond in the appropriate way to the moral facts. He is also claiming that there are numerous ways to go wrong, yet that he somehow knows that he has not gone wrong in any of these ways. Extending the lottery analogy, Street says this is like buying a ticket, waiting for the draw to be made and believing that you have won despite having no information on the outcome. As in the Darwinian Dilemma, Street challenges Dworkin to show what connection there could be between his causally formed moral beliefs and the mind-independent moral truth, given the not insignificant possibility of getting it wrong (Street, 2016).

The challenge is similar in both cases: if value realist is to think their moral beliefs correct, they must show how they came to have those beliefs in a way that adequately explains the connection between the moral facts and their beliefs without rendering such a connection an outrageously unlikely coincidence. Given that the belief might err in there numerous ways and there is no immediately obvious way of telling if it has, there is good reason to worry. If value realist wants to posit a connection between their beliefs and the moral facts, they must explain how this connection arose and is sustained in the face of malign influences. And the value realist must admit that going astray is a real possibility – if they take their moral beliefs to be correct, they must believe that those who do not hold them have gone wrong.

The realist's position is similar to that of the purveyor of the Unilateral Solution. Both claim to have secured access to the moral facts despite prevailing worries about the origin of their beliefs about these facts. What is more, like the lottery player, they know that there are other

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<sup>83</sup> Street states that the 'Darwinian Dilemma' is not specifically Darwinian but rather can be generalised and reconstructed in terms of any causal explanation of our moral attitudes (Street, 2006, p.155). Enoch agrees (Enoch, 2011, pp.163-165).



individuals who have equally good reasons to believe that they have alighted upon the lucky ticket. Yet they claim, despite all this, that they are in fact correct. I take it that they are wrong to assert this. And if that conclusion is correct then they not only have good reason to be uncertain that their views are correct, there is a strong chance that they are simply wrong. That undermines their justification, and as a consequence the Unilateral Solution.

To test this, let us turn to some responses that might be offered. I have selected two responses to Street's work, Enoch and Dworkin, because they represent two distinct approaches one might take in asserting that we can know the moral facts. The first, Enoch, attempts to show that some feature of the world – the fact that survival is *pro tanto* good – can be employed in a defence of moral realism against the Darwinian Dilemma. Enoch is both the most developed and powerful representative of a general approach to Street's Darwinian Dilemma<sup>84</sup> and his argument, which leverages some feature of the mind-independent world in defence of moral realism, represents one of two ways in which I take it that the problem can be approached. The second, Dworkin's, attempts to show that philosophical argument alone can undermine the epistemic worry I have discussed, thus vindicating our moral attitudes by vindicating the intellectual processes that lead to them without any reference to the mind-independent world. In what follows, I will show why I take it that both of these approaches fail. In doing so, I hope to offer generalisable reasons why proponents of the Unilateral Solution will fail to meet either the epistemic constraint or the precision constrain, making their position untenable as a solution to the problem of moral uncertainty.

### 3.4 Enoch's response

I will begin with Enoch's response, which is designed to protect the connection between our moral beliefs and the moral facts from specifically evolutionary pressures. Enoch argues that we need not worry that the proto-evaluative attitudes that developed due to being selectively advantageous do not track the moral facts directly, so long as they stand in a suitable relationship to them. He points out a possibility to which Street has given short shrift. Street's argument posits that there are only two possible connections between the moral facts and our attitudes toward them – either the facts cause our attitudes (and thus a tracking account is necessitated) or our attitudes caused the facts (which is a form of anti-realism) (Street, 2006, p.134-5). He argues that there is a third option available: a '(Godless) pre-established-harmony type of explanation' that posits that there is a third thing that is

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<sup>84</sup> Other philosophers to attempt a 'third-factor explanation' approach to the Darwinian Dilemma include (Skarsaune, 2010), (Wielenberg, 2010) and (Brosnan, 2010).

‘responsible’ for both our attitudes and the moral facts (Enoch, 2011, p.167-8). That thing is the assumption that survival is ‘at least somewhat good’, by which he means that it is ‘by and large better than the alternative’ (Enoch, 2011, p.168). There is no mystery about the correlation between moral facts and our beliefs about them despite neither having caused the other – the *pro tanto* goodness of survival is ‘related to [the normative truths] in some constitutive way’ (Enoch, 2011, p.169) and because evolution selects those traits that promote survival, it also selects those that promote goodness.

Enoch argues that he needs not show that this connection gives exhaustive knowledge of the moral facts or anything near it to defend moral realism, merely that it be strong enough to block the inference to scepticism. The realist needs only be sure that they are ‘at least somewhat more likely to get things right rather than wrong with regard to normative issues (or a specified subset of them)’ (Enoch, 2011, p. 166). Enoch further asserts that as long as our starting point is not that far off, we can use some ‘reasoning mechanisms’ to ‘get us increasingly closer to the truth by eliminating inconsistencies, increasing overall coherence, eliminating arbitrary distinctions, drawing analogies, ruling out initially justified beliefs whose justificatory status has been defeated later on, etc.’ (Enoch, 2011, p.166). Essentially, as long as the *pro tanto* good of survival is secure, we have sufficient material to pursue a state of reflective equilibrium, thereby eliminating initial errors and imprecision. So Enoch’s theory defends moral realism by positing a fact about the world – the *pro tanto* goodness of survival – that causes both the moral facts and our attitudes, and explains how they relate to one another.

However, it is not clear that he has given us reason to think that this initial connection, even with a process of refinement, is enough to support the Unilateral Solution. Here I will depart a bit from Enoch’s text and discuss what I take to be some implications of his account. Think of the historical story supporting the account. Our ancestors all had proto-evaluative attitudes that were caused by the adaptive superiority of those attitudes. These were at least in the vicinity of the moral facts, as survival is a *pro tanto* good. He could even tell a similar story about the refinement mechanisms he posits, citing the idea that proto-versions of these are initially developed in response to selective pressures. Yet over the course of history these attitudes changed and, what is more important, diversified. The process of reflective equilibrium Enoch discusses produced a notably wide variety of opinions on crucial matters. This, as we are about to see, is a problem.

To arrive at a set of moral beliefs that resemble the moral truths, our refinement mechanisms need to be sufficiently accurate so as to eliminate false beliefs and retain true ones.

However, Enoch's account does not exclude the possibility of causal pressures distorting the relationship between our beliefs and the moral truths. Nor does his account exclude the possibility that elements in our schemas of assessment were not selected because they aid us in survival. Evolution is a messy process and not every trait that develops actually aids survival. Some traits, often called spandrels, evolve as a by-product of selectively advantageous traits but are not themselves advantageous (Lewontin & Gould, 1979). In addition, plenty of developments aid survival at one point but are subsequently rendered useless or even damaging, for example vestigial tails in humans. Enoch gives us no reason to think that we have not developed moral traits that are irrelevant or antithetical to the moral facts, just as we have developed traits that are irrelevant or antithetical to survival. This puts pressure on the presumption that we are more likely to get things right than wrong. If traits are selected that are irrelevant to survival but that figure in our moral development, these pull us away from the moral truth. We assess beliefs in light of others – what if we systematically assess the good beliefs in terms of the bad ones and therefore eliminate the former? Reflective equilibrium make our beliefs cohere better with one another but that is not enough to ensure their correctness.

If Enoch's arguments are to support the Unilateral Solution, we must have some explanation of our continued link to the moral facts. Even if Enoch can plausibly claim that at some point a connection existed between the moral facts and our moral attitudes, has he done enough to motivate the idea that such a connection is still in play? For that to be the case, the process of reflective equilibrium we employ must be effective in developing and refining beliefs that relate to the moral truth and eliminating those that do not. Different interpretations of the corrective mechanism that Enoch proposes will give us different pictures of the contemporary relationship between moral facts and our beliefs about them. The first possible interpretation is that the *pro tanto* good of survival leave open a wide range of schemas of assessment that can develop while still being in keeping with moral truth. Although our corrective methods weed out inconsistencies and promote coherence, the permissibility of the starting point allows these moral schemas of assessment to develop in all manner of ways. Under this interpretation, although the *pro tanto* good of survival is responsible for the truth of certain evaluative attitudes that are selected for, such as aiding family members to survive, there are many possible manifestations of these attitudes that are compatible with those moral truths. In the case of concern for family, we might suggest that amoral familism, a form of social organisation where individuals act to the advantage of their immediate family with little or no regard for the public good (Banfield, 1958), is as in keeping with the moral truth as the

‘standard’ Western regard for a slightly extended nuclear family or even the metaphorical Christian conception of brotherly love.

However, such a permissive interpretation is of little help in a political context. Although it meets the epistemic constraint by virtue of all of these schemas of assessment deriving from selective adaptations linked to the *pro tanto* good of survival, it fails the precision constraint. This interpretation would not allow us to arbitrate moral disagreements with reference to moral truth because our conception of the moral truth would not be sufficiently specified to come down on one side or the other. As the precision constraint is not met, the Unilateral Solution is not available.

Alternatively, these corrective mechanisms could be more restrictive. Perhaps when applied properly they are sufficient to get us closer to a unique set of moral truths. The task then becomes to explain how it is we pick out this schema of assessment given that, starting from our proto-evaluative attitudes, we have ended up with a wide variety of schemas of assessment. How do we know which is appropriately related to the moral truth? And why should we think that the other causal factors – personal history, enculturation, world-historical position and so on – do not affect these choices? After all, the proto-evaluative attitudes we have evolved will be the result of selective pressures over an enormous timescale, whereas our recorded moral evolution is incredibly recent yet involved enormous shifts in attitude.

Enoch’s faith that reflective equilibrium will get us to the moral truth is not justified here. In addition to it not being obvious that reflective equilibrium will only eliminate bad beliefs and inevitably keep good ones, there is a further problem. The chance that evolution might have furnished us with false moral beliefs recurs at the level of our reasoning mechanisms. We might have reasoning mechanisms that do not promote survival, just as some of us have the ability to roll our tongues. In addition, it is not clear that it is always selectively advantageous to reason well, as is shown by the existence of selectively advantageous cognitive biases (Johnson & Fowler, 2011). Just as we have developed a number of different moral schemas of assessment, so too we have developed a multitude of ways of reasoning. How do we pick out the appropriate ones? If we worry that assessing good beliefs while holding bad ones to be fixed leads us further from the moral truth, we ought to also worry that assessing good reasoning using bad reasoning also gets us further away from good epistemic procedure. In either case, we would be none the wiser.

The restrictive interpretation of Enoch's response relies on the method of reflective equilibrium, but it is not clear that this method results in a specific outcome, even if the inputs themselves are the same for all humankind (the proto-evaluative attitudes caused by evolutionary pressures) and are appropriately linked to the moral truth of the *pro-tanto* good of survival. The existence of widely divergent moral attitudes, all of which result from sufficiently coherent schemas of assessment developed using this methodology, is a testament to the diversity of possible results of this process. And because all of these schemas of assessment have survived up to the present day, none can be obviously said to be more selectively advantageous than any other. If Enoch's picture were to be helpful in supporting the Unilateral Solution, an explanation of how reflective equilibrium can produce such varied results and how we are to select among them would have to be forthcoming. The case might be made that reflective equilibrium *practiced properly* would result in just one outcome. But that merely pushes the problem one step further back – given disagreement over what qualifies as proper practice and the impossibility of stepping outside of practice to a neutral *Ur*-schema of assessment from which to compare, why think that one particular candidate theory is the correct one?

Under this interpretation, Enoch's argument thus cannot help us to justify the Unilateral Solution. It is no use to posit the possibility of corrective mechanisms that eliminate inconsistencies and increase coherence if you have no reason to believe the process gets you any closer to the moral truth. We are back at square one – any schema of assessment will appear obviously correct to those who use it, despite being subject to equipollent disagreement without the possibility of neutral arbitration. Each has equal claim to having developed from the same basis in our adaptively selected evaluative attitudes. The evolutionary success of a particular schema of assessment proves nothing if others have been equally successful. What is more, the corrective mechanism might eliminate inconsistencies and improve coherence, but as we have seen, schemas of assessment can display a high degree of internal consistency and coherence while still being incompatible with other schemas of assessment. Even if the moral truth is accepting of only one solution, the adaptive traits we were selected for are clearly permissive of many. That we could go wrong in so many ways gives us a positive reason to doubt our own moral beliefs. Positing that the relationship between the moral facts and our evaluative attitude is caused by the *pro tanto* good of survival might well be a way of supporting the theoretical possibility of moral realism but it is no good to us as a foundation of the Unilateral Solution. This second interpretation might well pass the precision constraint by providing a determinate answer to moral disagreement but it fails the epistemic constraint, as we have no way of knowing, or even good reason for believing, that the answer given is the correct one.

### 3.5 Dworkin's response

Dworkin offers a different account of why we can have confidence in our moral beliefs despite the worry that irrelevant causal pressures might distort them. Unlike Enoch's solution, it does not require us to posit any sort of connection between natural and moral facts. Dworkin responds to Street's worry by highlighting the irreducibly moral nature of moral debate and suggesting that answers to moral questions can only be supported by moral argumentation. The correctness of an argument justifies belief in its conclusions. He takes it that there is a hidden premise in Street's argument that he rejects – the 'causal dependence hypothesis', the view that unless it is true that moral facts cause moral opinions, these opinions cannot be justified (Dworkin, 2011, pp. 76-87). In rejecting the causal dependence hypothesis and showing that argument justifies belief, Dworkin evades Street's challenge (Dworkin, 2011, p. 80 fn. 9). To get a fuller understanding of Dworkin's view and why he takes himself to be immune to Street's critique, we must take a brief foray into his meta-ethical, or rather anti-meta-ethical, views.

Dworkin is reluctant to be called a moral realist.<sup>85</sup> He claims that a moral realist is someone who thinks that 'we can have external, non-moral reasons for believing that our moral opinions can be true' (Dworkin, 2011, p. 37).<sup>86</sup> He does hold that there are objective moral facts, merely that they are internal to moral discourse rather than that they are somewhere out there in the universe.<sup>87</sup> That is enough to get the Unilateral Solution off the ground.

Dworkin argues that attempts to create a distinction between first-order moral claims and second-order claims about the nature of these first-order claims are destined to fail, meaning that all second-order claims that moral assertions are 'universal', 'intrinsically right or wrong' or 'part of the fabric of the universe' are merely more emphatic statements of the rightness or wrongness of that action (Dworkin, 2011, p. 54). He draws a distinction between internal and external scepticism. Internal scepticism presumes the truth of at least some moral claims. It then uses this to motivate the idea that moral claims in certain domains – for instance claims about consensual sexual practice within adult relationships – cannot be right or wrong. External scepticism motivates scepticism about the entire moral domain using arguments drawn from outside that domain, for example in arguing that certain metaphysical facts undermine the possibility of morality. According to Dworkin,

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<sup>85</sup> At least in *Justice for Hedgehogs* — he finds the term less objectionable in *Objectivity and Truth: You'd better believe it* (Dworkin, 1996).

<sup>86</sup> E.g. David Enoch (Enoch, 2011) and Russ Shafer-Landau (Shafer-Landau, 2003).

<sup>87</sup> Dworkin has described this belief as 'moral field thesis' and argues that it would involve a belief in the existence of moral particles that he witheringly dubs 'morons'. (Dworkin, 2011, p. 9)

external scepticism is doomed to failure. Any form of scepticism that, for example, undermines the claim that one has an obligation to  $\Phi$  is, in effect, a claim that one does not have an obligation to  $\Phi$ . This is a moral claim. Scepticism, therefore, is a moral position and those sceptical positions that claim to be ‘external’ collapse into internal scepticism. To support this view, he points to ‘Hume’s Law’ – the familiar idea that the conclusion of an argument cannot contain an ‘ought’ type claim without having one among the premises – to motivate the idea that scepticism must be internal. This, he believes, is enough to net him the conclusion that ‘meta-ethics rests on a mistake’ (Dworkin, 2011, p.67). With external scepticism vanquished, all meta-ethical questions take place within the realm of the properly moral, and therefore any answer to the sceptic will take place within the realm of first-order moral discourse. Successful argument will not appeal to the ontological status of moral facts and therefore need not defend an account about the epistemic link between these facts and our moral beliefs. Certain things are wrong. They are wrong regardless of whether we believe them to be so. But the reasons for which they are wrong are drawn from within the moral discourse, discoverable by moral argument.

With this background in place, we can turn to how Dworkin deals with Street’s critique. Dworkin distinguishes two possible accidents: the accident that you hold the beliefs you do and the accident that your beliefs happen to be right. To the first he answers that it is obviously contingent that you hold the views you do – had you been brought up in other circumstances you would have other beliefs. He points out that this is not merely true about our moral beliefs but about all of our beliefs.<sup>88</sup> The second accident, however, is dissimilar. Given that you reason to your moral beliefs using moral arguments, Dworkin argues that it is only a coincidence if you arrive at the truth using bad argument. If you argue well, it is hardly a surprise that you get there. As long as you act as a ‘morally responsible’ person, which, among other things, includes acting ‘out of rather than in spite of...convictions’ (Dworkin, 2011, p.103) and following the ‘ways of thought’ conducive to realising moral truth (Dworkin, 2011, p. 81), then there is nothing to worry about. And all this process of becoming responsible ultimately involves is the ‘knitting together’ of the various moral concepts that we inherit from our personal histories such that ‘our various concrete interpretations achieve an overall integrity so that each supports the others in a network of value that we embrace authentically.’ (Dworkin, 2011, p. 101). It is perhaps unsurprising that central to the concept of a responsible moral agent for Dworkin is this notion of integrity, given his subscription to the hedgehog’s thesis that value is unified.

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<sup>88</sup> He never seriously considers the possibility that this ‘companions in guilt’ argument works, but rather than acting as a *reductio* against moral doubt, it should cause us to doubt other beliefs more seriously. It is true that companions in guilt hang together, but they also both get off if a mistrial is declared.

So we arrive at the objective moral truth by pursuing good argument. However, it is not clear how this is supposed to help us determine the correct way to arrive at moral conclusions given that people disagree about argumentative method. Dworkin's picture of a morally responsible individual alighting on the moral truths through careful argument seems inadequate – even if the individual has arrived at the moral truth, they lack good reason to believe that they have. The problem here is one of indistinguishability: had they arrived at the wrong answer, they would still have the same confidence in their arguments because their method of moral assessment would have been affected by just the same irrelevant causal factors that caused them to arrive at that conclusion. To the individual, the arguments they use appear strong, even if they are not, and any effect that irrelevant causal factors might have had on their answer would mostly go unnoticed. The response that the individual has been 'morally responsible' in their quest for answers and has practiced the right kind of reasoning and reflection to get there only pushes the question back a step. Just as in the restrictive interpretation of Enoch, concerns stemming from the possibility of irrelevant causal influences do not just affect particular propositions but also the schemas of assessment that are used in the acceptance of these propositions. Given that we disagree about the validity of these tools – a fact Dworkin must accept if he thinks that others can get moral arguments wrong yet feel contented that they are correct – why should he assume he has alighted on the set that employ the right moral argumentation? It might seem to him that he has – but it seems equally so to those who disagree with him. Yet he cannot concede that their positions are equally valid – he believes that the moral truth is objective so he must believe that the moral tools he uses in his conception of 'moral responsibility' are the correct ones. Nor should he concede this, as by his lights those who disagree with him have used bad argument.

Dworkin must offer some answer as to why his schema of assessment is the correct one when there are several alternatives that are all as internally consistent, seem correct to those who hold them and give alternative answers to moral questions. Street's criticism can be extended from the question of whether one has alighted on the right moral beliefs to whether one has alighted on the correct schema of assessment.<sup>89</sup> Dworkin's insistence that there is no possibility of grounding moral claims in anything but moral argumentation might well be right, but this does not mean that moral argumentation is sufficient to give us reason to

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<sup>89</sup> Street offers some brief remarks to this effect, suggesting that rational reflection does not stand apart from our evaluative judgments assessing them, but rather proceeds from an evaluative standpoint, holding fixed certain judgments at certain times in order to assess others. (Street, 2006, pp. 123-125). This belief is also central to Dworkin's picture (Dworkin, 2011, p. 81-82, 117).



believe in the type of objectivity Dworkin takes moral facts to have. The epistemic challenge demands an answer not merely to the question of whether we can be sure that our moral beliefs are correct but also to the question of why we should have confidence that the reasoning we employ is correct. Dworkin offers no argument for the correctness of his argumentative methods in the face of disagreement, merely stating that ‘If you can’t help believing something, steadily and wholeheartedly, you’d better believe it’ (Dworkin, 2011, p.101) and that while finding arguments adequate does not ‘guarantee moral truth’, the process that leads to this means we have ‘earned the right to live by them’ (Dworkin, 2011, p. 39). Stopping short there, in a world where the adequacy of argument is contested is deeply unsatisfying.

At this point, Dworkin is in the position that Luther stands in the apocryphal story, declaring, “*Hier stehe ich und kann nicht anders*”.<sup>90</sup> I asserted before that this was a bad position for the Unilateral Solution; now it is time to explain that claim in more detail. What follows hardly a knock down-argument and would doubtless do little to convince Dworkin that his views are problematic. However, for those of us who are worried about his approach, the following might help us put a finger on our unease.

Dworkin is aware that others disagree with his moral views, and presumably aware that others disagree about the correct way to assess moral views. While he would claim to take the disagreement about morality seriously and to be willing to engage with interlocutors, he does not make much of the fact that the rational acceptability of arguments varies considerably between persons. He is thus not giving his interlocutors a fair hearing. While he only needs to be correct according to his argumentative standards (which, of course, he will be), they must be right not only by their own lights but also by his. This asymmetry of argumentative requirements could only be supported if Dworkin could give a convincing answer to the question of how it is possible that people develop other answers to moral questions and find them argumentatively convincing, meeting the criteria for “morally responsible” people, while still being wrong – which he does not.

Nor does he provide much argument to insulate his own views from the charge that they are wrong and only appear correct to him. All he offers is this theory of ‘moral responsibility’ designed to show when we have lived up to the burdens of moral epistemology (Dworkin, 2011, ch. 6), an approach that ensures that the problem of moral uncertainty will repeat itself with reference to the tenets of the one true moral epistemology. At times, he resorts to

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<sup>90</sup> 'Here I stand and can do none other'.

claims that those who disagree with us ‘show insufficient “sensitivity” to what we “see”’ (Dworkin, 1996, p. 121) and that our ‘moral judgments function better than theirs’ (Dworkin, 1996, p.122). Here he is talking about past slave-holding societies, but it is unclear what principled reason he could have for giving a different response to those who accept different moral arguments in the present, supporting actions he finds objectionable such as suicide bombing or genocide (Dworkin, 2011, p. 36). Although he concedes that ‘it seems arrogant, in the face of great cultural diversity, to claim that everyone who disagrees with us is in error’ (Dworkin, 2011, p. 36) he certainly seems to think that a great many are. And his willingness to tolerate those who are wrong or engage them in discussion is based more on the conviction that our own self-respect demands that we treat others as having the same status than on a serious appreciation of our own fallibility (Dworkin, 2011, p. 112, ch. 7).

