

Political Theory as Moral Philosophy

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Abstract

I argue against the claim that normative political theory is ‘autonomous’ with respect to moral philosophy. I take the simple view that political theory is a form of moral philosophy, and is differentiated by pragmatic rather than theoretically significant criteria. I defend this view by criticizing arguments for the autonomy thesis. In the first three chapters I introduce and analyse the autonomy thesis and provide a framework for understanding the various claims that are made in the literature. In Chapters 4 to 8 I proceed to criticize a series of arguments for the autonomy thesis. In Chapter 4 I explain why Kant’s division of morality into ethics and right is not as useful as it may seem to those who wish to defend the autonomy thesis, and argues that Arthur Ripstein gives no reason to think that political philosophy is autonomous that can be endorsed independently of commitment to a Kantian normative theory. In Chapter 5 I examine the political liberal argument for the autonomy thesis, concluding that even if a freestanding political conception of justice can be regarded as autonomous, it does not follow that political philosophy can also. Chapters 6 to 8 tackle various political realist arguments for the autonomy thesis. In Chapter 6 I argue that political theory is not required to deal with empirical facts in any way that distinguishes it from moral philosophy, and any argument for its autonomy that is based on a prior claim about the purpose of political theorizing would be question-begging. In Chapters 7 and 8 I provide various arguments against the idea that there is a distinctively political form of normativity, and diagnose some of the mistaken assumptions about morality that I take to lie at the heart of the realist case. In Chapter 9 I conclude.

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1. Introduction: Political theory and moral philosophy

1.1 *The autonomy thesis*

My subject is the nature of political philosophy, and its relation to moral philosophy. I take the simple view that political philosophy is just a type of moral philosophy. This is a position more espoused than defended.¹ But increasingly it is rejected in favour of the view that political philosophy is somehow ‘autonomous’ with respect to moral philosophy. I call this the ‘autonomy thesis’. I will argue against this view.

Here are some statements of the kind of view I have in mind:

[P]olitical philosophy is not just applied moral philosophy, which is what in our culture it is often taken to be. Nor is it just a branch of legal philosophy, a point that will concern us later. In particular, political philosophy must use distinctively political concepts, such as power, and its normative relative, legitimation.²

[Political philosophy] must... focus on the characteristic problems of political life, which include widespread disagreement about morality, and for just that reason it demands a significant autonomy from moral philosophy.³

[T]o the extent to which politics can be theorised in a manner that is appropriately sensitive to the nature of politics, political philosophy ceases to be a branch of moral philosophy.⁴

Of course, no one line of argument or even a single claim emerges from these statements. And expanding the set of quotations would only exacerbate the difficulty in seeing the thread that unites them. Nor, in many cases, is the argument for the autonomy thesis explicitly made even by the writers who make this kind of claim. Writers often claim that political philosophy is

¹ Accounts broadly in sympathy with my position include: W Kymlicka, *Contemporary Political Philosophy* (2nd edn, Oxford University Press 2002) 5; D McDermott, ‘Analytic Political Philosophy’ in D Leopold & M Stears (eds), *Political Theory: Methods and Approaches* (Oxford University Press 2008); A Swift, ‘Political Philosophy and Politics’, in A Leftwich (ed), *What is Politics?* (Polity Press 2004); J Finnis, ‘What is the Philosophy of Law?’ (2012) 1 *Rivista di Filosofia del Diritto* 67.

² B Williams, *In The Beginning Was The Deed: Realism and Moralism in Political Argument* (Princeton University Press 2009) 77.

³ Larmore C, ‘What is Political Philosophy?’ (2013) 10 *Journal of Moral Philosophy* 276, 280.

⁴ E Rossi & M Sleat, ‘Realism in Normative Political Theory’ (2014) 9 *Philosophy Compass* 689, 690.

autonomous without explaining just what this means. But it is part of my task in the next two chapters to demonstrate how statements such as these can be understood as representing divergent expressions of a central idea, and in the five chapters after that, to reconstruct and examine the arguments for that central idea. Over the course of these chapters I will reach the conclusion that there are *no* distinctively political normative concepts, that political philosophy does *not* demand autonomy from moral philosophy, and that political philosophy *is* a branch of moral philosophy.

1.2 *The autonomy thesis and the distinction between moral and political philosophy*

A good way to understand the basic idea behind the autonomy thesis is to consider the way we normally think about the distinction between moral and political philosophy. There are many possible ways of drawing this distinction, any of which might be illuminating in the appropriate context. But no categorization is without grey area or immune to counter-example. For instance, you might think that moral philosophy has to do with how individuals should act, while political philosophy concerns the institutions we should have.⁵ But consider the question whether I have an obligation to obey the law of my country. That looks like a moral question on this criterion, but the most popular approaches to answering it focus on whether the state in question is legitimate and therefore its law authoritative and requiring of obedience. The question what makes a state legitimate is a question about what institutions we should have. Perhaps we should say then that some moral questions require answers to political questions before we can tackle them? That is one possibility. But it might be more plausible to say that some questions about how individuals should act are questions of political philosophy. Whether I have an obligation to obey the law is

⁵ D Miller, *Strangers In Our Midst: The Political Philosophy of Immigration* (Harvard University Press 2016) 17.

just one. Others include how I should exercise my right to vote, in what circumstances I may conscientiously object to military conscription, and whether I should take part in a strike.

We can also analyse further the question of what institutions we should have: how are we supposed to create or change institutions except through the actions of individuals? The institutional question, looked at in this light, just *is* a question about how individuals should act, albeit perhaps a question about how we should act *in concert*. This suggests a new way of distinguishing between moral and political philosophy. Moral philosophy, we could say, is about individual action; political philosophy is about collective action. But this criterion is obviously too broad. There are countless problems of collective action that would hardly be described as political. Consider the efforts of several people to control a hot air balloon and thus prevent the death of an infant in Ian McEwan's *Enduring Love*.⁶ Even the classic tragedy of the commons scenario, in which a shared resource is under threat from overuse, might strike us as non-political, if we assume the shared resource to be sufficiently isolated from other communities.

Aristotle might have regarded the tragedy of the commons as automatically political in a way that we do not – because we tend to think that what is political must involve the state, and in the modern era the state is understood on a much larger scale than was the ancient Greek *polis*. Compare the collective action problems surrounding the threat from anthropogenic climate change. This example seems to fall within political philosophy because we expect that at least part of the solution to such problems lies with state actors. What we collectively should do is going to be to a significant extent what our states should do on our behalf. So let's consider an agent-based distinction between moral and political philosophy. Moral philosophy, we might propose, provides an account of right action for human persons, political philosophy an account of right action for

⁶ I McEwan, *Enduring Love* (Vintage 1997). John Gardner discusses the example in his 'Reasons for Teamwork' (2002) 8 *Legal Theory* 495.

states.⁷ This division has a pleasing symmetry, but it also raises the question of what to call (and how to think of) accounts of right action for other moral agents, such as corporations. The natural tendency of this way of looking at things is towards the simple view, on which political philosophy is just one type of moral philosophy. An account of right action for individuals is just ethics, for corporations is business ethics, for states is political ethics, and so on.

If this account seems to multiply domains of ethics too profligately, we could use a related criterion, perhaps best described as role-based, to separate normative questions into two groups only, rather than into an indefinite number correlating with the number of types in our preferred ontology of agents. That is to regard moral philosophy as the study of *private* conduct, and political philosophy as the study of *public* conduct. Then we will be examining the actions of the same actors in moral and political philosophy, but in the context of the different roles they play at different times. We still need to decide what to count as private and what as public, and it is not clear that an argument will be forthcoming that will deliver on the criterion's promise of allocating each normative question conveniently to one category or the other. And there may be a worry about how to fill in the details of what it means to act privately or publicly, or qua private individual and qua public office-holder. On one plausible view, what it means to act qua public office-holder is just to act in a certain kind of situation, or where certain empirical facts obtain. As long as we fill in the empirical facts appropriately – that is, listing all the morally relevant circumstances of the action – we can say how the agent should act without needing to use the idea of a public office-holder at all. That is not to say that in most cases, the idea of being a public officer-holder won't be useful. It will – because it will allow us to bypass piecemeal consideration of all the empirical circumstances, which, as discussions of consequentialism tend to remind us, is not often a viable procedure. The point is that if the concepts of private and public roles are ultimately reducible to sets of empirical circumstances, the distinction is just another rough-and-ready one with which to

⁷ P Pettit, 'Non-consequentialism and political philosophy', in D Schmidtz (ed), *Robert Nozick* (Cambridge University Press 2010) 83.

differentiate moral from political philosophy: useful, no doubt, and for moral decision-making as well as library organization, but defeasible nonetheless.

No doubt much more could be said to defend the robustness of any of these criteria. And as long as these distinctions are considered pragmatic ways of dividing up the terrain, nothing much seems to turn on which one we prefer. Whether a question concerns public conduct or private conduct doesn't matter provided we are going about answering it in the same sort of way regardless, and using the categorization simply to decide whether to discuss it in this seminar or that. But the autonomy thesis goes further than this. The autonomy thesis claims not only that we can reliably distinguish moral from political philosophy, but that in doing so we are distinguishing between what are in some important sense different *kinds* of things. I will explore in what sense in the next two chapters, but for the time being, and to motivate the investigation, it makes most sense to think in terms of the implications for those actually doing moral and political philosophy. If the distinction between moral and political philosophy is a pragmatic one only, no one need worry much about which one she is doing. But if moral and political philosophy are disciplines of different kinds, then they may require different approaches. We may not be able to use one set of theoretical tools, or one method of argument, for them both. We may not be able to invoke the results of our inquiries in one when applying ourselves to the other. These are the sort of stumbling blocks that any philosophers working in these areas ought to be worried about.

I don't mean to suggest that the criteria rehearsed above *can't* make political philosophy a different kind of thing. Any of them, suitably refined and developed, might conceivably form the basis of an argument for the autonomy thesis. But none of them does so necessarily. The autonomy thesis is a bold and interesting step to take, and one that warrants examination independently of the interest we might take in any of these pragmatic divisions.

1.3 *The autonomy thesis and contemporary debates*

The question of the autonomy of political philosophy is closely related to several current areas of controversy in political philosophy, but it is identical with none. There is a tendency, encouraged by the lack of direct attention given to the autonomy thesis, to think that if one takes one of a number of views one gets the autonomy thesis for free. This is not the case for any of the views below, and it will help to clarify thinking in these areas if we isolate the arguments for the autonomy thesis from the other theoretical disputes with which they become entangled. All these debates will be dealt with in more detail in later chapters. For now I simply distinguish their central questions from my own question of the theoretical relationship between moral and political philosophy.

1.3.1 *Perfectionism v state neutrality*

One of the central preoccupations of twentieth century political thought was the question whether the state may legitimately make policies based on a specific conception of what kind of life is good for human beings. The neutralist says that the coercive enforcement of policies justified by a partisan conception of the good fails to respect those who reject that conception, while the perfectionist insists that the state's actions, like any other agent's, must be guided by the facts about what is truly of value, often noting in support that the pre-eminent value of autonomy will tend to militate against the kind of excessive interference in people's lives that the neutralist fears. The dialogue continues to generate new arguments,⁸ and the neutralist view is often accompanied by the thought that political philosophy is autonomous. But the autonomy thesis requires a separate argument. There is nothing in the view that the state ought to be neutral as between conceptions

⁸ Contrast J Quong, *Liberalism Without Perfection* (Oxford University Press 2010) and M Kramer, *Liberalism With Excellence* (Oxford University Press 2017).

of the good that could not be the conclusion of an argument in moral philosophy – for instance, about what it means for the state to treat its citizens with equal respect.⁹

By contrast, the autonomy thesis *is* directly implicated in the distinction between ‘comprehensive’ and ‘political’ (or ‘public reason’) liberalism.¹⁰ The political liberal believes not only that the state must restrict itself to policy justifications that are neutral as between conceptions of the good, but that a political theory must remain *epistemically* neutral on all questions on which there is reasonable disagreement in a liberal democratic society. Since the theories of moral philosophers are subject to no such stricture, the political philosopher turns out to be engaged in a very different sort of inquiry.

1.3.2 *Realism in political theory*

The political realist movement represents a recent development in the field, albeit one with a long heritage.¹¹ Although ‘realism’ in contemporary thought seems to refer more to a way of thinking about politics than to any specific philosophical claims, its proponents often invoke the notion of ‘autonomy’ in trying to explain what is distinctive about its approach to politics and political philosophy.¹² It is probably true to say that one cannot be a realist without subscribing at least to the idea that political philosophy is autonomous, even if few realists are specific about the terms in which they understand this. But two clarifications are worth noting here. First, subscribing to the autonomy thesis by no means makes one a political realist. There are many ways to argue for the autonomy thesis, and many of those who do are in fact central targets for realist criticism. Secondly, a good deal of interpretative reconstruction is often necessary before we can say

⁹ R Dworkin, *Sovereign Virtue* (Harvard University Press 2002).

¹⁰ See Chapter 5.

¹¹ One possible story traces its lineage back through Hans Morgenthau, Machiavelli, ultimately to Thucydides.

¹² See Chapter 6.

definitively that any realist line of thought commits one to the autonomy thesis, at least as that idea is made precise in the next two chapters. This observation leads directly to the third area of debate.

1.3.3 *Ideal v non-ideal theory*

Political realism is strongly associated with a shift from ‘ideal’ to ‘non-ideal’ theory, but the question of how we should model the circumstances in which political deliberation and action take place should not be identified with the question of political philosophy’s relation to moral philosophy.¹³ As we shall see in due course, many theorists have suggested that different degrees of idealization are appropriate for moral and political philosophy. But this conclusion must be argued for rather than taken as implicit in the distinction between moral and political. Without going into the substantive arguments, or even attempting to define the relevant terms, consider the range of *prima facie* possible views here. You could regard moral philosophy as ideal theory, and prior to political philosophy, which is non-ideal. You could think that ideal theory is prior to non-ideal theory, whether moral or political. You could think that neither ideal nor non-ideal theory has priority, but that political philosophy is mostly non-ideal theory. You could regard all ideal theory, whether moral or political, as pointless. There are many other possibilities. Whichever is the best view of the matter, there is no obvious reason to think that one’s view of the relationship between ideal and non-ideal theory is necessarily tied to a view of the relationship between moral and political philosophy.

1.4 *The simplicity of the simple view*

¹³ Insofar as an argument for the autonomy thesis arises from the distinction between ideal and non-ideal theory, I address this in Chapter 6 as well.

The simple view is simple because it posits only one philosophical discipline, and one category of reasons, instead of two. It is simple because it contends that there are no deep philosophical puzzles about the nature of the political. No doubt there are puzzles enough about the nature of morality to keep us going for a few more centuries, but according to the simple view the political is not a category that normative theory has to worry about as such. To be sure, moral philosophy must be sensitive to the variety and complexity of empirical circumstance, and politics no doubt constitutes a sphere of activity that discloses many difficulties for moral deliberation. But it will be a recurring theme of my argument that this obvious and important truth should not be conflated with the more radical idea that moral deliberation must be transformed by, or removed altogether from, the political domain, or that morality loses its force or relevance once politics comes on the scene. Such drastic proposals are not, I will argue, the appropriate response to the problems to which politics gives rise.

Nor, I think, are they the intuitive response. That the simple view is the intuitive view does not speak in favour of its being the right view, of course, but it is worth noting that we do not ordinarily draw a particularly sharp line between moral and political questions or, therefore, between moral and political philosophy. This concordance between the simple view and our everyday thoughts about political morality and political thinking is, I will now suggest, a significant element of its appeal, and a good reason to do the philosophical work necessary for the rejection of the autonomy thesis.

1.5 Why does this question matter?

This investigation of the theoretical relationship between moral and political philosophy is not motivated simply by a concern for purity of taxonomy in philosophy. But it seems to me that only a vulgarly utilitarian attitude towards philosophy generally would lead us to reject the taxonomic

undertaking as completely valueless. If the aim of philosophy is ‘to understand how things in the broadest possible sense of the term hang together in the broadest possible sense of the term’,¹⁴ then part of that aim is to understand how things hang together in philosophy. And if this metaphilosophical aim seems an inadequate justification, understanding the relationship between moral and political philosophy must involve understanding the relationship between the moral and the political as well. We also have not inconsiderable precedents in the history of philosophy on our side, including Aristotle’s classification of the sciences¹⁵ and Hobbes’s table of the ‘Books of Philosophy’ in his *Leviathan*.¹⁶

A second reason to ask this question is that affirmations of the autonomy thesis are increasingly common in political philosophy, and those who (for instance) deny that political philosophy is applied moral philosophy take themselves to be denying something significant. In order to understand this trend in contemporary writing, we need to look at why the advocates of the autonomy thesis think that the truth of that thesis is something worth recognizing.

But still, it might be objected, what *difference* does it make? If the worth of moral and political philosophy are to be located in their commendatory force; if embarking on any investigation in political theory will have some payoff only if it gives us some practical guidance in how we lead our lives, or how we reform our social institutions, can such metaphilosophical concerns really achieve anything? They can, provided we at least think that normative theory in general is worthwhile. Because if the autonomy theorists are right, many political philosophers working on first-order questions of normative theory are labouring under a serious misconception about the very nature of their undertaking, a misconception which – if we are to believe the more lurid claims of the political liberals, Kantians, and political realists – utterly invalidates their work. We tend to

¹⁴ W Sellars, ‘Philosophy and the Scientific Image of Man’, in his *Empiricism and the Philosophy of Mind* (Routledge & Kegan Paul 1963) 2.

¹⁵ Aristotle, *Physics* (tr CDC Reeve, Hackett 2018).

¹⁶ T Hobbes, *Leviathan* (1651; R Tuck ed, Cambridge 1996) 61.

think that philosophy makes progress, at least in the modern age of professionalization, by small increments, with individual philosophers' work contributing important insights even to those who reject its more ambitious claims. But if much work in contemporary political philosophy is subject to such a foundational error – if it fails to understand its own project from start to finish – then it is hard to see that even this kind of progress will be made. The import of my argument is that we need not worry on this score – except, at least, to the extent that political philosophy has already been held back by conceding ground to the autonomy theorists.

There is another argument for mounting a systematic defence of the simple view. That is that the autonomy thesis has a tendency to cut non-philosophers off from the content of political philosophy. In the case of political liberalism, this disconnection comes about through the repudiation of any role for the political philosopher in first-order normative questions about which there may be reasonable disagreement in a liberal democratic society. While the citizen thinks of political debate as essentially involving *moral* debate about what is the right thing to do, 'the public-reason political philosopher treats some of the most deeply held beliefs of those engaged in the relevant disagreement as if they were mere preferences'.¹⁷ She detaches herself altogether from the normative dimension of the disagreement, because her role *qua* political philosopher, on the political liberal account, does not – cannot – extend to questions of fundamental values and norms.

Political realists, meanwhile, often see their work as being crucial to reconnecting political philosophy with 'real politics'. Their sense is that political philosophy has travelled too far, not only from the harsh realities of the political world, but also from the everyday concerns of the average citizen. Joe Public, runs the suggestion, has no interest in, and – which is more important – could not, even in theory, derive any benefit from 'moralist' accounts of abstract justice or utopian reflections on the ideal state. This may or may not be true, and even if it is true, I do not

¹⁷ D Enoch, 'Against Public Reason', in D Sobel et al, *Oxford Studies in Political Philosophy, Vol 1* (Oxford University Press 2015) 136.

believe that this poses a threat to either the validity or the worth of such theories.¹⁸ But even if the realist critique successfully identifies a possible source of public frustration with political (or, frankly, any) philosophy, it does not do justice to people's attitudes towards politics. There is no doubt that many in western countries are disillusioned with mainstream politics and politicians,¹⁹ but the solution that their disillusionment suggests is that the politicians should get on board with the philosophers, not that the philosophers should climb down to meet the politicians. To be sure, the public do not criticize politicians for devoting too little attention to theory rather than practice, but they do expect that they be explicitly guided by moral ideals, and one hears political figures denounced for lack of principle much more than for insufficient pragmatism.

My own experience is that the non-philosopher's instinctive understanding of normative political philosophy is as concerned with the policy issues of everyday politics. So far, so in step with the realists (and out of step with the political liberals). But when I tell people that I am defending the view that political philosophy just is a type of moral philosophy, most of them cannot imagine anything else it *could* be. They take it for granted that questions of state policy are questions of moral philosophy. The political realists like to think that they are bringing philosophy back down to earth, but in fact they are doing the opposite. Now, anyone who takes the autonomy view of political philosophy may reasonably respond at this point that people who take the simple view for granted in this way are misguided, and I with them. The simple view, they may argue, is the naïve view, and it is important that philosophers overcome this kind of popular misunderstanding. And if their arguments are valid, then no doubt that is right. But if, as I hope to show, the autonomy thesis should be rejected, then the result should be a vindication of political philosophy as being nothing other than what people instinctively think it is.

¹⁸ D Estlund, 'What Good Is It? Unrealistic Political Theory and the Value of Intellectual Work' (2011) 2 *Analyse & Kritik* 395; A Swift, 'The Value of Philosophy in Non-Ideal Circumstances' (2008) 34 *Social Theory and Practice* 363.

¹⁹ See C Hay, *Why We Hate Politics* (Polity 2007).