Dworkin’s position does little justice to the profound and troubling nature of moral disagreement. While asserting that moral concepts are interpretive and stressing that this interpretation is a social phenomenon, his philosophical practice fails to take seriously the fact that the notion of good argument is up for grabs. At the very least, his approach shows a certain contempt for those who have the nerve to disagree. Even if this is contempt to be of the type Putnam reports having for Robert Nozick – ‘respectful’ and ‘honest’ contempt that is aimed at ‘a certain complex of emotions and judgments’ that make up his interlocutors’ political outlook rather than contempt for the other’s mind or character (Putnam, 1981, pp. 165-166)<sup>91</sup> – it should not be misinterpreted. It indicates only the inescapability of what makes sense to him, not its correctness.

Perhaps Dworkin does not see those who disagree with him as epistemic peers because they do not argue as he does. I think that a sufficient recognition of the self-justifying nature of schemas of assessment is enough to make us suspicious of that thought. Someone who takes this concern seriously will recognise that we are all epistemic peers at least in the sense that we hold certain views as positions in equipollent disagreements as the result of our contingent histories. Our recognition not only of the contingency of our views but also of the contingency of the methods and arguments that we use to develop and assess our views should, to some degree, undermine our certainty that we are correct. We are peers insofar as none of us have access to the ‘God’s-eye point of view’, a fact that Dworkin must recognise given his rejection of external scepticism. The views of others therefore remain relevant alternatives in moral questions, meaning that Dworkin is not entitled to certainty in his moral

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<sup>91</sup> And it often is not – note Dworkin’s repeated ridicule of ‘morons’ and those who hold theories that supposedly posit them.

beliefs. Dworkin finds himself trapped between two seventeenth century thoughts – Joseph Sedgwick’s claim that ‘Reason is an excellent thing if a man can hit on it’ (Sedgwick, *Learnings Necessity*, quoted in (Hill, 1969)) and Thomas Hobbes’s claim that ‘they that call for right reason to decide any controversy, do mean their own’ (Hobbes, 1928, Ch. 29, §8).

To return to the Unilateral Solution, I take it that Dworkin’s solution fails to meet the epistemic constraint and does so in a way that tells us a lot about possible approaches to the Unilateral Solution. Even if Dworkin can arrive at the moral facts, Street’s arguments undermine his justification for taking himself to know this. His way of evading this charge – invoking ‘good’ argumentation – fails because it too is open to the charge of a lack of justification. As long as our notions of ‘good’ argumentation can be affected by irrelevant causal pressures, and we disagree on these notions without a neutral way to arbitrate that disagreement, we do not escape equipollent disagreement. Those who shore up the Unilateral Solution by stating that good argumentation has led them to their conclusions have failed to meet the epistemic constraint. Importantly, this will include all theories that take the method of reflective equilibrium to be a suitable method for discovering moral truth.

### 3.6 Conclusion

Insofar as Enoch and Dworkin fail to resolve the epistemic challenge, they do so in the two ways that I think any theories that rely on moral facts are destined to, depending on whether the moral facts posited allow for a broad set of true beliefs that relate to them or a specific one. The first way, which applies to the interpretation of Enoch’s corrective mechanisms that permits a variety of schemas of assessment to develop from the initial *pro tanto* good of survival, fails because the moral facts posited are simply too broad. It secures the epistemic constraint at the expense of the precision constraint. It allows for too many schemas of assessment to exist, each of which has equal claim to having an appropriate relationship to the *pro tanto* good of survival, meaning that disagreement cannot be resolved. Any theory that responds to moral diversity by positing moral facts permissive of such diversity will have this problem, and therefore be no good as a foundation for the Unilateral Solution.

The second way theories fail to meet the challenge, represented by the restrictive interpretation of Enoch or by Dworkin’s view, is by positing a schema of assessment sufficiently specific to resolve disagreement. But those who take this path cannot show why they have hit upon the correct schema of assessment. Such a position meets the precision constraint but cannot meet the epistemic constraint. Again, Street’s lottery ticket metaphor is instructive – if we know that there is a very small chance that we have won and have no

good reason to believe we have, it is absurd to begin splashing out on frivolous luxuries. Both Dworkin and Enoch secure the correctness of our theoretical outputs from within the theory (indeed, according to Dworkin this is all we can expect), but if malign causal pressures can affect our acceptance of these theories, this result is not enough. The method of reflective equilibrium does not give us enough to be sure we have arrived at moral truth, given all the ways we could go wrong. We are forced to conclude that our justification for the belief that our moral view is the uniquely correct one is undermined by our recognition that irrelevant causal pressures might skew our judgment. Furthermore, reflective equilibrium allows us to reason ourselves into a multitude of different moral views, thus offering us little by way of a solution to the problem of moral uncertainty.

Worries about irrelevant causal factors undermining the connection between our moral beliefs and the moral facts cannot be easily dispelled so long as we think there is a significant possibility of getting the wrong answers. As long as we think this, we must offer an explanation of how we have alighted upon the correct ones while others have failed. The fact that we live in a world where others vehemently disagree with us on moral matters shows that if there is a way to get it right, there must also be ways to get it wrong. The standard way of responding to this – relying upon our moral reasoning – is insufficient, since it is precisely what others do, even those we take to have gotten it hopelessly wrong. And asserting that our answers are right and theirs wrong because our forms of argumentation are right and theirs wrong only pushes the problem back a step – these forms of reasoning are as affected by irrelevant causal pressures, both evolutionary and social, as the moral beliefs that they create. Nor can reflective equilibrium determine a specific path that our reasoning must follow. We are thus left in a position where our views seem correct by our lights but we are aware that there are others who disagree with us and take themselves to be correct by their lights. Without reference to an Ur-schema of assessment, this dispute is an equipollent one. Not only has the Unilateral Solution failed to provide a sound justification for the Tendency, but the arguments offered in this chapter have also given us positive reasons to doubt the correctness of our own views, which makes the Tendency even more problematic.

What the epistemic challenge shows us is that it is difficult if not impossible, to show that one particular moral view is correct. That is hardly surprising – if anyone had succeeded in attaining demonstrable knowledge of the moral facts, then disagreement would be pointless. We would stop arguing about morality, stop putting out issues of *Ethics* and just get on with the business of living well. We spill so much ink on the subject precisely because no moral theory has ever met both constraints. After all this, we have left moral philosophy exactly where we found it – in a state of perpetual disagreement. What I hope to have shown is that

given this situation, an approach to political philosophy that takes as correct a single ethical view and then builds from there is untenable. In the next chapter, I will discuss whether we can take this moral disagreement as a given, and take political philosophy to be primarily engaged in creating a framework within which such disagreement can play out.

## Chapter 4 – The Pluralist Solution

*He's not unreasonable. He's right from his point of view*

Hector Malone Jr. (G.B. Shaw)

We have now analysed one attempt to deal with the problem of moral uncertainty – the Unilateral Solution – and seen that it is inadequate. This chapter suggests another approach that we might take. This approach recognises the sociological fact of disagreement and, to some degree, its philosophical irresolvability. It argues that although we disagree on many things, we can find some core commitments that we can agree on and use these to offer a philosophical framework within which political disagreement can be taken seriously. This approach will look familiar – it underpins John Rawls's *Political Liberalism* and the vast literature that has followed it. In this chapter, I will discuss a solution to the problem of moral uncertainty that is inspired by Rawls's work, although it is not designed to be a direct presentation of it. I call this the 'Pluralist Solution'. I do not engage directly with Rawls's view in part because it is difficult to isolate one 'correct' interpretation of Rawls from his notoriously difficult text – as Gerald Gaus points out, '[i]s not difficult to find in Rawls's work passages that support widely different interpretations' (Gaus, 2003, p. 179) – and in part because my aim is not primarily interpretative but rather to use some Rawlsian ideas to devise an answer to a question Rawls did not take himself to be addressing. Rawls is interested in the question of how we are to deal with what he calls 'reasonable' disagreement, whereas I am interested in the *actual* disagreement that we encounter in politics. His view thus does not directly address my concern. Rather, the Pluralist Solution represents a solution to the problem of moral uncertainty inspired by the Rawlsian tradition of political liberalism. I hope to show both how such a response takes disagreement more seriously than the Unilateral Solution and why it does not provide an adequate answer to the problem of moral uncertainty, since it cannot hope to have principled reasons for deeming the views of so-called 'unreasonable' people to be irrelevant alternatives.

### 4.1 The Pluralist Solution

The Pluralist Solution takes a different tack from the Unilateral Solution: instead of denying the importance of disagreement, it steers into the skid. It does not play down disagreement on moral matters, but rather seeks to start from what people can agree upon. If a core set of procedural values can be found that are available to all of the parties to the disagreement then this can be used to create a framework that all the parties can endorse, despite having

different views. These values are moral ones but are designed to be so minimal that they can be agreed to from any reasonable point of view. In doing this, the opinions of all parties are considered equally valid, philosophically speaking, and all are engaged in a reciprocal political process that gives equal weight to their opinions. To clarify the contours of this solution, we must draw on some ideas from Rawls.

Unlike the Unilateral Solution, the aim is not to design a society that has a ‘comprehensive’ conception of the good but rather one typified by ‘reasonable pluralism’, that is the co-existence of multiple differing conceptions of the good that all meet the standard of reasonableness by virtue of their willing participation in a scheme of mutual cooperation. The political liberal thus separates out the substantial moral beliefs that are suitable only for private reasoning from a core set of political beliefs that can be adopted by everyone. These political beliefs do not rely on any particular comprehensive doctrine that citizens might endorse (Rawls, 2005, p. 10). Rather, they ‘begin from shared fundamental ideas implicit in the public political culture in the hope of developing from them a political conception that can gain free and reasoned agreement in judgment, this agreement being stable in virtue of its gaining the support of an overlapping consensus of reasonable comprehensive doctrines’ (Rawls, 2005, pp. 100-101). Although citizens cannot agree on any particular comprehensive conception of the good based on religious belief or philosophical consideration, they can all endorse the public political conception from within their own views. It is fundamental to such a view that such an ‘overlapping consensus’ of core political values is available (Rawls, 2005, Lecture IV). The political ideas that compose this core might vary from theorist to theorist, but they generally include standard liberal concerns such as the protection of liberties, the rule of law, some variant of democratic process and so on.

It is important to note that the commitment that underpins the Pluralist Solution is supposed to be ‘freestanding’ rather than part of any particular comprehensive doctrine. Unlike ‘comprehensive’ or ‘perfectionist’ liberalism, its commitment to pluralism is not supposed to be underpinned by a particular moral view; instead it is supposed to be available from a whole host of comprehensive doctrines. Were it committed to a monistic view, it would be a version of the Unilateral Solution, albeit one that permitted a number of a number of different conceptions of the good under its auspices.<sup>92</sup> The Pluralist Solution thus seeks not to endorse a particular view in the equipollent disagreement described in Chapter Two, but rather to offer a political solution to that disagreement that all reasonable parties can accept.

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<sup>92</sup> For example, Joseph Raz’s endorsement of liberal toleration of a wide variety of conceptions of the good by virtue of the supreme importance of the value of autonomy (Raz, 1986).

So how are we to understand ‘reasonable disagreement’? Rawls applies the modifier ‘reasonable’ to two main things: a person’s view and the person who holds it. A reasonable doctrine has three features: first, it is an exercise in theoretical reason, in that it ‘covers the major religious, philosophical, and moral aspects of human life in a more or less consistent and coherent manner’; second, it is an exercise in practical reasoning, in that it gives ‘certain values a particular primacy and weight’, which allows you to ‘balance them when they conflict’; third, ‘while...[it] is not necessarily fixed and unchanging, it normally belongs to, or draws upon, a tradition of thought and doctrine.’ (Rawls, 2005, p. 59). This is not much help, so far – it is actually quite difficult to think of a psychologically functioning human being whose *Weltanschauung*<sup>93</sup> does not meet these criteria. Even members of the Branch Davidians and the Peoples Temple of the Disciples of Christ managed it. So this gives us no particular tools to help distinguish between the reasonable and the unreasonable. If the tools are not to be found in the types of beliefs that individuals hold, let us turn to see what types of people hold these beliefs.

It is Rawls’s conception of a reasonable person that really does the heavy lifting here, although we are to ‘[a]ssume...that reasonable persons affirm only reasonable comprehensive doctrines’ (Rawls, 2005, p. 59). A Rawlsian society will be thought to contain (primarily) reasonable people, a fact that severely constrains the content of public discourse. Rawls’s contrast between reasonable and unreasonable persons brings his out:

Persons are reasonable in one basic aspect when, among equals say, they are ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so. Those norms they view as reasonable for everyone to accept and therefore as justifiable to them; and they are ready to discuss the fair terms that others propose. The reasonable is an element of the idea of society as a system of fair cooperation and that its fair terms be reasonable for all to accept is part of the idea of reciprocity....

Reasonable persons, we say, are not moved by the general good as such but desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept. They insist that reciprocity should hold within that world so that each benefits along with others.

By contrast, people are unreasonable in the same basic aspect when they plan to engage in cooperative schemes but are unwilling to honor, or even to propose, except as a necessary public pretense, any general principles or standards for specifying fair terms of cooperation. They are ready to violate such terms as suits their interests when circumstances allow. (Rawls, 2005, p. 50).

Reasonable people wish to live in a society in which free and equal individuals are able to hold their own comprehensive doctrines in the face of widespread disagreement. Disagreement is allowed to flourish in an environment characterised by ‘reasonable

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<sup>93</sup> World-view



pluralism'. They each have their own 'comprehensive conception of the good', which includes their moral, philosophical and religious views, among other things. However, each accepts what Rawls calls the 'burdens of judgment' (Rawls, 2005, pp. 54-58), in other words they recognise that these questions are difficult ones to which different people give different answers, and that we ought not to impose our answers upon others. These individuals hold a comprehensive doctrine, which is the complex of schemas of assessment that they bring to bear upon ordinary religious, political and moral questions that confront them in their lives. However they also have a schema of assessment that ranges above their comprehensive doctrine, which I will call the 'Liberal Schema of Assessment'. This commits them to subordinating their particular conception of the good to the public conception of justice that has been adopted to ensure cooperation with others on terms all can accept and includes an element stipulating that their comprehensive doctrine should not be imposed on others. Functionally, it would act somewhat like Bruce Ackerman's principle of conversational constraint: 'before a liberal citizen offers up a reason in public dialogue, it is not enough for her to find it persuasive. She must also convince herself that other citizens can find it reasonable despite the fact that they will keep disagreeing about the ultimate meaning of life. Otherwise, she must accept the necessity of *conversational restraint*.' (Ackerman, 1994, p. 367)<sup>94</sup>

Unreasonable persons pay, at best, lip service to the idea of a public conception of justice. They hold their own comprehensive conception of the good but it is unconstrained by the Liberal Schema of Assessment. They are therefore willing to violate the 'fair terms of cooperation' to further 'their interests when circumstances allow'. They also might think it permissible to impose their conception of the good on others.

The broad outline of the solution should be clear enough: although there exists a plurality of different and possibility incompatible views regarding political questions, that need not worry us so long as we are able to establish, by mutual consent or through an equivalent mechanism that can underwrite the social contract, a framework that is neutral between comprehensive doctrines found within it, creating the possibility for a shared political culture that allows us to live together without all adopting the same answers to fundamental moral questions and without the views of one group dominating the views of others. However we should note that although the Pluralist Solution allows for the coexistence of a variety of moral views, if it is to solve the problem of moral uncertainty it must either

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<sup>94</sup> Ackerman's principle actually has one additional clause: 'and refrain from imposing her controversial notions of reasonableness on fellow citizens'. I have left this out for the purposes of clarity in explication because I think that the entire idea of political liberalism becomes problematic one we admit that the notion of reasonableness is controversial (see §4.2.2).

incorporate all existent views or give principled reasons for deeming those that it cannot incorporate to be alternatives irrelevant to the question of the appropriate basic structure of political society, which is the question the Pluralist Solution is designed to answer. To put it another way, for the Pluralist Solution to qualify as a response to the question that I have posed in this thesis, it must opt for one or the other horn of a dilemma: either real-world disagreement can be characterised as reasonable in the appropriate sense such that there is a common core sufficient for an overlapping consensus or there must be good reasons for ruling the views of the unreasonable out of the discussion. There are several reasons to think that neither of these approaches will work.

## 4.2 Problems with the Pluralist Solution

The most immediate and worrying problem for this solution is that the way it proposes to solve the problem of disagreement requires a profound agreement – that is a willingness by all parties to accept the public political culture that defines the ways in which those who hold different comprehensive views of the good will interact. Rawls, as was noted in §1.2.4, is writing ideal theory. His approach is not designed to cope with the type of disagreement that raises the problem of moral uncertainty.<sup>95</sup> Rather, it is intended as a way of understanding how a society typified by reasonable disagreement might operate justly. The problem of moral uncertainty, however, arises in our societies when we disagree how society ought to be organised with no restriction on what constitutes a legitimate doctrine.<sup>96</sup>

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<sup>95</sup> At least not directly. Rawls's works are addressed to societies like our own at the present historical moment; it purports to draw on ideas 'implicit in the public political culture of a democratic society' (Rawls, 2005, p. 13). Clearly Rawls thinks that in designing his ideal system of a reasonable pluralist democracy, he is saying something of relevance to the political world in which he lives. However, regardless of the supposed relevance of Rawls's theory to the actual political world, the theory itself is about an idealised world; Rawls never deals directly with really existent pluralism.

<sup>96</sup> One need not even invoke the problem of moral uncertainty to wonder whether Rawls's way of modelling disagreement limits the degree to which his theory is informative. Samuel Scheffler has also pointed out the divergence between Rawls's modelled disagreement and the type of disagreement we encounter in societies like ours, and has suggested that the overlapping consensus that is obtainable in Rawls's example — i.e. an overlapping consensus achieved between three views, one that accepts the political conception for religious reasons, one that affirms it for comprehensive liberal reasons and one that is somewhat more 'pluralist' in nature (Rawls, 2005, p. 145) — 'does little to encourage the thought that an overlapping consensus on Rawlsian principles could actually be achieved in societies like ours'. He points out that these views are not representative of the real diversity of opinion present in the world but rather are 'drawn from the same relatively narrow portion of the broad spectrum of evaluative conviction.' (Scheffler, 1994, p. 9), and suggests that if Rawls's theory requires not merely convergence on Rawls's two principles but also convergence by virtue of the use of public reason, then such an overlapping consensus seems unlikely to ever come about. Even if it could be achieved, commentators have also contested Rawls's claim that such an overlapping consensus could avoid being a sectarian doctrine (Wenar, 1995).

This is, in essence, the reason why the Pluralist Solution will not work: it requires disagreement to be more restricted than it in fact is in the real world. To clarify this thought I will discuss it both within the terms of the question I have posed, which involves real-world disagreement, and in terms of the context that inspired it, an imagined society typified by reasonable disagreement. Although I take it that the first would be enough to preserve the difficulties associated with the problem of moral uncertainty, I will also discuss the second, since I am confident that some variety of it will be proposed as an answer to my concern, and wish to give reasons that such arguments it are problematic even on their own terms.

I will restate the problem to contextualise the Pluralist Solution before proceeding: those party to political disputes operate under sufficiently different schemas of assessment, that is they do not share sufficiently similar set of beliefs and belief-forming mechanisms, that disagreement arises and persists. Take the question of property rights: (certain) socialists hold that the means of production should be commonly owned because the elements of their schemas of assessment lead them to this conclusion. (Certain) Libertarians believe that private property is an extension of the fundamental right to self-ownership by virtue their schemas of assessment. Each side's beliefs will be correct from their point of view but incorrect from the other side's point of view. It seems at least initially as if there is no possibility of agreement between these two groups, since their schemas of assessment are so radically different. And neither side has a better claim to being correct because of the problem of moral uncertainty. What the Pluralist Solution says is that there is, however, an arbitrating schema of assessment, available to all parties, that sits above their respective schemas of assessment that can resolve this disagreement. This schema of assessment is the public political culture. It determines the way in which such beliefs can enter into public discourse and the way in which conflict between such beliefs is solved. This Liberal Schema of Assessment thus acts as a regulatory mechanism, subjecting the results of subordinate schemas of assessment to scrutiny and deciding if they are politically acceptable.

For the Pluralist Solution to work, the Liberal Schema of Assessment must always take priority over other considerations for all relevant agents. The claim that the Liberal Schema takes priority can take two forms: either the claim is that it does take priority or that it ought to. If it can be shown that all members of a society give the Liberal Schema of Assessment this priority then the Pluralist Solution will work for political philosophy about that society – since everyone agrees about how we are to resolve political issues, disagreement is evanescent. Failing that, if it can be shown that the Liberal Schema of Assessment *ought* to be endorsed by all members of a society, the philosopher has a response available to those who disagree: their disagreement is predicated on a mistaken view of the issue, which means

that their unreasonableness prevents their views from being relevant alternatives. This is just to restate the dilemma above. Neither claim, I will argue, is free from debilitating objections.

#### 4.2.1 The real-world prevalence of the Liberal Schema of Assessment

We will begin with the former, as it is concerned with an empirical claim that should be relatively easy to explore. The claim that the Liberal Schema of Assessment actually takes priority over comprehensive conceptions is subject to two interpretations, which I will describe as the popular and the juridical. The popular version of the claim is that those participating in political discussion individually submit the results of their own comprehensive doctrine to the scrutiny of the Liberal Schema of Assessment. The Liberal Schema of Assessment will be the set of criteria for the acceptability of a particular belief as assertable within public discourse, in keeping with what Rawls calls ‘public values’ and ‘publicly shared methods of inquiry’ of the polity. This is what Rawls means by the ‘ideal’ of public reason, as applied to citizens (Rawls, 2005, pp. 444-445). The popular conception can be imagined as being a bit like a liberal version of the *gendarme* that Max Stirner thinks every Prussian officer takes himself to carry in his breast, such that ‘one must carry in himself the law, the statute; and he who is most legally disposed is the most moral’ (Stirner, 1995, p. 50). Or in this case the most reasonable.