Moreover, it follows from my thesis that moral philosophy – which, as I shall explain shortly, is continuous with our everyday moral thought – is more relevant to day-to-day politics than many – including political realists, political liberals, and Kantians – would have us believe. No one should be upbraided or thought naïve for introducing the most basic moral concerns into discussions of social or economic policy, and politicians should not be afraid of justifying their political positions by reference to (their judgment of) the moral reasons that apply to us all. (Indeed, in some circumstances, such justifications may be the most enlightening and accessible to a public which does not subscribe to the autonomy thesis.) They may be criticized for lacking the imagination to understand the political implications, here and now, of the moral facts as they see them, or for failing to translate those moral reasons into the most appropriate policy proposals. (Equally, such criticism may be misplaced – because, as I shall emphasize in support of my argument, such translations are rarely easy or simple.) But these failings have nothing to do with the autonomy of the political.

1.6 *Summary of the argument*

My aim in this thesis is primarily critical. I present the case for the simple view as the case against the autonomy thesis.

The first two chapters are introductory. They explore the relevant conceptual terrain and provide the theoretical groundwork for the later arguments. I introduce and analyse the *autonomy thesis*, and provide a framework for understanding the various specific claims that are made in the literature. In Chapter 2 (‘The subject of autonomy’) I consider the appropriate *subject* of the autonomy thesis. I argue that the central claim is that political philosophy (or, synonymously, political theory) is autonomous with respect to moral philosophy. Correspondingly, political theories are said to be autonomous with respect to moral theories. In Chapter 3 (‘The nature of

autonomy’) I consider what it could mean to say that these things are autonomous. I distinguish between claims about structural and methodological autonomy. The central claims here are that there is a distinctive form of political normativity (structural) and that we should recognize a certain kind of methodological constraint on the construction of political theories (methodological).

Chapters 4 to 8 are critical. They engage with and reject a variety of arguments for the autonomy thesis. In Chapter 4 (‘Kant and modern Kantians’) I look first at Kant’s separation of Ethics from Right in the *Metaphysics of Morals* and illustrate the distinction between structural and methodological autonomy in the context of that separation. I explain why Kant’s own account is not as useful as it may seem to those who wish to defend the autonomy thesis. Finally, I examine Arthur Ripstein’s argument for the autonomy thesis in *Force and Freedom*, his recent interpretation of Kant’s legal and political philosophy. I argue that Ripstein, despite his expressed intention, gives no reason to think that political philosophy is autonomous that can be endorsed independently of commitment to a controversial Kantian view about the value of external freedom.

Many political liberals follow Rawls in regarding political philosophy as autonomous. They hold that the political conception of justice required for the stability of a liberal democratic society cannot be derived from a moral theory, about which there is bound to be reasonable disagreement. In Chapter 5 (‘Theory, conception, and truth in political liberalism’) I argue that political liberals are wrong to think that their account of justice and legitimacy shows political philosophy to be autonomous in this way. I distinguish between a political theory and a political conception, and argue that even if a conception of justice can be successful in virtue of being acceptable to all reasonable people, the political liberal theory of legitimacy still stands in need of conventional philosophical justification. In short, even if a freestanding conception of justice can be regarded as autonomous, it does not follow that political philosophy can also.

Perhaps the most explicit advocates of the autonomy thesis in contemporary political theory are the political realists. They appeal to distinctive features of politics as the basis for their claims.

Prominent among these are the prevalence of disagreement and conflict, the significance of power and coercion, the impure or even corrupt motivations of political actors, and the need for authoritative decision-making. But although most realists subscribe to some version of the thesis, its precise articulation in realist writing is far from uniform, and the arguments offered for it are various. In Chapter 6 ('Realism, facts, and theory') I consider realist arguments for methodological autonomy. These claim that the distinctive attitude required towards the facts of politics makes political philosophy autonomous. I argue that none of the aspects of normative theorizing to which realists draw attention are unique to political philosophy. I then reinterpret the realist arguments as pursuing instead what I call a 'purpose critique': they claim that political philosophy has a distinctive purpose, for which distinctive methods are required. But the purposes claimed are far from uncontroversial; they must be argued for through first-order normative political theory. And to assume such purposes within *this* dispute would be to beg the question.

In Chapter 7 ('Realism, politics, and morality') I turn to realist arguments for structural autonomy. These claim that there is a distinctively political normativity that contrasts with moral normativity. But they provide few suggestions as to how political reasons might be distinguished, or the force we should regard them as having as against moral reasons. These arguments fail for a variety of reasons: the putative political reasons are straightforwardly moral reasons, or no plausible alternative is provided to governance by morality; or the conclusion is really one about the nature of morality itself, for example, that it is not overriding. I examine the possibility that politics should be regarded as a *sui generis* domain of normativity, and argue that there is nothing sufficiently distinctive about politics to justify the idea that it constitutes the only such domain, and the implications of allowing multiple such domains are implausible. I conclude by diagnosing some of the misconceptions of morality that often lie behind the realist arguments.

Bernard Williams' late work on politics informs and influences much of the writing cited in Chapter 7. In Chapter 8 ('Williams and political reasons') I examine Williams' distinction between

realism and moralism through a consideration of the idea of distinctively political reasons. I start by asking what kind of reasons political reasons must be if there is to be a philosophically interesting contrast between political realism (which recognizes such reasons) and political moralism (which sees political reasons as one type of moral reason). I then argue that Williams' account of moral and political decision-making gives us no grounds to believe in political reasons. Finally, I examine Williams' account of the basic legitimation demand. I suggest two ways of interpreting his remarks, and find that neither provides a successful argument for the existence of distinctively political reasons.

Given the almost endless reach of philosophical ingenuity, it is impossible to circumscribe the potential arguments that could be made for the autonomy thesis. I therefore cannot claim to have addressed all the arguments that might be raised in the contemporary literature. I have chosen what seem to me currently to be the most popular ways of defending the autonomy thesis. I claim that each of these fails.

Chapter 9 ('Political theory as moral philosophy') has two aims. The first is to draw together some of the strands of argument from the preceding critical chapters. I consider briefly what these have in common, especially the affinity between political liberalism and political realism that leads both to affirm the autonomy thesis. The second aim is to highlight some of the philosophical questions that would need detailed examination in any positive defence of the simple view. The introductory and critical arguments of Chapters 2 to 8 indicate, mostly implicitly but at times explicitly, the general shape that my answers to these questions would take, but let me reiterate that their aim is merely to rebut the arguments for the autonomy thesis. In the final chapter, in addition to raising these questions, I offer some further exploratory comments on one of them: the question whether political theory should be thought of as applied ethics.

2. The subject of autonomy

2.1 Introduction

A bewilderingly disparate collection of thinkers have affirmed the autonomy thesis. Bernard Williams was adamant that political philosophy was not simply applied moral philosophy, but one of the principal targets of his critique of ‘moralism’ in political theory, John Rawls, was of the same opinion.¹ Arthur Ripstein’s recent reconstruction of Kant’s legal and political philosophy opens with a denial that political philosophy is an application of moral principles, and yet Raymond Geuss sees Kantianism as paradigmatic of the kind of political theory he wishes to distance himself from in repudiating the slogan that ‘politics is applied ethics’.² The thesis is often obscurely expressed, or features simply as an incidental comment in the course of an argument. It is sometimes taken for granted, or regarded as supporting, identifiable with, or entailed by, another claim. My work will analyse the autonomy thesis as an important claim in its own right. The first task, therefore, is to work out the precise nature of the claim. This chapter and the next take up this task.

The first question that we need to get clear about at the outset of the inquiry is: what exactly is it that advocates of the autonomy thesis (whom from now on I’ll call *autonomy theorists*) think, and I don’t think, is autonomous? This is a difficult question to answer, because even when philosophers seem to think that the autonomy thesis is an important theoretical insight, they still tend to be unclear on what it is about. For instance, the heading of the relevant section in Jonathan Quong’s *Liberalism without Perfection* is ‘The autonomy of *politics*’,³ but Quong immediately goes on to discuss Raz’s thoughts on the ways in which a *political theory* can be autonomous. No doubt the two are closely linked, but it is important to be clear which is the more relevant target here. In his

¹ B Williams, *In The Beginning Was the Deed* (Princeton University Press 2005) 77; J Rawls, *Justice as Fairness: A Restatement* (E Kelly ed, Harvard University Press 2001) 14.

² R Geuss, *Philosophy and Real Politics* (Princeton University Press 2008) 1.

³ J Quong, *Liberalism without Perfection* (Oxford University Press 2010) 231 (emphasis added).

overview of political realism, William Galston refers to the ‘autonomy of politics’,⁴ and ‘a conception of politics as a sphere of activity that is distinct, autonomous, and subject to norms that cannot be derived from individual morality’.⁵ But he also talks somewhat vaguely of the ‘autonomy of the *political domain*’.⁶ Is this a physical domain? A normative one? A professional one? Charles Larmore, meanwhile, affirms the autonomy thesis with respect specifically to political philosophy:

Political philosophy cannot... consist in applied moral philosophy. It has to be a more autonomous sort of discipline, dealing with a domain shaped by the deep disagreements to which moral thinking itself so often leads.⁷

We cannot start thinking about whether these arguments are convincing until we have understood what they are arguments about. Nor can we sensibly group them together as representing an interesting category of claims unless we can explain what they have in common. If they do not appear to be talking about the same things, we need to see if we can tackle them in such a way as to reveal and clarify their commonalities. I think this can be done, and in this chapter I will explain how.

Three principal candidates for the subject of autonomy emerge from the literature. They are: (i) politics, (ii) political philosophy, and (iii) political theories. I will take the autonomy thesis to be primarily a claim about *political philosophy*, and correspondingly, at least in some cases, a claim about *political theories*. I do not think it will be helpful to think in terms of the autonomy of politics, and I will justify the decision to leave that subject aside presently. I will suggest that we should instead accommodate thoughts about the autonomy of politics by reinterpreting them as claims about the autonomy of political philosophy, supported by claims about the distinctiveness of politics.

⁴ W Galston, ‘Realism in Political Theory’ (2010) 9 *European Journal of Political Theory* 385, 390.

⁵ Galston n4, 385.

⁶ *ibid.* 391-2 (emphasis added).

⁷ C Larmore, ‘What is Political Philosophy?’ (2013) 10 *Journal of Moral Philosophy* 276, 289.

I think that seeing the autonomy thesis as a claim about the relationship between moral and political philosophy makes the task of critically examining it much more tractable than any other interpretation because we are comparing like with like. This approach should be congenial to the aims of those autonomy theorists who talk in terms of politics, since their aim is ultimately to criticize the way that some people go about doing political philosophy. If the claim were *merely* that ‘politics’, in one sense or other, was autonomous, the implications for current practices would not be clear. There might not be any. By contrast, if political philosophy is autonomous, and some philosophers are doing political philosophy by applying moral theory to the circumstances of political life, then their whole methodology is misguided and the results of their research inevitably flawed. Addressing the autonomy thesis as a claim about political philosophy is in keeping with my intention that the argument against autonomy constitute a defence of this methodology. The simple view that I defend is, after all, a view of political philosophy.

In the next section (2) I will explain what I mean by the labels ‘political philosophy’ and ‘political theory’. I will show how a failure to distinguish between the different kinds of question addressed by ‘political theory’ can give the appearance of plausibility to affirmations of the autonomy thesis. I will then (3) give an outline of what I take moral and political theories to be, that is, both types of normative theory. My account of what a normative theory is will be important, first, to settle at the outset the kind of thing whose autonomy I am considering but, secondly, as a tool to use in examining the arguments for the autonomy thesis. The idea of a normative theory will be especially significant in Chapter 5, in which I distinguish a political theory from a political conception in order to criticize the political liberal argument from disagreement. Finally (4), I defend the decision not to take politics as a subject of the autonomy thesis. In short, politics is not a proper subject because it has no suitable counterpart on the ‘moral’ side. I consider several possible interpretations of the term ‘politics’ (4.1-3), and suggest a way of dealing with autonomy claims about politics that is consistent with the most useful of these.

Why take the question of the *subject* of autonomy before the question of its *nature*? Would it not be better to work out what it is that is supposed to be being ascribed before establishing what it is being ascribed of? I don't think so. It will be difficult enough to order and interpret the various claims that are made under the autonomy banner, without having also to contend with a multiplicity of different possible subjects. It will be simpler to narrow down the meaning of 'autonomy' by first having in hand some idea of the subject of which autonomy is being predicated. We can get by for the time being with a rudimentary understanding of what autonomy is. Let us say that something is autonomous if it is subject to its own laws. I will establish in the next chapter whether we need to broaden or refine this understanding to accommodate the various types of autonomy claim that are made.

Let me now offer a preliminary sketch of how each possible subject can be understood as autonomous. This provides an outline of the case for taking political philosophy and political theories as the primary subjects of autonomy. I will argue that the best interpretation of 'politics' is as an activity. An activity can be subject to its own laws in the following sense: the norms which govern political activity are separate from those that govern activity in any other walk of life. Now if politics is autonomous in this sense, we can ascribe autonomy, or something closely related to it, to our other subjects as well. Political theories as abstract objects can be considered autonomous with respect to moral or other normative theories in the sense that they embody or are composed of those laws that govern political activity.⁸ Similarly, political philosophy could be said on this model to be autonomous because it is the construction of such theories. I do not mean to suggest that a successful argument for the autonomy of one type of subject will necessarily guarantee that another type of subject is autonomous, once we have refined exactly what being autonomous amounts to in each case. So an argument for the autonomy of politics need not imply the autonomy of political philosophy. That will depend on the details of the arguments. But there is a close

⁸ It is important to note that autonomy in this sense can be a matter of degree: does the set of political laws overlap with the set of moral or other laws? I address this point in the next chapter.

connection between claims made about the putative empirical *subject* of political theorizing (i.e. political activity), the *structure* of the norms that govern it and the theories that articulate these norms (i.e. the structure of political theories), and the *methodology* used for arriving at such theories (i.e. the methodology of political philosophy). We are interested in the claim that there is a special domain of the political insofar as it is offered in support of claims about the autonomy of political philosophy and political theories. So it makes sense to take those as the relevant subjects.

2.2 *Political theory*

My title is ‘Political Theory as Moral Philosophy’. I will also be talking about ‘political philosophy’ and ‘moral theory’, about ‘ethics’ and ‘politics’, and about ‘morality’. Since these terms and their referents often figure significantly in my arguments, I need to clarify what I mean by them. There is no universally accepted way of using these terms so I use them stipulatively. ‘Moral theory’ and ‘political theory’ I will generally use to indicate *normative* theorizing. (Below I will introduce a further usage of these terms to indicate abstract objects, namely, the theories that are produced by moral and political theorists.) Moral theory and political theory I therefore take to form *parts* of moral philosophy and political philosophy respectively. (One way of putting my thesis is that theorizing about what to do is always just theorizing about what to do – it doesn’t become a different kind of theorizing when it concerns political matters.) Since ‘moral philosophy’ and ‘political philosophy’ are themselves often used to refer specifically to normative theorizing, I will often use the ‘theory’ and ‘philosophy’ terms interchangeably. No part of my argument depends on any claims about non-normative philosophical theorizing.

In moral philosophy, terminology is inconsistent without being confused. ‘Ethical theory’ and ‘moral theory’ are used to refer to a certain philosopher’s theory,⁹ or to moral philosophy

⁹ E.g. WFR Hardie, *Aristotle’s Ethical Theory* (Oxford University Press 1968); JL Mackie, *Hume’s Moral Theory* (Routledge 1980).

generally,¹⁰ and perhaps sometimes to metaethics alone. Some people think of ethics as having to do with leading a good life, and morality, and moral philosophy, as concerned with right action. Bernard Williams made a related distinction between ‘ethics’ in a wider sense, and, disparagingly, ‘morality’ in a narrower sense, the use of which he took to import certain mistakes about the scope of moral obligation.¹¹ Neither of these distinctions has caught on to the extent that any moral philosopher could use the terms in such a specialized way without clarification. For my part, I take ‘ethics’ to be the name of a discipline, and equivalent to ‘moral philosophy’. Nothing in my arguments turns on what is the right division (if there is any) between departments of moral philosophy, and my use of these terms is unlikely to prove controversial.

The term ‘political theory’ is problematic, however, because of its professional location, straddling political science and philosophy departments. The last few decades have seen an active but largely unilluminating debate about the ‘nature of political theory’, where ‘political theory’ is opposed to, or identified with, various other disciplines.¹²

In many circumstances ‘political theory’ is treated as synonymous with ‘political philosophy’, and I believe this is the right way to go.¹³ But I suspect a lot of politics (and political science) departments are uncomfortable with the idea that part of what they’re doing is philosophy, perhaps owing to the presence of many philosophy-sceptics in their midst. What is unequivocally

¹⁰ R Brandt, *Ethical Theory* (Prentice-Hall 1959); D Copp (ed), *The Oxford Handbook of Ethical Theory* (Oxford University Press 2006); A MacIntyre, *After Virtue: A study in moral theory* (Gerald Duckworth & Co 1981).

¹¹ B Williams, *Ethics and the Limits of Philosophy* (Harvard University Press 1985). I explore some of the implications for political philosophy of taking Williams’ narrow view of morality in Chapter 7.

¹² See generally, D Miller & L Siedentop (eds), *The Nature of Political Theory* (Clarendon Press 1983); J Gunnell, *The Descent of Political Theory* (University of Chicago Press 1993); D Leopold & M Stears (eds), *Political Theory: Methods and Approaches* (Oxford University Press 2008).

¹³ Attempts to distinguish political theory from political philosophy have sometimes been based on what is now an outdated, and always was an impoverished, view of philosophy as being concerned exclusively with non-normative conceptual questions. See, e.g., D Miller & L Siedentop, ‘Introduction’ in Miller & Siedentop (eds) n12, 9-10. For an account of the adoption and rejection of this narrow conception of political philosophy see J Wolff, ‘Analytic Political Philosophy’ in M Beaney (ed), *Oxford Handbook of the History of Analytic Philosophy* (Oxford University Press 2013).

philosophy therefore gets ambiguously labelled ‘political theory’.¹⁴ Ambiguously, of course, because ‘political theory’ sometimes refers to work that is, and is intended only to be, non-normative, and often empirical. It is sometimes said that political theory is by its nature interdisciplinary.¹⁵ That is, both philosophical and empirical work contribute to its results. Some individual works even combine both approaches.¹⁶ And it is obvious that all political philosophical work must avail itself of empirical premises, even if they remain implicit. But that is not to say that the types of question addressed by political theory cannot be distinguished.

A failure to distinguish between these two types of question seems to have given rise to some misguided arguments for the autonomy thesis. Raymond Geuss, for instance, seems to succumb to this confusion. Geuss claims that the slogan ‘Politics is applied ethics’ is a popular one among political philosophers, though he doesn’t cite any philosopher who has articulated it.¹⁷ He explains:

‘Politics is applied ethics’ in the sense I find objectionable means that we *start* thinking about the human social world by trying to get what is sometimes called an “ideal theory” of ethics. This approach assumes that there is, or could be, such a thing as a separate discipline called Ethics which has its own distinctive subject-matter and forms of argument, and which prescribes how humans should act toward one another. It further assumes that one can study this subject-matter without constantly locating it within the rest of human life, and without unceasingly reflecting on the relations one’s claims have with history, sociology, ethnology, psychology, and economics.¹⁸

¹⁴ P Kelly, ‘Political Theory – The State of the Art’ (2006) 26 *Politics* 47: ‘This nervousness of purpose [amongst ‘political theorists’] is partly because many of the dominant paradigms of US political science, which have cast their long shadow over the political studies community in Britain throughout the last 60 years, have been profoundly sceptical about the role and value of political theory especially where it makes normative claims.’ The solution for the nervous, of course, is to learn to stop worrying and love moral philosophy.

¹⁵ J Dryzek, B Honig & A Phillips, ‘Introduction’, in J Dryzek et al (eds) *Oxford Handbook of Political Theory* (Oxford University Press 2008) 4.

¹⁶ That is, some writers present specific and highly relevant empirical research alongside normative premises in the course of their argument. A smaller proportion conduct such research themselves. See, for example, D Miller, *Principles of Social Justice* (Harvard University Press 1999); G Marshall, A Swift & S Roberts, *Against the Odds? Social Class and Social Justice in Industrial Societies* (Oxford University Press 1997).

¹⁷ R Geuss, *Philosophy and Real Politics* (Princeton University Press 2008) 1. In a Google search for <“politics is applied ethics”> on 08.04.18 nine of the first 10 results were in reference to Geuss. I have found no evidence of the slogan used with a positive valence by any professional philosopher.

¹⁸ Geuss n17, 6-7.

Geuss refers to ethics and politics rather than to moral and political philosophy, but it is two *disciplines* that he has in mind. On his view ‘politics’ denotes ‘both forms of political action and ways of studying forms of political action.’¹⁹ But the discipline that is included here – the study of political action – does not seem to be normative political theory, which – to judge by the few specific targets he names – is the discipline Geuss intends to criticize.