As a description of the mentality of the individuals in the societies that have the greatest claim to resemble the ideals of political liberalism, which I take to be Western liberal democracies, the popular version of the claim is untenable. I will take, as my example, the United States, which is the society to which Rawls was responding in most in his writings. Large numbers of individuals in the United States refuse to subordinate their views to the Liberal Schema of Assessment. Take the issue of abortion. While some are willing to submit their partisan beliefs to the Liberal Schema of Assessment, many are not. Evidence for this is rife, manifesting – in extreme cases – in the bombing of abortion clinics and the assassination of medical personnel, or in the less prominent phenomenon of pro-choice extra-legal activity protesting laws that restrict access to abortion. Even without picking out the many extreme cases, the reasons that the two sides put forward in public discourse rarely abide by the norms of public; instead the inclusion of religious reasoning in political debates without accompanying public reasons supporting such positions is widespread. Numerous other attitudes are prevalent in Western liberal democracies that demonstrate that individuals do not subordinate to the Liberal Schema of Assessment: racism, sexism, homophobia, transphobia...the list is far too long to. What is more, it is not always the case that inhabitants of liberal democracies are willing to see themselves as participating in a

cooperative scheme with other individuals who share public values. The events surrounding the 2016 U.S. Presidential election and increased prominence of illiberal movements across the West is evidence of this. As affective partisan polarisation increases<sup>97</sup> and the internet gives wider voice to non-liberal views we can realistically expect this situation to intensify. So the popular version of the claim is false – the inhabitants of ‘liberal’ countries have not internalised the Liberal Schema of Assessment, and there is insufficient agreement for the Pluralist Solution to apply directly, given the wide diversity of views.

The juridical interpretation initially seems more plausible. Its claim is that laws within a liberal state arbitrate between the rival positions (some of which might not meet the criteria for public reason), in such a way that that only those reasons that are publicly available are used, and as a result this arbitration produces only publicly acceptable conclusions. It relies on legal practice that is the result of, and in keeping with, the Liberal Schema of Assessment. Claims put before arbitration are deemed to be either publicly valid or not, and only those that are valid are then weighed in the balance, producing a procedurally neutral decision as to which side has the stronger case. The process cannot alter the public acceptability of the claims, it merely arbitrates between them in whatever way is specified by the ‘methods of public inquiry’. Under this interpretation, it does not really matter whether the parties to the dispute are willing to submit their own positions to the Liberal Schema of Assessment, they are not required to. It is rather the task of the legal mechanisms involved to subject claims to these standards and come to a conclusion.

The juridical interpretation is undermined by three separate problems. The first is that it is implausible to think that the laws of any existing society represent a public political culture that acceptable to all, given the way in which certain groups are favoured. The laws of the United States are often criticised for not taking all citizens to be ‘free and equal’, which undermines the claims that they could be the product of political procedures justified to all reasonable people. One need only think of recent controversies over voting registration laws, the massive variations in legal rights accorded to transgender persons, industry specific tax exemptions secured by lobbying, the disenfranchisement of those convicted of felonies, or the longstanding controversy over the population of Washington D.C., Puerto Rico and Guam’s lack of appropriate federal representation to see this. And even when the law is not designed in a way such that it explicitly creates objectionable inequalities and privations of freedom for citizens, its operation often creates these effects. Take, for example superficially colour blind policies based on criminality regarding access to housing, employment, the

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<sup>97</sup> See (Iyengar & Westwood, 2015) for evidence of this in the United States.

Supplemental Nutrition Assistance Program and so on operating in combination with legal yet discriminatory enforcement of the law by the police, leading to a disproportionate number members of minority communities being deemed ‘criminal’ and therefore barred from entitlements that other citizens receive (Alexander, 2010). Another example can be seen in the case of public school. Public schools are funded in large part from local property taxes, leading to chronic underfunding in poorer areas. This, coupled with the Supreme Court’s decision that the Federal Government is not responsible for providing funding (*San Antonio Independent School District v. Rodriguez* [1973]) despite the Fourteenth Amendment’s Equal Protections Clause and Chief Justice Earl Warren’s decision in *Brown v. Board of Education* [1954] that ‘the opportunity of an education...where the state has undertaken to provide it, is a right which must be made available to all on equal terms’, has led to a situation in which education provision is not granted to citizens equally, disproportionately affecting minority communities (Turner, 2016). That these issues are controversial indicates that the laws involved are not based on reasons available to all, supposing we think that at least some of the complainants are reasonable. And these are only a few examples of the legal structures of the United States failing to live up to the idea that citizens are ‘free and equal’— there are many more.

Second, even if a case can be made that the laws of the United States do, in fact, represent a ‘system of fair cooperation’ that exists between ‘free and equal citizens’ that is justifiable to all reasonable people in their letter, the law itself is insufficient to create a society that can be so described. Take the case of racial discrimination. The Supreme Court has affirmed the principle that racial discrimination can only be legally identified in the presence of clear displays of racial animus (*McCleskey v. Kemp* [1987]). This has led to a situation wherein overt displays of racism are condemned but more insidious forms are allowed to operate by virtue of not expressly transgressing the law. Kwame Ture<sup>98</sup> and Charles V. Hamilton understand this as ‘institutional racism’ and put the point this way:

When white terrorists bomb a black church and kill five black children, that is an act of individual racism, widely deplored by most segments of the society. But when in that same city – Birmingham, Alabama – five hundred black babies die each year because of the lack of proper food, shelter and medical facilities, and thousands more are destroyed and maimed physically, emotionally and intellectually because of conditions of poverty and discrimination in the black community, that is a function of institutional racism. When a black family moves into a home in a white neighborhood and is stoned, burned or routed out, they are victims of an overt act of individual racism which many people will condemn – at least in words. But it is institutional racism that keeps black people locked

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<sup>98</sup> Formerly Stokely Carmichael.

in dilapidated slum tenements, subject to the daily prey of exploitative slumlords, merchants, loan sharks and discriminatory real estate agents. The society either pretends it does not know of this latter situation, or is in fact incapable of doing anything meaningful about it. (Ture & Hamilton, 1967, p. 4).

Such institutional racism can be observed in many aspects of American life, including access to housing, employment and education. Inequalities that operate in similarly extra-legal ways can be observed with reference to gender and sexuality, such as the wage gap, the hiring gap and a series of other effects. Despite the constitutional guarantee of ‘equal protection of the laws’, the high bar on proving discrimination set by the Supreme Court means that many forms of discrimination are permitted to operate unchecked both within institutions and within the population at large, rendering the idea that the United States is a ‘system of fair cooperation’ that exists between ‘free and equal citizens’ somewhat risible. Having a legal system that enshrines liberal values is not enough to create a society that manifests them in its public political culture, which means that the Liberal Schema of Assessment, understood under its juridical conception, is insufficient to create a society in its image. It is hard to see how a legal system that allows such things to happen can be seen as acceptable to all reasonable persons.

None of this should come as a surprise. Although Rawls’s political liberalism is supposed to draw its support not from a comprehensive liberal doctrine but rather from ideas implicit in the democratic culture of nations such as the U.S., it is important to remember that American political culture is far from monolithic – it seems improbable that one can both fly the ‘Southern Cross’ and have a comprehensive conception that licenses subscription to a political conception suitable for Rawls’s overlapping consensus. Yet the ideas that support Rawls’s idea of an appropriate political conception are no more ‘American’ than those that support a Confederate political conception.<sup>99</sup>

Finally, the juridical interpretation needs to be able to cope with Hobbes’s observation that ‘[a]ll laws, written and unwritten, have need of interpretation’ (Hobbes, 1996, §20). In The United States of America, the ultimate statement of the public political culture is the United States Constitution, or rather the Constitution as interpreted by the Supreme Court (which was determined, or rather determined itself to be, the ultimate authority in its interpretation in *Cooper v. Aaron* [1958], building on the conception of judicial review established in *Marbury v. Madison* [1803]).<sup>100</sup> The authority vested in the Supreme Court under the

<sup>99</sup> Or, more accurately, there is also an equipollent disagreement regarding the appropriate normative understanding of the predicate ‘American’. See (Smith, 1999) for an interesting analysis of the influence of this contestation on the development of the United States.

<sup>100</sup> Although, as in many areas of constitutional interpretation, dissenters exist, e.g. (Meese, 1986).

juridical conception of the Liberal Schema of Assessment is justified by the belief that the Court is a procedurally just mechanism for the interpretation of the Constitution on the basis of public reason. However even within the Court disagreements often arise as to how it is to operate. Leaving aside explicitly political differences between the Justices temporarily, significant differences between Justices on the proper *methods* for the task at hand exist. The way in which textualists such as the late Antonin Scalia view their role as agents of the juridical process (and thus of the Liberal Schema of Assessment), for example, contrasts sharply with Stephen Breyer's more 'active' approach.<sup>101</sup> If the judicial interpretation is to hold true, such disagreements ought be interpreted as being over what principles of constitutional interpretation everyone could reasonably accept, such as whether everyone could reasonably accept the idea that the founding fathers' views matter in the interpretation of the law. Given how essential that legal interpretation is to the formation of a public political culture, which 'comprises the political institutions of a constitutional regime and the public traditions of their interpretation (including those of the judiciary), as well as historic texts and documents that are common knowledge' (Rawls, 2005, pp. 13-14) it should worry us that the Supreme Court cannot find any particular interpretation of its duties that is acceptable to all its members. The Supreme Court of the United States, as it is, has no 'accepted forms of interpretation' – and surely Justices are supposed to be models of reasonableness. It is not clear why striking down a law based on a controversial conception of constitutional interpretation is any more in keeping with public reason than putting forward arguments based on religious objections to that law.

And this is the best-case scenario, in which only ideas of public reason motivate the Justices. Yet perusal of their actual decisions makes it hard indeed to believe that they are not governed by comprehensive doctrines.<sup>102</sup> Disputes between Supreme Court Justices involve all sorts of controversial principles and are resolved only by the fact that courts with odd numbers of judges are more common than those with even numbers and therefore votes are decisive. The balance between Justices is invariably affected the politics of their appointment – which President nominated them, and what attitude the Senate took toward them. If we follow Rawls in thinking that public officials should abide by the norms of public reason (Rawls, 2005, p. 443) then appointments ought to be made only on the basis of public reason – yet it is abundantly obvious that they are not. That 'balance' is important shows that the reasons upon which Supreme Court Justices base their decisions are not

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<sup>101</sup> See (Scalia & Garner, 2012) and (Breyer, 2005) respectively.

<sup>102</sup> Dworkin agrees that this interpretive process is fed by the Justices' views on political and moral theory (Dworkin, 2011, p. 133), although his views on the significance this is radically different from the view suggested here (Dworkin, 1986, ch. 9).



public reasons – if they were, partisans would not scramble to get those of similar political opinion approved. Although the Supreme Court claims to be non-partisan (Barnes, 2017), there seems little reason, aside from the protestations of its members, to think this true. The briefest glance at any stage of the proceedings – whether it be the congressional hearings for new justices<sup>103</sup> or the rulings that the Court delivers – will quickly disabuse anyone of the idea that U.S. Judiciary embodies the Liberal Schema of Assessment and acts as a neutral, procedural arbitrator that takes into account only public reasons. While paying lip service to the idea of certain public values enshrined in that law, justices interpret those values in distinctly non-public ways. That will always be the case so long as there are open questions about proper interpretative technique. The judicial structures of other countries, I hasten to add, fare no better. It is hard to imagine a judicial context wherein no problems of interpretation arise, but even if such a thing were possible, politics seem inevitably to interfere with procedural neutrality. This point is nicely illustrated by Baroness Kennedy’s recollection, brought up in a discussion about judicial appointments from the Bar, that as a junior barrister she was told by a senior member of chambers that politics and the Bar did not go together. The individual in question was a Conservative MP. She chalks this up to a belief found in those circles from which the judiciary is selected that ‘only people on the left are political’ (Kennedy, 1993, p. 268). The Liberal Schema of Assessment is, at best, an unrealised ideal in the judicial process of liberal countries. Even if it were more than a convenient fiction, it would be undermined by the fact that laws are not self-interpreting. And even if all of these problems were to be miraculously solved, the acceptability of this juridical arrangement to the population remains an open question, which undermines its ability to deal with the problem of moral uncertainty.

#### 4.2.2 The Liberal Schema of Assessment as an ideal

So the Liberal Schema of Assessment is neither internalised by the people who live in ‘liberal’ societies, nor does it determine practice in the legal systems under which they live. ‘So what?’, a defender of the Pluralist Solution might say, ‘this is hardly unexpected – only the most starry-eyed of ideologues would have ever claimed that any existent system meets the ideals of the Pluralist Solution. The point of political philosophy is not to describe the world but rather to prescribe to the world.’ And they have a point. There is something very counter-intuitive about interpreting the Pluralist Solution as underpinning the very societies that gave rise to the disagreement that the Pluralist Solution is supposed to solve. Were this the case, these disagreements could have been resolved with reference to the Liberal Schema

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<sup>103</sup> If, indeed, they even happen; the US Senate’s unwillingness to hold a confirmation hearing for Barack Obama’s nominee, Merrick Garland, is further evidence of partisanship.

of Assessment. The Pluralist Solution should not be criticised for not having been adopted in the real world, for it is designed not to describe our schemas of assessment but rather to tell us what form they ought to take. Although this horn of the dilemma has proven unfruitful, it was foolish to expect anything else.

So on to the other horn – showing that the moral positions of the unreasonable are not relevant alternatives. The claim I will defend in the following section of the chapter is that in pursuing this horn, the Pluralist Solution puts forward a univocal moral position without eliminating other views philosophically. Viewed purely as a philosophical ideal, the Pluralist Solution purports to give a universally acceptable way of arbitrating disagreements by leading all sides to adopt a ‘live and let live’ solution. However, this solution is not in the least universal. The failure of the Pluralist Solution as a philosophical solution to the problem of moral uncertainty is intimately bound up with the failure of the Pluralist Solution to take hold in the real world. Such ideals represent only one position in an equipollent disagreement. They operate as a political philosophy by excluding those who disagree from consideration, dubbing them unreasonable. Adopting this viewpoint without having sufficient reason to exclude other views is tantamount to asserting its correctness at the expense of the views of the other parties to the disagreement. This is in essence merely a version of the strategy discussed in the previous chapter. The only difference is that this particular standpoint requires that a range of comprehensive viewpoints exist under its auspices. Such ‘tolerance’ is permitted by, but not necessitated by, the Unilateral Solution – for example in ‘comprehensive’ and ‘perfectionist’ liberalism. But in terms of philosophical methodology the difference is minimal.

We have already seen above that actual members of our society are not reasonable in Rawls’s sense. So the first lemma of the dilemma in §4.1 is not viable. If the Pluralist Solution is to work in the face of the problem of real disagreement described throughout this thesis, it will have to offer principled reasons to reject views that fall outside the scope of the ‘reasonable’. The existence of unreasonable individuals, combined with the problem of equipollent disagreement detailed in Chapter Two, is enough to suggest that this cannot be done. But as with the Unilateral Solution, I expect that the Pluralist Solution will be proposed to counter my arguments, so I think it worth exploring reasons why we should think that it is a dead end. In the next section I will offer a supplemental argument designed to show that the problem of equipollent disagreement reappears not merely as an equipollent disagreement between the reasonable and the unreasonable but as equipollent disagreement over the notion of ‘reasonableness’ itself, which undermines the justification for adopting any particular interpretation of ‘reasonableness’. After that I will conclude by returning to

the question of why the existence of unreasonable people takes us right back to the problem of Chapter Two.

#### 4.2.2.1 Disagreement about the reasonable

Given how starkly Rawls paints the contrast, it is hard not to praise the reasonable and loathe the unreasonable. He firmly contrasts benevolent tolerance with malevolent partiality. However whenever I read the long Rawls passage quoted earlier I am reminded of an old Tom Lehrer joke: ‘it takes a certain amount of courage to get up in a coffee-house or a college auditorium and come out in favour of the things that everybody else in the audience is against, like peace and justice and brotherhood and so on’ (Lehrer, 1965). The point is not merely that the terms Rawls associates with reasonable and unreasonable persons allow us to identify heroes and villains, nor that a large part, if not all, of the audience explicitly endorses Rawls’s terms. Rather it is that his terms are extremely vague and audience members can fill them with content in their own ways. Lehrer’s imagined audience – those listening to mid-1960s folk songs of protest – do not merely believe in justice and brotherhood, but rather in a specific conception of justice and brotherhood.<sup>104</sup> Not the justice of the *Corpus Juris Civilis* or the brotherhood of Spartan warriors, but rather a specific conception of justice and brotherhood that they draw from their schema of assessment, which they share to a greater or lesser degree with others whose schemas of assessments are influenced by similar things. Such notions are simply part of their conception of the good. The devotion to freedom, equality and reciprocity felt by reasonable people is not independent of a comprehensive conception of the good, *it is one*. Or rather, it is several that appear to overlap when taken as vague ideals, but are less likely to overlap when considered as specific conceptions. That raises the question: do even the putatively reasonable all agree on what is meant by that term to a sufficient degree to make the solution work?<sup>105</sup>

This is more than idly picking away at the precise formulation of the distinction. There is a fundamental problem here, manifest in the Rawls quotation previously cited: ‘Reasonable persons, we say, are not moved by the general good as such but desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept’ (Rawls, 2005, p. 50). The terms of cooperation are the things that can be agreed to by all reasonable individuals – the opinions of the unreasonable are not important. However,

<sup>104</sup> Incidentally, I do not take this to be the point of Lehrer’s joke, which is actually about the preening self-righteousness of the folk singers who espouse such unobjectionable ideas.

<sup>105</sup> See (Wenar, 1995) for a different argument to suggest that conceptions of reasonableness are problematically controversial, in that Rawls endorses a particular ‘strong commitment to free human reason’ (Wenar, 1995, p. 58) that is part of a comprehensive conception.

for this to be a useful notion we must first specify who these reasonable people are. That distinction, far from being clear, is actually open to interpretation. To develop a clear understanding of who is reasonable, we must also have a clear understanding of what is meant by constituent terms such as ‘free’ and ‘equal’, because the way in which reasonable people understand these terms conditions the content of the terms that all can accept. Different understandings of the phrase ‘as free and equal’ will have different implications for the notion of reasonableness held. When we leave such notions unspecified, we might reach some agreement, but when we make them more precise it is hard to imagine that there will not be some reasonable objectors. While Rawls often seems to accept that contested ideas afford a number of incompatible yet reasonable conceptions of political concepts, the definition of reasonable persons seems like one we cannot leave vague. After all, if ‘the legal enactment expressing the opinion of the majority is legitimate law’ (Rawls, 2005, p. 446), where those taking part are reasonable citizens, we had best know who counts as reasonable.

Freedom and equality especially are terms that lack self-evident and uncontroversial interpretations. To bring back an idea briefly discussed in Chapter Two, they are ‘essentially contested concepts’ in W.B. Gallie’s sense, that is concepts ‘the proper use of which inevitably involves endless disputes about their proper uses on the part of their users’ (Gallie, 1956, p. 169).<sup>106</sup> There are vast disagreements about what such terms actually mean,

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<sup>106</sup> Gallie gives seven conditions for being an essentially contested concept:

- I) ‘it must be *appraisive* in the sense that it signifies some kind of valued achievement’;
- II) ‘This achievement must be of an internally complex character’;
- III) ‘Any explanation of its worth must...include reference to the respective contributions of its various parts or features...the accredited achievement is initially variously describable’;
- IV) It must admit ‘of considerable modification in the light of changing circumstances; and such modification cannot be prescribed or predicted in advance;’
- V) ‘each party recognizes the fact that its own use of [the concept] is contested by those of the other party, and that each party must have at least some appreciation of the different criteria in the light of which the other parties claim to be applying the concept in question’ (using the concept ‘aggressively and defensively’);
- (VI) It must share an ‘original exemplar whose authority is acknowledged by all the contestant users of the concept’; and
- (VII) ‘the probability or plausibility...of the claim that the continuous competition for acknowledgement as between the contestant users of the concept, enables the original exemplar’s achievement to be sustained and/or developed in optimum fashion.’ (Gallie, 1956, pp. 170-180).

Much like Gallie’s own example of ‘democracy’, I take it that ‘freedom’ and ‘equality’ meet these conditions sufficiently to be considered essentially contested: they are certainly appraisive (I), internally complex (II), explanations of their worth refer to the value of their parts, for ‘equality’ contains various metrics of equality thought to be of some worth, just as ‘freedom’ contains both political freedoms such as freedom of speech and association, more philosophical notions such as positive and negative freedom and more moral notions such as the idea of freedom cherished by Kantians (III), ‘open’ in character in that the targets we set in terms of freedom and equality are historically variant (IV), used aggressively and defensively (V) and claim the authority of an exemplar in the form of the sum of the received tradition of Western nations (VI). With regards to the last condition (VII), I must admit to finding Gallie’s description and its justification somewhat opaque, but it seems plausible that continued competition over the notions of ‘free’ and ‘equal’ is

both in real-world political situations and among philosophers. It is not enough that we all value freedom and equality in the abstract – if what we mean by these terms differs when we get down to the specifics. Playing on Isaiah Berlin’s famous distinction between positive and negative liberty (Berlin, 2002), the gulf between the extreme negative liberty sought by libertarians and the self-realising, positive freedom espoused by those influenced by Rousseau is vast. Yet both parties contribute to the ongoing disagreements that constitute our political discourse. Whose interpretation should be privileged when we pick out the understanding of ‘free’ we employ in understanding the difference between reasonable and unreasonable persons? Similarly, as Marx pointed out (Marx, 2000a),<sup>107</sup> equality can be understood in numerous ways – so which is the relevant notion of ‘equality’? Even among political liberals there is no agreement as to the exact meanings of the terms in question.<sup>108</sup> Rawls proposes to deal with this by positing an overlapping consensus between these interpretations that takes into account only the views of the reasonable, deciding controversies caused by the burdens of judgment on the basis of a majoritarian procedure (Rawls, 2005, p. 446). But even to reach that stage we must decide who is reasonable and who is not. When we look into the details, the distinction between reasonable and unreasonable quickly becomes itself the subject of considerable disagreement, which raises the question of how to generate an understanding of whom this overlapping consensus would or should embrace. That is a problem for the Pluralist Solution, since it raises the possibility that the precision constraint has not been met. Camus’s Caligula remarked that ‘it’s easy to share emotions – provided they are vague enough’ (Camus, 2006, p. 67). The same is true of ideals.

Imagine that all potentially reasonable people were conversing about the appropriate notion of ‘free’ and a specification of the term is offered. It seems plausible to assume that at least some individuals will dispute this understanding. Even within philosophy, the vast literature on notions of freedom is a testament to this<sup>109</sup> and Rawls is somewhat unclear as to what he means by the word. And if we assume that at least some non-philosophers are reasonable and that they will also have notions of freedom, the range of views will be extremely wide. We are thus left in a situation where no specification of ‘free’ can be acceptable to all parties. We now have two options: to assume that the dissenters are reasonable and abandon

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itself a realisation of these values — a lack of competition about them would be a worrying sign from the point of view of freedom and equality.