And indeed it often sounds as if Geuss’s admonitions are directed to social scientists rather than to political philosophers. For example, Geuss claims that ‘one might think that political philosophy was a systematic attempt to understand how the organised forms of acting together in a given society actually work, and to explain why certain decisions are taken, why certain projects fail and others succeed, or why social and political action exhibits the patterns it does.’²⁰ Well, you *might* think that, but probably only if you have already rejected as impossible, or incoherent, or otherwise pointless, the enterprises in which most political philosophers consider themselves to be engaged, which are, roughly, the analysis and critique of political concepts, and the construction of theories of political values and norms. All the questions Geuss cites as being candidate questions for political philosophy are non-starters because they are all empirical questions. We might need answers to them before we can hope to say anything philosophically interesting in response to a wide range of other questions, but they are not questions that philosophy itself should seek to answer. Geuss goes on: ‘However one might finally decide what the proper form (or forms) of understanding are, this general task does not seem in principle more problematic for political theory than for any of the other human sciences.’²¹ Here, then, is the point: as I understand it, normative *political theory* is not part of the human sciences. And insofar as this multiply ambiguous term ‘politics’ means some part of social science, it is obviously true, as Geuss insists, that politics is not applied ethics. This is because politics, so understood, is an empirical discipline located in

¹⁹ *ibid.* 1.

²⁰ *ibid.* 37-8.

²¹ *ibid.* 38.

the social sciences, while ethics is a normative discipline that is part of practical philosophy. Political scientists would be right to denounce as ‘speculation’²² – or, better, simply confusion – an attempted philosophical answer to an empirical question, just as political philosophers should resist Geussian attempts to replace philosophical with empirical inquiry. Attempts to make political theory an inherently ‘in between’ discipline will not work.²³ Political theory is not ‘a peculiar sub-discipline which lies between political science and philosophy’.²⁴

Even if the research done under the banner of ‘political theory’ can be more conveniently labelled either political science or political philosophy, perhaps the *content* of the normative work in ‘political theory’ is distinguishable from that of ‘political philosophy’? For example, it has been suggested that political philosophy as opposed to theory is more closely bound up with other areas of philosophy.²⁵ This may be true, but all this means – particularly if my overall thesis is true – is that those doing political theory are neglecting some areas of significance for their own work. An analogous point might justifiably be made about the relative neglect by philosophers of empirical work in political science, sociology, and social psychology. At any rate, it does seem to be the case that the kind of work done, and interests pursued, in politics and philosophy departments, tend noticeably in different directions: ‘theorists’ focus much more on concrete problems such as immigration, climate change, and income distribution, while ‘philosophers’ concentrate more on

²² Dryzek, Honig & Phillips n15, 7.

²³ It is interesting to note that other areas of normative or evaluative inquiry have recently sharpened their focus on empirical premises, but there has been no suggestion in these areas that any ‘in between’ discipline needs to be distinguished. Consider, for instance, the discussion of the implications of evolutionary theory for morality in moral philosophy: See P Kitcher, *The Ethical Project* (Harvard University Press 2011); W FitzPatrick, ‘Morality and Evolutionary Biology’ *Stanford Encyclopedia of Philosophy* (E Zalta ed, Spring 2016 Edition), <<https://plato.stanford.edu/archives/spr2016/entries/morality-biology/>>, and the rapidly expanding literature on the merits of evolutionary debunking arguments.

²⁴ As claimed by the designer of a course in ‘Methods in Political Theory’: <<http://ecpr.eu/Events/PanelDetails.aspx?PanelID=4917&EventID=107>> (accessed 16.06.16, now removed).

²⁵ E Sembou, ‘Introduction’ to E Sembou (ed) *Political Theory: The State of the Discipline* (Cambridge Scholars Publishing 2013) 3.

abstract issues such as justice and equality. But this ‘on average’ difference between professional preoccupations does not make for a useful distinction between disciplines.²⁶

So why ‘Political Theory as Moral Philosophy?’ Well, partly because ‘Political Theory as Moral Theory’ (or similarly for ‘philosophy’) sounds clumsy, and partly to force the point that the ‘inbetweeners’ in political theory need either to accept that they are really scientists, and must aspire to appropriately scientific standards of evidence, or – more relevantly for my purposes – to take moral philosophy seriously.

2.3 *Normative theories*

My second usage of ‘moral theory’ and ‘political theory’ is to refer to abstract objects. These relate to moral and political philosophy in the following straightforward way. Political philosophy is the discipline or practice of constructing political theories. It is said to be autonomous with respect to moral philosophy, which is the discipline or practice of constructing moral theories. Political theories, correspondingly, are said to be autonomous with respect to moral theories.²⁷ Before exploring what it means to say that a political theory is autonomous, I need an account of what a

²⁶ Kelly (n14) plausibly presents the distinction between political theory and political philosophy as an institutional one, although in suggesting that the only specialisms open to political theorists are thinkers or periods he appears to run together political philosophy and the history of ideas (or ‘history of political thought’), which to my mind is a genuine disciplinary distinction. It follows from what I have said so far that I reject the idea that the following are legitimately thought of as ‘approaches to political theory’ – ‘history of political thought’, ‘analytical approaches’, ‘critique’ (these feature on the University of Oxford reading list for the MPhil course in ‘Methods and Approaches in Political Theory’). They are either philosophy, or history, or sociology, or some other scientific discipline, each of which will have plenty of interesting *political* questions to investigate. It is damaging to pretend that people taking these ‘approaches’ are doing the same discipline but with different methods, and still more damaging to pretend that they are doing the same discipline with different *but equally valid* methods. Either they are attempting to answer the same questions or they are not. If they are, and they are taking significantly different approaches (e.g. empirical and philosophical investigation), then somebody is getting it wrong. If they’re not, they shouldn’t waste time considering the differences.

²⁷ More precisely: the *correct* (or best) political theory is autonomous with respect to the *correct* (or best) moral theory. It is not clear what it would mean to ascribe autonomy to a theory that is in any case a bad, or wrong, theory. The same concern does not apply to political philosophy, since the point of ascribing autonomy to the practice of constructing theories is to say that, whatever else you may be doing wrong, you’re doing political philosophy wrong if you’re not respecting its autonomy.

political theory is. In fact, since I claim that moral and political theories are exactly the same sort of thing, only concentrating on different empirical areas, what I need is an account of that sort of thing – an account, that is, of the nature of a *normative theory*.

2.3.1 *Qua philosophical*

A normative theory is a *philosophical* theory. It is a sad fact that for the most part the recent attempts in the analytic tradition to spell out the nature of philosophical methodology tend to exclude normative theorizing altogether, or to reduce it to a single paragraph or footnote.²⁸ It is neither necessary nor possible to rectify this omission within the scope of my inquiry. But I do need to set out what I see as the most salient features of philosophical theorizing. These will become particularly relevant in the context of my arguments against the disagreement-based case for the autonomy thesis in Chapter 5, in which I distinguish philosophical justification from political justification, and political theories from political *conceptions* in the distinctive Rawlsian sense.

Philosophical argument is *rigorous*. It aims to be precise and consistent in its use of terms. It aspires to logical validity rather than simply to successful persuasion. It recognizes the theoretical need to justify even the most seemingly basic premises when they are challenged, even if this obligation often cannot be discharged in practice.

Philosophical argument is *systematic*. This is a matter of degree. The important point is that for normative opinions to be *defended philosophically* is for them to be *justified* by giving *reasons*. (In this

²⁸ See e.g. S Haack, 'Preposterism and Its Consequences' (1996) 13 *Social Philosophy and Policy* 296; PMS Hacker, 'Philosophy: A Contribution, not to Human Knowledge, but to Human Understanding' (2009) 65 *Royal Institute of Philosophy Supplement* 129 (one paragraph); H Philipse, 'Can Philosophy be a Rigorous Science?' (2009) 65 *Royal Institute of Philosophy Supplement* 155 (one paragraph); D Papineau, 'The Poverty of Analysis' (2009) 83 *Proceedings of the Aristotelian Society* 1. The contemporary debate – exemplified by full-length treatments such as F Jackson, *From Metaphysics to Ethics: A Defence of Conceptual Analysis* (Oxford University Press 2000) and T Williamson, *The Philosophy of Philosophy* (Wiley-Blackwell 2007) – seems more focused on vindicating the role of philosophical thinking in epistemology and metaphysics in the face of claims made on behalf of science to have finally rendered a priori inquiry obsolete. (Indeed, David Papineau in the paper cited above makes the case for seeing philosophy as an empirical method of investigation.)

respect this criterion shades into the previous one.) As a philosopher builds a defence of her normative opinions in this way, the cumulative result will tend towards the systematic in the sense that the various justifications will cohere in some way, at least because they must be consistent, perhaps also because they will be related by some deep structure. That is not to say that theory must be systematic in the way that critics of utilitarianism such as Williams would disparage, viz. united by some overarching super-principle by reference to which every answer to a moral question is ultimately justified.²⁹ At the same time it is hard to see how any non-particularist³⁰ method of *justifying* a set of normative opinions could do its justificatory work other than by reference to some structure that sheds light on the inter-relations of those bare opinions.

Philosophical argument is continuous with our everyday reasoning, and moral philosophy is, accordingly, continuous with everyday moral thought, both in terms of logic and in terms of epistemology. As Adam Swift has emphasized, “The means [of discovering the truth] available to philosophers are also “available” to laypersons. If there is a difference, it is that philosophers have the time and interest to learn and apply them systematically.”³¹

Philosophical argument is *a priori*. This is controversial. I cannot venture much into the debate about the epistemological status of philosophical method,³² but since the case for political theory as moral philosophy assumes that neither is empirical, I address it briefly here. Philosophy does not apply the research methods of the empirical sciences. Experimental philosophers may engage

²⁹ Nor does the requirement of consistency in theory imply a requirement that a sound theory must make irresolvable moral conflicts impossible. Williams’ most explicit objection to systematicity in moral and political philosophy makes clear that its basis is in his anti-realist metaethics. In ‘Political Philosophy and the Analytical Tradition’ he accepts that ‘[i]n the case of belief-conflict and of explanatory theories’, conflict-reduction is a valid aim, but ‘the articulation of our moral sentiments does not necessarily obey these constraints’. No doubt even a good many anti-realists would disagree with Williams on this, but in any case, it is clear that his aversion to system, as expressed here, does not extend to metaethical views on which normative moral theory *is* about beliefs, and is concerned, at least in some measure, with explanation. See B Williams, *Philosophy as a Humanistic Discipline* (Princeton University Press 2006) 160-165.

³⁰ I address particularism below.

³¹ A Swift, ‘Social Justice: Why Does it Matter What the People Think?’, in D Bell & A de-Shalit (eds) *Forms of Justice* (Rowman and Littlefield 2003) 26.

³² See the references in note 28.

in empirical research regarding our conceptual or normative intuitions, but if that is all they do, their work is sociology or social psychology rather than philosophy. Only if they are interested in exploring the existing variety of intuitions about, say, moral responsibility for the sake of learning something about the nature of moral responsibility itself (which may of course include the debunking of the very idea) are they pursuing philosophical research. Philosophy must be instead at least something like a process of achieving what Rawls called ‘reflective equilibrium’, where empirical results are an important, and non-revisable, category of input.

Note that, on the basis of these considerations, the label ‘philosophical’ seems to be better applied to the argument than to the theory. A successful argument for a theory is one that justifies the claims the theory makes.

It is important to note at this point that a thesis about the autonomy of political philosophy will only be theoretically interesting as such if it leaves political philosophy looking at least somewhat like what it was thought to be. In other words, there is only a substantive disagreement between the autonomy view and the simple view if they are both recognizably views *about moral and political philosophy*. Any argument for the autonomy thesis that suggests that political philosophy as it ought to be practised is utterly unrecognizable from the discipline as I have presented it here will end up endorsing a much more radical thesis – that political philosophy should be abandoned in favour of an altogether different enterprise. For example, suppose it was argued (it may even have been argued) that, because of the very nature of the political, political philosophy could not be practised through the medium of academic journal articles and university teaching, or in fact through the direct exchange of words. The only appropriate means for disseminating and refining political ideas, on this radical view, would be through political action – through campaigning, demonstration, protest, and so on. Such an argument, even if it could be made to look plausible

on its own terms,³³ would not amount to an argument for the autonomy of political philosophy, but rather an argument for the view that political philosophy as generally understood should give way to political-action-as-philosophy.³⁴ There is probably a continuum here. The more an argument makes political philosophy look like the same thing as the simple view takes it to be, while showing it nevertheless to be autonomous, the more philosophically interesting and important the argument will be. The more the autonomy theorist's picture of political philosophy departs from the one in general use, the more the autonomy-sceptic can shrug her shoulders and say: '*That's* autonomous? Oh well, maybe, but that's not what I'm doing.' Remember what is at stake here: the autonomy theorist argues that other thinkers are going about their business in the wrong way, and that the validity of their work is undermined by their naïve or muddled way of thinking about political philosophy. If this argument is going to hit home, the advocate of the simple view must be able to recognize herself as its target.

2.3.2 *Qua normative*

What does it mean for a theory to be normative? First, it bears repeating that normative theorizing, as I understand it, is an enterprise in which conclusions are reached *a priori*, and normative truths, if they are known at all, are known *a priori*. On my view of the philosophical methodology, there is nothing peculiar about this; it is true of philosophy generally, and moral philosophy is not special in that regard.³⁵ The answers to empirical questions are often important premises in philosophical

³³ By way of comparison, consider the (much less but still somewhat radical) suggestion that film can itself be a way of doing philosophy. See S Mulhall, 'Film as Philosophy: The Very Idea' (2007) 107 *Proceedings of the Aristotelian Society* 279.

³⁴ Which, of course, is different again from the view that political philosophy is simply pointless, and those who are interested in things political should engage in political action *rather than philosophy*.

³⁵ For a defence of this view see R Shafer-Landau, 'Ethics as Philosophy' in T Horgan & M Timmons, *Metaethics after Moore* (Oxford University Press 2006).

arguments, and it is all philosophers, not just philosophers of mind or science, who ignore or dismiss empirical results at their peril.

But what is a normative theory a theory *of*? Predictably, I will not offer a resolution to the question of the nature of normativity; all we need here is a rough idea of what kind of theory we are all talking about when we distinguish normative theories from other kinds of theory in moral and political philosophy. Normative theories, then, are theories about what *ought* to be the case as opposed to what *is* the case.³⁶ On one popular pragmatic division between moral and political philosophy, they are theories about how individuals ought to treat each other and about what institutions we ought to have. Other reasonable divisions are of course possible, as described in my Introduction. In keeping with the direction of my argument, I see no theoretically significant reason to prefer one over another.

A difficulty arises in trying to characterize the normative in a way that covers both moral and political while not extending to the whole of practical rationality. On the simple view the moral and the political constitute only one domain of practical rationality, rather than two. Now, there may be some who would wish to argue for the unity of practical rationality in general, bringing the moral and political under the broader heading of the rational. But that is beyond my ambitions. The trouble is that there is no ready label for the category I am arguing for, other than simply ‘moral’. So all I can say here is that the normative theories I am talking about may be moral or political theories, but not theories of practical rationality in general. Those who sympathize with the simple view will find it natural to think of this category as moral normativity. Those who do not will have to gerrymander a category that encompasses the political as well. (In Chapter 7 I

³⁶ In characterizing normativity in terms of ‘ought’s – as is fairly standard – I acknowledge that this view is not without difficulties. See J Dancy, ‘Nonnaturalism’ in D Copp (ed), *Oxford Handbook of Ethical Theory* (Oxford University Press 2007). I don’t take this analysis of the normative to necessitate a realist metaethics, but (as I have already indicated) insofar as a view implies outright rejection of the normative as a coherent, albeit possibly reducible, category (as I take most anti-realist metaethical views not to), I take it to be a challenge to the very possibility of normative moral or political theory, rather than to any particular way of doing either, and therefore not part of my target in this thesis.

discuss political realist arguments that make political normativity a distinct category from moral normativity.)

A normative theory will include two or three types of claim. Deontic claims are straightforwardly about what ought to be done, or about our *obligations*. But I take axiological claims, that is, claims about *values*, also to be normative, and value claims will also form a significant part of any normative theory. For example, if community or equality are thought to be intrinsic goods, a claim to this effect will figure in one's moral or political theory. But some writers see this differently, and want to distinguish normative facts from *evaluative* facts.³⁷ Whether one thinks this a distinction worth making will depend on one's views about the sense in which the normative must be action-guiding, and the extent to which evaluative facts are action-guiding. I will have something to say about this when considering realist arguments for the autonomy of political philosophy, but for now I will just stipulate that axiological as well as deontic facts are included in a normative theory. Aretaic claims, about *virtue* or moral worth, are a third type. If deontic claims are about what to do, aretaic claims are about how to be, and hence also normative. In contemporary philosophy aretaic claims tend to be confined to moral, as opposed to political, theories but there is no particular reason why this must be so. Indeed, one of the best-known accounts of virtue, that of Machiavelli, is thoroughly political – and informs one of the realist arguments discussed in Chapter 7 – and Aristotle's own account of virtue is no less political than it is ethical.³⁸

2.3.3 *Qua theory*

³⁷ Laura Valentini, for example, suggests that the 'fundamental question of justice, for the utopian theorist [she has GA Cohen in mind], is... not primarily normative, but evaluative'. See L Valentini, 'Ideal vs. Non-ideal Theory: A Conceptual Map' (2012) 7 *Philosophy Compass* 654, 657.

³⁸ See S Cashdollar, 'Aristotle's Politics of Morals' (1973) 11 *Journal of the History of Philosophy* 145.

A normative theory consists of an account of the norms and values that constitute a normative domain. A moral theory, for example, is an account of moral norms and values; a complete moral theory is an account of all moral norms and values. The normative claims made by the theory can be distinguished from the philosophical arguments that justify them. These arguments will, of course, involve further claims as premises, claims that will be variously (i) normative but not moral or political (e.g. claims about rationality), (ii) a priori but not normative (e.g. claims about the nature of persons, or of action), and (iii) empirical (e.g. claims about human nature, or about technical feasibility).³⁹

2.4 *Why not politics?*

I have argued that we can usefully view both political philosophy and political theories as autonomous. But if the autonomy thesis can be sustained with respect to the practice of constructing theories, and to the theories themselves, why not about the *subject* of the theories? Should we not be thinking in terms of the autonomy of politics?

I said above that taking political philosophy and political theories as the primary subjects of autonomy claims allowed us to compare like with like. Let me illustrate this:

politics	???
political theories	moral theories
political philosophy (political theory)	moral philosophy (moral theory)

³⁹ These examples will not necessarily appear in the same categories in all arguments. For instance, Rawls's notes in *Political Liberalism* that his conception of the person is normative (J Rawls, *Political Liberalism* (Columbia University Press 1993) 18), while Parfit's theory of personal identity in *Reasons and Persons* (Oxford University Press 1984) is metaphysical.

If we take moral and political philosophy – and moral and political theories – as correlates, it is not obvious what is supposed to correspond to ‘politics’. There are several possible readings of ‘politics’. I have already said something about politics as a *discipline* in discussing political theory and political science. Insofar as ‘politics’ includes political philosophy, it is covered here by that term. Insofar as it refers to political science, it is not relevant to my argument. I now look at three more: politics as a *process*, as a *domain*, and as an *activity*. I will argue that none of them offers us a useful subject for the autonomy thesis because none has a suitable correlate on the ‘moral’ side. But a better understanding of these meanings of ‘politics’ will provide us with a further pair of correlates – political and moral *reasons for action* – to examine alongside the ones already suggested. This opposition, I will suggest, is the appropriate one to substitute in claims about politics as an autonomous ‘sphere of activity’ or an autonomous ‘domain’.

2.4.1 *Politics as a process*

Mark Philp’s view ‘accords the political process a substantial degree of autonomy and an identity and character of its own.’⁴⁰ The idea of the ‘political process’ can be understood narrowly or broadly. On the narrow understanding one might think that it consists simply of the bureaucratic process by which political parties campaign, individuals stand for office and are duly elected (or not) by the people. On this view the political process would be better labelled the ‘electoral process’. It seems reasonable in the light of this view to say that in a certain sense a dictatorship doesn’t have a political process as such. But I take it that those who argue for the autonomy of the political process have something broader in mind than this. The political process is constituted by the activities of individuals and groups within certain institutions which together direct or at least influence the administration of the state. This is politics as studied by political scientists and in

⁴⁰ M Philp, *Political Conduct* (Harvard University Press 2007) 4.

university Politics courses.⁴¹ How broadly we draw the categories of relevant institutions will dictate how broad our view is of the process. At the least it will include the legislative and executive arms of government, perhaps also the judiciary; moving further afield we might include lobby groups, think tanks, sections of the media and so on.

If politics, understood as a process – a category of empirical events in the world – is taken to be autonomous with respect to moral philosophy, then the contrast is between the wrong kinds of thing. Consider Philp’s claim that ‘the relationship between moral philosophy and politics is not deductive’.⁴² Why would anyone think that the relationship between moral *philosophy* and the political *process* was deductive? What would it even mean to ‘deduce’ the political process from moral philosophy? To make sense of this claim, and the strand of realist thought that it represents, we will need a different understanding of ‘politics’.

2.4.2 *Politics as a domain*

One possibility is to think of politics as being a distinctive *domain*.⁴³ At the beginning of the chapter I noted William Galston’s reference to the ‘autonomy of the political domain’⁴⁴ and asked what kind of ‘domain’ this was supposed to be. I think there are, broadly speaking, two options: it could be an *empirical* or a *normative* domain. The idea of an empirical domain of politics is closely allied to the idea of the political process, only it focuses less on the events themselves than on the background against which those events take place. Only a very crude account would put this in purely physical terms – perhaps only the *agora* of Athens or other similar public spaces of the

⁴¹ See A Leftwich (ed), *What is Politics? The Activity and its Study* (Polity Press 2004), which takes for granted this categorization and seeks to make it more specific.

⁴² Philp n40, 4. I consider this argument again in Chapter 7.

⁴³ Hans Morgenthau popularized the idea of the autonomy of the political sphere in his political realist account of international relations. See his *Politics among Nations: The Struggle for Power and Peace* (2nd edn Alfred A Knopf 1954).

⁴⁴ Galston n4, 391-2.

ancient world offer remotely plausible examples. A better account might say something about the institutions in which politics is carried out, so that politics is roughly what goes on in parliaments, political parties, local councils, and so on. But this tends to shade into the account of politics as a process.

In any case, while views on what constitutes the political as an empirical domain are might be useful as the basis of a delineation of a subject matter for political science, they are otherwise likely to be theoretically uninteresting. Nothing much seems to turn on where politics ends and something else – civil society? business? – begins, unless some special *normative* significance can be given to the category of the political. What we need to make the ‘domain’ view relevant to our concerns is an account that will make politics special in a way that makes a difference to what ought to be done. By this I do not mean simply that the ‘political’ facts make a difference. Of course how things stand politically will often make a difference to what should be done – political facts make a difference in just the same way that environmental facts, or facts about Smith’s trustworthiness, or facts about how much money I have in my account, make a difference. They mean that I should do some carbon-offsetting when I take a journey by air, or that Jones should not lend Smith her laptop if she wants to see it again, or that I should buy a second-hand copy of that book rather than a new one. But in these cases, the difference is not made by those facts’ being facts *of a certain kind*. We don’t need to categorize them to understand what difference they make. But some autonomy theorists hold that we need to do precisely that. That these facts are political, they claim, means that they have a different normative significance from other facts. An argument for the autonomy thesis grounded in the normative distinctiveness of politics would show us that the division between moral and political philosophy should be made not on the basis of our rough-and-ready, defeasible empirical judgments about what counts as political, but on the basis of a fundamental divide between two *normative* domains.

Normative domains are domains of *reasons*.⁴⁵ The moral domain consists of moral reasons; the political domain of political reasons. If politics is a distinctive empirical domain, that is significant for our purposes insofar as it follows from it that there are distinctively political reasons in addition to moral reasons. That is why in Chapter 8 I examine Bernard Williams' argument from the distinctiveness of politics in terms of moral and political reasons for action. This choice can be further defended by considering how we are led to it by a third interpretation of 'politics'.

2.4.3 *Politics as an activity*

On this interpretation 'politics' is understood as denoting a *sphere of activity*. It is political *conduct* in particular that 'needs to be understood largely, although not entirely, on its own terms'.⁴⁶ This is the sense in which many self-styled realists understand politics as autonomous. To take Philp as the example again, 'politics is a distinct sphere and type of activity that is not reducible to morality'.⁴⁷ It is not yet clear what a *reduction* of politics to morality would look like, but I think understanding 'politics' as a sphere of activity is the most promising route to a plausible interpretation of this kind of claim.

Political conduct is what constitutes the professional activity of politics. If we think of it in this way there is a natural parallel to draw with other professions such as law, medicine, or business. The claim that politics is autonomous can then be understood as the claim that politics as a professional activity should not be considered to have the same relationship to morality as other such activities. This seems like a promising way to go, since business, medicine, and law all have

⁴⁵ I also talk about moral norms and moral principles. Principles I take to be general norms, and I use the term in the way that moral and political philosophers do generally. Norms are 'ought' statements, and the *fact* that a norm (or principle) is valid is a reason for action.

⁴⁶ Philp n40, 4.

⁴⁷ Compare Matt Sleat: 'politics is a distinct and autonomous human activity that, as such, requires a mode of thinking that cannot be merely derivative of some other sphere but must itself reflect the particularity of the political' (*Liberal Realism* (Manchester University Press 2013) 63).

their own 'ethics' departments – there are countless textbooks on medical ethics; both medical and legal training involve instruction in the ethics of the professions; and the last half-century has seen the rapid growth of a new academic field of business ethics. Even better for the autonomy view, these fields *are* widely regarded as applying general moral principles to distinctive professional environments. Business ethics is, according to Alexei Marcoux, 'the applied ethics discipline that addresses the moral features of commercial activity.'⁴⁸ As a 'branch of applied ethics,' agrees Robert Audi, business ethics is 'parallel to legal and medical ethics.'⁴⁹

It might be objected that it is not clear exactly which activities fit into the category of 'professional' politics. Are Members of Parliament the UK's only professional politicians? Or do we include local councillors too? What about parish councillors? These are differences of scale. We could ask about differences of type as well. Are Justices of the Supreme Court politicians?⁵⁰ I do not think this matters. A similar objection could be run about business. The CEO of a FTSE 100 company is surely a businessperson, but what a Sunday market trader? Or an occasional eBay seller? We may be unlikely to advertise courses in business ethics to someone selling her wardrobe on Gumtree, but the question to whose activities business ethics is relevant need not have a definitive answer. A similar response could be made for politics: in order to say something interesting about the distinctiveness of politics as an activity, we do not necessarily have to decide precisely where the boundaries of the activity lie. More importantly, though, the autonomy theorist in any case wants to claim that the norms that govern political activity are distinct from moral norms, precisely in virtue of the distinctiveness of political activity. So presumably her argument will bring with it an account of what distinguishes politics as an activity, and therefore an account

⁴⁸ A Marcoux, 'Business Ethics', *Stanford Encyclopedia of Philosophy* (E Zalta ed, Fall 2008 Edition), <<http://plato.stanford.edu/archives/fall2008/entries/ethics-business/>>.

⁴⁹ R Audi, 'The Place of Ethical Theory in Business Ethics', in G Brenkert & T Beauchamp (eds) *Oxford Handbook of Business Ethics* (Oxford University Press 2010) 47. Some practitioners in the field disagree: see section 7.3.

⁵⁰ Such an argument could be run either as a debunking argument ('Judicial decision making is all just politics really') or as part of the straightforward observation that the judiciary is reasonably seen as one of the arms of government, and all government is politics.

of when political instead of, or as well as, moral norms apply. We do not need to settle the answer to this question in advance of examining any specific argument along these lines.

The thought I am pursuing here is that we can define a field of ‘political ethics’ that looks similar to business ethics or medical ethics. It might plausibly be claimed about such a field that its aims, structure and methods must be precisely analogous to these ‘neighbouring’ fields, since they are all accounts of ethical behaviour within a certain sphere of activity. The autonomy claim must be that this approach is mistaken. ‘Political ethics’ is a misnomer; there is no discipline in respect of the activity of politics that is analogous to medical or business ethics because politics is *subject to its own laws*, laws that are quite separate from those that govern activity in medicine, business, or any other walk of life. (I have assumed in my discussion of those fields that the laws that govern them are *moral laws*.)⁵¹ Politics, in other words, is autonomous.

But remember our need to compare like with like. What we want is a plausible claim not just about politics, but about the relationship between politics and moral philosophy, or moral theory, or morality. Even if it makes sense to see politics as autonomous in the sense just outlined, we are still missing an appropriate term on the other side. If politics is an activity that is subject to its own laws, it may be autonomous from the rest of life, but this is not going to help. The claim that politics is autonomous from the rest of life is going to be at best a basis from which to argue for the autonomy thesis; it is not a version of the thesis itself.

Let me consider two further ways filling in the ‘moral’ side of the table. The first posits a ‘moral’ sphere of activity alongside the political, and identifies the moral with something like ‘everyday life’. I argue in Chapter 7 that this is a mistake.⁵² Human activity can be categorized into any number of domains, and morality applies to all of them. It is not simply the norms of private or

⁵¹ I use the term ‘laws’ here in deference to the etymology and historic usage of the word ‘autonomous’, but thinking in terms of norms or reasons seems to me more helpful, since reasons are both more general (I can believe there are moral norms or moral reasons even if I don’t believe there are any moral laws) and more in keeping with contemporary debates.

⁵² See section 7.3.1.

everyday life. The second way of filling in the table interprets ‘politics’ as a set of social practices for governing the public domain, and ‘morality’ analogously as itself a kind of social practice, perhaps characterized by the use of certain reactive attitudes, for governing personal interaction. In Chapter 7 I reject this picture as well.⁵³ The morality that I have in mind consists in the norms and values that justify (if anything does) our attempts to regulate any area of life. (I use ‘morality’ with that meaning unless otherwise specified.)

We can line up the subjects against each other in the following way:

Politics (qua activity)	The rest of life
<i>is governed by</i>	
political reasons	moral reasons (=morality) ⁵⁴
<i>which are systematized in</i>	
political theories	moral theories
<i>the construction of which is</i>	
political philosophy (=political theory)	moral philosophy

Autonomy claims could be made in respect of all the terms on the left-hand side of these oppositions. But in general, claims about terms further up the table will be invoked in support of claims further down. (That is not to say that they *must* be invoked. The argument for an autonomy claim does not have to include a further autonomy claim.) And the foregoing discussion can guide our treatment of claims about the autonomy of politics. Where politics is said to be autonomous with respect to *morality*, the claim should be taken to refer to political reasons. Where it is said to

⁵³ See section 7.3.4.

⁵⁴ Seeing the contrast as one between the political and moral reasons prejudices the issue somewhat. It would be more neutral to contrast them with whatever reasons all other activity is subject to. These might be unified or various, depending on whether you think that there are other areas of activity that are also autonomous. (The difficulty arises when you have enough autonomous areas of activity to lead you to wonder whether what you should be looking for is not an account that hives off each area from morality, but rather an account of the complexity of morality that is adequate to explain the temptation to think so many areas should be considered on their own terms. I discuss the way that positing a normative domain of the political raises this difficulty in Chapter 7.)

be autonomous with respect to *moral philosophy* (or ethics), the claim should be understood as one about political philosophy.

For each of the three lower rows, my own thesis can be seen as the contention that the referent of the term in the left-hand column is a mere subset of the referent of the term in the right-hand column. Political reasons are just a type of moral reason; political theories are just moral theories with a certain subject matter; and political philosophy is just moral philosophy.

2.5 *Conclusion*

I have argued that we should regard normative political philosophy (or, equivalently, political theory) as the primary subject of the autonomy thesis. Normative political philosophy consists in the construction of normative political theories, and these theories are, correspondingly, subjects of autonomy claims as well. Sometimes claims about these subjects become entangled with claims about the autonomy of politics itself. I have suggested that we understand the latter category as claims about political philosophy or political theories, supported by claims about the distinctiveness of politics. This move allows us to keep in sight the interesting contrast that is at work here, between the moral and the political. In the next chapter I consider what it means to say that political philosophy or political theories are autonomous by examining some of the claims that I take to be instances of the autonomy thesis.

3. The nature of autonomy

3.1 Introduction

In the last chapter I worked with a provisional understanding of ‘autonomy’ in order to determine what should be regarded as the relevant subjects of the autonomy thesis for the purpose of this investigation. I argued that the autonomy thesis was, in the first instance, a claim about political philosophy and, in at least some cases, also a claim about political theories. In this chapter I will clarify further the nature of the autonomy claims made about these two subjects.

I will suggest that the autonomy thesis is best seen as covering two types of claim: these are *structural* claims and *methodological* claims. Structural claims relate to the structure of moral and political norms – and hence to the structure of the theories that attempt to articulate those norms. The central claim here concerns what I will call the *autonomy of political normativity*. This is, roughly, the idea that there are basic norms that are distinctively political. Methodological claims relate to the construction of normative theories. The central claim here is what I call the *non-derivation constraint*. This is, again roughly, the idea that derivation from a moral theory is not a proper method for constructing a political theory. These ideas will guide my analysis of the arguments for the autonomy thesis in Chapters 4 to 8.

First, I explain what I mean by the structural relationship between moral and political theories and the methodological relationship between moral and political philosophy, and show how claims about the relationship between moral and political may be ambiguous as between these (3.2.1). I then illustrate the distinction with reference to some classics of political philosophy (3.2.2). With this theoretical groundwork in place, I go on to formulate some versions of the autonomy thesis (3.3). I distinguish between (3.3.1) an uncontentious claim about the distinctive subject matter of political philosophy, (3.3.2) structural claims and methodological claims. I show how the

formulations given can help us to resolve the ambiguities that are so common in discussions of this topic. As I come to address the arguments for the autonomy thesis, these formulations will also help to illuminate the concerns that motivate those arguments. Having addressed in the previous chapter the subject of the autonomy thesis, I say a few words about the other side of the equation: the nature of moral philosophy (3.3.3). In the last section (3.4) I offer some final clarifications of the autonomy thesis as I propose to tackle it.

3.2 *Structural and methodological relationships between moral and political*

3.2.1 *Introducing the structural / methodological distinction*

I don't intend to define what is meant by the autonomy of political philosophy. One of the greatest difficulties in dealing with the literature that affirms, mentions or otherwise invokes the autonomy of political philosophy is that definitions or even explicit explanations of the meaning of 'autonomy' are generally absent. What I intend to do instead is to set out some of the possible positions that can be – and in some cases are – taken, and to draw some distinctions that will help us both to understand the relationships between the various types of claim, and to assess their merits. The first step in this explanation is to draw a distinction between two different but related 'moral-political' *relationships* about which autonomy claims can be made.

Consider first two rather loosely expressed claims:

- (1) Political theory cannot be done independently of moral theory.
- (2) Political theory is applied moral theory

Obviously these are not claims that are likely to be made by autonomy theorists; they are more in the region where my own sympathies lie. But what is important to notice is that they are different types of claim. (1) is a claim about the methodological relationship between moral and political theory. I will call such claims *methodological claims* (*M-claims*), or claims about *methodological autonomy*.

Since they are also claims about the right way to go about constructing normative theories, I will sometimes call them claims about *theory construction*. (2) is a claim about the structural relationship between moral and political theory. It is, to talk in metaethically realist idiom, a claim about the structure of normative reality. It is a claim about normative principles. I will call such claims *structural claims* (*S-claims*), or claims about *structural autonomy*. Claims about methodological autonomy may be but need not be based on claims about structural autonomy.

Now immediately I must clarify an equivocation. Despite appearances, ‘moral theory’ and ‘political theory’ are not used in the same sense in (2) as they are in (1). Methodological relationships hold between disciplines.¹ So in (1) ‘political theory’ is understood as the enterprise of constructing a normative theory for whatever domain you think is appropriately referred to as ‘political’. Structural relationships hold between systems of norms. So in (2) a ‘moral theory’ and a ‘political theory’ refer to proposed systems of norms. Such systems could be constructed, found, invented or whatever, depending on your preferred metaethical view. We can clarify the distinction between methodological and structural relationships further by pointing out that (2) *could* instead be taken as a claim about theory construction, viz. the claim that what it is to do political theory (what the discipline of political theory consists in) is to apply a moral theory (i.e. a system of norms) to certain circumstances. (In general I will use the term ‘political theory’ to indicate the discipline, and ‘*a* political theory’, with an article or indexical qualifier (e.g. ‘one’s political theory’) to refer to a body of (political) norms constructed by a political theorist. In the first usage, as I have said, I take ‘political theory’ to be synonymous with ‘political philosophy’.)

The structural/methodological distinction is closely related to a metaphysical/epistemological distinction. This is because the ‘structure’ referred to is easily interpreted as being the structure of

¹ Or, if you balk (as I do) at the idea that different departments of philosophy should be labelled as different disciplines, between *tasks*. I use ‘discipline’ because it indicates the thinking (and often the terminology) of the autonomy theorist.

moral (and political)² reality. So if you are a moral realist, or an expressivist confident in your entitlement to adopt all the helpful verbal and technical apparatus of moral realism, you should feel free to think of structural claims as being claims about the metaphysics of morality. As for ‘methodological’ and ‘epistemological’, the point here concerns how we go about producing moral and political theories. It might be suggested that the process of producing such theories just is a process of coming to learn what the moral facts are, so that methodological progress would represent epistemological progress. But it is also possible to think of the two as not so closely aligned – for example, if you think of the process of theory construction as one of *articulation* but not of knowledge-acquisition. The articulation of a theory is the process of expressing and justifying our moral beliefs in words, and of organizing them into some sort of structure. Perhaps on the most plausible view this is identical with the process of acquiring those moral beliefs, but that needn’t necessarily be so. (For instance, theory construction could to some extent to be a systematizing process that contributes to our understanding of morality without contributing to our knowledge of it.)

Ultimately I will be defending a position on both the methodological relationship (MR) between the disciplines of moral and political theory, and on the structural relationship (SR) between moral and political theories. But at this stage it might help to make the important distinction between structural and methodological relationships clearer by considering how they relate to each other. Greater clarity about MRs and SRs will help us in understanding often obscurely expressed autonomy claims, in particular in distinguishing between structural and methodological interpretations.

One place to start is to ask whether MRs follow necessarily from SRs; that is, if the structural relationship between moral and political norms³ is a certain way, will it follow that the

² I include ‘(and political)’ so as not to beg the question against the autonomy thesis. But sometimes, where context allows, I will omit this clumsy addition.

³ Assuming, of course, that this is at least a pragmatically justified distinction.

methodological relationship between their respective disciplines must also be a certain way? To put things differently: is the right way to go about constructing a moral and/or political theory dictated by the relationship between moral and political norms themselves? For example, if political norms are completely autonomous (still using this term in a loose, intuitive sense at this stage), might it not follow that the philosopher who went about trying to construct a political theory by seeing where she was led by the conclusions of her moral theory be off on a wild goose chase? This, it seems to me, is the gist of the suggestion made by some autonomy theorists. An error of this type is sometimes criticized as follows. I come up with a theory about what justice consists in – say, equality of access to advantage⁴ – and then consider under what circumstances it might be legitimate to coerce people into behaving in such a way as to bring about a society that is just according to this conception. The first stage is the formulation of a moral principle. The second stage is the application of the moral principle to political circumstances. But suppose there are distinctively political principles as well as moral ones, and these political principles make the permissibility of coercion itself a basic normative question. In that case, my approach to the question of justice is faulty – I have factored in the dimension of coercion too late. My methodology for political theory is vitiated by my failure to appreciate the structural role of coercion.⁵

The prospect that structural relationship dictates methodological relationship is quite a daunting one. It might seem to be tantamount to saying that theory construction is impossible, because we would need to know the structural relationship between moral and political theory before we could know whether we were even approaching our questions in the right way. But that is not quite right. Remember that understanding the MR between moral and political theory tells us the methodology

⁴ See GA Cohen, 'On the Currency of Egalitarian Justice' (1989) 99 *Ethics* 906.

⁵ Something like this reasoning appears in A Ripstein, *Force and Freedom: Kant's Legal and Political Philosophy* (Harvard University Press 2009); C Larmore, 'What is Political Philosophy?' (2013) 10 *Journal of Moral Philosophy* 276. I explain in the next chapter why I don't think Ripstein succeeds in showing political philosophy to be autonomous.

we need to construct a normative political theory.⁶ It could be that we could work out the SR first, infer what we can about MR, and then go on to construct the right normative theory. But we cannot be too optimistic: it is hard to know what it would look like to have an account of the structural relationship between the moral and the political, without having already produced some account of what our moral and political obligations are. For instance, how could we work out whether coercion was normatively basic without having some account of what was wrong with coercion? So it might emerge that we can't work out the right SR without working out what the correct normative moral and political theories are. I will argue in the next chapter that this is precisely what we find with Arthur Ripstein's argument for the autonomy thesis.

What about the other way around? Might a certain SR not follow from assuming a certain MR? In other words, might we not narrow the possibilities for (or even determine the outcome of) our investigation into the correct structural relationship between moral and political theories by taking for granted a certain methodological relationship between their disciplines? Something like this has arguably already happened in the construction of theories of domestic and global justice. The structural relationship between domestic and global justice is the relationship between principles of domestic justice and principles of global justice. The methodological relationship is the relationship between the construction of theories of domestic justice and the construction of theories of global justice. The current debate about the nature of global justice seems, following Rawls, to take for granted a certain methodological relationship. Rawls took domestic justice to be the basic case, and asked himself how his model for domestic justice could be extended to the 'law of peoples'.⁷ Contemporary Rawlsian theorists wonder whether there is a global 'basic structure' sufficient to yield global duties of redistributive justice which, in their view, are grounded in

⁶ And, of course, possibly also to construct a normative moral theory. But since many writers think that philosophers go wrong in political theory owing to mistakes about MR, and no one as far as I know has suggested that failures in moral theory can be traced to the same error, I omit this detail from now on.

⁷ J Rawls, *The Law of Peoples* (Harvard University Press 1993).

coercion and social cooperation.⁸ Why even ask such a question? One explanation is that there is a methodological assumption at work here, viz. that the proper (or at least, one proper) approach to global justice is to arrive at an account of domestic justice first, and move on from there. But such an approach seems to lead us to prefer an account of global justice that makes its grounds rather similar to those of domestic justice.⁹

Affirmations of the autonomy thesis, as I have already said, are often ambiguous as between the *disciplines* of moral and political theory, and the *systems of norms* embodied in moral and political theories. Most writers mean that political theory is an autonomous discipline, but some of them argue for a thesis about the methodological relationship between disciplines by arguing for a separate thesis about the structural relationship between norm-systems. So they clearly think that an MR between disciplines *does* follow from an SR between norm-systems. (In the most basic terms, they may think that, since the structure of moral and political norms discloses a significant autonomy for political norms, it cannot be the case that we can produce a successful theory of political norms merely by building up from moral norms.) Do these writers make an unwarranted assumption about the dialectical position? Or is there a good reason to think that structural relationship should come first? Perhaps there is. Because until we have *some* idea of the SR – that is, until we have made *some* preliminary points about the nature of the moral and/or the political, there is nothing to motivate any separation of the two disciplines between which a methodological relationship holds. The strategy of those autonomy theorists who point to SR in support of their position on MR makes good dialectical sense. They are saying: ‘You’ve made a mistake about the moral, or the political, or both, which goes to the structural relationship between them. This then

⁸ T Nagel, ‘The Problem of Global Justice’ (2005) 33 *Philosophy and Public Affairs* 113; A Abizadeh, ‘Cooperation, Pervasive Impact, and Coercion: On the Scope (not Site) of Distributive Justice’ (2007) 35 *Philosophy and Public Affairs* 318. Abizadeh’s article includes a very helpful footnote on the question whether Rawls’s ‘anticosmopolitanism’ should be regarded as ‘a provisional but methodologically useful assumption’ or a more thoroughgoing theoretical commitment (319n3).