<sup>107</sup> For a more analytic framing of this notion, see (Dworkin, 1981a) and (Dworkin, 1981b).

<sup>108</sup> See, for example, Gaus’s discussion of how his ‘restricted view’ of freedom and equality differs from Scanlon and Darwall’s ‘expansive view’ (Gaus, 2011, pp. 17-22).

<sup>109</sup> For a few prominent examples that display the range of views even among analytic philosophers, see (MacCallum, 1967), (Taylor, 1985), (Christman, 1991), (Pettit, 1999), (Carter, 1999) and (Berlin, 2002).

that notion of ‘free’ as not being available to public reason, or dub the dissenters as unreasonable, meaning that we do not need to offer a specification of the term with which they agree.

If we opt for the first course, the term ‘freedom’ defies further specification. But any notion of ‘free’ that is going to be politically useful to us will presumably have to be more specific than whatever specification attract no dissent whatsoever – how do we, for example, use the notion to solve difficult constitutional questions regarding basic liberal rights, such as freedom of speech, if our notion of ‘freedom’ is indefinably vague? We might decide procedurally, by majoritarian vote so as to follow Rawls, so long as that procedure is publicly accepted. The result will be that one conception of ‘freedom’ wins the day and becomes the dominant one in our public political culture. In that case, a notion of ‘freedom’ that is not publicly available will be inscribed in our political culture, shored up only by a commitment to abide by majority decision. If we repeat this trick again and again with the other elements of the notion of ‘reasonableness’, we will end up in a situation in which every element is objectionable to some, meaning that no aspect of the notion of reasonableness is publicly accessible.<sup>110</sup> The one thing that will be shared in common will be the procedural mechanism that brought us to this result. Such procedure-worship is a far cry from the desire for Rawls’s ‘social world in which [citizens], as free and equal, can cooperate with others on terms all can accept’ (Rawls, 2005, p. 50). The terms have in fact become ones that few can accept; reasonableness will have become equivalent to willingness to accept the majority view.

The second route, excluding as unreasonable those who dispute the usage of ‘free’, seems an even more futile path. As the group rifles through the terms that go into ‘reasonableness’, more and more people will be excluded as unreasonable if they do not accept the majority’s specification of the terms. At the end, the reasonable will be just those who survived all the subsequent purges. That outcome is in part a result of the procedure being a rounds-based majoritarian decision, but the point remains substantially unaltered if you change the mechanism. Whatever method you use, a number of individuals who initially seem to be

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<sup>110</sup> It should be noted that in political liberalism, political conceptions must be complete such that their values are ordered (Rawls, 2005, pp. 455-456), a result that could not emanate from the procedure described above, wherein values are specified individually unless there were a mechanism for adjusting terms previously fixed by a vote in light of new commitments. Perhaps we might think that the same condition should apply to determining a conception of reasonableness, such that full and complete conceptions are voted on, rather than individual elements. Even such a more holistic approach does not obviously help us avoid the problem, given that these too are contented — we are unlikely to end up with as wide a range of views as the theory requires for the result to plausibly claim to be more than a mere sectarian doctrine.

quite reasonable will be excluded. Given our argumentative nature and fondness for idiosyncratic positions, I expect that no matter what procedure is employed, very few philosophers, even political liberals, will be left in the final group of reasonable people. This result does not much resemble the pluralist ambitions from which we started – rather than being an overlapping consensus, it now resembles far more a comprehensive doctrine.

Once we try to define reasonableness, we encounter ineliminable disagreement about the definition. Individuals base their understanding on their own private conception of the notions involved. What is more, each of the putative definitions is a relevant alternative. This is an equipollent disagreement; each has equal justification. Since all relevant alternatives have not been eliminated, any claim that one specification of the ‘reasonable/unreasonable’ distinction is privileged rings hollow.

While the version of the Pluralist Solution that I have presented here has followed Rawls’s discussion of reasonableness, it need not have. The Pluralist Solution is a general approach that reacts to disagreement by finding common ground and only allowing the contents of the common ground to determine what political views we can put forward. What I have argued is that there is less common ground than at first appears. Aside from those who offer idiosyncratic interpretations of ‘reasonableness’, various liberal philosophers who think of themselves as political liberals do not agree on what ‘reasonableness’ is,<sup>111</sup> or on what common ground, exactly, we should build our ‘overlapping consensus’. Presumably, unless we view our profession with total disdain, we will think our philosophical peers are model examples of epistemic peers. And political liberals should be expected to have the most overlap with other members of this group; yet they still evidence significant conceptual differences. As theoretical discussion has not led to agreement and we have no non-theoretical reasons to select one alternative over another, we are left again in the quagmire of equipollent disagreement.

#### 4.2.2.2 The Pluralist Solution and non-liberals

Let us consider, for the sake of completeness, the possibility that supporters of the Pluralist Solution could eventually come up with a framework on which they could all agree, and

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<sup>111</sup> Charles Larmore, for example, offers a conception of ‘reasonableness’ that diverges somewhat from Rawls, in that he offers the more open characterisation of reasonableness as ‘the free and open exercise of the basic capacities of reason’ (Larmore, 1999, pp. 601-602). Since Larmore’s view is more inclusive, the range of views a Pluralist Solution based on his notion of reasonableness would be wider than the range of views permitted in a Rawlsian Pluralist Solution. For further interpretations of the proper understanding of ‘reasonableness’, see (Freeman, 2007, pp. 345-351), (Cohen, 2009, p. 55), (Nussbaum, 2011, pp. 22-32).

proceed from there. The differences between their positions might be sufficiently small or superficial that their desire for ‘a social world in which they, as free and equal, can cooperate with others on terms all can accept’ (Rawls, 2005, p. 50) leads to a compromise. The Pluralist Solution is not in the clear yet. For its supporters still have to say something about the existence of the unreasonable, and their answers the political questions that we seek to solve.

What can the Pluralist Solution say about the existence of the unreasonable, presuming they can be identified? Those who have adopted the Liberal Schema of Assessment will let it filter their substantive conclusions about political matters so long as they expect that their interlocutors will as well – that is why reciprocity features so prominently in liberal accounts.<sup>112</sup> Those who are unreasonable, however, are by definition unwilling to extend this reciprocity or subordinate their own comprehensive doctrines to the Liberal Schema of Assessment. Rawls is not completely clear about what ought to be done with the unreasonable. One remark often discussed is his statement that we must concern ourselves with the ‘practical task of containing them – like war and disease – so that they do not overturn political justice.’ (Rawls, 2005, p. 64 fn. 19). Different commentators have interpreted his view on this point differently. For example, Fuat Gursozlu suggests that we ought to educate such people, bringing to bear the ‘transformative influence of the political liberal regime on unreasonable citizens’ (Gursozlu, 2014). Marilyn Friedman, concentrating heavily on the Rawls footnote just quoted, suggests that they ought to have their rights, especially to freedom of expression, restricted (Friedman, 2003). Erin Kelly and Lionel McPherson suggest that they be allowed to participate fully in the social contract, as ‘justice may well require us to acknowledge the claims of persons who hold views that have little or no rational support or seem plainly irrational’, although there will be limits to this ‘accommodation’ (Kelly & McPherson, 2001). However, what is important for our purposes is that no one think that we must take their moral and political views as genuinely relevant alternatives when considering the answers to political questions.

The problem is that ‘reasonableness’, even if it could be pinned down, is not a value-neutral concept. It is the product of a substantive moral position that cherishes values such as reciprocity, fairness and equality. As with all our commitments, it results from the workings of a complex of schemas of assessment that are not shared by all. That is all well and fine – we are creatures that develop schemas of assessment in order to process information about

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<sup>112</sup> See, for example, (Larmore, 1996), (Scanlon, 1998), (Rawls, 2005, pp. 15-17), (Sangiovanni, 2007), (Leland & Wietmarshen, 2017). For an extended discussion of reciprocity both within the political context and as a fundamental element of morality, see (Becker, 1986).



the world, But we should not pretend that these schemas are uncontroversial. A commitment to reasonableness, like all other moral positions, is merely another player in the equipollent disagreements that typify our political world. Endorsement of the type of values associated with political liberalism, far from being ‘universal and neutral’ (Stanley, 2015, p. 162),<sup>113</sup> is – like with any other set of values – the product of a specific history and accessible only to a subset of those involved in the tumult of real politics. The modular commitment to a specifically political conception of justice that is ‘freestanding’, i.e. independent of any comprehensive doctrine, is no less moral for this independence.<sup>114</sup> Although the political liberal conception is supposed to appeal only to ideas ‘implicit in the public political culture of a democratic society’ (Rawls, 2005, p. 13), I take it that the foregoing discussion puts a certain amount of pressure on that claim. It is not clear what distinguishes commitment to political liberalism from commitment to any other moralised view of the correct structure of society. Thus assuming values to be correct without being able to disprove other contenders is to unjustifiably deem those other alternatives irrelevant. If we had good reason to believe that the values associated with liberalism were, in fact, universal, we could avoid the problem because disagreement would be absent. But the world as it is puts pay to that notion. Alternatively, if we had sufficient reason to think these other views wrong, we would also be able to adopt the Pluralist Solution as a basis for political philosophy. But the Pluralist Solution lacks the resources to do this.

The Pluralist Solution proposes a method to deal with the most abstract and fundamental question of political philosophy – the nature of the political institutions under which we should live – and leave everything else to the individual conscience. Yet actual political disagreement goes far deeper than this. People do not merely disagree about what the basic structure of society should be, they also disagree about the proper method for ascertaining

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<sup>113</sup> The concept of neutrality is employed with greater or lesser subtlety to express one of the chief aspirations of liberal theories. Some views of it are more complex than Stanley’s, which was selected for the audacity of its claim rather than its level of development. Charles Larmore, to take one example, argues that liberalism is not ‘neutral with respect to morality’, in that it is a ‘moral commitment to finding terms of political association that can be the object of reasonable agreement’ (Larmore, 1996, p. 125). Rather, it aims to be neutral ‘with respect to controversial views of the good life’. He offers an account of the appropriate sense of procedural neutrality whereby ‘neutral principles are ones we can justify without assuming the validity of those views of the good on which people reasonably disagree’ (Larmore, 1996, p. 126). If what I have said about reasonableness being controversial is true, Larmore’s position only qualifies as ‘neutral’ rather than ‘controversial’ because his reasonableness has ruled all controversy out of court. Other influential discussions of the sense of neutrality implicit in liberalism can be found in (Raz, 1986, pp. 114-133), (Rawls, 2005, pp. 191-194).

<sup>114</sup> This is not always considered a criticism of political liberalism. Charles Larmore argues that moral principle of respect for persons is the spur to belief in political liberalism, saying ‘[r]espect for persons lies at the heart of political liberalism not because looking for common ground we find it there but because it is what impels us to look for common ground at all’ (Larmore, 1999, p. 608). To subscribe to such principles as the foundation of one’s political philosophy, however, is to take a side in equipollent moral disagreement and thus pursue the Unilateral rather than the Pluralist Solution.

what that basic structure should be. The Liberal Schema of Assessment is one position within this debate, but the debate is also populated by anarchists, libertarians, communists, totalitarians, theocrats, oligarchs, white supremacists, and adherents of patriarchy— the list is almost infinitely extensible. A widespread conviction rules among philosophers – including, perhaps surprisingly, one of the champions of the historical approach to ‘political realism’, Bernard Williams (Williams, 2007, p. 9) – that nowadays some form of liberal democracy is the only type of political organisation that can achieve legitimacy.<sup>115</sup> But the world out there has failed to recognise the validity of this conviction. As long as there is disagreement about the appropriateness of the Liberal Schema of Assessment, it cannot provide us with an answer to the problem of moral uncertainty. Endorsing it as a starting point is no different from endorsing any other substantive ethical starting point, for it merely wraps itself in the mantle of ‘reasonableness’ rather than ‘correctness’. Although political liberalism explicitly claims to avoid making any claims to the truth of any particular conception of the good, it must take as true the belief in its supreme virtue, ‘reasonableness’.

The Pluralist Solution thus fails for the same reason as the Unilateral Solution. Both attempt to assert themselves as the correct position in equipollent disagreements to which they are party, without giving sufficient reason to think that the other parties are incorrect. This is not to say that there are no differences between the Pluralist Solution and the Unilateral Solution – for example, the Pluralist Solution *necessarily* permits a multitude of conceptions of the good, whereas the Unilateral Solution *can but needn’t* do this. The Pluralist Solution’s devotion to the idea of pluralism is merely ‘pluralism’ within the confines of the moral theory it deems acceptable – a monistic pluralism. A theory constructed in such a way rather resembles the millet system of the Ottoman Empire, under which distinct religious communities were allowed to preserve their cultural, legal and religious practices with their communities. Such communities were tolerated so long as their practices did not conflict with the Empire, and they ‘recognised the superiority of Islam’ (Barkey, 2005, p. 16). The Pluralist Solution creates substantive boundaries within which difference conceptions of the good are allowed to exist, provided they are held by reasonable individuals. That creates a set of acceptable – or reasonable – conceptions of the good, all of which must be held by reasonable people (that is those who possess the Liberal Schema of Assessment or, in the Ottoman metaphor,<sup>116</sup> those suitably subservient to the قانون).<sup>117</sup> Those conceptions of the good that fall outside this set are unacceptable, as are those individuals who are not

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<sup>115</sup> See also (Buchanan, 2002), (Christiano, 2004), (Rawls, 2005, pp. 446-447).

<sup>116</sup> The metaphor breaks down under pressure, in that the different religious communities were not regarded as having equal status, whereas political liberalism, and presumably any attempt at the Pluralist Solution, aspires to neutrality between conceptions of the good (Rawls, 2005, pp. 191-194).

<sup>117</sup> *Qunun* – the secular legal system of the Ottoman Empire.

reasonable. Ultimately, however, no matter how large the set of reasonable conceptions of the good is, its boundaries are still set by a particular univocal conception of ‘reasonableness’. In the end, both the Pluralist Solution and the Unilateral Solution retreat to the same position in dealing with this disagreement, adopting a response similar to the one that Jean-Jacques Pillot offers to his self-addressed question ‘What if the people do not want this?’ – ‘What if the inmates of Bicêtre [lunatic asylum] refuse to have baths?’ (Pillot, quoted in (Kolakowski, 1976, p. 219)).

### 4.3 Conclusion

For the Pluralist Solution to work, actual disagreement must either be reasonable disagreement, or it must be possible to show why certain parties to a disagreement can be excluded by virtue of not being reasonable. Actual disagreement is not ‘reasonable’ in the Rawlsian sense, so the first lemma is not a viable path. With regards to the second lemma, not only does ‘reasonableness’ lack a non-question-begging reason to exclude other views, but in addition any attempt to specify precisely the meaning of the term will land us in yet another equipollent disagreement. Conceptions of ‘reasonableness’ are morally loaded. In addition, we must take up a position in the debate that rests on the step before this one, regarding whether ‘reasonableness’ is an appropriate political virtue. And that is unquestionably a moral issue. Far from helping us to resolve political disagreements, the Pluralist Solution multiplies them – we now not only have to deal with disagreements between substantive positions but also disagreements about the appropriate liberal framework for arbitrating between them, and whether such a framework is in fact appropriate given that not all participants to the dispute are liberals.

I take it that this result is generalisable – a version of the Pluralist Solution not based on Rawls but rather on some other procedural value thought to be appropriately neutral between disputing parties would face the same problem. This procedure would have to be universally accepted or alternatively be able to show how we are able to determine that it is the uniquely correct set of arrangements, despite the problem of moral uncertainty. The first lemma does not seem likely to be met in our world. The second merely repeats the problem of moral uncertainty as a second-order question: instead of being a problem about isolating the right moral view, it becomes a problem about isolating a procedural arrangement that is appropriately neutral between views and has principled reasons, despite the problem of moral uncertainty, to rule certain views out of court.

So we have reason to reject both the Unilateral Solution and the Pluralism Solution to the problem of moral uncertainty. We tried to salvage the possibility of arguing for a uniquely correct moral position to start our political philosophy from – the Unilateral Solution – and found that we lack good reason for thinking that the particular solution adopted was the correct one. Then we have tried to take a procedural approach to the problem that allowed for multiple views, which turned out to be heavily moralised and collapsed into the Unilateral Solution. To try and salvage moral certainty we might be tempted to try and view the disagreement from the viewpoint of all parties – but it now appears that such a thing is impossible. I say this for several reasons: because it is *literally* impossible to see anything from multiple viewpoints; because the necessities of writing political theory will cause us to use theoretical apparatus that is unlikely to be neutral no matter how hard we try; because we, as human beings with limited cognitive power and an even more limited desire to genuinely understand the views of other parties in political disagreements tend to just stereotype and caricature them (as I myself have done) rather than open a genuine dialogue; and so on.

So where does this leave us? I take it that between failure of the Unilateral and Pluralist Solutions and the impossibility of an all-encompassing viewpoint we have exhausted the options, and therefore must consider how we should respond to the insolubility of the problem of moral uncertainty. In the final chapter, I will discuss how we might practice political philosophy given the general failure of our attempts to provide sufficient justification for indulging in the Tendency. These remarks will be somewhat sketchy and no doubt lack unity. But I am hopeful that they will provide an initial starting point for further research into how we might conduct political philosophy in a morally turbulent world, where the only surety in the moral sphere is disagreement.

## Chapter 5 – Что делать?<sup>118</sup>

*Gli arcobaleni di altri mondi hanno colore che non so  
lungo i ruscelli d'altri mondi nascono fiori che non ho*

Fabrizio de André

Over the course of this thesis, I have suggested that there is a deep problem with one way of practicing political philosophy. Many philosophers posit their own ethical views as foundations upon which to build political views. The ethical views remain intact and unquestioned once the philosopher has moved on to political questions and are thereby isolated from the fray of political dispute. This, I have suggested, is a particularly odd way of engaging with the political sphere. While disagreement, including moral disagreement, is central to politics, this approach settles moral issues before considering the contestation surrounding them, meaning that these disputes are interpreted through the lens of a pre-political moral position, rather than as the site of contestation between opposed moral positions that each has its own coherent way of interpreting the matter at hand.

Beyond the oddity of taking as resolved issues over which political agents fight and die, there are strong philosophical reasons to reject the Tendency. In Chapter Two, I suggested that political disagreement is not only often deep, in the sense that it is often impossible to reach an intellectual resolution to disputed questions, but it does not go away when ignored. Members of non-homogeneous societies are forced, by virtue of living in proximity with those with whom they disagree, to come to some position on the issues over which they disagree.

Such disagreement, I have suggested, ought to give us pause for thought. When we apply different tools to the resolution of these questions – different schemas of assessment in my vocabulary – we come up with different answers. For many disputes there might be enough shared elements in schemas of assessment to come to an agreement. But often no agreement is possible. We come up with answers that satisfy us but that cannot satisfy those who employ insufficiently similar schemas of assessment. In the end, each of the various parties to a dispute believes that it has reached the correct answer. And it is perfectly possible that it has, at least according to its own schema of assessment. However, getting beyond that is tricky.

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<sup>118</sup> See p. 155

If philosophers are to use one position as the basis for political philosophy, we need some principled, non-question-begging reason to select that position rather than any other. I argued that without a neutral position from which to arbitrate between these positions, we can have no such reasons. This suggests that the disagreement is equipollent – that from a non-partisan point of view there is nothing to prefer one view over another. And if the disagreement is equipollent, each position is a relevant alternative by virtue of being offered by actual political agents as a starting point to political philosophy. In the face of uneliminated relevant alternatives, we ought not be certain of the correctness of our position. This means that we ought not indulge in the Tendency and therefore must consider what political philosophy would look like without it.

At this point it is worth restating that I take the audience of this piece to be political philosophers, by which I mean not necessarily those employed in philosophy departments but rather those inclined to think seriously about the epistemic norms that guide investigation, hold everything to be in principle open to scrutiny and are inclined to investigate thoroughly the reasons for believing some claim before actually believing it. To state it programmatically: those given to critical reflection.

In speaking about how we should practice philosophy, we must keep in mind both there will be a wide range of views about the matter and that political philosophy need not be a monolithic practice. Minimally, however, all philosophers are political agents and we might expect political philosophy to aid us to navigate that status. As a political agent, the political philosopher belongs to a rather particular sub-category, neither ordinary citizen nor legislator. Some of us are employed to study and write about politics and political normativity, some to teach, some have had the ear of governments and some have no formal engagement with anything other than the politics of our own lives. The range of people who might self-refer as political philosophers is wide, from autodidacts who engage in critical reflection about politics to keen undergraduates to tenured professors. Views on the responsibilities associated with the status also vary enormously. In discussing how we should practice philosophy we should bear in mind both that there are a range of views about the role of political philosophers and that the way in which is role is instantiated in agency will depend upon the range of political action available to a particular philosopher.

To the first point, philosophers have varying ideas about the role of the philosopher. That has both a formal component and an informal one. The informal one is the philosophers' self-conception, that is their view of what it means to be a political philosopher. Views on

this are too numerous to list, but what is important here is that this vocational identity will be an element in the schema of assessment used by the philosopher in deciding how to act, both in terms of the practice of philosophy, and the praxis of politics. Because such views are inherently moral in a broad sense, I take it that no view of the proper role of the political philosopher occupies a privileged position. As such, the following recommendations ought only be understood as a way of practicing philosophy intimately linked to my own schema of assessment and my views on moral uncertainty, which the previous chapters elucidated. The formal component of the notion of the role of the philosopher relates to the institutional positions that particular philosophers occupy in society. Just as the range of options available to you changes with changes in your formal role, so presumably will your conception of the criteria that affect your choice of action. Philosophers who have the ear of the government will doubtless feel that a different set of considerations affect their decisions compared to philosophers who are merely citizens. The connection between these roles and their putative responsibilities will be subject to disagreement, and different philosophers will hold different commitments on the issue. The following proposals assume no particular formal role; they concentrate on the notion of the philosophy as a way of thinking about issues, rather than the role of the philosopher.