⁹ For a similar line of argument see S Nili, ‘Between Domestic and Global Justice’ (2014) 11 *Journal of Moral Philosophy* 55.

has knock-on deleterious effects on your methodology for constructing political theory, because you misunderstand the methodological relationship between it and moral theory.’ Those who defend the simple view have two options: they can either deny that the (valid) point made about the SR between moral and political theory has the implications for methodology that the autonomy theorist says it does, or they can argue that the autonomy theorist is mistaken in her point about the SR. (Obviously, where the autonomy theorist’s argument goes straight to MR, the only available response is to argue directly against the methodological point.)

Consider again proposition (2), that political theory is applied moral theory. What does this proposition say about systems of norms? At a first approximation, it says that there is a system of norms reasonably labelled ‘morality’, and that any normative principle of political theory is the result of applying one or more of these norms to certain (presumably ‘political’) circumstances. Now we do not want the explanation of proposition (2) in terms of norm-systems to become complicated by questions about what is or is not correctly labelled a ‘moral’ or a ‘political’ principle. (It might be thought, for instance, that egalitarian principles of justice are by nature political principles, simply because they have to do with individuals’ positions relative to each other, rather than being statable with respect to each individual separately.) So proposition (2) can be put more illuminatingly by saying that there is only one set of basic norms (for the sake of simplicity, ‘morality’), and whatever one does with these norms to solve dilemmas, justify positions, etc. that are agreed on all sides to be ‘moral’, one does just the same thing to solve dilemmas, justify positions, etc. that are agreed – at least on pragmatic grounds – to be political. So in rejecting the autonomy thesis, the advocate of (2) makes one claim about the structural relationship between moral and political norms – viz., that there are no interestingly ‘political’ norms over and above moral ones – and one about the methodological relationship between the disciplines of moral and political theory – viz., that doing political theory is just the same task as doing moral theory.

What are we to understand by ‘basic norms’ in this explanation? They are simply norms that are not responsive to, or derived from, any further norms. Where the view being defended is that political theory is applied moral theory, they can be understood as *non-applied* norms. If all political theory involves the application of moral norms, then all the normative work, so to speak, is being done by moral norms. They are basic in the sense that we cannot adduce any sound normative statements without somehow invoking a moral norm. That is not to say, of course, that all moral norms are basic: application of basic norms may yield further moral norms as well as political. And indeed, some of these further moral norms may be applied to yield political norms; the point is that the normative work is ultimately done by the basic moral norms. Note further that there could be as many basic moral norms as you like. Utilitarianism will have one: the maximization of (total, average, etc.) happiness. A pluralist intuitionism such as WD Ross’s will have many.¹⁰ I will return to the idea of basic norms in formulating specific claims about structural autonomy.

3.2.2 *Illustrating the structural / methodological distinction*

So far this has all been very abstract. So consider the two most iconic works of political philosophy of the last century. Robert Nozick’s strategy right from the beginning of *Anarchy, State, and Utopia* is to start with fundamental moral principles, and ask what the implications of these are for the state. ‘Individuals have rights,’ he says, ‘and there are things no person or group may do to them (without violating their rights)’.¹¹ On his approach, *moral* philosophy is taken to show that the scope of *political* philosophy ‘proper’ is very narrow. Given that the autonomy debate tends to be encountered as part of a broader debate, one of which is between political liberals and

¹⁰ Notice that whether or not norms are basic has no implications for their ‘fact-sensitivity’ (in GA Cohen’s technical sense) or otherwise. There is no suggestion that norms that are basic in the sense of being not responsive to or derived from further norms are necessarily basic in the sense that Cohen’s ‘basic principles’ are, viz. not responsive to empirical facts. See GA Cohen, ‘Facts and Principles’ (2003) 31 *Philosophy and Public Affairs* 211.

¹¹ R Nozick, *Anarchy, State, and Utopia* (Basic Books 1974) ix.

perfectionists, and that arguably Nozick is in policy terms further from the perfectionists than from the political liberals, it would be easy to assume that Nozick would be an autonomy theorist. But nothing could be further from the truth:

Moral philosophy sets the background for, and boundaries of, political philosophy. What persons may and may not do to one another limits what they may do through the apparatus of a 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.¹²

Structurally, Nozick sees political norms as being a subset of moral norms. Political philosophy concerns what the state may do to people. This can be inferred by asking what persons may do to others in general, and this is just (a part of) moral philosophy. What about the methodological relationship between moral and political philosophy? Nozick seems to assume that it is appropriate to approach political philosophy by first doing moral philosophy and asking what implications the conclusions have for the political realm. Nozick sees political philosophy as applied moral philosophy; moral philosophy, that is, applied to the problem of state coercion.¹³ Some autonomy theorists would denounce this approach as misguided – as a mistake about the correct methodological relationship.¹⁴ But given Nozick's normative commitments in moral philosophy it's hard to see how he could do anything else. If the moral constraints on action affecting others

¹² Nozick n11, 6. This certainly makes Nozick a 'moralist' on Bernard Williams' view. According to Williams, 'under the structural model [of moralism], morality offers constraints... on what politics can rightfully do' (B Williams, *In the Beginning Was The Deed: Realism and Moralism in Political Argument* (Princeton University Press 2009) 2). Nozick's approach exemplifies Rossi and Sleat's more precise account of the structural model, which, they say, 'amounts to specifying the limits of permissible political conduct through pre-political moral commitments such as a Kantian notion of autonomy or some conception of moral rights.' See E Rossi & M Sleat, 'Realism in Normative Political Theory' (2014) 9 *Philosophy Compass* 689.

¹³ Compare Adam Swift: 'Political philosophy... is a very specific sub-set of moral philosophy, and one where the stakes are particularly high. It is not just about what people ought to do, it is about what people are morally permitted, and sometimes morally required, to make each other do' ('Political Philosophy and Politics', in A Leftwich (ed) *What is Politics?* (Polity Press 2004) 136).

¹⁴ In practice, it may be that autonomy theorists will only want to make the methodological argument against certain kinds of theory. Against Nozick, a political liberal might be more likely to argue that he's got his moral philosophy wrong. But autonomy theorists can't make methodological arguments against some thinkers but not against others – either the autonomy theorists are right about methodology, in which case Nozick's approach is flawed from the off, or they're not, in which case the argument can't be mobilized against the 'moralists' or perfectionists either.

are as extreme as Nozick supposes, it's natural to suppose that they have serious implications for the justification for state action, just as they do for individual action.

Nozick's theory, therefore, is one where normative theory construction in moral philosophy comes first. The moral conclusions (that individual rights ground extensive constraints on action) dictate the structural relationship between moral and political theory (since these constraints apply to the state as a moral agent like any other). Once these parts of the picture are in place, there is little scope for any methodological approach other than the one Nozick describes, that is, that 'moral philosophy sets the background for, and boundaries of, political philosophy.'¹⁵

Contrast Rawls's approach in *A Theory of Justice*. Rawls's aim is to construct just that, a theory of justice. It isn't very clear whether he sees this as part of moral or political philosophy, or both. But he does make significant methodological assumptions:

I shall be satisfied if it is possible to formulate a reasonable conception of justice for the basic structure of society conceived for the time being as a closed system isolated from other societies. The significance of this special case is obvious and needs no explanation. It is natural to conjecture that once we have a sound theory for this case, the remaining problems of justice will prove more tractable in the light of it. With suitable modifications such a theory should provide the key for some of these other questions.¹⁶

Remember that although Rawls thinks that justice is the first virtue of social institutions, he does not think that justice is a virtue only of social institutions. The 'remaining problems of justice' that he refers to here relate to a disparate set of subjects – Rawls includes 'particular actions of many kinds, including decisions, judgments, and imputations', 'the attitudes and dispositions of persons, and persons themselves'.¹⁷ A few pages later Rawls is keen to explain why his theory is not at odds with Aristotle's 'traditional' view. And Aristotle's account of justice, in the *Nicomachean Ethics*, is as much moral philosophy as it is political, especially given that it discusses justice as a virtue of

¹⁵ See further P Pettit, 'Non-consequentialism and political philosophy', in D Schmidtz (ed) *Robert Nozick* (Cambridge University Press 2010).

¹⁶ J Rawls, *A Theory of Justice* (Harvard University Press 1971) 8.

¹⁷ Rawls n16, 7.

individual persons. But in starting with the justice of social institutions in the belief that the right theory of justice for other, non-political, subjects will fall into place around it, Rawls actually reverses the methodological assumption we found in Nozick. Far from moral philosophy dictating the boundaries of political philosophy, for Rawls we can afford to leave moral philosophy (if we can take that to include questions of the justice of persons and individual action, for instance) to one side while we concentrate on the problem of the justice of social institutions. The idea that our conclusions in moral philosophy might have important implications for our political philosophy is not even entertained; in fact Rawls thinks that political theory will be able to help out with moral theory.

There are all sorts of possible complications here, of course. Another way of interpreting Rawls's methodology is that he thinks that justice as a normative concept is in some way theoretically prior to any proposed division between the moral and political, such that theories of justice for all subjects necessarily have similar structures, and therefore any starting place for theorizing justice is as good as any other. A further possibility is that Rawls's argumentative strategy here is not pursuant to any particular ideas about what is methodologically appropriate, but rather represents a pragmatic approach whereby one simply picks a place to start and hopes that addressing on a piecemeal basis the various subjects of justice that arise will in the end yield a coherent view of the bigger picture.

3.3 Formulating the autonomy thesis

3.3.1 An uncontentious claim

In this section I offer some more precise formulations of both structural and methodological versions of the autonomy thesis. The first task, however, is to distinguish the autonomy thesis from a claim that is often made to enhance its rhetorical power, but which is in fact pretty

uncontentious. This may be indicated by some of Rawls's comments in *Justice as Fairness: A Restatement*:

...justice as fairness is not a comprehensive religious, philosophical, or moral doctrine – one that applies to all subjects and covers all values. Nor is it to be regarded as the application of such a doctrine to the basic structure of society, as if this structure were merely another subject to which that comprehensive view is to be applied. Neither political philosophy nor justice as fairness is, in that way, applied moral philosophy. Political philosophy has its own distinctive features and problems.¹⁸

This is a rather dense statement of some very significant Rawlsian views, which are argued for at length both elsewhere in *Justice as Fairness* and in *Political Liberalism*. I will examine these arguments later in the thesis, in particular in Chapter 5. What I am interested in here is the final sentence, which on a casual reading appears to be intended straightforwardly to clarify and offer support for the one that precedes it, to give us a reason to think that political philosophy is not applied moral philosophy. But in fact it lends no support at all to that contention. Moral principles have to be applied in a variety of circumstances. The task of applying a moral theory to questions about conservation of resources for future populations is unlikely to resemble the task of applying that same theory to some personal dilemma, such as whether to tell a friend that his partner has been unfaithful. The considerations that bear on each are quite different from one another. Similarly, there is a natural break between what we tend to call 'moral philosophy' and what we tend to call 'political philosophy' because the factual scenarios with which political philosophy deals – the relationship between state and citizen, the difficulty of achieving harmony within groups of people possibly united by little other than their occupation of the same geographical area – are scenarios that are not found in other areas of moral philosophy. But this does not show that general moral principles are incapable of application to these scenarios. So I can happily concede the first possible way in which political philosophy may be considered at least different, or even to some degree separate, from moral philosophy:

¹⁸ J Rawls, *Justice as Fairness: A Restatement* (E Kelly ed, Harvard University Press 2001) 14.

(U1) Political philosophy is broadly distinctive in its subject matter, themes and factual scenarios.

William Galston provides an illuminating instance of this kind of claim. In his influential account of realism in political theory he describes realism as holding, amongst other things, that politics ‘represents a necessary response to conditions that other spheres of life do not encounter, at least not all at once and to the same degree.’¹⁹ That seems to be entirely uncontroversial. A repudiation of U1 would amount to a denial of the intelligibility of setting an exam paper in political philosophy or the possibility of achieving a coherent division of sections in the philosophy department of a bookshop. Of course these things are intelligible and possible. But there are no hard and fast distinctions – one person might reasonably draw the boundary between moral and political philosophy in a slightly different way from the next – and nor do there need to be. Political philosophy does have distinctive features and problems. The question is whether one thinks that the distinctiveness of those problems has significant theoretical consequences.

3.3.2 *Structural claims and methodological claims*

What, then, are the controversial claims? What exactly are autonomy theorists saying when they claim that political philosophy is autonomous? As I said above, I divide autonomy claims into structural claims and methodological claims. Having explained and illustrated the distinction between structure and methodology, I now use it to explore some possible interpretations of the autonomy thesis.

Structural claims

A very strong structural claim would be:

¹⁹ W Galston, ‘Realism in Political Theory’ (2010) 9 *European Journal of Political Theory* 385, 391.

(S1) All political norms are basic (or are themselves derived from political norms that are basic) and are not moral norms.

Remember that basic norms are those that are not responsive to, or derived from, any further norms. In addition to the claim that political norms are basic, (S1) has two further provisos. The first is that some political norms may be derived from political norms that *are* basic. This is in recognition of the fact that a political theory can include norms that are applications of basic norms. In constructing political theories, we will justify the inclusion of some norms by reference to others. At some point we reach normative bedrock and cannot point to any further normative proposition in justification.²⁰ But no one would suggest that the only theoretically interesting norms are those that are to be found at the bedrock. So some important political norms will be derived from other, more basic ones.²¹ What is crucial to (S1) is that the basic ones from which others are ultimately derived are themselves political norms.

The second proviso is simply to note that political norms are not moral norms. If (S1) did not say this it would be indistinguishable from the simple view, which would agree that all political norms are basic, but add in passing that, of course, all political norms are moral norms too – because there is no theoretically significant distinction between them.

We can think of (S1) in terms of the *input* necessary to produce a correct political theory. Some of the input will be empirical. But a normative political theory will require normative input. (S1) claims that *all* of this normative input is distinctive to political philosophy.

Call (S1) the *strong autonomy of political normativity*.²² (S1) has the implication that the correct political theory can only be constructed using a set of normative principles that are distinctively

²⁰ I mean to suggest here only that the process of justifying norms by identifying further norms must terminate somewhere. I do not mean to commit myself to any further claims either about the grounding of basic norms, or about how we can come to have knowledge of them.

²¹ I use ‘more basic’ informally here, simply to mean ‘closer to basic’.

²² For the idea of political normativity, see G Newey, ‘Two dogmas of liberalism’ (2010) 9 *European Journal of Political Theory* 449.

political, and therefore not to be found in the correct moral theory. It is a very strong form of the autonomy thesis and I am not sure that anyone would want to defend it. Its plausibility depends, however, on the nature of the content it specifies for moral and political theories. An account of the political that reserved only a very limited scope for political theory as such would be a more convincing framework within which to argue for (S1) than an account of more wide-ranging scope, because the higher the proportion of human action that the account has to deal with in exclusively non-moral terms, the less plausible, to my mind, it becomes. Even if morality is not pervasive in human life; if, that is, there is a political domain which it does not touch, as (S1) claims, this domain surely cannot be very extensive. (I will do more to defend this claim in Chapters 7 and 8.)

The plausibility of (S1) can be enhanced, then, by restricting the scope of political theory. Another option is to narrow the scope of the claim itself:

(S2) Some political norms are basic and are not moral norms.

Again we can think of this in terms of input. According to (S2) the political philosopher, in order to produce a sound political theory, must bring to the table, in addition to true empirical claims, normative premises that are part of the content of moral theory, and also some distinctively political material. (S2) claims, in other words, that some of the normative input for a political theory is distinctive to political philosophy.

Call (S2) the *moderate autonomy of political normativity*. This is the structural claim I will be examining closely. Like (S1) it makes clear that the distinction between the moral and the political is one that is embedded in the structure of normative reality, rather than being simply a pragmatic one that we use for the sake of classifying books and setting exam papers. (S2) has the following implication for theory construction: an adequate political theory cannot be constructed using a set of normative principles all of which are to be found in the correct moral theory. It is important to distinguish this implication of (S2) from the banal truth that political theory cannot be done without appropriate sensitivity to the *empirical conditions* of the political domain, some of which can

reasonably be regarded as distinctive to that domain: this follows from (U1). One might mistake this banal truth for the truth of (S2) through failing to discriminate adequately between two types of argument in political theory. The first is where one concludes that a distinctive normative principle emerges from the peculiarities of political life; the second, where one reaches a distinctive interpretation of how a pre-existing moral principle *applies* to the peculiarities of political life. For example, some have thought that the circumstances that make political institutions necessary give rise to distinctively political normative principles regarding power and legitimation.²³ Others might analyse the same facts and come to the conclusion that political life presents especially acute practical difficulties in applying moral principles regarding power and legitimation. Since much of the burden of the argument in both cases will fall on whether the theorist has painted a convincing picture of the distinctiveness of some aspect(s) of political life, it may be easy to lose sight of the fundamentally different structures of the arguments. A failure of sensitivity on the part of a political theorist to the empirical circumstances which she is attempting to deal with is a failure in her theory, no doubt – but it is not a failure to understand the relationship between the moral and the political.²⁴

Charles Larmore can be read as subscribing to (S2):

Either [political philosophy] forms a branch of moral philosophy, working out what ideally the good society should be like, or it *operates by principles of its own*, propelled in no small part by the fact that moral ideals themselves prove politically divisive.²⁵

²³ See e.g. Williams n12. Williams argues that the fact that only liberal states are legitimate ‘now and around here’ is a result of historically contingent features of the attitudes of people subject to state coercion in the modern world, rather than the result of applying historically immutable liberal principles of morality to political circumstances. One way of ‘reading down’ this claim is to see it simply as arguing for a more ‘minimalist’ account of the moral principles involved, and a ‘maximalist’ account of the contingencies of their application. There is no structural difference between the liberals’ and Williams’ analyses; the real disagreement is over what is principle and what is application.

²⁴ This seems to be the thrust of Charles Larmore’s complaint against GA Cohen in ‘What is Political Philosophy?’ (n5). The problem is not that Cohen sees political philosophy as applied moral philosophy, so much that he fails to understand (or fails to take any interest in) the complexity of the social facts to which he is attempting to apply his moral principles.

²⁵ Larmore n5, 278 (emphasis added). It is not obvious whether Larmore is making a methodological or a structural claim. He goes on to say that ‘the principles serving to determine’ the solution to the problems of political life are ‘essentially political in character’. It is clear, however, from the rest of Larmore’s

What kind of structural claim is represented by the simple view of political theory as moral philosophy? It is, I suggest, just the denial of (S2),²⁶ or, in other words, the claim that *none* of the content of the correct political theory is normatively basic. All the normative input for political philosophy is *moral* input; *there are no distinctively political values*.

Methodological claims

Methodological claims are difficult to characterize because they are dependent on there being *some* important theoretical distinction between the moral and the political; they purport to tell us something about the methodological relationship between the normative theories that relate to each of these domains. But that there is such an important theoretical distinction between them is precisely what I am concerned to deny. It is in the nature of structural claims that they say something about what moral and political theories are theories *of*, since it is precisely their account of the nature of the moral and the political domains that makes the case for the autonomy of political philosophy. In other words, structural claims just *are* arguments for a particular division of moral and political, and what makes the case for that particular division also makes the case for seeing political philosophy as autonomous. On Williams' account, for instance, the political is revealed to be that normative domain that is characterized by power and legitimation, and these are, according to him, distinctively political concepts.²⁷

Things are not quite so straightforward with methodological claims. M-claims focus on the methodological relationship between moral and political theories. But they must also claim implicitly that there is *some* interesting distinction between moral and political in order for such a claim to make sense. In other words, M-claims must assert *that there are* (at least) two separate

argument that he does not mean that political philosophy operates *exclusively* by principles of its own: his claim is not (S1).

²⁶ From which, obviously, the denial of (S1) follows trivially.

²⁷ It is not entirely clear how the argument is supposed to go. I address it in Chapter 8.

normative theories,²⁸ and also say something about the necessary relationship between them. Any theorist who defends an M-claim will have her own view of how exactly moral and political theories are to be distinguished. That view may be argued for on other grounds, or may simply be implicit in her arguments for the autonomy thesis. An argument may give reasons to accept the M-claim, and thus to accept that moral and political theories are distinct, without giving reasons to accept any particularly well-defined view of how they are to be distinguished.

What M-claims are getting at is that political theory must be done separately, or independently, from moral theory. This is not always happily labelled ‘autonomy’, because those who argue for it do not necessarily want to say that the discipline of political theory is subject to its own laws. In what sense, then, is political philosophy qua discipline supposed to be autonomous? The thought is that constructing a political theory does not in any sense ‘follow on from’ the construction of a moral theory; moral and political philosophy should not be thought of as parts of a continuous inquiry:

(M1) The correct political theory cannot be derived from the correct moral theory.