To the second point, the situations that philosophers face, and the options that they can choose in those situations differ tremendously. I, for example, am nothing but an ordinary citizen, albeit one of multiple states. I can vote, protest, make choices about how I earn and what I buy, and all manner of other things that have political significance. But my options are severely limited by my circumstances. I have never been called upon to design the basic structure of society, nor even a political policy. No action I undertake will have any direct impact on such questions, so they are important considerations only insofar as they affect the political questions that do confront me, as when I allow my beliefs about them to play a role in the decision to write to my MP, join a pressure group or use a particular politically-loaded vocabulary rather than another. Philosophical consideration of these matters is only of use to me when I can relate it to my political options. Other philosophers who have greater influence and whose opinions are more respected will have more extensive political options open to them. The importance of this point will become clearer in the next section, in which I will contrast the idea of philosophy orientated toward knowledge with philosophy orientated toward action.

If we consider the philosopher as a person preoccupied with thinking in this highly critical way, I take it that they must consider the appropriateness of merely being an advocate for a political position, regardless of what formal roles such as author or teacher they might

inhabit. They should consider not only their own position, but also how it stands in relation to other available positions and how these positions, collectively, constitute politics. And they should further consider what it means to advocate a particular position in such a disagreement, and what sort of view of the nature of politics such advocacy commits them to. Philosophers who indulge in the Tendency are advocates – they start from their moral views and build a political position from there, which they then defend. To fail to reflect on how their position relates to other positions would be to deliberately ignore a central aspect of politics. Every philosopher, I take it, engages in some degree of consideration about this set of relations. Minimally, even political philosophers who share few of my commitments and reject with my claim that the disagreement is equipollent will consider other positions if just to argue that they are simply mistaken. The following recommendations will be of little interest to such people, for they are premised on some degree of sympathy to my arguments up to this point. Rather, the following attempts to speak to those who feel to some degree the power of the problem of moral uncertainty and are worried about how we can deal with it. For such philosophers the role of champion for a particular moral position will feel uncomfortable. That discomfort, in combination with the necessity of political action, means that they must find a way of engaging with politics that takes account of their moral uncertainty. This chapter offers my attempt to do just that.

This proposal will doubtless be messy, vague and programmatic, but this should not be surprising. As Richard Rorty, whose concept of the ironist (Rorty, 1989, pp. 73-78) bears some similarities to the philosopher concerned with moral uncertainty, says, ‘[i]nteresting philosophy is rarely an examination of the pros and cons of a thesis. Usually it is, implicitly or explicitly, a contest between an entrenched vocabulary which has become a nuisance and a half-formed new vocabulary which vaguely promises great things’ (Rorty, 1989, p. 9). What follows is a first ‘half-formed’ attempt to articulate a different way of approaching the political in light of my claims in the previous chapters. Whether it is at all interesting or shows any promise I leave it to the reader to decide. This first attempt will be somewhat tentative – breaking with the past is never a clean affair and the Tendency is deeply engrained feature both of much political philosophy and of the way we tend to think about politics generally. Our moral views, or at least a pre-philosophical version of them, are born of our world-historical circumstance and the contingencies of our own lives. It is hard to escape them. To adapt a phrase from Marx, philosophers make their own morality, but they do not make it as they please.<sup>119</sup> We cannot start from scratch, and if we try we will find the

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<sup>119</sup> The original quotation is ‘Men make their own history, but they do not make it just as they please; they do not make it under circumstances chosen by themselves, but under circumstances directly



‘tradition of all dead generations weighs like a nightmare on the brains of the living’ (Marx, 2000b, p. 329). Just as we cannot ascend from our own schemas of assessment to a neutral one to impartially assess the fray, we cannot shed our commitments before engaging in political philosophy. That said, elements of my view are hardly without precedent – aside from the influence of analytic philosophy, it draws especially upon insights from critical theory, feminist philosophy and critical theory of race. That we cannot completely disencumber ourselves of our beliefs it does not mean that we cannot make some effort to engage with politics in a way that recognises their contingency. Adorno asserted that ‘[t]he detached observer is as much entangled as the active participant; the only advantage of the former is insight into his entanglement, and the infinitesimal freedom that lies in knowledge as such’ (Adorno, 2005, §6). While what I will advocate is political philosophy designed for the active participant, and takes the detached observer to be an impossible fiction, I nevertheless hope to incorporate the awareness of entanglement.

## 5.1 Dealing with scepticism

It is an open question how we ought to react to the scepticism inspired by our realisation that moral disagreement is equipollent. The Pyrrhonian recommendation would be to suspend judgment and cease to engage with the problem, allowing us to reach a state of ἀταραξία.<sup>120</sup> However, few people are psychologically able to disassociate themselves with the word in this way. The possibly apocryphal stories of Pyrrho of Elis mistrusting his senses so much that he would have fallen off cliffs had it not been for his friends looking out for him show the unappealing side of this way of life (Diogenes Laertius, 1925, 9.62). It is not even clear that the ἀκλινεῖς<sup>121</sup> – the state of being uninclined toward either side – is even possible in the political context, given that politics has its own momentum and that its course is affected both by our action and by our inaction. Refusing to take a position would not mean adopting a neutral position, given the political context of action; rather it would mean adopting a different position equally subject to the same doubts. So how should we understand politics given the problem of moral uncertainty and given that we must interact with those with whom we disagree? How should we respond to these sceptical concerns?

One suggestion that I think untenable is Hume’s line with regard to ordinary philosophical scepticism. He writes:

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encountered, given, and transmitted from the past. The tradition of all the dead generations weighs like a nightmare on the brain of the living.’ (Marx, 2000b, p. 329)

<sup>120</sup> *Ataraxia* — tranquillity

<sup>121</sup> *Aklineis* — without leaning, without inclination

The *intense* view of these manifold contradictions and imperfections in human reason has so wrought upon me, and heated my brain, that I am ready to reject all belief and reasoning, and can look upon no opinion even as more probable or likely than another. Where am I, or what? From what causes do I derive my existence, and to what condition shall I return? Whose favour shall I court, and whose anger must I dread? What beings surround me? and on whom have I any influence, or who have any influence on me? I am confounded with all these questions, and begin to fancy myself in the most deplorable condition imaginable, environ'd with the deepest darkness, and utterly depriv'd of the use of every member and faculty.

Most fortunately it happens, that since reason is incapable of dispelling these clouds, nature herself suffices to that purpose, and cures me of this philosophical melancholy and delirium, either by relaxing this bent of mind, or by some avocation, and lively impression of my senses, which obliterate all these chimeras. I dine, I play a game of back-gammon, I converse, and am merry with my friends; and when after three or four hour's amusement, I wou'd return to these speculations, they appear so cold, and strain'd, and ridiculous, that I cannot find in my heart to enter into them any farther. (Treatise 1.4.7).

The suggestion that we dispel our sceptical worries through practical activity seems fine for question of the reality of the external world or the problem of other minds. But this is not possible for matters of political dispute, where disagreement acts as a constant reminder of the sceptical worry. It is worth noting again that sceptical worries about the validity of our moral views can be motivated without ever considering the fact of disagreement – you can doubt the grounds on which you hold your views without ever encountering dissent to them. However, disagreement acts as a constant reminder of the worries that lead us to scepticism, while the unavoidability of some solution – one that will invariably impact our lives and the lives of those around us – means that the stakes are always high. Philosophy can be avoided – all it takes is dinner and a game of backgammon apparently. Politics, unfortunately, cannot.

So we must come up with some response to the problem of moral uncertainty. In Chapters Three and Four I explored two possible ways of quelling these worries. The Unilateral Solution suggests that we are justified in starting our political philosophy from a particular ethical position if it is the uniquely correct one. If we have access to this position then the dispute itself becomes irrelevant – other parties are simply incorrect and should be treated as such. The Pluralist Solution, rather than sidelining disagreement as the Unilateral Solution does, instead attempts to focus on what agreement can be achieved, hoping to provide a framework within which disagreement can be managed. These views can be put in the form of a response to the Pyrrhonian: the Unilateral Solution says, 'it might appear like that to the other parties but they are wrong, so I need not consider them. I have access to the moral facts and can, by argument, work out the correct course of action'. The Pluralist Solution says, 'well, at least S and T can agree on Q, some basic value that allows for an overlapping understanding of F, so let's only accept Q and build on that. U does not agree on Q, but U is

unreasonable and so can be ignored.’ Both solutions were rejected as ways of justifying the Tendency.

If we cannot justify the Tendency, we must ask what the practice of political philosophy would look like if we were to avoid it. I suggest that we respond to the Pyrrhonian by saying, ‘you’re right, we are in a position of equipollent disagreement and this requires us to suspend judgment, admitting that we are in a position of moral uncertainty. But that does not preclude the possibility of political philosophy. We must act – the nature of politics leaves us no way to alternative – but we can use political philosophy as a tool to decide how to act, even *given* equipollent disagreement’ In Plato’s *Apology*, Socrates reports to those who hold his life in their hands that the oracle at Delphi told Chaerephon that Socrates was the wisest of all men because he at least knew that he knew nothing (20d-21e). The following is my attempt to take that idea seriously.

The approach I wish to advocate is one wherein philosophers recognise themselves as a political agent, involved in disagreements and aiming towards action rather than knowledge. They recognise their view as one among many, each of which has a claim to validity, and take the disagreement and its equipollence to significantly affect their understanding of the issue. Rather than isolating their ethical views from the political debate and then developing an understanding of the political issues, they let the issue itself, as a lived political debate between particular parties played out *in situ*, create their ethical views, which they take to be fallible and constantly in development. They bring philosophical tools to bear on the issue as these tools make up, at least in part, their schemas of assessment and use them to develop their understanding. In this way they are ready to engage in action when the moment arrives. Political philosophy, understood in this way, ceases to be an intellectual quest for knowledge and becomes a method for political agents to come up with an answer to the only real political question that agents must wrestle with: Что делать?<sup>122</sup>

The Russian title of this chapter is not a mere affectation – an issue of translation associated with it reveals an important difference in focus between ways of understanding political philosophy. The phrase itself is the title of an 1863 novel by Nikolai Chernyshevsky, later used by Leo Tolstoy as the title of his 1883 novel and perhaps most famously by V.I. Lenin as the title of his 1902 pamphlet. In English, it is most commonly translated as ‘What is to be done?’ German, however, renders it ‘*Was tun?*’, which is closer to the English phrase

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<sup>122</sup> *Chto délat’?*

‘what to do?’<sup>123</sup> The difference in translation is instructive. ‘What is to be done?’ is a somewhat grandiose expression. Its use of the passive voice and an infinitive verb lend to it an air of abstraction, as if the question might be answered at any time by anyone. ‘What to do?’, conversely, feels more like a question that you ask yourself when facing a practical decision. The answer to both questions might well be  $\Phi$  but the meaning of this utterance changes depending on which question is asked. When  $\Phi$  is the answer to the question of ‘what is to be done?’ it is offered as knowledge – a claim that the appropriate thing to do, for any relevant agent, in the situation in question is to  $\Phi$ . When  $\Phi$  is the answer to the question ‘what to do?’ it is offered as a commitment to action. It is the course that agents set for themselves, given the situation.

Modern political philosophy, I would contend, is generally orientated toward knowledge, not action. I use the term ‘orientated’ deliberately – philosophers might not wish to commit themselves to the idea that political philosophy produces the type of knowledge that would satisfy an epistemologist but still practice in a way that shows that they are at least attempting to establish truths about politics. For the sake of our discussion, the term knowledge will have to be used rather loosely, understood primarily as a foil to the idea of action and expressing one side of a dichotomy between theoretical and practical activity. Jerry Cohen represents the extreme form of this view in saying that ‘political philosophy is not what we should do but what we should think, even when what we should think makes no practical difference’ (Cohen, 2003, p. 243) – but unfortunately he does not explain why he takes that to be true. Historically, philosophers such as Locke and Mill advocated specific political outcomes, but that has become far rarer in more recent times. More often, political philosophy is written with the aim of coming to know something about political concepts such as justice or equality. Even those who explicitly advocate for specific political actions, such as Elizabeth Anderson in *The Imperative of Integration* (Anderson, 2010), do so because such actions are a consequence of political knowledge secured in the process of philosophical investigation. Their philosophical work is taken to afford them knowledge of the world and a view of what action should be taken follows as a consequence – rather than their philosophical investigations being designed to have a direct relation to action. Insofar as this kind of political philosophy asks ‘Что делать?’ it is in the form of ‘what is to be done?’ and arises if at all as a secondary question only after the resolution of other knowledge-orientated questions. Questions such as ‘what is the nature of justice?’ turn into questions of ‘what would a just institution be like?’ and less frequently into practical questions such as ‘how do we go about realising just institutions?’ The answers to all these

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<sup>123</sup> Many thanks to Jann Böddeling for drawing my attention to this and for discussion of this point.

questions, except perhaps some specific examples of the last type, take the form of knowledge claims. The Tendency is closely connected to this quest for knowledge; if knowledge about the nature of justice, for example, is at least in part dependent on knowledge of the nature of morality then it seems sensible to secure the latter and use it to understand the former. Once we understand right and wrong, we can ask what political arrangements would reflect that understanding. Practiced this way, our philosophical activity starts by ascertaining moral facts and then uses them to generate political facts. We might subsequently offer a view as to how the world falls short and perhaps make recommendations for how to bring it more into line with these facts. I take it that political philosophers frequently perform the first two activities but more rarely engage seriously in the third and the fourth. Works of ‘non-ideal theory’, such as Anderson’s, are often seen as a way of putting more emphasis on the later questions, although they often seek to answer these questions using knowledge gained from answering the previous ones.<sup>124</sup> However, if the problem of moral uncertainty is a real one, it seems as though political philosophy envisioned as this kind of knowledge-seeking activity is not viable. If we have good reason to think that our moral beliefs are insecure, we should also recognise that this insecurity will be carried over into any political beliefs that we develop from them. The equipollent disagreement that dogs questions about moral belief is inevitably imported wholesale to questions of political belief.

But this is not the only way that we might view political philosophy. One particularly interesting contrast is that between the political philosopher conceived primarily as a theorist and the political philosopher conceived primarily as an agent – for a theorist’s considerations terminate in knowledge whereas an agent’s terminate in action. Philosophy that indulges in the Tendency primarily understands the philosopher as a theorist, but there is value in seeing the philosopher primarily as an agent.

The criteria for a satisfactory inquiry for these two distinct figures are notably different. A theorist seeks knowledge, and therefore must develop justified, true beliefs that stand in some appropriate connection to facts.<sup>125</sup> For the agent such knowledge is a luxury and, if my argument has any purchase, an unobtainable one at that. To act, an agent must simply decide what to do, and do it. Philosophy can help agents to identify relevant considerations and methods for decision making. Yet ultimately it is action that is the terminus of deliberation.

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<sup>124</sup> See fn. 69

<sup>125</sup> This description does not, of course, cover all views of what knowledge is — see, for example, (Williamson, 2002) or (Armstrong, 1973) — but I take it that it is sufficiently broad and non-partisan to take in the bulk of ‘mainstream’ philosophical views. To avoid going off on an unhelpful tangent, such potential complications will have to be ignored.

Knowledge is not a formal requirement for action and we often engage politically without the aid of knowledge or even true belief.<sup>126</sup> Hume was correct when he wrote that ‘[t]he great subverter of Pyrrhonism or the excessive principles of scepticism, is action, and employment, and the occupations of common life.’ (Enquiry, 2.12.21) – but not quite in the way he thought. Rather than our scepticism ‘vanishing like smoke’ when we confront the political world, it is reinforced by our encounters with other political agents. Yet because political life requires action rather than knowledge, our scepticism can inform our action even as it removes the possibility of knowledge.

The reader will recall my brief discussion of the apocryphal story of Luther’s utterance ‘*Hier stehe ich und kann nicht anders*’<sup>127</sup> in Chapter Three. There I described a figure who sticks to their views because, as Ronald Dworkin puts it, ‘[i]f you can’t help believing something, steadily and wholeheartedly, you’d better believe it’ (Dworkin, 2011, p.101). If Dworkin had left it there, as a claim about belief, there would be little with which to disagree. As he himself says, ‘[a]bsolute confidence or clarity is the privilege of fools and fanatics. The rest of us must do the best we can; we must choose among all the substantive views on offer by asking which strikes us, after reflection and due thought, as more plausible than the others’ (Dworkin, 2011, p. 95). However, the way he practices political philosophy – his belief that there are moral truths and that good argument, which presumably he believes his own to be, gives access to them – shows that he intends to make a larger claim. Dworkin takes his argument to add justification to his beliefs and that, in combination with his anti-meta-ethical view regarding the nature of moral knowledge and how good argument secures the connection between belief and knowledge, means that he takes himself to have knowledge (see Chapter Three).<sup>128</sup> Recall the close connection he draws between defending a theory of justice and the necessity of moral objectivity, and how he thinks that we cannot act as responsible political agents ‘unless we suppose that the moral and other principles on which we act or vote are objectively true’ (Dworkin, 2011, p. 8). In claiming that he cannot do

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<sup>126</sup> See (Darwall, 2003, pp. 483-485) for an argument to suggest that belief has truth as its substantive aim (a term taken from David Velleman to describe ‘a goal that is not stated solely in terms that depend on the concept of being the object of that enterprise’ (Velleman, 1996, pp. 700-701)) and therefore ‘closes’ the question of what we should believe (i.e. that which is true), while evaluative or practical attitudes do not have a substantive aim that can be specified independently of ‘norms for the relevant attitude’ as any potential substantive aim we can characterise in ‘non-normative terms’ is subject to Moore’s open question argument, meaning we can ask why we ought to ‘choose or pursue’ it. This argument is explored and expanded on, although put to a different purpose, in (Cowie, 2013).

<sup>127</sup> ‘Here I stand and can do none other’.

<sup>128</sup> In fact, the impossibility of abandoning a belief does nothing to establish its truth, as Walter Sinnott-Armstrong points out (Sinnott-Armstrong, 2006, p. 218). He cites the example of his belief that a rock is composed more of matter than of space. Despite knowing that our best science tells us that this is untrue he reverts back to the false belief unless he is actively attempting to correct it.

other, the Luther I have associated with Dworkin is implicitly making the claim that he can do no other *because* the moral facts permit him to do no other.

There is however another way to interpret the figure of Luther. This way stresses the words ‘here’ and ‘I’. Under this interpretation, the reason why he could not have done otherwise is because of who he was, and his contingent situation. No reference to truth or knowledge is necessary to conceive of political agency in this way; rather all we need to recognise is that because of who we are and the situations in which we find ourselves, we are inescapably inclined to a particular action. That action is simply what ‘makes sense’ to us, to again borrow the phrase from Bernard Williams. We choose to do what makes sense to us not because we know that we *ought* to do that particular action, but because politics precludes abstention. No one can avoid acting politically, short of rejecting human contact.

## 5.2 Dealing with disagreement

If we do not expect political philosophy to give us knowledge, we should not be troubled by the fact that it cannot. That does not mean that we should be any less worried about uncertainty. Just as we can be uncertain about whether we know something, we can be uncertain about how to act. And this uncertainty is just as ineliminable. However, this does not mean that there are not better and worse courses of action, relative to our schemas of assessment. The following is a series of suggestions for thinking about how best to act in a way that gives disagreement its due. Roughly, it suggests investigating the disagreement as thoroughly as possible by seeking to understand each side on its own terms, before we are forced by circumstances to take action. When that moment arrives, we are forced back into the position of Luther in the apocryphal story – but we can at least say that we are making a choice born of the political issue, rather than one made prior to it.

So what does it mean to develop moral views within the context of contestation? One way to understand the difference between the approach I am proposing and the standard approach is to think about how order of consideration frames an issue. Let us take the ethics of abortion as an example, imagining a somewhat improbable hypothetical philosopher who had never considered the issue prior to beginning a philosophical investigation. Imagine that they use philosophical argument to come to the conclusion that the right to life is inviolable. After considering a number of positions regarding the value of life – positions generated either on their own or from other philosophers’ discussions of the issue – they decide that argument favours that view. Combining this claim with the claim that life begins at conception, they move to the position that abortion is impermissible. Taking aspect two of the Tendency

seriously – the argumentative superiority of the ethical – they come to the conclusion that it should not be legal to do what is impermissible. They next consider what follows from this politically and conclude that abortion should be illegal. Having done the hard philosophical work, they turn to the political world – and see that large numbers of people disagree with them. Yet because they have worked out the ethical aspects of the issue and their political consequences to their own satisfaction, they frame the debate in a very particular way. They approach the disagreement with a fully worked out position that affects their understanding of the views of others. It tells them that who are simply wrong. They might have considered these views in abstraction if they were among the philosophical views investigated, but will not have necessarily employed the same premises and reasoning that their interlocutors do. They would also have considered them only as philosophical views, a procedure that often fails to take account of the person who holds them or the context in which they were developed and so often misses the concerns that motivated the view. That is a problem, given how variant the concerns that motivate people are even on relatively discrete political issues. Multiple views might also be present in the political debate that were not present in the philosophical one and that were therefore not considered. Because the philosopher takes their view to be correct, they now understand the political contest as a purely oppositional one, where the views of others represent intellectual errors. That is not to say that other views can never affect their own – sufficiently powerful arguments might convince them or force them back to the ethical drawing board – but they start from the presumption of their own correctness and therefore the threshold for an argument sufficient to overturn their view is much higher. They frame the debate in terms of the relation in which other views stand to their own view, which seriously affects their ability to assess them properly.

This sketch is doubtless too quick and too abstracted from real philosophical practice, so let us now consider how we might understand abortion were we start from an existing philosophical position. Consider approaching the debate after having read and agreed with one of the most influential philosophical works on abortion: Judith Jarvis Thomson's *A Defense of Abortion* (Thomson, 1971). Thomson argues for particular conclusions about the morality of abortion against the background of a rights-based moral theory. Although she is not explicit in her article about her understanding of rights, we can look to her *The Realm of Right* for help (Thomson, 1990). Roughly, for Thomson rights 'reduce...to what – other things being equal – people ought or ought not to do, and may or may not do' (Thomson, 1990, p. 33). The moral significance of having a right is that it acts as a 'complex constraint on behaviour' (ibid.), where the complexity of this constraint is based on various factors too complicated to go into here. She takes herself to be 'theorizing from a body of data...moral judgments that I think you would take to be clear moral truths' (ibid.), where the method



adopted is roughly that of reflective equilibrium but *pace* Rawls, ‘some moral judgements are plausibly viewed as necessary truths and hence not open to revision’ (Thomson, 1990, p. 32 fn.20). Hence, the background to her more specific moral and political writings is a theory of rights worked out with reference to her own moral intuitions, albeit ones that she thinks the reader will share.