Call (M1) the *non-derivation constraint*.

What does it mean to say that a political theory can’t be derived from a moral theory? It means at least that claims about political norms and values can’t be *justified* by appeal to moral norms and values, where the relevant kind of justification is purely methodological. It would rule out any method that purported to arrive at a normative theory of the political domain by an application of moral theory.

Two problems arise with this formulation. First, it looks as though the simple view is at least compatible with (M1), since on the simple view no derivation would even be *needed* – because our

²⁸ But not necessarily that normative reality is split into two separate domains – I discuss below the possibility of making a methodological without a structural claim.

political theory would already be there, a *part* of the moral theory; a part, that is, that is distinguished only on pragmatic grounds.²⁹ Of course we do not want the simple view to be compatible with (M1) because it is supposed to amount to a denial of any form of autonomy thesis. But this is not really a problem. We can say that on the simple view, political theory can be trivially derived from moral theory, because extracting a subset of a moral theory to form a political theory is the simplest form of derivation.³⁰

The second problem is more serious. This is the prospect that the non-derivation constraint will be reducible to a claim about structural autonomy – because if political norms are basic then obviously, they can't be *derived* from moral norms, or from anything else. That is just what it is for them to be basic. But (M1) is not just another way of phrasing a claim about structural autonomy. It is a claim that *follows from* any S-claim, to be sure, but it is not identical with any S-claim. So how can the two come apart? The non-derivation constraint can hold even if political norms are *not* normatively basic, because the non-derivation constraint is a claim about methodology, not about structure. To see this, recall the way that Galston described the central claim of political realism. It has, he says, 'a conception of politics as a sphere of activity that is distinct, autonomous, and subject to norms that cannot be derived from individual morality.'³¹ Political norms could be non-derivable for two reasons: either (i) because they are not *part of* morality,³² i.e. they are just not there to be derived, or (ii) because, although political norms are themselves a type of moral norm, there is some kind of injunction against derivation from other moral norms as a method of arriving

²⁹ One could accommodate the notion of derivation on the simple view by saying that 'derivation' is just another word for *application*, and political theory *is* derived from moral theory by a process of application to empirical facts. But this would make *all* political norms *applied* moral norms, which is a claim that the simple view does not make.

³⁰ A more complex but equally acceptable view would be to say that derivation is a combination of extraction (of non-applied norms) and application (to yield applied norms).

³¹ Galston n19, 385.

³² I omit the 'individual' here because it is a distraction. In section 7.3.1 I discuss the mistake that sometimes lies behind its inclusion, viz. the idea that political theory cannot be derived from moral theory because moral theory *just is* a theory of morality *for individuals*. If we take the latter to mean a theory in which moral principles *have been applied* to the circumstances of individuals as private agents, then it is neither surprising nor interesting that they cannot be used to derive a theory of right action for public agents. I also cover this further in section 3.3 below.

at them. (i) is an S-claim (although – to repeat – an M-claim clearly follows from it), but (ii) is an M-claim.

It might be thought that a methodological claim entails a structural claim. The political liberal argument (Chapter 5), which argues for the discontinuity of moral and political theory construction on the basis that moral discourse is hamstrung by its own controversial nature, and therefore must cede to an autonomous political theory, is a counter-example to this suggestion. In fact, Rawls makes an M-claim while explicitly denying the accompanying S-claim:

...justice as fairness is not applied moral philosophy. That is, its content – its principles, standards, and values – is not presented as an application of an already elaborated moral doctrine, comprehensive in scope and general in range. Rather, it is a formulation of a family of highly *significant (moral) values* that properly apply to basic political institutions; it gives a specification of those values which takes account of certain special features of the political relationship, as distinct from other relationships.³³

3.3.3 *Autonomous with respect to what?*

In the previous chapter I noted that the autonomy thesis must make political philosophy recognizable to those who are inclined to deny it. Otherwise it would fail to find its target. Similarly, if political philosophy is autonomous with respect to moral philosophy, and political theories with respect to moral theories, then the moral must be interpreted as something that one might reasonably assimilate with the political. So: where the autonomy thesis makes a methodological claim, the claim must be that political theory cannot be derived from something that it would prima facie make sense to derive it from. Does this rule anything out? I think it does. The relevant moral theory can't be a theory of 'individual' or 'private' morality if those are taken to be systems of norms constructed by the application of general moral principles to the circumstances of individual or 'private' conduct. If general moral theory and applied ethics are analogous to pure

³³ J Rawls, 'The Domain of the Political and Overlapping Consensus', in J Rawls, *Collected Papers* (S Freeman ed, Harvard University Press 1999) 482 (emphasis added).

science and engineering,³⁴ that would be like trying to derive a theory of bridge construction from a theory of car manufacture.

I do not offer my own idea of how we should distinguish moral from political philosophy, because I think that there is more than one viable and useful method, but that none is ultimately of theoretical importance. In the chapters that criticize arguments for the autonomy of political philosophy I simply take up whatever account of moral philosophy or moral theory is implicit in the argument. But in some instances part of the case for the simple view will be the contention that the claims made for autonomy derive support from their inadequate account of the nature or content of morality. In Chapter 7 I seek to correct the overly narrow or restricted views of morality and moral philosophy in order to undermine the motivation for taking an autonomy view.

3.4 Other features of the autonomy thesis

It will be of vital importance, when addressing the arguments for the autonomy thesis in the next five chapters, to be quite clear about the kind of claims they are making. To this end, I have introduced a distinction between structural autonomy and methodological autonomy, and I have explained how this distinction can help us to disambiguate the often loosely expressed claims in this area. I have also given some specific formulations of S-claims and M-claims – the autonomy of political normativity and the non-derivation constraint – which I think pinpoint the most significant claims. There are just a few other clarifications to be made to the autonomy thesis before we turn to the arguments in favour of it.

3.4.1 Autonomous of moral philosophy even if moral philosophy done right

³⁴ M Timmons, *Moral Theory: An Introduction* (Rowman & Littlefield 2012) 17.

It is important to note that the most appealing form of the autonomy thesis would claim that political philosophy is autonomous of moral philosophy *even if moral philosophy is done right*. Where scepticism about the very possibility of a moral theory is the basis for arguing that no political theory can follow from a moral theory, the argument is beyond my reach – I would have not only to defend a view of the relationship between moral and political theory, but to vindicate the possibility of moral theory itself. Although I will present what I hope is an attractive picture of the nature of moral theory in my final chapter, this will serve only the modest purpose of explaining how moral theory could plausibly extend to the political, not the more ambitious end of vindicating the whole enterprise of moral theorizing.

Scepticism about the possibility of moral theory is associated most strongly in recent philosophy with Bernard Williams, and his work in both moral and political philosophy has exercised a strong influence on the thinking of autonomy theorists who brand themselves (following Williams, as well as the earlier school of realism in international relations) ‘political realists’. Where their arguments are based on an outright rejection of moral theory they are not my concern. In fact I think political realists have reasons to affirm the autonomy of political theory other than a rejection of moral theory, but often their criticisms of contemporary ‘moralism’ in political theory are based on a caricatured view of morality and moral philosophy. Where this is the case I think a suitably corrected understandings of these can save political theory from the autonomy thesis, and this is what I will argue in section 7.3.

If there can be no sound moral theory, the autonomy thesis (here roughly, that political theory cannot be based on moral theory) follows trivially. So I assume that there can be a sound moral theory. But there are several ways to be sceptical about this. Williams’s doubts concern the viability and usefulness to ethics of theorizing as something that abstracts from concrete moral reflection.³⁵ Particularists, on the other hand, base their doubts about moral theory on a view about the

³⁵ B Williams, *Ethics and the Limits of Philosophy* (Fontana Press 1985) 93-119.

metaphysics of reasons which necessarily excludes the possibility of systematizing our moral thinking.³⁶ Sometimes a certain reason (e.g. that x is painful) will count against an action, but sometimes it will count in favour of it. Once we understand how to isolate reasons from the background of enabling and defeating (silencing, undermining etc.) conditions, we will recognize that no generalizations can be made about the valence of reasons for action. Their effect on our practical reasoning must be judged *holistically*, that is, taking into account the full context of background conditions, on every occasion. Since a moral theory seeks to ascend to a higher level of abstraction than the individual practical decision, and no such ascension is possible, moral theory itself is not possible.

I am aware that the argument of my thesis will often take for granted that particularism is not the correct account of normative reasons. This seems to me allowable, on the basis that pretty much the whole of contemporary political philosophy is premised on the same judgment. There could be no *principles* of justice, the bread and butter of today's post-Rawlsian philosophical settlement, if particularism were true. But more specifically, the autonomy thesis that follows from particularism is uninteresting. It is only if moral theory *is* possible, and yet for some reason political theory cannot follow straightforwardly from it, that the autonomy thesis is a philosophically challenging proposition in its own right.

Particularism's emphasis in the claim that there can be no sound moral theory is on the *theory*. But it is also possible to stress that there can be no sound *moral* theory. On one reading this is Hobbes's position. On this interpretation, while Hobbes apparently recognizes a variety of moral obligations, these 'laws of nature', and the political obligations that are deduced from them, are grounded exclusively in self-interest, and therefore do not qualify as a *moral* theory in any way that

³⁶ See e.g. J Dancy, *Moral Reasons* (Blackwell 1993), *Ethics without Principles* (Clarendon Press 2004), and the papers in B Hooker and M Little (eds), *Moral Particularism* (Oxford University Press 2000).

we would understand that term.³⁷ If this is right, then again the autonomy thesis follows trivially: there is no sound moral theory for a political theory to be derived from, so political theory is not derived from moral theory. But this is not the only viable interpretation of Hobbes's position. We can also accept that Hobbes's laws of nature are 'dictates of reason' based on self-interest, but still affirm that these constitute his moral theory. Since Hobbes's views about political obligation *are* derived from these laws of nature,³⁸ on this reading Hobbes takes the simple view: moral and political theory are continuous.³⁹

3.4.2 *Denial of the autonomy thesis is not equivalent to affirmation of the view that political theory is applied moral philosophy*

Autonomy theorists often take their position to be expressed indifferently either as the view that political philosophy is autonomous, or the view that political philosophy is not applied moral philosophy.⁴⁰ But I don't think we should see these ideas as equivalent, or either as entailing the other. At this stage I wish to deny the autonomy thesis, the corollary of which I take to be that political theory just is – in some sense – moral philosophy. The idea of continuity strikes me as the most appropriate one: political theory is continuous with moral theory. For the most part I will

³⁷ T Hobbes, *Leviathan* (1651, R Tuck ed, Cambridge University Press 1996) Chs 14-15. For this interpretation see T Nagel, 'Hobbes's Concept of Obligation' (1959) 68 *Philosophical Review* 68. And indeed Nagel notes that 'there is [nothing] strange about basing a system of political *theory* on considerations of self-interest and justifying various governmental institutions and practices by Hobbes's methods' (81). Nor do I think there is anything methodologically suspect about this procedure. I do not think that it would produce a substantively correct political theory, but to show that would require a theoretical vindication of morality as grounded other than in self-interest, which is a task I do not pursue here.

³⁸ In short, the obligation to obey the sovereign arises from each person's rational decision to transfer to that sovereign her liberty to defend herself by all means necessary, which is made on the basis of a recognition that this is the only way reliably to follow the 'first, and Fundamentall Law of Nature; which is, *to seek Peace, and follow it.*' See T Hobbes n37, Ch 14.

³⁹ The coherence of this view requires that one reject the view (i) that Hobbes believed that each person's *motivation* for acting was only ever self-interest, and (ii) that any moral theory worth the name must have its ultimate grounding in something other than self-interest. On (i), see B Gert, 'Hobbes and Psychological Egoism' (1967) 28 *Journal of the History of Ideas* 503. On (ii) see T Sorell, *Hobbes* (Routledge & Kegan Paul 1986) 96-110 and H Warrender, *The Political Philosophy of Hobbes: His Theory of Obligation* (Oxford University Press 2000).

⁴⁰ For a particularly clear example of this, see Larmore n5.

assume that something close to the ‘applied’ view is correct, without suggesting a more precise picture. In Chapter 9 I offer some brief comments on the question whether political theory should be regarded as applied ethics.

3.4.3 *Methodological arguments for autonomy v arguments in substantive political theory*

Some arguments that purport to show that political philosophy is not moral philosophy may really be nothing more than arguments for a specific political theory, one that minimizes or eliminates the role of ‘non-political’ moral principles. It will be important to distinguish between arguments that show (i) that, *whatever the correct political theory*, philosophers are barking up the wrong tree if they try to find or construct it by doing moral philosophy, from arguments that show (ii) that P is the correct political theory, and *given that P is correct*, political theory must be (that is, the correct political theory has been shown to be) autonomous with respect to moral theory. Some arguments may claim to be of type (i), but in fact are of type (ii). Arthur Ripstein’s argument, which I discuss in the next chapter, is an example. This is important because if an argument can be revealed as being of type (ii) rather than (i), its implications for the practice of political philosophy can be revealed as less far-reaching. Philosophers who take the simple view can respond to these arguments just by pointing out whatever they take to be the weaknesses of the autonomy theorists’ case for their substantive political theories, without having to do additional work on rebutting their methodological thesis (although obviously some may find the latter task an easier or more attractive one than the former).

4. Kant and modern Kantians

4.1 Introduction

Kant's moral and political theory is a good place to start an investigation of the autonomy thesis for several reasons. First, Kant explicitly divides the *Metaphysics of Morals* into two branches, the Doctrine of Right and the Doctrine of Virtue, and discusses their interrelations in a systematic (if not altogether transparent) way. This explicit separation and its proposed justification make Kant the most obvious candidate for an autonomy theorist in the Western philosophical canon. Secondly, Kant's view has been the inspiration for other defences of the autonomy thesis, from JG Fichte's *Foundations of Natural Right*¹ through to Ripstein's recent revival of Kant's own legal and political philosophy in his *Force and Freedom*. Thirdly, Kant's account of the relationship between Virtue, Right, and the Categorical Imperative, illustrates helpfully the distinction between structural and methodological autonomy that I have set out in the previous chapter.

In the next section (4.2) I illustrate the equivocal position that Kant occupies with respect to the autonomy thesis. I then (4.3) explain the distinction between Right and Ethics in Kant's *Metaphysics of Morals* and (4.4) consider the relationship it bears to the distinction between moral and political philosophy. In 4.5 I show how Kant's account could manifest either structural or methodological autonomy, and in 4.6 I suggest one way of reading Kant as an autonomy theorist. This reading, which I label the 'pure Kantian argument', relies too much on the Kant's understanding of moral worth to provide an argument that could appeal beyond a fairly narrow constituency of Kantians. In 4.7 I turn to Arthur Ripstein's work, whose ambition is to persuade non-Kantians of the need to respect the autonomy of political philosophy. Ultimately, I argue,

¹ I do not have space to discuss Fichte's view here. See M Kosch, 'Individuality and Rights in Fichte's Ethics' (2017) 17 *Philosopher's Imprint*.

Ripstein's case fares no better than the pure Kantian argument, since the autonomy thesis emerges only from within a normative political theory based on the value of freedom as independence.

4.2 *Kant and the autonomy thesis*

It has by now become a platitude that Kant's pervasive influence on contemporary political philosophy has for the most part been through interpretations of the moral theory found in the *Groundwork of the Metaphysics of Morals*. Rawls considered his own constructivist project in *A Theory of Justice* and beyond to be to some extent an attempt to realize the promise of Kant's ethical thought when detached from its extravagant metaphysics.² In view of this, it might be thought that Kantian political philosophy is a paradigmatic case of political theory as applied ethics.³

But this view is doubly mistaken. First, Rawls's account of justice may be indebted to Kant for some of its central intuitive ideas, but it is very far from being an exercise in the application of Kantian ethics. Even before Rawls's 'political turn' made clear that justice as fairness was not conceived as an application of a broader theory to political subjects,⁴ *A Theory of Justice* was itself offered as an account confined to its particular subject matter, and ultimately agnostic as to its relationship to moral theory in general.⁵

Secondly, the Kant scholarship of the past few decades has exposed the naivete in supposing that Kant's own approach to political philosophy would be simply to apply the Categorical Imperative to a new set of problems. But that is far from saying that the interpretation of Kant's political philosophy is no longer controversial. The perception of the *Metaphysics of Morals* in

² See J Rawls, 'Kantian Constructivism in Moral Theory', in his *Collected Papers* (Samuel Freeman ed, Harvard University Press 1999).

³ E.g. R Geuss, *Philosophy and Real Politics* (Princeton University Press 2008) 1, 8-9.

⁴ I discuss Rawls's own argument for the autonomy thesis in the next chapter.

⁵ Although Rawls's methodological speculations leave it unclear whether he thinks that it would in principle be possible to derive justice as fairness from a more comprehensive moral theory. I considered Rawls's methodology in section 3.2.2.

contemporary philosophy has recently undergone a transformation. Previously neglected as a marginal work (despite Kant's own advertisement of its significance even before the appearance of the *Groundwork*) it is now understood as the culmination of Kant's ethical thought, building on the foundations laid by the *Groundwork* – or at least attempting to do so – rather than as a late, wholesale reconsideration of its subject.⁶

This upgrade in status has given rise to new interpretative questions for Kant scholars and political theorists. How exactly *should* we understand the relationship between the Categorical Imperative and the Doctrine of Right? How exactly do ethical and juridical lawgiving differ? Most significant for my purposes, however, is: would Kant have endorsed the autonomy thesis? That is, did Kant think that political philosophy was either structurally or methodologically autonomous? Commentators are deeply divided on this question. Wolfgang Kersting sees the repudiation of something like the autonomy thesis as central to Kant's political theory:

Kant revoked Machiavelli's separation between morals and politics, and by integrating political philosophy under the authority of pure practical reason re-created the old unity of morals and politics in a revolutionary new theory of justification.⁷

Yet, as we shall see, Arthur Ripstein, in his *Force and Freedom*, is focused above all on vindicating what he sees as Kant's affirmation of the autonomy of political philosophy. The basis of Ripstein's endorsement of the autonomy thesis is his belief that the significance of coercion makes a fundamental difference between Ethics and Right. 'Kant's concern,' he says, 'is not with how people should interact, as a matter of ethics, but with how they can be forced to interact, as a matter of right'.⁸ But it is not so clear that the distinction as stated is as robust a foundation for the autonomy thesis as Ripstein supposes. The idea of distinguishing between moral and political

⁶ See A Wood, 'The Final Form of Kant's Practical Philosophy', in M Timmons (ed), *Kant's Metaphysics of Morals: Interpretative Essays* (Oxford University Press 2002).

⁷ W Kersting, 'Politics, freedom, and order: Kant's political philosophy', in P Guyer (ed), *The Cambridge Companion to Kant* (Cambridge University Press 1992) 343.

⁸ A Ripstein, *Force and Freedom: Kant's Legal and Political Philosophy* (Harvard University Press 1999) 14.

philosophy on the basis that the latter essentially involves coercion is also taken up by Adam Swift. But he explicitly rejects the autonomy thesis in the very same paragraph:

Political philosophy, then, is a very specific sub-set of moral philosophy, and one where the stakes are particularly high. It is not just about what people ought to do, it is about what people are morally permitted, and sometimes morally required, to make each other do.⁹

In Swift's view the focus in political philosophy on what may be coerced carries no implication about the discipline's autonomy.

The question of Kant's allegiance to the autonomy thesis has sometimes taken the form of asking whether Kant should be considered a 'political' or a 'comprehensive' liberal. (As I explain in the next chapter, a commitment to the autonomy thesis is characteristic of political liberalism.) Martha Nussbaum regards Kant as a comprehensive liberal, and attributes to Kant as clear a denial of the non-derivation constraint as we could wish for:

Kant's political views... fail to distinguish the sphere of politics from the sphere of ethics, suggesting that we may import all the ethical views for which we believe we have good arguments into the political realm, as a source of political principles.¹⁰

This is precisely what the political liberal claims we may not do. Yet Thomas Pogge argues that, while Kant does want to show that those who buy into his moral philosophy are also thereby committed to his *Rechtslehre*, he does not think that his own ethical views are the only ones that could lead someone to endorse his political views. On Pogge's account, the 'independence' of Kant's political theory is a one-way relation: while the moral theory might be thought to entail the political, the converse does not hold. So anyone might accommodate Kant's theory of Right within her own comprehensive moral doctrine in the way that Rawls thinks we should each do in order to achieve an overlapping consensus. Kant's theory can be treated as a political conception of justice. I will argue in the next chapter that this conclusion is not equivalent to a finding that

⁹ A Swift, 'Political Philosophy and Politics', in A Leftwich (ed), *What is Politics?* (Polity 2004) 136.

¹⁰ M Nussbaum, 'Political Liberalism and Respect: A Response to Linda Barclay' (2003) 4 *SATS – Nordic Journal of Philosophy* 26.

political philosophy is itself autonomous, but the gulf between Nussbaum's and Pogge's interpretations speaks to the equivocal position that Kant occupies in these debates.