Her aim in ‘In Defense of Abortion’ is to show that *even if* we accept the premise that the foetus is a person from the moment of conception, it does not follow that abortion is impermissible because the foetus’s right to life does not necessarily trump certain rights of the mother, such as her right to self-defence. Proceeding by discussing an extremely abstract thought-experiment about a famous violinist with a fatal kidney ailment being surgically attached without consent to an unwitting individual kidnapped for the purpose, she seeks to establish that such cases involve a conflict of rights between the two parties and then uses the case to explore the concept of the right to life, arguing that it is not a right not to be killed *simpliciter* but rather a right not to be killed unjustly. She then argues that not all cases of abortion can be considered unjust killing and, as a result, not all abortion is wrong. The rest of the article goes on to draw a series of conclusions about when it is right or wrong and the considerations that affect that status. Armed with these moral conclusions before entering into the political fray, we will feel inclined to think acceptable only those political settlements that follow their contours.

If we consider Thomson’s contribution to the discussion to be a piece of pure moral philosophy, we might think that little is wrong with her method, although we might disagree with her arguments. Yet it would be a mistake to think that we are primarily interested in abortion as a moral issue rather than a political one. The debate about abortion is not really about whether it is right or wrong, although such claims often act as the premises of arguments made, but rather about what sort of abortion provisions should be legal in a given society, and how much a government should do to ensure access to such provisions. If we consider the issue as political, we must take account of those who belong to the political society in question. Here proceeding from Thomson leads us to start from premises not shared by all in the debate and then proceeds to judge the issue from conclusions derived from those premises, thus compelling us to view those who start from other premises as having started from the wrong place and thus derived the wrong conclusions. Far from being political interlocutors whose opinions we must consider, they are simply misguided. This way of looking at the debate is incompatible with the realisation that moral disagreement over the relevant contested premises is equipollent.

Thomson does not engage with other views in depth, talking in the abstract about ‘most opposition to abortion’ (Thomson, 1971, p. 47) rather than looking at the specific views and arguments actually present in the debate.<sup>129</sup> At times she even makes obviously false claims about at least some of her opponents, such as the claim that ‘[n]o doubt the mother has a right to decide what shall happen in and to her body; everyone would grant that’ (Thomson, 1971, p. 48). Approaching a political issue from a pre-defined moral position while ignoring the other moral positions present in the debate blinds us to what the debate is actually about. And it is not only those who disagree with Thomson’s eventual position who are not given a fair hearing here. As Jennifer Saul points out, Thomson and other philosophers do not really engage with issues to do with ‘pregnancy and motherhood, and the social conditions surrounding mothers and children’ (Saul, 2003, p. 110). That omission leads to them ignoring important features of abortion as a political issue,<sup>130</sup> all of which shape the reasons why particular individuals hold the positions they do in the political debate and all of which must be considered fairly if we are to understand the political issue sufficiently to make informed choices about how to engage with it. Beyond this over-simplification of the debate,

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<sup>129</sup> It is perhaps worth noting that while Thomson discusses the matter oscillating between ‘person’ and ‘human being’ and sometimes eliding them to produce the concept of a ‘human person’, those who are opposed to abortion all too often discuss it in terms of the concept of ‘life’. Although this is not the place to go into the difference, it is not insignificant. Consider, for example, the American Association of Pro-Life Obstetricians and Gynecologists, whose mission statement makes no reference to personhood (Gynecologists, 2016). Anti-abortion groups all tend to make their case with reference not merely to the concept of ‘life’ but rather to that of ‘innocent life’, which again changes the complexion of the argument (see, for example, (Society for the Protection of Unborn Children, 2018), which states ‘it is wrong to kill innocent human beings’ as a principle of ‘natural justice’). While Thomson does include this line of thought in her description of arguments regarding conflicts between the pregnant woman’s right to life and the foetus’s right to life (Thomson, 1971, pp. 50-51), she does little to explore the significance of the qualifier ‘innocent’ to those who use it in argument. She equivocates with the word, using it at times in ways that opponents would never accept, for example when she describes both the pregnant woman and the foetus as innocent (Thomson, 1971, p. 53). She also completely ignores the religious aspects of the issue, which leads to a profound distortion of the problem, not least in the equivocal use of ‘innocence’ just described. Finally, while she does discuss in passing the idea that a pregnant women, *qua* mother, might have a special responsibility to the foetus, her rejection of this idea does not really consider the details of the view but merely rejects its foundational premises without argument, in favour of a voluntarist account of responsibility (Thomson, 1971, p. 65).

<sup>130</sup> Of pro-choice advocates, Thomson says only that ‘[m]any of those who oppose abortion rely on the premise that the foetus is not a person’. Other reasons for being pro-choice include, but are not limited to, worries about having a ‘responsibility not to bring a life into the world for which they cannot adequately care’ (Saul, 2003, p. 120, italics removed), as well as other potential negative consequences to both parties; the importance of a mother’s desire to having a child for the child’s wellbeing (Moran, 2011) (Cannold, 1998); concerns about forced intimacy (Little, 1999); claims that the wishes of potential mothers carry special weight (Jaggar, 1973); concerns about state overreach (Jaggar, 1973); concerns about abortion being used to exercise patriarchal control over women (Greer, 1999) and issues surrounding the woman’s self-conception and how this is affected by becoming pregnant (Hursthouse, 1987) – none of which inform Thomson’s views on the matter. Abortion, on her view, is merely a matter of rights and self-ownership. While it is true that in 1971 many of the reasons listed above were less prominent in the debate, they were all features of it. That conclusion speaks to the need for greater investigation of the part of philosophers into the politics of matters on which they wish to pronounce.

Saul also points out that many feminists have argued that rights-based approaches like Thomson's actually distort our understanding of the issue (Saul, 2003, pp. 130-138). I would further add that seeing the debate *only* from a feminist lens will also distort our understanding of it,<sup>131</sup> although Saul's ambition is not to do that but rather add 'women's perspectives' to the debate as it stands (Saul, 2003, p. 138).

Even if we think Thomson's argument acceptable as moral philosophy, it tells us nothing about the politics of the matter – which where the battle is really fought. Thomson takes herself to have established, at least provisionally, that not all cases of abortion are wrong, but it must be noted that this only follows if one accepts that a right-based approach sufficiently similar to Thomson's is the appropriate approach to the matter. Many in the political dispute do not. Thomson's arguments might help make the schemas of assessment of those sympathetic to such thoughts more coherent and clarify arguments. But it does not establish their truth, given the problem of moral uncertainty, and does nothing to eliminate the equipollence of the debate. By separating moral philosophy from political philosophy we do a disservice to both and create an intellectual distinction that is unsustainable when we come to consider the real-world instances of the issues we are considering. Furthermore, armed with our moral convictions, we are liable to ignore complications, both argumentative and empirical, that are present in the real political manifestation of the issue but are absent from our prior considerations. This is especially dangerous if we proceed using extremely abstract thought-experiments, given the danger of false equivalence.

The alternative philosophical approach to politics that I am about to set out proceeds in three stages, where 'stage' is understood in terms of logical distinctness rather than temporality: inquiry into the views that form the debate, reconstructing them philosophically and finally acting. Insofar as one develops a 'view' in the sense that term is often used in philosophy, it emerges from these activities and is constantly revised by them, rather than being a fixed stage in the approach. It finds its realisation in the action taken, not in its systematic recounting. The first two stages are grouped together, since they are both concerned with attempting to understand the political world. The first stage is primarily an empirical matter, gathering together both relevant background information about an issue from our best social science and listening empathetically to relevant agents, that is listening to the individuals and groups who form the poles of the debate and understanding what they are saying on

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<sup>131</sup> It is also perhaps important to note, given at one of the running themes this chapter is a somewhat anti-Horatian embracing of political complexity, that not all people who describe themselves as feminists find themselves on the pro-choice side of the debate. See, for example, Sidney Callahan's chapter in (Callahan & Callahan, 1984).

their own terms. This activity must not consider the views of any particular group viewed as isolated nodes but rather must also consider how these views are affected, both consciously and unconsciously, by the other poles of the debate. This stage will thus involve an ongoing process of investigation of each group and require constant revision in light of the results of the investigation into other groups. The second stage involves the philosophical reconstruction of these views in ways that make their concerns salient to us, that is by reconstituting them into argument (since we are philosophers). This procedure is not an attempt to faithfully represent the view itself, as that should have been done in the first stage, but rather to reconstruct it so as to give it the best possible chance to convince us of its appeal. In this stage, we see if there is any way that a particular view or any element of it can make sense to us. While the first stage must precede the second stage, since it is the source of the material we will use to construct argument, it will be necessary to constantly return to the first stage as the political landscape and the views that compose it change and evolve. Those changes will in turn force us to update the arguments we devise in the second stage. This oscillation between the first and second stages will continue until we are forced by political necessity to act, at which point we must assess what action makes best sense to us given our philosophical preparation and proceed along that course. The first two stages are preparation for this moment of action, the third stage, and are designed to allow us to gain sufficient understanding to act in good conscience.

### 5.2.1 The Quest for Understanding –Inquiry

Consider what happens when we start from the live political debate rather than from moral convictions. First, we note the participants. There are two senses in which we do this – noting the view and noting the person who holds it. We note the views that are present not in the sense of being possible coordinates on a mapping of logical space but rather in the sense of being actual positions that people advocate. The range of views to be considered is determined by the actual politics of the issue, although if in consideration of these views another emerges in the mind of the philosopher, that too must be added to our considerations. Viewing the debate in this way is an attempt to take seriously the thought that our political peers are offering genuine answers to political issues that must be understood as uneliminated relevant alternatives within the disagreement. We see them as live options – genuine solutions to ethical and political problems – that influence the development of our own views. So instead of working from our own pre-political moral views and building out from there, we start from the set of relevant views and their relationships to one another.

Once we have noted the positions that people take in headline form so as to map out the contours of the disagreement, we must delve in to the details of these positions. This will include assessment of specific arguments proposed, attempting to understand their inner logic. These arguments will seem correct when understood using a certain schema of assessment and incorrect when using another. So to understand the position in the most philosophically sympathetic way possible – that is, to give it its intellectual due – we must attempt to understand the elements of that schema of assessment. Consider this a friend of the principle of charitable reading (Davidson, 1973, pp. 324-325) – we start from the assumption that what they are saying makes sense. However to do this properly we must understand the agent who is putting forward the position.

If we are to genuinely understand these views, we must understand the schemas of assessment used by those who hold them, which in turn means we must understand who these people are. While our schemas of assessment do develop as we think about moral and political issues, they are not purely determined by active thought. They are, in large part, the product of upbringing and habituation and have developed more or less consciously and conscientiously, depending on the person in question. What is a valid reason to a person with a particular background might seem like no reason at all to someone else. In other words we must strive to understand a person's view while taking into account who they are. That will be, at least in part, a process of empirical discovery. Learning these people's situations and how this affects their views will help us to understand the workings of their schemas of assessment, which in turn will help us to understand their position in the disagreement. Part of this work will have a theoretical tinge – influenced by proponents of the 'sociology of knowledge' such as Émile Durkheim and Karl Mannheim<sup>132</sup> – but we ought also engage with the person, listening empathetically to their own understanding of their position.

To bring out the importance of empathetic listening, we can contrast it with being empathetic in the sense of 'putting ourselves in someone else's shoes'. The second involves an imaginative exercise in which we try to abstract away from our own position and 'inhabit' someone else's.<sup>133</sup> This is, however, something we cannot cognitively do in a way

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<sup>132</sup> Sociology of Knowledge is an approach within sociology that studies the way in which our social arrangements, including language, culture, the division of labour and so on, affect our production of knowledge. See esp. (Durkheim, 1995) and (Mannheim, 1936).

<sup>133</sup> In philosophy of mind this approach to understanding the mental states of others is often called 'simulation theory' and contrasted with 'theory' theory, according to which we understand the mental states of others by developing a theory about them. Some defences include (Goldman, 2002), (Gordon, 1995), (Heal, 2003).

that helps us reliably ascertain why a position makes sense to someone else.<sup>134</sup> Whatever elements of our own psyche we attempt to isolate and whatever elements of theirs we try to simulate, we will always do so in a forced, artificial way that can never go beyond what we take their view to look like from our viewpoint. Another way to put this would be to claim that such imaginative attempts inevitably fall victim to what Rae Langton calls ‘pseudo-empathy’ – ‘an *overreadiness* to assume that one’s mind is the mirror for something or someone else’ (Langton, 2014), although I doubt Langton would agree with me in claiming this.

Rawls’s Veil of Ignorance suffers from a similar defect, so perhaps I can use Rawls as an example through which to explain what I mean. Parties in the Original Position are deprived of all knowledge of their specific positions in society as well as knowledge of a variety of their personal qualities and their conception of the good (Rawls, 1971, p. 137). The Veil of Ignorance ensures that the principles of justice that the parties select are not selected due to partial considerations. That seems fine, except for the fact that Rawls, who is not a party in the Original Position and therefore not behind the Veil of Ignorance, goes on to tell us what it is that these parties will select. He does not go through the procedure; he imagines what going through the procedure *would be like*. The use of the veil as a heuristic for identifying principles of justice is premised on the possibility of taking up an impersonal stance merely by imagining what it might be like to do so. Yet it is not at all clear that we can occupy this position merely by imagining ourselves into it. When we attempt to step behind the Veil we do not strip ourselves of our biases, we merely do not allow them, *insofar as we are able to recognise them*, to serve as explicit elements of our thinking. This is hardly the same as being free of bias. At best, we suppress biases we can recognise. But biases, be they political, cultural, cognitive etc, are insidious, and we are often very bad at recognising them, much the less doing anything about them. Often we are completely unaware of them, and they might even run counter to our expressed attitudes, as in the case of implicit biases.<sup>135</sup> Successfully imagining ourselves behind the Veil is indistinguishable to us from the situation in which we attempt to imagine ourselves behind the Veil but fail to successfully remove our biases because we do not properly recognise them. Even if you think that the procedure of decision under the Veil of Ignorance is appropriate, it is not the procedure we adopt when thinking about the thought-experiment. We do not put on the Veil, we merely imagine what it would be like to do so.

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<sup>134</sup> This is not to say that such imagining does not serve other purposes, for example Adam Smith’s suggestion that it is fundamental to our development of ‘fellow-feeling for the misery of others’, which is crucial to his account of morality (Smith, 1984, III, I).

<sup>135</sup> (Brownstein & Saul, 2016) offers an interesting collection of essays exploring the notion of implicit bias.

Biases aside, this inability to escape our own ways of thought is well illustrated by the highly technical thought process for working out principles of justice that Rawls thinks would be adopted by those behind the Veil. It seems unlikely that anyone besides Rawls or someone with a similar training and background could actually reason in the way proposed. In attempting to occupy the shoes of those behind the Veil, we design a model of that person, but cannot become them. Our judgments about how such a person might think could easily be radically different from how such a person would. This is intimately connected to the fact that we cannot imagine ourselves into the position of the impartial spectator, as discussed in Chapter Two. Just as we cannot know what it is like to be the impartial spectator, we cannot know what it is like to step behind the Veil of Ignorance.

In precisely the same way, when we try to ‘put ourselves in the shoes of others’ we cannot succeed in doing so; we merely imagine what it might be like to be that person. We have little reason to think that our imaginative powers tell us what being another individual is actually like, especially considering how much more information we would have to encode into our imaginings to reproduce the mental world of a real person, as opposed to a person behind the Veil. The absurdity of this way of thinking is well brought out by a verse from Phil Ochs’s satirical masterpiece ‘Love me, I’m a liberal’, where he sings,

Yes, I read *New Republic* and *Nation*  
 I’ve learned to take every view  
 You know, I’ve memorized Lerner and Golden  
 I feel like I’m almost a Jew. (Ochs, 1966).

More important than the presumptuousness of the approach under discussion is the fact that we are simply ill-equipped to see things from the point of view of others, even metaphorically. This is a symptom of a theme that has run throughout this thesis – the necessarily perspectival nature of human existence, which limits our epistemological horizons.

When we listen empathetically we do not have this problem. Rather than attempting to think yourself into the epistemic position of another, it merely involves listening to the other in an effort to grasp their way of understanding an issue and to take them at their word, recognising that their world is genuinely different from your own. In doing so, you make no attempt to step outside of your position. Rather you seek to make the concerns that motivate others more alive to you, so as to more fully understand other views. Through engaging with

others in this way, you can become aware of blind spots in your own view, and be forced to confront them.

In the opening to her essay *On Being White: Thinking Towards a Feminist Understanding of Race and Race Supremacy* Marilyn Frye describes how a well intentioned meeting of white feminists intended as a ‘consciousness-raising group to identify and explore the racism in [their] lives’ came under criticism from a woman of colour for thinking that such an activity could be done without women of colour. Frye reports that the group told this woman that it had never intended this to be their only action on the subject and that it had decided to hold meetings open to all women in due course. The woman ‘exploded with anger’ at the idea that they, a group of white women, had ‘decided’ this. Frye describes the situation:

She seemed to be enraged by our making decisions, by our acting, by our doing anything. It seemed like doing nothing would be racist and whatever we did would be racist just because *we* did it. We began to lose hope; we felt bewildered and trapped. It seemed that what our critic was saying must be right; but what she as saying didn’t seem to make any sense.

She seemed crazy to me.

That stopped me. (Frye, 1983, p. 112).

This passage is a brilliant example of the ethos of empathetic listening. Frye was confronted with the view of someone whom she took seriously and, upon having her view challenged in a way that she simply could not understand, to the point of thinking that it did not make sense, she was ‘stopped’. That her opponent seemed crazy to her did not give her cause to conclude that she was, in fact, crazy. Rather, it gave her cause to inspect her own views and explore their limitations. This shares something in common with Adorno’s proclamation that ‘the splinter in your eye is the best magnifying glass’ (Adorno, 2005, §29). While attempting to step into the shoes of another necessarily involves a misguided attempt to abstract away from your position and to occupy theirs, *based on who you take them to be*, empathetic listening requires you listen to what they say, take them to be well-intentioned in saying it, and work from the assumption that any failure of comprehension is revelatory of something about you, rather than of some internal incoherence or idiocy on their part.

In doing so, we must take a great care not merely to mine others for information but also to see them as integrated whole, asserting their political position. Failure to do so will result in misunderstandings of the view being put forward – political views are not independent of the people who hold them. This suggestion is related to another idea of Frye’s – the contrast between the ‘loving eye’ that ‘knows the independence of the other...[that] knows that to know the seen, one must consult something other than one’s own will and interests and fears



and imagination. One must look at the thing. One must look and listen and check and question' (Frye, 1983, p. 75), rather than deploying the 'arrogant eyes' that 'organize everything seen with reference to themselves and their own interests' (Frye, 1983, p.67).

And beyond this requirement not to subordinate others to our will in this blind and potentially malicious way, we must always be on guard for what Mariana Ortega calls 'loving, knowing ignorance' and identifies as a phenomenon affecting white feminists writing about women of colour. She describes the white feminist who engages in this loving, knowing ignorance thus:

She sees herself as someone who really understands women of color, who is putting the voices of these women on the map, who is 'giving' them a voice. She constructs a reality that is in fact closer to what she wants it to be rather than what it is – a reality in which the voices of women of color are still taken seriously only if well-known white feminists quote them, in which white feminists who read the work of one woman of color think they understand the experience of all women of color, in which the words of women of color are quoted briefly rather than analyzed in depth, in which the experience of women of color are homogenized, in which women of color are seen as half-subjects who need to be 'given a voice'—hence loving, knowing ignorance. (Ortega, 2006, p. 62).

The point here is not that we run the risk of wronging our interlocutors when we transgress against Frye and Ortega's suggestion, although some might think that true. Rather, we risk misunderstanding our interlocutors and therefore getting their views wrong. Such errors are hard to avoid and often hard even to recognise from the privileged positions that many of us occupy. The difficulty of the endeavour is however no reason not to attempt it.<sup>136</sup>

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<sup>136</sup> It is my hope that it is not inappropriate to generalise this insight beyond the context in which it was developed — the issues surrounding the relationship of feminism as an intellectual and political movement to women of colour — to issues regarding the ways in which we engage with one other in political discussion more broadly. Three factors have influenced my decision to include it, besides the sheer power of the insight itself. First, the intellectual and political marginalisation experienced by women of colour shares certain structural similarities to the intellectual and political marginalisation experienced by many of those I take to be excluded from political disagreement. Second, women of colour involved in the feminist struggle are among those who I take to be problematically excluded by the practices associated with the Tendency by virtue of having elements of their schemas of assessment deemed inappropriate for political consideration (as too are other feminists, queer theorists and critical philosophers of race, as well as members of marginalised groups). In some cases this exclusion is due to philosophical commitments — for example the now popular 'public reasons' insistence that only certain types of publicly available reasons are acceptable in political discussions (following (Rawls, 2005)). But in some cases this is merely due to the sociological composition of political philosophy and the erasure of such views, which are, in a dual sense, 'minority'. Finally, this discussion, and the thesis in general, owes a huge debt to feminist philosophy and critical philosophy of race, especially in its epistemological approach. Although I do not often do a good enough job of acknowledging this, I am not unaware of it. Sometimes it is hard to trace one's own ideas back to their specific origins once sufficient time has passed. I offer this as explanation, not excuse.

This is not the only problem we encounter when we attempt to understand the positions of others. We must also bear in mind that their positions are not merely obscure to us; they are often obscure to them as well. Raymond Geuss puts this well when he points out that

[a]ny attempt to think seriously about the relation between politics and ethics must remain cognitively sensitive to the fact that people's beliefs, values, desires, moral conceptions, etc., are usually half-baked (in every sense), are almost certain to be both indeterminate and, to the extent to which they are determinate, grossly inconsistent in any but the most local highly formalised contexts, and are constantly changing. (Geuss, 2008, pp. 3-4).

This 'indeterminacy', he points out, is something we often recognise in our own case but fail to take seriously as a general feature of the political. This leads us to an over-intellectualised view of the person and views we are attempting to understand. This point is somewhat hard to square with the claim made above regarding the importance of empathetic listening and taking people at their word – but to ignore it would inevitably lead to a failure to understand the object of our investigation. Navigating the tension between these two ideas is part of the political judgment that an agent must hone.

If, in considering a political disagreement, we seek to understand our interlocutors' schemas of assessment by attempting to understand who they are and why they hold the positions that they do, we will have a much better understanding not only of what their position is but also of what the disagreement is about at a deeper level. While beginning from a certain set of moral convictions frames the issue through these convictions, the approach I am advocating recognises that what is at issue in political contestation is taken to be different by the different parties, and that this disagreement about how to frame the issue is fundamental when we come to decide what we are to do. Even simple tasks such as describing the political world in which we live, prior to evaluating it, provoke profound disagreement that we must be aware of as we proceed.

### 5.2.2. The Quest for Understanding – Reconstruction

With a better understanding of the positions occupied by other parties to a political disagreement, we can now claim to have a more complete picture of what is contested. So far we only have insight into the schemas of assessment of others. This, in itself, is not enough to affect our own position. What we must now do, as philosophers, is move beyond trying to understand the views of others to deciding whether their positions, or any aspects of them, make sense to us. We can inspect on our own schema of assessment and see what,

if anything, it has in common with our interlocutor's, so as to see if some elements that make sense to them that also make sense to us. In doing this, we develop our own schema of assessment. An important way in which we can do this is to bring our philosophical tools to bear in identifying the commitments necessitated by their view and reconstructing their argument in a way that makes us alive to its force. We can take the arguments that we have listened to in the first stage and attempt to rationally reconstruct them in a sympathetic fashion that meets more closely our own schemas of assessment, being willing all the while to adjust these schemas of assessment – perhaps radically – in light of the new perspective and arguments to which we have been exposed. In doing so we can understand the argument in a way deliberately modified to give it a better chance of making sense to us without necessarily endorsing it – so as to show us why we might want to take it seriously. We need make no judgment as to how we should react to their claims; rather we seek a way of understanding them – to make the position alive to us in a way it was previously not.

This philosophical interpretation is not offered as a description of the views of others, meaning it sidesteps Ortega's worry about 'loving, knowing ignorance'. Rather, it is an attempt to take their view seriously, and thus to alter our understanding of the debate. The empathetic listening I described above can only take us as far as a better understanding of what makes sense to others; taking their position seriously as one that might affect our own view requires us to attempt to make it make sense to us. This is the motivation for offering a philosophical reconstruction of their position – we are philosophers, and so what makes sense to us is philosophical argument. Philosophical reconstructions draw connections between the schemas of assessment held by other parties to a disagreement and our own, enabling us to reassess our own schema of assessment using the views of others and developing, from this confrontation of views, an understanding of the issue that is genuinely the product of political disagreement. If we do this with all of the views actually present on a given issue, we will have at least attempted to understand the views of each party on their own terms – that is by attempting to understand what make sense from within their own schema of assessment – and seen the degree to which we can make their views cogent to us, developing our own schemas of assessment through this process. Unlike the approach to political philosophy that develops a moral stance *prior to* engaging in political debate, this ordering of intellectual activity attempts to develop that moral stance *from* the political debate. It is a dialectical approach to political philosophy, in that instead of deriving a view from a single point of view in isolation, it is interested in the tension that exists between existent views in a given debate as a whole and attempts to place this tension in the foreground. Rather than arguing to our view from premises of which we are convinced, it emerges from consideration of the issue seen as a locus of equipollent disagreement.

Practicing political philosophy in this way can help us understand the contours of a particular political issue, which in turn prepares us better when we are confronted with actual situations in which the issue arises. In addition to highlighting the structural features of political phenomena, we can also highlight the moral considerations in play in the discussion, so long as we genuinely derive these considerations from the actual political disagreement itself and seek to understand them in the way described above. We can point out the connections between relevant positions one might take in the debate and the features of a schema of assessment that must be present for these to be salient to us, with the aim of understanding the disagreement in a more robust and fairer way. We can map the moral arguments that surround the issue, deriving them from the actual political discussion of particular cases, without suggesting that we should be motivated by any particular one or that we have exhausted the moral considerations in play. That last caveat is important, we must always recognise political philosophy as a best-effort endeavour that will always be outrun by the actual debate. Such a map will be an invaluable aid when we are called upon to act, for it will bring the issue and the concerns of all affected by it into sharp relief. That in turn will allow us to adopt a far more nuanced view of it than one derived from our pre-political moral convictions.

Looking at the structure of political phenomena with an eye to disagreement can also help us to note ways in which the Tendency can affect our view of that political issue. Take one of the historically central issues in political philosophy: the question of when a state can legitimately exercise power over a given population. There are two broad approaches to this question prominently featured in the literature. The Weberian approach offers a ‘sociological’ understanding of legitimacy whereby a state is legitimate when the population believes that is it legitimate. That belief, Weber argued, derives either from traditional authority, charismatic authority or legal authority, or a combination thereof (Weber, 1978, p. 215). The other alternative, which is much more popular in analytic philosophy and more closely associated with the Tendency, is to theoretically identify the conditions, both normative and practical, that states would have to achieve in order to be legitimate. Philosophers vary in their views of what conditions are decisive,<sup>137</sup> but they often derive them from their own particular ethical view. However, the problem of moral uncertainty raises serious problems for this approach. If no one particular moral theory can be shown to be correct, then no one particular moral theory can be used to isolate the normative

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<sup>137</sup> For example, Rawls’s liberal principle of legitimacy (Rawls, 2005, pp. 136-137), Raz’s service conception of authority (Raz, 1986), Wellman’s Samaritan account of political legitimacy (Wellman, 1996), Estlund’s normative consent theory of legitimacy (Estlund, 2009), Dworkin’s two-dimensional conception of legitimacy (Dworkin, 2011), and so on.

conditions for legitimacy. Recognising that, and the inevitable fact that the population of any particular territory will hold multiple non-overlapping theories of legitimacy, we are forced to note that a presumption – not reflected in the real political world – of the correctness of a singular theory of legitimacy has dominated discussions of legitimacy.<sup>138</sup> What this suggests is that there is scope for a neo-Weberian approach to the notion of legitimacy that does not seek to isolate the necessary normative conditions for legitimacy but rather discusses the concept of legitimacy as it operates in the world of equipollent disagreement. Influenced by the considerations drawn out in this thesis, it would go beyond Weber by concentrating on the fact that people disagree about what would be necessary for an authority to be legitimate. It would investigate differing attitudes that individuals hold toward that authority, ranging from obedience to acquiescence to revolutionary rejection, and how those attitudes must interact if popular opinion is to be sufficiently stable for the that authority to exercise power.<sup>139</sup> ‘Legitimacy’ would be understood as a quality attributed to putative authorities by individuals that in turn explains their obedience, rather than a quality possessed by putative authorities upon the fulfilment of certain conditions that gives force to its demands for obedience. However, further exploration would go well beyond the scope of this thesis. The general lesson to be taken from this sketch of how abandoning the Tendency would affect our understanding of legitimacy is that we view many political issues through a particular lens because we assume our own moral views to be correct, but that that does not tell the whole story. If we abandon such assumptions, we are granted a new way of viewing issues that can reveal new aspects of our political world.

Philosophical consideration of political situations can also help us realise when things that were previously thought to morally neutral are actually rather loaded. For example, Jason Stanley’s analysis of political language reveals mechanisms by which putatively neutral language can be used to normatively significant effect (Stanley, 2015) and feminist political

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<sup>138</sup> There is one notable complication to this: states each offer a theory of legitimacy, implicitly or explicitly, that tends to be dominant within their territory proportionately to the degree of power they are able to exercise. Because the state controls much of the apparatus of formulation (schools, for example) and engage in large-scale civic education schemes it is able to incubate inculcate its theory of legitimacy in its subjects, thus preserving and enhancing its influence. To the degree that a state is successful in this attempt, there is a presumption that its theory is correct. Ignoring its dominance would be folly. However, this dominance does not mean that a particular state’s theory of legitimacy is the only one available, even if the state wishes this were true and attempts to make it so. Dissenters will always exist who believe that any given state is illegitimate. Dominance also does not mean that the state is correct – which is of greater concern to political philosophers.

<sup>139</sup> An interesting and intuitive parallel to this might be the degree of authority vested in the Universal Declaration of Human Rights, despite its notable silence on the philosophical or moral basis for these rights and the widely divergent interpretations under which the people who imbue the UDHR with authority operate.

philosophy has revealed the intensely moralised character of the public/private distinction.<sup>140</sup> I am not of course claiming that either of these examples refrains from using moral premises. In Stanley, the main argument of the text – that societies with material inequalities will give rise to what he calls ‘flawed ideologies’ that are democratically dangerous (Stanley, 2015, Ch. 6 & 7) – contains numerous moral claims for which he offers no justification. And the feminist writers who put paid to the putatively neutral distinction between public and private wrote from distinctly moral positions. My claim is rather that the descriptive elements of these works and their analyses of power relations do not stand or fall with the moral arguments that underpin them. By considering the nature of politics philosophically, we can reveal hidden moral conceits in putatively neutral aspects of society. Identifying moral commitments does not require you to share or reject those commitments, and so does not fall foul of the problem of moral uncertainty. Revealing the putatively neutral as morally loaded simply opens it up as a site of contestation.

These are just some suggestions for how we might approach political philosophy if we were to eschew the Tendency. None offers moral knowledge of the form ‘P is wrong’. Rather, they represent a way to think philosophically about politics. Philosophy can supply us with tools to engage with politics – tools not intended for that purpose but which agents employ because they are useful for understanding their own political circumstances and deciding how to act. This thesis itself can be seen in this light – as an assemblage of philosophical ideas with very distinct lineages put together to help understand the political world. In using these tools, we deepen both our understanding of the political world that we, as agents, inhabit, and our understanding of our own position in it relative to others. Because we recognise that the outcome of our schemas of assessment are contingent upon who we are, we seek to be as alive as we can to the positions of others. Because we are philosophers, we seek to assemble these positions into arguments and test their strength. And because we recognise that the political world is ever-changing, this attempt must be constant – every change in the contours of a debate must cause a reassessment that alters our own schema of assessment. Thinking philosophically about politics requires a constant effort to analyse and criticise our own views as well as those of others. It is a task without intellectual terminus because the political world has no terminus. That is why I called this approach the ‘quest’ for understanding – what is important is the process, not the final end. Because politics has no terminus, we will never reach a state of complete understanding. But we must continue to seek it. It is like what film makers call a ‘MacGuffin’, something that is sought after and thus spurs on the plot, except politics, unlike a film, is constantly stuck in Act II and will

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<sup>140</sup> See (Pateman, 1989) for a useful discussion of several variations of this critique.

never reach Act III. But since we are not – under this conception of political philosophy – aiming to gain knowledge, the inability to achieve a fixed view should not worry us. Our focus should instead be on developing our understanding so that when we reach the moment of action we are as ready as we can be.

### 5.2.3 The moment of action

This moment is what ‘here’ refers to in my reading of Luther’s proclamation. I use the phrase generally for the moment at which we have a choice about how to act, where ‘act’ is construed widely. It might be voting, going to a rally or ignoring an issue. It might be the way you make money, the things you buy or the words you use to describe your world. You might fight, debate or refuse to engage. The realm of the political is wide, especially for those of us who do not feel the draw of the separation of the public and the private spheres. The way we live our lives is inherently political, since we live our lives together and our actions affect one another. The forms of thinking philosophically about politics I have described above are essentially ways of developing political judgment so that when we reach a moment in which we must act, we can do so in a way that we find satisfactory. The mention of judgment, I take it, is a shock to no-one – the action orientated conception of political philosophy I have described has deep Aristotelian roots. But whereas Aristotle’s model of good judgment was the well-brought up Athenian male, those of us living in twenty-first century Western liberal democracies typified by unconstrained pluralism have no equivalent model. Given the preceding arguments, we can see that what constitutes good political judgment will be the product of our schemas of assessment. Thus what we might aim to do is to develop political judgment as best as we can according to these. And what I have tried to do throughout this thesis is convince the reader that there is good reason to think that awareness of the contingency of our own schemas of assessment should play a major role in our thinking and cause us to be ever revising them. This is what drives us to put disagreement at the centre of our understanding of politics and implores us to take that disagreement seriously, right up to the moment in which we must act. It is a guard against what Bernard Williams calls ‘simple-mindedness’ – ‘having too few thoughts and feelings to match the world as it really is’ (Smart & Williams, 1973, p. 149). In a world typified by moral uncertainty, those who are assured of the correctness of their own position will not have developed the necessary tools to navigate the terrain in front of them.

Political philosophy is only one tool we must use in avoiding ‘simple-mindedness’. It might help us develop our understanding of the moral dimensions of political problems, but there are other relevant dimensions. Our acts must also be influenced by an awareness of the

practical issues that are features of any particular moment. We determine how to act not merely by considering what is right but also what is practical, effective, involves acceptable risk-taking and so on. Practical considerations of this kind cannot be supplied by philosophy alone but can only come from empirical study of the situation underpinned by the social sciences. It would be foolish to think that we could act effectively as human agents without attempting to understand history, economics, sociology, social psychology and so on. Disagreement here must be taken just as seriously as moral disagreement. Some might insist that the moral must always override other considerations in deliberations about action, it is not hard to see how this position lead to collective ruin, even if our own hands remain ‘clean’. Operating effectively as a political agent requires us to have a wide understanding of the historical and social context in which we find ourselves, and this will require us to employ not just philosophy but a range of other intellectual tools – taking care, of course, to be as critical in our employment of them as we are in our employment of philosophy.

One important thing to consider is that the political world is rarely the product of design. The law, for example, comes to us handed down from generation to generation and the changes we are able to make to it are always piecemeal. Our ability to effect these changes will vary significantly, depending on who we are. However, none of us is a modern day Solon, able to design the entire system and impose it upon the *πόλις*.<sup>141</sup> Instead, we start from our inheritance and make the changes that we may. Political philosophy that takes our position seriously must be aware that we are builders, not architects. Just one among many, over generations and generations, all with different ideas of what we are building and different skills in realising our ideas. And although there might be some ideas in common, there has never been a blueprint to guide us nor a master-builder powerful enough to marshal us. We all contribute in a limited way as we think we should. Political philosophy has all too often aspired to play the role of the architect – what I propose is a more modest endeavour, an attempt to build as best we can. Architects are the only individuals in their particular position; builders must recognise that they are one among many.

We must also be aware that political action is not only done in particular contexts but that it changes the political context in the process. As Raymond Geuss says, echoing a theme from Marx’s *18<sup>th</sup> Brumaire of Louis Bonaparte*,

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<sup>141</sup> *Polis*: city-state



[r]eally significant political action...is action that, for better or for worse, neither simply conforms to existing rules, nor intervenes like a *qādi*<sup>142</sup>, to find craftsmanlike solutions to specific problems, but that changes a situation in a way that cannot be seen to be a mere instantiation of a pre-existing set of rules. It creates new facts, violates, ignores, or even changes the rules. Such action may, like significant, original art, be extremely rare, but the fact that such disruptive change of the existing systems of action is always at least a *possibility* is one of the things that gives politics its special character. (Geuss, 2010, p. 41).

While Geuss is discussing the effects of political action in the context of high politics – of statesmanship, diplomacy, war and so on – a general point emerges. The political actions we take are reactions to the particular contexts in which we find ourselves. In acting, we change those contexts. That forces us to update our understanding of our context and the actions that we ought to take within it. The unavoidable fact that politics is always on the move gives us good reason to adopt a mode of political philosophising that requires constant re-evaluation of our way of viewing the world. What I am recommending, in other words, makes re-evaluation central to political philosophy. Following the contours of actual political disagreement gives us a valuable heuristic in following the contours of the political situation in which we are forced to take action.

One final caveat: in order to make my argument, I have presented a sketch of disagreement that is highly schematic, abstract and, to be honest, crude. I ought to stress again that the notion of schemas of assessments is not intended as a literal description of human psychology but rather as an illustrative tool designed to bring out the aspects of disagreement that I think we, as philosophers, should think salient. This thesis is full of idealisations that will have to be modified. Real-world disagreements will be much less ordered and logical and there will be no tidy separation between moral and other considerations. The disagreements we encounter will often be opaque and riddled with misleading argument and inchoate thought, including our own. And we must also think hard not only about the uncertainty that we experience, but also about the uncertainty that others experience, which will doubtless be understood differently. The applications of the view I have set out will require that it be significantly altered by the individual in the process of living a political life – this thesis itself merely represents a temporal crystallisation of the view as it develops. That again, is just part of exercising political judgment.

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<sup>142</sup> A type of local judge in Islamic countries who ‘used a wide variety of practical skills acquired through years of experience to confront what were often clearly unique and unrepeatable situations and change them so that they satisfied the relevant parties’. (Geuss, 2010, p. 41)

### 5.3 Plan for a Case Study: White Supremacist Hate Groups' theory of legitimacy<sup>143</sup>

To give the reader a better idea of what philosophy practiced in the way I am recommending might look like, I would like to offer a plan for a case study connected to the neo-Weberian conception of legitimacy discussed above. While I take it that actually doing the case study would shed a great deal of light on the approach to political philosophy I am recommending, it is unfortunately far beyond the scope of this thesis. I expect that it would require, minimally, a long journal article. As such, here I only offer an outline of such a case study, designed to give some insight into a methodology that looks quite unlike our at least some approaches found in our current practice of political philosophy.

I have chosen white supremacist hate groups as the subject primarily for two reasons. First, the far right has become more prominent in recent years, affecting politics across the West. Of course, white supremacists make up only a part of the far right, but their current prominence is undeniable. This brings me to my second reason. I am a Jew whose family fled Germany in 1937. White supremacist hate groups pose a literal existential risk to me. If there is any group to which I would have trouble listening empathetically, it is white supremacists, who tend to believe not only in the natural and moral inferiority of my people but also that we warrant extermination. The white supremacist case represents the group that I personally find it most difficult to engage with empathetically. Yet it follows from my arguments about the equipollence of moral disagreement that their views represent uneliminated relevant alternatives to questions about the nature of legitimate political authority, and therefore they must be engaged with.

The question I propose to look into is how the moral views of white supremacist hate groups influence their views on what is necessary for a putative political authority to legitimately demand obedience. I chose the question not only because a relatively clear answer to it that stands in an intimate and obvious relationship to your moral views is possible, but also because it is arguably one of the most abstract yet meaningful questions touched upon by political philosophy generally. Furthermore, the position one takes on this issue has

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<sup>143</sup> Although doubtless these groups would not call themselves 'white supremacist hate groups', it is nevertheless a useful short-hand for our purposes because it combines the important elements of belief in the superiority of the white race and animosity toward other groups. It is worth noting that even this title might bias our investigation; an actual investigation, in going beyond the sketch set out here, would have to consider the appropriateness of this title.

consequences for your political views at every other level of abstraction, right down to the most concrete and immediate ones.

As a preliminary hypothesis derived from what we already know about white supremacy, we can say that members of such groups believe in the superiority of the white race and therefore the only legitimate authority is white authority. Beyond this almost tautological claim, we must turn to them and listen to see exactly what it is they propose and why. In this particular case there are some practical difficulties – they are hardly likely to explain the matter to me personally so I will never be able to engage with them in the way that Frye engaged with her interlocutor. That precludes me from communicating with them face to face, and asking direct questions to establish their views on the issue under investigation. One possible way around this would be to inquire through social media while disguising my identity, but it is unclear how successful that technique might be, given widespread distrust of anonymous strangers. So we might approach the matter indirectly, looking at their literature and online discussions for evidence of their views. To do this, we might turn to the canonical texts of their political set (for example the works of Alfred Rosenberg, Asa Earl Carter, David Duke and William Pierce) to get a background picture. As discussed in Chapter Two, different schemas of assessment identify different people as experts in assessing moral matters. The canon of a particular group can give us a good first impression of who is considered expert.<sup>144</sup>

Given what I have said about the ever-changing nature of politics, the understanding we derive from this literature will have to be modified in light of the current views of white supremacist hate groups. To understand that, we could turn to websites they use for discussion and publication, like (the now-defunct) *Stormfront* or *The Daily Stormer*, as well as the literature of particular groups, such as the National Socialist Movement in the U.S.A. or National Action in the U.K. – although we should also be careful to detect any gaps between the actual views of members of these groups and the views they express in their proselytising literature. Online *fora* where they converse, such as Gab, would also be good

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<sup>144</sup> We must however remember that different schemas of assessment recommend different experts and not discount theirs in favour of our own. While it is tempting to look at the white supremacist hate groups' belief in the superiority of the white race and respond by pointing out the widespread scientific consensus that the thesis of 'racialism' — that 'we could divide human beings into a small number of groups, called "races", in such a way that the members of these groups shared certain fundamental, heritable, physical, moral, intellectual, and cultural characteristics with one another that they did not share with members of any other race' (Appiah, 1996) — is false except perhaps in the sense intended by racial population naturalists such as Robin Andreasen (Andreasen, 1998)). But that does not really help us, since this consensus is not considered authoritative by white supremacist hate groups. Often we will find that the processes of knowledge-generation endorsed by others will be radically different from our own. Understanding *how* will tell us a lot about the world in which they live, and help us to understand their moral position, which is born of that world.

sources of information. As a labour-saving device we might consider looking to secondary literature designed to present their views, such as the work of investigative journalists. But here we must be cautious – the extra level of mediation created by turning to journalists creates the possibility of misinterpretation and distortion, so we must only use works that we are confident adequately convey the views of their subjects.

Through a thorough investigation we can hope to build up an answer to two separate but interconnected questions necessary to understand white supremacist hate groups' views of legitimate authority – why they believe that whites are a superior race and what sort of qualities, in addition to whiteness, a legitimate authority would have to have. In attempting to understand their answers to these questions, we must listen empathetically, no matter how difficult this is. We ought to take them to be honest in their advocacy of their views, and keep at the forefront of our minds that these views make sense to them, which is the phenomenon we are trying to understand. This means not presuming that they are crazy or wrong, but rather listening well and with charity, even when they call you an *Untermensch*.<sup>145</sup> Above all, we must keep in mind the equipollence of moral disagreement and the fact that their grounds for believing their moral view to be correct can be as solid as our own, confirmed as they are from within their own schemas of assessment. Our natural inclination, given our moral schemas of assessment, might be to find their views abhorrent – but that reaction does not change the epistemic position in which we find ourselves. The attempt to listen empathetically will doubtless be difficult, but that difficulty is symptomatic of the challenges to our own position that such views represent. That should be welcomed by anyone who thinks of themselves as intellectually honest and open.

Alongside this process of empathetic listening we should seek to understand the background context in which these views were developed. This will include an inquiry into the members of these groups using the resources available from the most sophisticated social sciences (where sophisticated is understood relative to our schema of assessment for determining expertise in such matters, and is thereby a matter of contestation itself). This inquiry will allow us to contextualise the views of white supremacist hate groups and give us more information with which to understand the origins of and impulses behind their views. This will help us assess the degree to which we think that their professed reasons for believing something are, in fact, the actual reasons they believe them. There is often a divide between the reasons we believe something and the reasons that we think that we do – and to ignore this would be politically perilous. That does not mean that we should think people dishonest,

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<sup>145</sup> Subhuman

but rather that we should remain open to the possibility that they are mistaken about the nature of their beliefs, as indeed we are often mistaken about the reasons for which we hold our own.