4.3 *Right and Ethics in the Metaphysics of Morals*

Kant divides *Sitten* ('Morals') in general (the doctrine of which is *Sittenlehre*¹¹) into *Recht* ('Right') and *Ethik* ('Ethics'). His account of *Recht* is the *Rechtslehre* and his account of *Ethik* the *Tugendlehre*.¹² Distilling Kant's usage into an English terminology that is both consistent and non-question-begging may be impossible. It is commonplace to refer to the Doctrine of Right and the Doctrine of Virtue, and I will not depart from this convention.¹³ I will refer to the material of which these doctrines treat as 'Right' and, interchangeably, 'Virtue' and 'Ethics'. The use of both 'Virtue' and 'Ethics' is not particularly satisfactory, because 'virtue' looks too narrow and 'ethics' too broad to capture the category Kant is after. But it is reflected in the discrepancy between Kant's own *Ethik* and *Tugendlehre*, and need not cause problems as long as we put aside both questions of virtue in the narrower sense of qualities of character, and the use of 'ethics' as synonymous with 'moral philosophy'. The real problem lies in the labelling of the unifying category of *Moral* or *Sitten*. The easy route is to use 'morality' for these, and 'moral philosophy' for *Sittenlehre*, but it is obvious why this is unsatisfactory: our aim is precisely to determine the nature and boundaries of moral and political philosophy according to Kant. We are second-guessing the result of this project if we use the term 'moral philosophy' to encompass the whole terrain of the *Metaphysics of Morals*. The problem is exacerbated if we are tempted to label the *Rechtslehre* 'Kant's political philosophy', not

¹¹ *MM* 6:239. (When quoting Kant I have followed the convention of citing the pagination from the Royal Prussian Academy of Sciences edition.)

¹² See *MM* 6:379.

¹³ And the translation of 'Recht' as 'Right' seems to me independently apt, as capturing the term's juridical nature.

because there is anything objectionable about that *per se*, but because it immediately places political philosophy at a level subsidiary to moral philosophy.

Both Right and Ethics are concerned with freedom, but under different aspects. Ethics has to do with *internal* freedom, Right with *external* freedom. Freedom understood in each of these ways has a positive and a negative aspect. Internal freedom understood negatively is the ‘independence from being *determined* by sensible impulses’; understood positively it is ‘the ability of pure reason to be of itself practical.’¹⁴ This is the idea, familiar from the *Groundwork*, that one acts autonomously only when motivated by conformity to the rational law. The idea of external freedom, on the other hand, is new. I am externally free, negatively understood, if my choice is not constrained by that of others.¹⁵ The positive flipside of this is the freedom I enjoy when my actions are governed by the public law of a juridical state, which gives a proper foundation to rights that are only provisional in the state of nature, and renders coherent my moral interaction with others.¹⁶

The Doctrine of Right concerns *juridical* laws, the Doctrine of Virtue *ethical* laws. Clearly this difference will be crucial to the question whether Kant’s is an autonomy view, and I discuss it in detail presently. At this stage I simply note Kant’s initial explanation, which is that moral laws – that is the broadest category, encompassing both juridical and ethical – ‘[a]s directed merely to external actions and their conformity to law... are called *juridical* laws; but if they also require that they (the laws) themselves be the determining grounds of actions, they are *ethical* laws, and then one says that conformity with juridical laws is the *legality* of an action and conformity with ethical laws is its *morality*.’¹⁷

These are the bare bones of Kant’s account of the division between Ethics and Right. What about the argument of the Doctrine of Right itself? The linchpin of Kant’s account of political

¹⁴ 6:214

¹⁵ 6:237.

¹⁶ See S Byrd & J Hruschka, *Kant’s Doctrine of Right: A Commentary* (Cambridge University Press 2010) 92-3.

¹⁷ 6:214; see also 6:219.

obligation is the idea of the innate right to freedom. ‘Freedom,’ he writes, ‘...insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every man by virtue of his humanity.’¹⁸ The concept of Right concerns the use of this external freedom and the impact such use has on others.¹⁹ *Recht* refers not only to a body of norms, but to an abstract state of affairs obtaining among human agents. In this sense, Right is ‘the sum of the conditions under which the choice of one can be united with the choice of another in accordance with a universal law of freedom.’²⁰

Kant’s Universal Principle of Right holds that ‘Any action is *right* if it can coexist with everyone’s freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with a universal law.’²¹ While action that hinders my freedom is a wrong against me, action that merely resists or prevents such hindrances to freedom is itself compatible with freedom in accordance with a universal law. Coercion is justified if and only if it serves to re-establish the system of equal freedom. Since I have a right to this equal freedom, I have a right to exercise coercion for the sake of it: or, since the authority of the state is required for this to be morally coherent, the state has such a right. Kant goes so far as to say that ‘Right and authorization to use coercion... mean one and the same thing.’²² In the state of nature – that is, in the absence of an authority to render determinate our rights and ensure their observance – a situation in which each enjoys equal freedom with others is not possible. We are therefore morally obliged to establish a state, to transform private rights into public rights.²³ This is only a thumbnail sketch. I will revisit these details in the discussion of Ripstein’s argument for the autonomy thesis.

¹⁸ 6:237

¹⁹ 6:230.

²⁰ 6:230.

²¹ 6:231

²² 6:232.

²³ 6:307.

4.4 *Virtue and Right* versus *moral and political philosophy*

It is easy to interpret Kant as offering us discrete moral and political philosophies in the *Metaphysics of Morals*. The work takes the form of a general introduction followed by separate accounts of Right and of Virtue. Are these not best understood as providing first Kant's political philosophy and then his (later) moral philosophy? Things are not so simple. The *Tugendlehre* is no more than the theory of what Kant refers to as Virtue, and *Rechtslehre* the theory of what Kant refers to as Right: but Virtue and Right are themselves distinctive Kantian categories, and investigation is needed before we can decide what parts of each are properly assignable to Kantian moral and political philosophy respectively. In other words, we must not beg any questions about the relationship between moral and political philosophy in Kant by assuming that these labels correspond straightforwardly to Kantian Virtue and Right.

Nor should we confuse the question at issue here – how we should situate Kant in contemporary debates about the supposed autonomy of political philosophy – with the related but different question how Kantian Right fits into the Kantian conception of the moral laid out in the *Groundwork*. As Katrin Flikschuh has pointed out,²⁴ the question of the status of the *Rechtslehre* tends to focus on whether Right is a moral category where the idea of the 'moral' is fleshed out in terms of content drawn from the *Groundwork*, rather than by taking a step back and asking where the category of the moral fits into the *Metaphysics of Morals*. Those who reject the 'moral status of Right' often do so from a position which takes the capacity for moral self-legislation explored in the *Groundwork* to be definitive of the Kantian category of the moral. But we need to look at the *Metaphysics of Morals* without such preconceptions.

²⁴ K Flikschuh, 'Justice without Virtue', in L Denis, *Kant's Metaphysics of Morals: A Critical Guide* (Cambridge University Press 2010) 53.

4.5 *Methodological and structural autonomy in Kant*

Kant's account of Virtue and Right offers a useful illustration of the distinction between methodological and structural autonomy.

4.5.1 *Methodological autonomy*

The methodological question is about the derivation of theory. Specifically, is Kant's political theory – which, for the time being, let's identify with the *Rechtslehre* – derived from his moral philosophy? For example, if we regard the theory of the *Groundwork* as representing Kant's moral theory, and if the Doctrine of Right is (as some believe) Kant's attempt to work out the implications of this moral theory for the political domain, then political theory for Kant is not methodologically autonomous. If, by contrast, Kant regards the Doctrine of Right as a theory that must be constructed independently of the *Groundwork* account of morality, then he may regard it as autonomous in this way.

The structural question is about the relationships between *norms* (and consequently about the theories that order and make sense of those norms). In Kant, it is the question of the relationship between principles of Ethics and principles of Right. If principles of Right are basic, in the sense of being both distinct from and underived from principles of Ethics (rather than responsive to more fundamental ethical principles), then Right can be said to be structurally autonomous. If, by contrast, juridical obligations are ultimately best understood as applications of the Categorical Imperative, then Right is not structurally autonomous.

It is now easy to see why it matters how the specific Kantian concepts – Categorical Imperative, principles of Virtue, and principles of Right – are thought to line up against the categories 'moral philosophy' and 'political philosophy'. For suppose that (as one plausible interpretation would

have it), the Categorical Imperative is the supreme practical principle, from which both principles of Ethics and principles of Right are derived. If we regard the Categorical Imperative as the supreme *moral* principle, and therefore a part of moral philosophy, and the *Rechtslehre* as Kant's political theory, then the political theory is derived from the moral theory, and yet it is still possible for principles of Right to be autonomous in the sense of being underived *from principles of Ethics*. We can show the methodological relationship between theories like this:

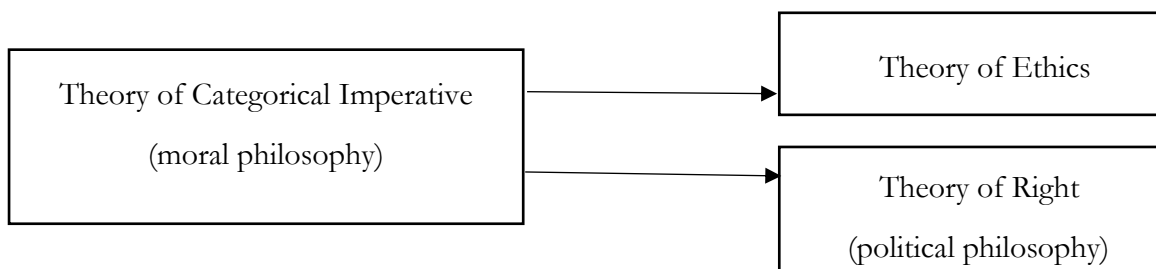


Fig. 1

and the structural relationship between norms like this:

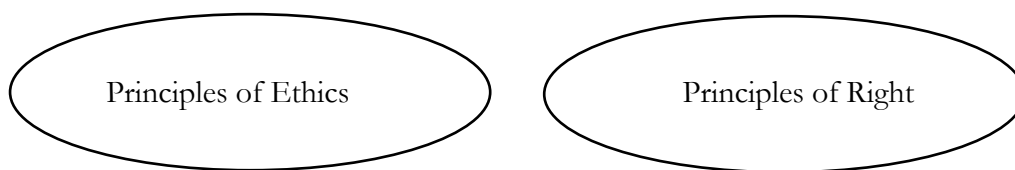


Fig. 2

On this picture, Right and Ethics are independent of each other (no principles of Ethics are principles of Right, and conversely, no principles of Right are principles of Ethics) even though each is derived from the Categorical Imperative.

But if we instead go for a symmetrical view of moral and political philosophy, and identify the former with the *Tugendlehre*, Kant looks like a full-fledged autonomy theorist: political norms are autonomous with respect to moral norms, but in addition, the political theory is not derived from the moral theory:

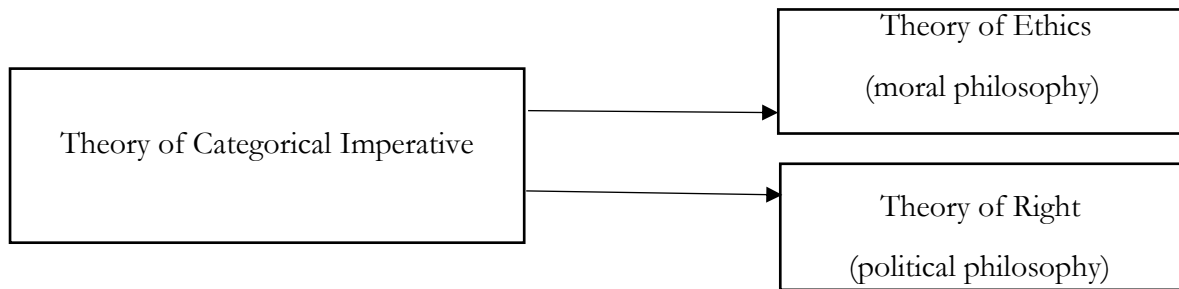


Fig. 3

4.5.2 *Structural autonomy*

Now Figure 2 is misleading. It separates principles of Ethics and principles of Right completely. Since they are mutually exclusive categories, and there is no relationship of derivation, principles of Right are autonomous. But this is not the whole picture. As we have already seen, Kant regards Ethics and Right as both part of Morals in general. So the representation should be more like this:

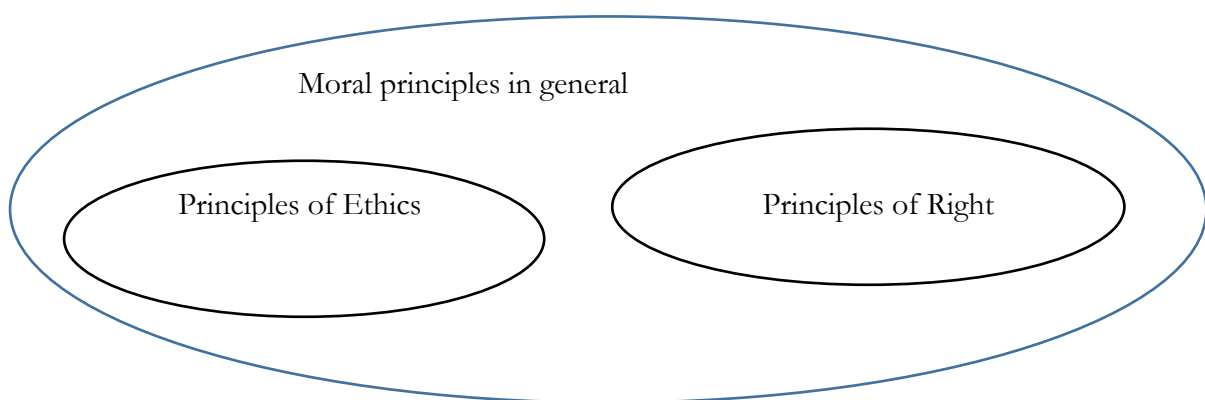


Fig. 4

This presents us with a problem. Even an advocate for the strong autonomy of political normativity thinks there is *something* that unites moral and political norms – or, in this Kantian version, principles of Ethics and principles of Right. Not only are they both sets of norms, but they are both sets of *practical* norms. They are principles of practical reason, principles that tell us what we ought – in some suitably ecumenical sense – to do. But the strong autonomy theorist does not think that they are both *moral* principles. Consider what Kant and the strong autonomy view would do with *prudential* principles. The strong autonomy theorist might put them in the same overall set as principles of Ethics and principles of Right (or of politics). So the set of principles of practical reason would include principles of ethics, principles of politics, and principles of prudence. Something like that picture is suggested by the realist writers discussed in Chapter 7. Some would even be inclined to add further autonomous domains, such as principles of medicine.²⁵ But for Kant, accommodating principles of prudence would require another set alongside the set of moral principles, since for Kant all (genuine) principles of practical rationality are moral principles.

The complete separation of ethical from political norms, although sufficient for the autonomy thesis in one sense, does not tell the whole story. We need to know more about the broader category in which the ethical and the political are thought to belong. Where, as in Kant, that category is itself a moral one, the effect of positing an autonomous category of political norms is merely to divide morality into two discrete compartments. Where, as with the political realists discussed in Chapter 7, the category of political norms sits alongside that of moral norms with nothing to unite them but the domain of practical reason, the effect is to remove the political altogether from the scope of morality.

²⁵ See section 7.2.3 for this argument.

4.6 *The pure Kantian argument*

In this section I present a way of distinguishing between Kantian Right and Kantian Virtue that is both straightforward and uncontroversial – at least in the sense of being very clearly recoverable from Kant’s text – and which does attribute to Kant a structural autonomy view. However, it is a distinction that is not very helpful for contemporary autonomy theorists because it depends on distinctively Kantian doctrines in moral philosophy that modern autonomy advocates would probably rather not rely on.

The uncontroversial idea is that ethical principles require an agent to act from a specific reason, namely, that the act contemplated is commanded by the Categorical Imperative. If a duty is one of Virtue, then I can fulfil that duty only if I perform the prescribed action precisely because it is the action prescribed by the moral law. As Kant explains:

... what is distinctive of ethical lawgiving is that one is to perform actions just because they are duties and to make the principle of duty itself, wherever the duty comes from, the sufficient incentive for choice.²⁶

Principles of Right, by contrast, demand only compliance, regardless of motivation:

That lawgiving which makes an action a duty and also makes this duty the incentive is *ethical*. But that lawgiving which does not include the incentive of duty in the law and so admits an incentive other than the idea of duty itself is *juridical*.²⁷

In this way lawgiving is ‘distinguished with respect to the incentive’, rather than with respect to the content of the duty. So we cannot say that my duty to φ is an ethical duty, while my duty to ψ is a juridical duty; it depends on the necessary incentive that is attached (or not) to the duty in each case. To step out of the Kantian idiom for a moment, a duty to uphold just institutions, for example, could not be a political duty on account of its concerning matters of social justice; it

²⁶ 6:220.

²⁷ 6:219.

would be a political duty on account of its being dischargeable without regard to the motive of the duty-holder.

This has a further implication. I cannot be coerced to perform my ethical duties. I could be coerced to act in the way the moral law demands – for example, by the threat of penal sanctions – but this will not count as doing my duty because I will be acting heteronomously, out of a desire to avoid the adverse consequences, rather than autonomously, from respect for the moral law. ‘Good will,’ as Flikschuh notes, ‘is non-coercible.’²⁸ But coerced compliance with principles of Right involves no such difficulty. Since my duty is only to act in such a way that my action ‘can coexist with everyone’s freedom in accordance with a universal law’,²⁹ it does not matter if I so act from fear of the possible consequences of doing otherwise. Compliance with the duty need not be *for the sake of* duty. In other words, the operation of ‘external’ incentives are compatible with fulfilment of duties of Right, but fulfilment of duties of Virtue requires exclusively ‘internal’, autonomous, motivation.

I call this way of distinguishing between Ethics and Right the ‘pure Kantian argument’. This is not only because it is clearly recoverable from Kant, but also because it relies on an aspect of Kant’s moral philosophy – the necessity of acting from duty to virtuous conduct – on which many Kantians in modern political philosophy might rather remain neutral. Kant makes the contrast especially clearly in the *Critique of Practical Reason*:

The essence of all moral worth of actions lies in their being *immediately determined by the moral law*. If the determination of the will took place in *accordance* with the moral law, but only by means of a feeling, of whatever sort... thus not *for the sake of the law*: then the action would certainly contain *legality* but not *morality*.³⁰

This passage reminds us that Kant’s moral theory – that is, the theory that is familiar from the *Groundwork* – is an account of what it is in virtue of which actions have *moral worth*. This is to be

²⁸ Flikschuh n24, 62.

²⁹ 6:230.

³⁰ 5:71.

distinguished from an account of the *rightness* of actions. An account of right action proposes a criterion for identifying what makes an action the right one to do. To such an account might be added a further story about what makes a person a worthy agent. For example, a utilitarian will say that an action is right in virtue of its bringing about as much or more happiness than any other available. But she is not thereby committed to saying that an agent all of whose actions conform to this criterion is a good person. She might see that he is in many instances of such outward conformity motivated by self-conceit or by an obsession with good reputation. Her moral theory can recognize these important facts by distinguishing the assessment of the action from the assessment of the agent.³¹ For Kant, the judgment of an action's rightness and the judgment of a person's moral worth are not so easily separable. The *Groundwork* offers a theory, ultimately, of the *good will* rather than of right action as such.³²

But if Ethics is about the good will rather than about right action, then we should not expect to be able to derive an account of right action in a political context from an account of Ethics – because Ethics in the strict Kantian mode isn't an account of right action in any context: it isn't an account of right action at all. This presents a problem for those who want to use Kant's work to argue for the autonomy thesis more generally – that is, to argue, not that Kant subscribed to a version of the autonomy thesis, but to argue, on Kantian grounds, that the thesis is correct. The problem is that the pure Kantian argument relies on a very specific and distinctive understanding of the nature of moral obligation, and therefore of the kind of undertaking Ethics is. The pure Kantian argument has nothing to say against a view on which ethics *is* about right action, and political philosophy simply follows this account into the political domain. The targets of the

³¹ As Mill says: 'utilitarian moralists have gone beyond almost all others in affirming that the motive has nothing to do with the morality of the action, though much with the worth of the agent.' (*Utilitarianism* (1861; Hackett 1979) 18)

³² Cf. Flikschuh: 'to assume that for its argument to have moral status the *Doctrine of Right* must fit the pattern of the *Groundwork* is to assume that the morality of Right is a species of the morality of virtue. Whether or not our rights claims against others are met then depends on others' good will. This is deeply counterintuitive, and not Kant's view' (n24, 63-4).

autonomy theorist will not all agree that right action requires the motive of duty in a sense robust enough to ground a distinction between moral and political duties.³³ They can say that one fulfils one's moral obligation simply by φ ing, not by φ ing *from a particular motive*. It may well be that the person who φ s because she regards it as her duty to do so is a more morally worthy person than the one who φ s because she fears the public opprobrium of doing otherwise, but this consideration does not have a bearing on what counts as fulfilling one's moral duty.

It is important to understand the role of coercion in the pure Kantian argument. The idea is that coercion cannot play a role in agents' fulfilment of their ethical duties because, since the fulfilment of those duties necessarily involves motivation from the moral law, coercion will undermine rather than facilitate their fulfilment. That people cannot be forced to comply with their ethical duties follows from the nature of those duties.³⁴

It might be suggested instead that ethical duties are ones that *may not* be coercively enforced. The argument would be that there is something about ethical duties, or something about coercion, that makes ethical duties an inappropriate or illegitimate target for coercive enforcement. This is different from saying that coercion is out of place because the necessary motivation that attaches to compliance with ethical duties makes it incompatible with their fulfilment.³⁵ An argument that the state *may not* coercively enforce ethical duties moves away from the pure Kantian argument.