With a better picture of white supremacist hate groups' theory of legitimacy in hand, we must also properly contextualise those views by holding them up against other views in the debate. For such views do not exist in isolation but rather coexist in a political space in which only one can be realised. As a result, they feed off one another, changing in complex ways in response to the other. The evolution of a view cannot be understood without understanding the views it evolved against, and in sympathy with. The rise of the Black Lives Matter (BLM) movement, for example, has changed the contours of discourse among white supremacist hate groups in recent years. This means that we ought to understand how white supremacist hate groups understand BLM and how that understanding affects their theory of legitimacy. But that is only one side of the story. If we are then to give BLM a fair hearing too, we must understand how BLM understands both itself and white supremacist hate groups. The BLM movement and its theory of legitimacy cannot be understood properly unless one understands its view that society is currently structured by white supremacy. And properly understanding that view in turn requires an understanding of how BLM interprets white supremacy. Once we have developed an understanding of all of these things, we will have a much clearer view of white supremacist hate groups, of BLM and of the inter-relations between them. We must seek to understand each particular view not in isolation but rather as a node in the political disagreement, in which all of these nodes interact with and change one another. My description of this outline as being about white supremacist hate groups is inevitably inaccurate – it is rather an outline of a case study into the political contestation between rival theories of legitimacy. White supremacist hate groups have a particular answer we should seek to understand, but our understanding should recognise their answer as situated in and affected by the debate. That means that our investigation cannot take them in isolation but must also investigate the other parties to this debate and their interrelationships, viewing all elements in a holistic, dialectical way in order to derive as complete a picture of the issue as we can, making every effort to understand on their own terms the views of each party. The process I described will have to be repeated, *mutatis mutandis*, for all the other groups in the debate. Situating these groups in the debate will also help us to understand the relations between groups that are sympathetic to one another rather than antagonistic, helping us to understand what these groups share in common and where they stand apart. White supremacist hate groups, for example, share some things in common with Islamophobic but 'non-racial' hate groups, the Alt-Right, anti-immigration groups and many other factions on the right wing of the political spectrum.

Understanding how they relate to one another on particular issues will help us to better understand those issues.

Once we better understand why it is that white supremacist hate groups hold the views they do, we must go on to reconstruct their views in an argumentative pattern designed to present them in their most forceful form and to highlight any aspects that might make sense to us. Having gathered information about these points in the previous phase of our inquiry, we can now put it together in the form of an argument. That will give us a picture of their view on the appropriate basic structure of society and the grounds that support it. Having presented their views in argumentative form with premises and conclusions, we are now more able to philosophically assess them..

However, to view such an argument in isolation, and to accept or reject it, does not adequately reflect the context from which it emerges. Rather, we must undertake the same process for every rival view present in the debate. If we take the arguments one by one, accepting or rejecting specific premises and moves, we merely assess them from our own schema of assessment and apply considerations that are directly relevant to the specific argument. But if we seek to understand each argument and its interrelationships when situated in a political disagreement, we can see the complex of concerns relevant to the debate, rather than the isolated concerns of the particular parties to it. Holding this set of arguments together in our mind, we understand the issue not only from the point of view of one particular party, overemphasising the concerns of that group, but rather attempt to see it as a site of political contestation in which different groups with radically different concerns each vies to impose its answer to the question of what constitutes legitimate political authority. This way of viewing an issue makes us more alive to the concerns of all of the groups present, for we have tried to understand their views on their own terms. It also makes us more alive to the character of the issue itself, which is complex and multifaceted due to the huge differences between the parties to the dispute. To think we could truly understand the issue from the view of only one of these positions would be reductive. And to think that this view could represent the uniquely correct way to view the issue, if the argument of the first four chapters of this thesis is correct, is to greatly overestimate our epistemic ability.

Such an investigation would result in an assessment of the current state of the normative aspects of contestation between theories of legitimacy present in our political context, understood within the framework of the neo-Weberian approach to political authority alluded to above. That will give us a much richer picture of the question of legitimate authority than previously available, since it does not afford epistemic priority to one

particular theory of legitimacy but rather recognises that our politics is replete with them and that their relations to one another, both normative and material, affect our world. Rather than taking the question of the legitimate exercise of power to be exhausted by the normative considerations implicit in a single theory of legitimacy, we will now be able to see the degree to which multiple theories interact in a practical context. This will help us understand our world and our own views on legitimacy all the better.

Nothing I have said so far creates limits on political action. The schemas of assessment held by the individual actors will rather set those boundaries. While many people might have deep commitments to toleration and pluralism, my view does not imply any such commitments. The procedure set out above is designed to provide a way of thoroughly understanding a political situation before acting, to help develop our schemas of assessment by taking in the widest range of information on the politics of the situation. But the action taken will be what makes sense to the agent. For some agents that might well involve a commitment to creating a political situation that accepts a wide range of views. For other agents, it will not. The point of this approach to political philosophy is to develop our understanding in preparation for situations in which we must act, rather than to tell us in advance what our decisions on those occasions ought to be. That decision will and must be the prerogative of the agent at the moment of action. Having attempted to understand white supremacist hate groups, I might find that if there is a replay of the Battle of Cable Street and the heirs of the Blackshirts march through Limehouse, I will need to be there with a stone in hand. Perhaps that would have been the action I would have taken had I been wholly assured of my own moral view all along. But the rock thrown from conviction is not the same as the rock thrown because *ich kann nicht anders*.<sup>146</sup>

## 5.4 Objections

Before wrapping up, I would like to briefly discuss a few objections that I have encountered in the course of developing the views expressed.

### 5.4.1 What difference does this way of practicing political philosophy actually make?

Although I have described a number of ways in which my recommendations would result in a different form of political philosophy, it is worth rehearsing once more some of the important consequences for the sake of clarity.

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<sup>146</sup> I can do no other.

- 1) **Engaging with other views:** The form of philosophy I am advocating has a better claim to engage with other views on their own terms. That said, while I have described philosophers as developing their arguments from their own moral premises in relative isolation from contestation, their way of proceeding often takes somewhat more account of opponents' views. All philosophers at some point consider the views of their peers, if only to support their own arguments. Some even do so by way of internal critique, whereby they adopt the premises of their interlocutors and argue from them to show that their opponents are wrong on their own terms, for example Jerry Cohen's argument that if Rawls were truly consistent, his difference principle would recommend a completely egalitarian distribution (Cohen, 2008). There are a few things to say in this regard. First, it is rare, if not unheard of, that the range of views a given philosopher engages represent the range of views present in actual political debate, which my view requires. Second, such a way of engaging lacks the contextual background provided by the inquiry stage of my procedure, meaning that what these philosophers engage with are arguments shorn of any understanding of the people who make them and why they are motivated to do so. Third, internal critique, as described above, is a technique used to demonstrate why a view is wrong, whereas my recommendations are designed to do the exact opposite. They are designed to develop a deep understanding of the political view in question and of those who hold it, so as to allow us to construct as strong an argument as possible in support of that view, with the aim of understanding its appeal rather than proving argumentatively that it has none. Practicing political philosophy in the way I recommend seeks to understand views 'on their own terms' so as to afford them their strongest and most appealing presentation, thus adding them to our total picture of the political issue. Internal critique seeks to understand views 'on their own terms' to show that they are internally inconsistent and thus dismiss them from the picture. It is easy to show that white supremacist hate groups have inconsistent arguments; it is much harder to extract what is appealing about them so as to better understand the role that these groups play in the political arena.
  
- 2) **The resultant action:** It might be thought that action that results from my recommendations will end up being the same action that would have been selected had the agent not engaged in the procedure recommended, merely with a dash more uncertainty thrown in. Depending on how wide the range of view considered by other philosophers is, I think that outcome highly unlikely. As a limit case, if we consider only our own moral position and work out what actions emerge from it, we are only ever likely to take those very actions. In contrast, since my view recommends considering all



positions in the political debate in their strongest form, it strikes me that the appeal of the other options will make us far more likely to select a different and possibly more effective action. If philosophers consider a wider range of options, the ability of these options to affect their views and the actions that might result from them would depend on the importance they place on modifying their views in light of disagreement. If they reject all other positions as simply wrong, they will act as they would under the limit case. If they adjust their views to take account of other positions, their actions are more likely to match those recommended by my procedure in combination with their schema of assessment. That is unsurprising, for the process they go through would have a lot in common with my recommendations.

However, even if they considered the full range of views present in the political debate, and the action they choose matches the action that would have been recommended by my procedure, the moral certainty associated with the Tendency still makes a significant difference. Acting because you are certain that it is the right thing to do is not the same as acting under uncertainty. The second is accompanied by a much higher degree of self-scrutiny and is necessarily coupled with the recognition of action as a best-efforts endeavour. The former will have a more variable degree of self-scrutiny, depending on how conscientiously agents choose to assess themselves, and will be understood as the morally correct course of action. As I have suggested, this second way of thinking is inappropriate for a world in which we have good reason to doubt the correctness of our moral views.

- 3) **Necessarily viewing political issues as an integrated whole:** Practicing political philosophy in the way I recommend requires looking at a political issue as a locus of dispute between various divergent views and affords the opportunity to see how those views interact. This gives a holistic picture of the issue itself. Refusing to take the moral foundations of any of these views to be privileged (to the degree that such a stance is cognitively possible) acts as a defence against interpreting the issue from a partisan standpoint, and minimises the possibility that your understanding of the issue is coloured by commitments that might lead to over-simplification or distortion. Indulging in the Tendency involves adopting a partisan position, which not only opens your view up to both charges, but also makes it possible to mistake some subset of relevant views for the whole, resulting in failure to understand the issue as an integrated whole. That, in turn, will mean that you are less able to navigate the contours of the practical issue, which I set out in Chapter One as a *desiderata* of political philosophy.

### 5.4.2 What entitles you to suggest that we *ought* to practise political philosophy this way?

Since I have avoided relying on moral beliefs that are subject to dispute, I can hardly offer a moral argument to suggest that my way of practicing political philosophy ought to be adopted. Rather, my suggestion is rooted in a set of epistemological concerns. It began from a discussion of our epistemological limitations and proceeded to how we are to prepare intellectually for political action *if* we take those concerns seriously. It was never intended as an attempt to persuade those who do not take such worries seriously. Rather, it was an attempt to give voice to a concern that lies deep within my own schema of assessment. Its intended target is anyone who shares this worry. The ‘ought’ implicit in this thesis, laid out in full, goes something like this: ‘if you take seriously worries about the epistemic limitations of humans, you should be worried about the security of your moral beliefs. That is, you should take the problem of moral uncertainty seriously. If you are suitably impressed by the problem of uncertainty, you should worry that proponents of the Tendency develop ethical views independently of the political sphere and then impose them as the basis for political philosophy, because they are treating the inherently uncertain and contested as certain and settled. And if you have travelled with me this far, one possible way of practicing political philosophy is to reorient it away from the quest for knowledge toward a quest for understanding in aid of action. These conditionals are intended seriously. I say ‘one possible way’ because the negative arguments presented in Chapters One to Four do not exclusively recommend the suggestions made here – they are merely that, suggestions. I say ‘reorient’ because even if my tone has occasionally bordered on polemical, I do not imagine that philosophers are all equally guilty hopeless cases. In fact, quite the opposite. The Tendency is present and prominent in political philosophy, but so too are concerns about disagreement and about our epistemic limitations. Perhaps most ubiquitous of the features of my view is the personal, if not philosophical, interest in what to do. I do not intend to vilify anyone or suggest political philosophers are charlatans. I merely wish to suggest that the political world has a constant feature – disagreement – and as long as we fail to focus on this, we will be unable to understand the world. Faulty understanding of a political situation will often result in action that we would neither have taken, nor been at all happy with, had we understood clearly.

Insofar as I have offered suggestions that are themselves normative, albeit in a way that relates to epistemology rather than morality, they are as subject to disagreement as the moral principles that I criticise. Epistemological commitments are elements of particular schemas

of assessment, and as with moral commitments we cannot invent, much less employ, a neutral arbitrating schema of assessment to identify superior schemas. However, just as there is a difference between the moral ideas that inform action being born of disagreement and moral ideas born of the Tendency, there is a difference between epistemological ideas born of disagreement and those born of a prior univocal set of epistemological commitments. What I am recommending is a view developed in response to this disagreement and its epistemic aspects, as much as its moral aspects, are subject to modification in the process of understanding disagreement. The moment of political action ultimately forces our hand, despite disagreement about the validity of any particular epistemic recommendation that may result from differences in schemas of assessment. Up until that point, a high level of self-scrutiny is warranted in light of the fact of disagreement. But the approach I recommend incorporates that. Practising political philosophy in this way implies that we must be as critical and unsure of our epistemic commitments as of our moral ones – but what I seek to suggest is that this is a more appropriate response than attempting to downplay the profundity and difficulty of a world typified by disagreement.

#### 5.4.3 Isn't this a recipe for conservative political thinking?

That, at the moment of action, we are compelled to behave in a certain way because it is the action that 'make sense' to us does not mean that we cannot use philosophy to develop what 'makes sense' to us. This is in fact the role of political philosophy when it is geared toward action, rather than toward knowledge. Political philosophy understood in this way is a form of intellectual preparation for the moment of action. It is a way of better understanding ourselves, our beliefs and our political circumstances. It is a prophylactic against acting in ways that we cannot justify to ourselves. Even if this cannot provide the sort of deep justification that acting from knowledge might, it is far better than acting from false belief in the security of our own opinions.

Nothing dictates that this preparation be conservative. Political philosophy, practised in this way, makes no assumptions about the contents of your moral schemas of assessment and therefore does not determine whether the views developed and actions that result from them are conservative – understood as endorsing traditional ways of understanding and living in the world – or whatever antonym you care to name. Whether political philosophy practiced the way I recommend produces conservative thought will depend in part on how conservative the schema of assessment used to produce it is and how that schema of assessment changes in the course of the quest for understanding described above. If anything, I am inclined to think that this way of practicing political philosophy has the

potential to be far less conservative than the approach that holds current moral beliefs to be fixed and then builds its political theorising upon them. All intellectual activities, including philosophy, are burdened with numerous forms of conservative belief and dogma and are practised by a fairly narrow and homogeneous group compared to the population at large. While philosophy is hardly bereft of disagreement, its range is narrow compared to real political disagreement, which encourages conservative thought. This should not surprise us – philosophy has a long history that is impossible to shrug off and most of us learned to philosophise in an institutional setting. Ideas that fit in well with the current state of play are more likely to get intellectual and financial endorsement. In addition, to the extent that political philosophy engages with real-world politics, it often does so in a backward-looking way, due both to the increased availability of evidence from the past compared to the present, and to the self-assurance of hindsight. Moral views derived in this way will inevitably be open to a charge of conservatism if transplanted unaltered into the context of contemporary politics. Because the approach I recommend takes the disagreement of those who hold extremely dissimilar views seriously, those who practice it should be more radically<sup>147</sup> fallibilist because they are exposed to non-traditional views and are more open to understanding those view on their own terms, rather than judging them by external standards that could not possibly reveal what is appealing about them.

#### 5.4.4 Could my view lead to greater intolerance in a liberal society as people lose confidence in the value of tolerance?

Yes, I suppose it could. It is possible that people who take my ideas seriously might recognise the problem of moral uncertainty and the impossibility of providing a firm grounding for morality and react to this in either a nihilistic or egoistic way, thinking that it simply does not matter what they do to others. They might thus lose what little commitment they have to tolerating those who think differently from themselves. While I cannot rule out this possibility, I think it somewhat unlikely to come about as a result of appreciating my view. For a start, there is an intimate connection in many people's minds between knowing that one is ignorant in some domain and tolerating alternative answers. This is shown very clearly by the argumentative connection, both historical and contemporary, between ignorance and tolerance whereby it seems wise to be tolerant of diverse opinions in situations in which we are necessarily ignorant of the correct answer (Zagorin, 2003). Many people who live in putatively tolerant societies would have developed schemas of assessment that make it unlikely that they would progress from a recognition of ignorance to

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<sup>147</sup> In its literal sense – 'to the root'.

nihilism or egoism, because they will contain among their elements a commitment to toleration. Recognising the contingency of your commitments is not the same as giving them up. For those who do not have such a commitment, understanding my view will change nothing. Regardless, a difference exists between losing confidence in the value of toleration and embracing intolerance – the second is an active position that requires support, not the default position when one comes to question the value of toleration. Support for intolerance is as undermined by my position as support for toleration. To point out that my view might cause people to lose confidence in the value of toleration is fair; to suggest that they would thereby become intolerant is not. Insofar as the demonstrated connection between ignorance and toleration detailed above is firmly lodged in people’s minds, they might even become more tolerant after realising that they were more ignorant than they had previously believed.

Regardless, even if it is the case that widespread adoption of the views espoused in this thesis could lead to a loss in confidence in the value of toleration, it is worth pointing out that that would only even count as an external criticism of my view. No part of what I have written presupposes the value of toleration, nor is it designed to defend it.

#### 5.4.5 Will I be paralysed by indecision at the moment of action?

Some might worry that the problem of moral uncertainty is too much to bear and that, without the psychological reassurance that comes with moral certainty, we will be paralysed with indecision when the moment calls us to act. Again, as with conservatism, such a result is determined more by the individual than by the approach itself. We act in the awareness of uncertainty at all times – when choosing what to eat at an unfamiliar restaurant, when voting, or when committing to an act of moral significance despite not knowing whether it is right. Few of us find ourselves paralysed by such matters. While I recognise that some might find uncertainty deeply troubling, it is not a necessary feature of the model of political agency that I have set out. For my own part, I can only say that I am, at least to some degree, convinced by the thesis I have set out over these pages and do not find myself a political Prufrock, unable to ‘force the moment to its crisis’. I take this to be at least some meagre evidence that paralysis is not a necessary consequence of my views.

#### 5.4.6 Isn’t this view of political philosophy too burdensome?

What I am recommending requires spending a great deal of time considering the views of others as well as your own, and living with the constant burden of uncertainty. That might seem onerous. However, I think that this burden is lighter than we might initially think and

that there are good reasons why we ought to shoulder it. For one, we should not forget that much action is habitual. We do not explicitly scrutinise actions each time we undertake something. Nor am I suggesting that we should. Nothing in what I have recommended prevents us from forming relatively stable patterns of action that can be applied over and over again, assuming we find ourselves in relevantly similar circumstances. However, it does require that we look out for ways in which circumstances have changed – new people entering the fray, new understandings of the consequences of particular actions, new situations arising – and adapt our thoughts and actions accordingly. It requires us to exercise judgment, above all. Part of that is judgment regarding when to engage in deep thought. That judgment is only as onerous as you choose to make it, depending how much consideration you think necessary for the matter at hand. We must also bear in mind that we have limited cognitive resources but live in an extremely complex political society that teems with questions. We do not have the time to develop complex views on them all and so must prioritise certain issues. Nothing I have said can prescribe this prioritisation, either in terms of the ordering of issues, or of how many issues to address. That judgment is up to the individual. Those who have different schemas of assessment will feel the burdens differently. I leave it to the readers' own intellectual consciences may to discern how onerous their approaches should be.

#### 5.4.7 Your theory cannot give universal/general moral prescriptions, or any kind of moral prescriptions at all

I really don't know what to say to this one. I include it because I have encountered it many times in the course of writing. It is often coupled with the claim that because my view does not prescribe a moral stance, it, somehow fails to be political philosophy. From within my view, the objection makes no sense – if the problem of uncertainty is real, such prescriptions are folly. Perhaps I have misunderstood political philosophy. My view is however an instance of thinking philosophically about politics. It gives an understanding of the nature of the political world and how we might see our place in it. That, I take it, is already worth something.

### 5.5 Conclusion

I will have failed to convince many people of any of this. That is hardly surprising, given everything I have said about schemas of assessment. But that failure merely puts my argument on an equal footing with every other contribution to philosophy. One thing I have tried to stress is how deep the disagreements that underpin our political life go, and it should

now be evident that they affect our approach to political philosophy. If my approach has only a single advantage over others, it is its awareness that we need to be constantly attentive to disagreement, rather than seeking to minimise or ignore it.

Beyond the suggestion that seeing political philosophy as an intellectual activity that prepares us for political action can help to reconcile us to uncertainty, it is also strategically advantageous. When we act politically, we seek to achieve certain goals. Treating political disagreements as a sort of intellectual exercise means that we think of ourselves and our interlocutors as people who might or might not be successful in acquiring knowledge. But to return to an idea of Bernard Williams discussed briefly in Chapter Two, thinking like this is in a sense inappropriate, for political decisions and outcomes do not signal that one side was right and the other wrong but merely that one side won (Williams, 2007, p. 13). Given that we are seeking to achieve particular aims when we act, it is important to understand the context in which we act – whom our actions affect and how, whom we can count as allies and whom as opponents etc – and steer our course accordingly. Political philosophy based on a moral view seeks to promote political solutions based on the right reasons, but politics has no such requirement. Political arrangements are not driven by a singular logic but rather by temporary stabilisations of power. These stabilisations arise not from any particular univocal argument for them but rather from coalitions of supporters drawn together for a plurality of reasons. In our political lives, ordinary people are caught between two truisms – a lack of individual power to affect large-scale changes to the political landscape and a collectively causally responsible for its topography. To effect changes in that topography, tactically and strategically effective political action rather than philosophical agreement is the prerequisite. To meet that aspiration, we must understand the nature of political disagreement.

The problems of political philosophy *just are* the problems of politics. If a problem exists in political philosophy that does not arise from a political situation, it is not a political problem so much as an intellectual one. But if philosophical questions are drawn from practice, so too must their answers feed back into that practice. An answer that recognises only one moral position is ill-suited for a world typified by any sort of moral disagreement, much the less equipollent disagreement. Although such a position might work in a morally unified community, no such society currently exists. The thought that such a polity one day might exist is frankly terrifying, at least to me. So as long as we disagree, we ought to think deeply about the importance of disagreement and allow it to permeate every aspect of our thought. This, I know, feels uncomfortable – it requires so much of us intellectually and gives so little

back in terms of security. But it is a consequence of the world in which we live, and we have no other.

Marx, following Cieszkowski, claimed that '[t]he philosophers have only interpreted the world in various ways; the point, however, is to change it' (Marx, 2000c). As has been occasionally pointed out (Wolff, 2011), this gets things the wrong way around. Action creates change, and action is unavoidable. Yet thinking deeply about how to act is unfortunately optional. We normally do not engage in interpretation at the expense of action; rather we engage in action without sufficient interpretation. If there is any 'point' to all this, it is not merely to change the world, which we do simply by living in it, but to do so *intelligently*. This somewhat more ambitious aim requires us to engage in somewhat more ambitious practices of interpretation. Such practices cannot ignore the disagreement that is the core of politics. By refusing to ignore them, by immersing ourselves in them, perhaps we can make ourselves more conscientious political agents. That, I think, would be no small achievement.

It's not finished...

It's finished.



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