³³ George Fletcher argues for 'the separation of law from morality in the Kantian sense' but doesn't seem to see its lack of interest for those who don't buy into Kant's account of action from the sake of duty. The limited appeal of the pure Kantian argument makes Fletcher's claim to have identified the source of judges' worries about 'legislating morality' implausible. See G Fletcher, 'Law and Morality: A Kantian Perspective' (1987) 87 *Columbia Law Review* 533.

³⁴ I don't mean to imply that it follows from the *content* of those duties. One way of understanding Kant would be to regard him as saying that the content of an ethical duty always takes the form, ' φ , for reason R', whereas the content of a juridical duty takes the form ' φ '. But Kant wants to say that two duties can have the same content (' φ '), while being distinguished by the type of lawgiving involved.

³⁵ M Willaschek ('Right and Coercion: Can Kant's Conception of Right be Derived from his Moral Theory?' (2009) 17 *International Journal of Philosophical Studies* 49, 68 n13) notes that 'Kant's official reason why moral duties may not be coercively enforced is that their fulfilment requires that they be obeyed for their own sake (e.g. 6:219)'. He thinks this is unconvincing even on Kant's own terms, first because 'the Categorical Imperative requires us to act on maxims that can hold as universal laws; it does not require us to act from the motive of duty.' True – but it's only when we act from the motive of duty that our action has moral worth, and that's what the *moral* theory is about. To say that 'doing one's duty, as specified by

So the question is whether any Kantian division between Ethics and Right can be sustained *simply* on the basis of the distinction between moral principles that can and moral principles that can't be legitimately coerced, independently of the Kantian focus on the self-legislating will as the ground of ethical obligations, and the good will as the source of the goodness of action in accordance with the Categorical Imperative. The non-Kantian needs some way of seeing that juridical laws are independent of ethical laws that doesn't require her to accept that ethical laws are laws of internal freedom, that is, laws through which individuals make their actions internally consistent. Similarly, if the autonomy theorist wants to argue that Right is about what can be coerced, the contrast must be other than one between action that may be motivated by external factors, and actions that must be motivated by a sense of duty, since many of the autonomy theorist's target moral philosophers will reject the idea that action is virtuous simply insofar as it is motivated by respect for the moral law.

For this reason, Kant's own work is not a good place to end our consideration of Kantian arguments. The rest of this chapter, therefore, looks in detail at Arthur Ripstein's argument for the autonomy thesis, which he claims explicitly is intended to appeal even to those without commitment to Kant's moral philosophy.

4.7 *Ripstein*

Arthur Ripstein has articulated a version of the autonomy thesis across several important papers and in *Force and Freedom*, his recent interpretation and defence of Kant's legal and political philosophy. Ripstein is quite explicit in his support for the idea that political theory is autonomous with respect to moral philosophy, and indeed sees what he calls the 'applied ethics' approach as a principal target for his arguments. 'Political philosophy,' he notes, 'is often thought of as an

the Categorical Imperative, can be coercively enforced' seems to miss the point. Since action coerced into accordance with the CI is without moral worth, there is simply no reason to use coercion in this way.

application of general moral principles to the factual circumstances that make political institutions necessary', and that view, he believes, is mistaken.³⁶

For Ripstein the central problem of political philosophy is about the authority to coerce, and it is the signal advantage of Kant's doctrine of Right that it offers the solution that contemporary philosophers have failed to identify. The classical view, which he associates with John Stuart Mill, starts in moral philosophy by asking first what people ought to do, and from there moves on to political philosophy, by asking the further question in what circumstances people may be forced to do what they ought to do.³⁷ This, he thinks, is problematic, because:

once coercion is understood as secondary, it is remarkably difficult to show that it is warranted. The obvious, perhaps only, available strategy is to give an account of what people ought to do, and then go on to show that, in the circumstances in question, it is acceptable to force people to do as they ought. The difficulty is serious because almost no one is prepared to accept that, as a general matter, people may be forced to do what they ought to do, just because something important is at stake.³⁸

In the next section I summarize Ripstein's interpretation of Kant. I then (4.7.2) examine Ripstein's case for the autonomy thesis. I consider how his argument is supposed to work, focusing especially on the dialogue he imagines between what he regards as the right approach to political philosophy, and Mill's approach, which he thinks goes wrong because of a methodological error at the outset. I argue that Ripstein provides no reason to think of political philosophy as autonomous that is independent of the case for seeing coercion and freedom in Kantian terms.

³⁶ Ripstein n8, 1.

³⁷ *ibid.* 52. It is slightly odd that Ripstein concedes in a footnote that 'John Rawls's later work, with its emphasis on the coercive structure of society, is a clear exception to this tendency', given the prevalence of Rawlsian or Rawls-inspired political liberalism in contemporary political philosophy.

³⁸ A Ripstein, 'Authority and Coercion' (2004) 32 *Philosophy and Public Affairs* 2, 5. As it happens, I imagine many philosophers would be happy to accept that people ought to be forced to do what they ought to do because something important is at stake. The debate between non-Kantians is likely to focus on just how important that something must be to override the right against coercion. For a forceful account of the implications of holding otherwise, see V Tadros, 'Independence Without Interests?' (2011) 31 *Oxford Journal of Legal Studies* 193.

4.7.1 Ripstein's Kant on freedom and coercion

Kant's political philosophy is based on a series of interlinked ideas. Political philosophy is identified with the domain of *Right*. Right includes the authorization to coerce. Coercion is the interference with external freedom. External freedom is a matter of being able to set and pursue your own ends, so to be free is to be *independent*.³⁹ If I am independent, I am not subject to another's choice; I am free to set my own purposes rather than being forced to use my powers, which fundamentally means my body, for the purposes of others. In short I am my own master, which means nothing more than that no one else is my master. Coercion is therefore what 'interferes with the ability of [someone] to set or pursue his or her own ends'.⁴⁰ The idea of independence, Ripstein, admits, 'carries the justificatory burden of the entire argument'.⁴¹ It is similar to the republican ideal of non-domination advocated by Philip Pettit.⁴² One crucial difference,⁴³ however, is that while Pettit sees non-domination as the pre-eminent political *good*, to be promoted both by the state as an actor, and by the institutional framework in which the state acts, Ripstein sees independence as a fundamental 'constraint on the conduct of others, imposed by the fact that each person is entitled to be his or her own master'.⁴⁴ This conception of the particular normative force of freedom explains the implications I will discuss presently for the political domain. Freedom as independence is also to be contrasted with the liberal idea of freedom as autonomy. Independence is a relational property – I am independent just insofar as I am not subject to the will of another. Freedom in the common modern liberal sense of autonomy, on the other hand, is non-relational: I may lead an autonomous life even though I deal with no one else throughout it.⁴⁵

³⁹ Ripstein believes that the basic argument can stand apart from Kant's own contrast with internal freedom.

⁴⁰ Ripstein n8, 81.

⁴¹ *ibid.* 14.

⁴² P Pettit, *Republicanism* (OUP 1999). Ripstein raises the comparison himself: n8, 43 n18.

⁴³ There are others; for example, the degree to which Pettit denies that obstructive interventions in my life actually impede my freedom as long as they track my interests.

⁴⁴ Ripstein n8, 15.

⁴⁵ *ibid.* 15.

According to this picture we should think of legal norms not as prohibitions on individual conduct, but as ‘reciprocal limits on what private parties may do to one another’. And for those limits really to be reciprocal they must be “in accordance with a universal law”.⁴⁶ These considerations are what lead Ripstein to endorse Kant’s Universal Principle of Right: ‘an action is *right* if it can coexist with everyone’s freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with universal law.’⁴⁷ On Ripstein’s view this principle ‘generates’ our innate right of humanity, that is, the right to freedom, from which all other rights are derived.⁴⁸ For the Universal Principle of Right to be followed just *is* for everyone’s right to freedom to be respected.

The legitimacy of coercion is to be judged ‘not in terms of its effects but against the background idea of a system of equal freedom.’⁴⁹ Since freedom is a relational quality, a system of equal freedom means not that everyone has the same amount by some independent measure, but simply that no one is hindered by another in his free use of his own powers. ‘Coercion is objectionable when it is a hindrance to a person’s right to freedom, but legitimate when it takes the form of a hindrance to a hindrance to freedom.’⁵⁰ This may be either prospective (preventing hindrances of freedom) or retrospective (exacting compensation or other form of redress). This leads Ripstein to distinguish between harming others through changing the background conditions under which they pursue their purposes (such as in legitimate competition between two businesses) and usurping or destroying others’ ability to pursue their purposes (for instance, through defrauding or injuring them).⁵¹ Only actions of the second category amount to *wronging* someone. Coercion, then, (i) is intrinsic to the wrong it addresses, and (ii) does not make a person bear a cost she would otherwise

⁴⁶ *ibid.* 10-11.

⁴⁷ I Kant, *The Metaphysics of Morals* 6:230.

⁴⁸ Ripstein n8, 31.

⁴⁹ *ibid.* 54.

⁵⁰ *ibid.* 54-5.

⁵¹ For doubts about the robustness of this distinction see Tadros n38 and A Sangiovanni, ‘Can the Innate Right to Freedom Alone Ground a System of Public and Private Rights?’ (2012) 20 *European Journal of Philosophy* 460.

not have done – it merely ensures (prospectively) or restores (retrospectively) a system of equal freedom.⁵²

Ripstein believes there are three ‘limits on the ways in which people may treat each other’, each of which corresponds to a category of private law. They are (i) ‘interfer[ing] with another’s person or property without the latter’s consent’ (property), (ii) failing to follow through on one’s transfer of one’s right to something to another (contract), and (iii) ‘enlist[ing] another in pursuit of [one’s] own ends without the latter’s consent’ (status).⁵³ ‘An act is coercive,’ in short, ‘if it subjects one person to the choice of another.’⁵⁴ The direct use of force is its ‘basic case’.⁵⁵ Ripstein does not deny that people may also treat each other well or badly in other ways – by being mean or generous, helpful or obstructive – but while such behaviour might be ethically wrong, these are not wrongs in the sense that that term connotes an infringement of *right* unless they also violate my innate right to freedom in one of the above ways.

We are yet to see how the state enters this picture. It is as a guarantor of individuals’ rights. Since rights are reciprocal limits on freedom, all have to be subject to the same limits. But in a state of nature we are not. We need the state to ‘classify particulars falling under [general rules]’⁵⁶ and to create the assurance of mutual forbearance that grounds our obligation not to violate others’ rights. Ripstein contends that other theorists misrepresent the role of institutions in political theory. The ‘applied ethics approach to political philosophy supposes that law and the state are instruments for approximating underlying factors that really matter.’⁵⁷ As against this, Ripstein holds that since ‘the consistent exercise of the right to freedom by a plurality of persons cannot [even] be conceived apart from a public legal order’,⁵⁸ institutions are partly *constitutive* of a rightful condition. Not only

⁵² This appears to have the odd result that where coercion is successful in *detering* wrongdoing, this is a fortunate but purely incidental effect.

⁵³ Ripstein n8, 71.

⁵⁴ *ibid.* 54.

⁵⁵ *ibid.* 54.

⁵⁶ *ibid.* 168.

⁵⁷ *ibid.* 7.

⁵⁸ *ibid.* 9.

is the state *necessary* for the achievement and maintenance of a rightful condition, but this is the *only* ground on which state coercion is justified, and for precisely the same reason that coercion was considered problematic in the first place: ‘Both the power to displace individual judgment, by having institutions and officials empowered to make decisions binding on everyone, and the power to enforce those decisions appear to be in tension with the idea that individuals are free to set their own purposes according to their own judgment.’⁵⁹ ‘The arguments about the defects [of the state of nature] establish a negative claim: private interaction is morally incoherent without a public standpoint created through institutions.’ The corresponding positive claim is that ‘a public standpoint, and so a rightful condition, *is* possible through institutions.’⁶⁰

4.7.2 Ripstein’s case for the autonomy thesis

Ripstein believes that his reconstructed Kantian argument should be acceptable even to those who do not buy into Kant’s moral philosophy. One of his declared aims in *Force and Freedom* is ‘to explain Kant’s normative arguments about right without taking on the full commitments of his broader project in practical philosophy’.⁶¹ But in the book his initial presentation of political philosophy as autonomous is nevertheless influenced by the content of Kant’s ethics, since he is concerned especially to repudiate a certain picture of what applying moral philosophy to the circumstances of politics would look like on a Kantian approach. As Ripstein sees it, if Kant were to take a similar approach to Mill in his political philosophy, he would be ‘applying the Categorical Imperative to questions of political legitimacy, state power, punishment, or taxation, or perhaps viewing the state as a coordinating device that enables people to carry out their moral obligations more effectively.’⁶² Several of his interpreters, he argues, have considered Kant’s political thought

⁵⁹ *ibid.* 17.

⁶⁰ *ibid.* 182-3.

⁶¹ *ibid.* 356. Ripstein also endorses Thomas Pogge’s view that that *Doctrine of Right* ‘does not depend upon accepting Kant’s moral philosophy in its entirety’ (*ibid.* 357).

⁶² *ibid.* 1.

a failure because of their misunderstanding of his intentions.⁶³ But to make good a general claim that political philosophy is not applied moral philosophy, Ripstein needs to deny not just that political philosophy is an application of the Categorical Imperative, but that political philosophy is properly constructed through the application of moral principles in general. Ripstein takes himself to be illustrating a general truth about the nature of political philosophy through the Kantian account of it (which he takes to be the right one), rather than simply correcting possible misapprehensions about Kant's practical philosophy.

If we take seriously Ripstein's aim that his argument should appeal to those who do not subscribe to Kant's moral philosophy, two things follow. First, Ripstein must think that his case for the autonomy thesis does not depend on accepting any specific Kantian claim in moral philosophy. Second, he must think that his version of Kant's political philosophy can stand independently of any justification by Kant's moral philosophy. These implications are borne out by what Ripstein says about the relationship between his account and Kant's broader commitments. He does offer an opinion on the debate discussed in the previous section, about the role (if any) of the Categorical Imperative for Kant's political theory. In the Appendix he discusses what he believes to be Kant's own ultimate justification for the Universal Principle of Right. He takes this to be that it is an extension of the Categorical Imperative to the concept of *embodied* rational beings, which introduces spatial alongside rational forms of incompatibility.⁶⁴ The Universal Principle of Right is necessary to 'govern the exercise of free but spatially individuated persons'.⁶⁵ As I understand him, Ripstein does not wish his defence of the Kantian conception of authority and coercion to depend on such details: 'Kant's *Doctrine of Right* has a great deal to

⁶³ *ibid.* 1-2.

⁶⁴ Ripstein takes pains to distinguish an extension from a 'derivation', in keeping with his defence of the autonomy thesis, which he thinks would for Kant be unsustainable were he to concede the aptness of the latter term.

⁶⁵ Ripstein n8, 372.

recommend it even to those who are unable to accept the full argument of the *Groundwork* and *Critique of Practical Reason*.⁶⁶

I will interpret him and address his arguments on the assumption that they are offered independently of such grounding. Accordingly, I am not concerned here to provide a comprehensive critique of Ripstein's Kantianism. Quite apart from the size of that task, Ripstein does not seem to want his case for the autonomy thesis to stand or fall on the reader's wholehearted acceptance of a full-fledged Kantian political theory. My strategy will instead be to ask whether Ripstein offers a convincing case for the autonomy thesis based on his recurring idea that the non-Kantian mainstream in political philosophy, of which he sees John Stuart Mill as the paradigmatic representative, is labouring under some kind of methodological misconception which vitiates from the start its attempts to formulate a successful political theory.

The position Ripstein seeks to argue against is that 'the fundamental normative question of political philosophy concerns the range of laws that states are entitled to make; the secondary one concerns the question of whether sanctions can be used to achieve compliance.'⁶⁷ We should not read too much here in Ripstein's labelling of the first question as 'fundamental'; the proposition he is concerned to deny is that the question of the use of sanctions to achieve compliance is *secondary* to the question which laws states are entitled to make. You might well think that some other question was 'fundamental' to political philosophy – 'what is justice?' rather than 'what should the state do?', for example⁶⁸ – or that no single question could sensibly be described as 'the fundamental' normative question; but if you believe that the question of when the state may use force to ensure compliance with its laws is secondary to the question which laws states are entitled to make in the first place, then you are the target of Ripstein's critique. What does it mean to say

⁶⁶ *ibid.* 388.

⁶⁷ *ibid.* 3.

⁶⁸ Cf. GA Cohen, 'How to do political philosophy', in his *On the Currency of Egalitarian Justice* (Princeton University Press 2011) 227.

that a question is secondary? It means that it can only be answered once the primary questions have been answered, because its solution depends on the answers to those questions. The point here for Ripstein is that ‘the state’s claim to authority is inseparable from the rationale for coercion.’⁶⁹ The only way to argue for the state’s authority – to identify the laws the state is entitled to make – is *by* the argument that justifies state coercion; so once we have solved the question of its authority, there is no question about when it may coerce left to ask. It is a mistake to think that we decide what range of laws the state should make, and use our conclusions as a premise when we go on to decide whether sanctions can be used to achieve compliance.

Ripstein’s claim is that we are mistaken to see one area of theory as building on the set of propositions arrived at by another. Another formulation of a similar kind makes clearer that Ripstein sees his opponents as failing to recognize the truth of the autonomy thesis. They hold, he suggests, that ‘the primary normative question of political philosophy is what people ought to do, and the question of whether they should be forced to do those things is secondary.’⁷⁰ This contrast illustrates helpfully the division between those who affirm and those who reject the autonomy thesis. It is telling that Ripstein refers to the question ‘what people ought to do’ as the primary normative question of *political* philosophy. One might be forgiven for thinking that that was a fairly uncontroversial way of putting the primary normative question of *moral* philosophy. But this is precisely the point. Taking Mill as his paradigm, Ripstein paints his opponent as the theorist who sees no important difference between the two; his accusation seems to be that such theorists are trying to answer questions in political philosophy by asking basic questions in moral philosophy and then following their thoughts through into (what they see as) the political domain.⁷¹ It is this move, treating political philosophy as the next stage in a continuous normative enquiry, that

⁶⁹ Ripstein n38, 2.

⁷⁰ Ripstein n8, 52.

⁷¹ Recall the quotation from Nozick in the previous chapter. For Nozick moral philosophy ‘sets the boundaries for, and boundaries of, political philosophy’ precisely because it is moral philosophy that tells us what we can and cannot force people to do.

Ripstein considers illegitimate. In other words, Mill is trying to do political philosophy by asking the moral philosopher's question:

Mill's approach to the question of coercion is the wrong place to start in political philosophy... [T]he appropriate starting point for political philosophy concerns the way in which private people interact. This is not the moral philosopher's familiar question of how people *ought* to treat each other, but the distinctively political question of how they may legitimately be *forced* to treat each other.⁷²

Ripstein seems to think that Mill's error is deeper than simply coming up with the wrong account of authority and coercion. Mill, he contends, is looking at things in the wrong light right from the beginning. Mill's picture leads us

to pose the question of external freedom in the wrong way from the outset, because we are likely to start with the idea that we are asking when 'we' are allowed to interfere with some person's pursuit of his or her own purposes. Or... we are likely to ask when the state is allowed to stop someone from, or aid someone in, doing something that he or she would like to do. But that is the wrong question.⁷³

'The right question,' says Ripstein, 'can only be asked and answered provided that we begin with a picture different from the one that Mill offers us.'⁷⁴ So there are two distinct mistakes here. Mill's account of coercion is wrong. But apparently he is drawn into this mistaken account of what coercion is by his prior failure to ask the right question. What should we say about this first alleged error?

The first thing to note is that Ripstein's argument is more radical than the political liberal argument for which it is easily mistaken, and which I shall examine in the next chapter. That

⁷² Ripstein, n38, 6. Ripstein appears to be using the word 'interact' here in a technical sense that is supposed to be explained by the next sentence in the quotation. This reading is supported by the way in which Ripstein ascribes a similar thought to Kant: 'Kant's concern is not with how people should interact, as a matter of ethics, but with how they can be forced to interact, as a matter of right' (n8, 14). It is the distinction between Right and Ethics that is supposed to be significant; in the quotation in the text Ripstein appears to use 'interact' to denote interaction specifically with respect to Right rather than Ethics. If we didn't understand Ripstein this way his accusation against Mill would be rather odd, since the consequentialist perspective he has in mind does think of political philosophy as starting from individual duties, which are in some cases better discharged by the state. This is precisely the instrumental view of institutions that Ripstein rejects.

⁷³ Ripstein n38, 10.

⁷⁴ *ibid.* 10.

argument starts from the premise that the imposition of values by force is unacceptable in the absence of a justificatory story that is acceptable to every (reasonable) coerced agent. The political liberal response to Mill, therefore, is something like the following: ‘Once you have identified the values with which your moral philosophy is concerned, you have a new problem, because you cannot justifiably coerce people for the sake of those values unless that coercion can be justified *to those people*.’⁷⁵ But Ripstein thinks that the argument goes wrong well before this point. His suggestion is that Mill is already mistaken as to how to go about political philosophy when he wonders which antecedently identified values can justifiably ground coercion.

For this is not how the justification of coercion works, according to Ripstein. Identifying what is valuable may be an important part of moral philosophy because it has a bearing on what we ought to do. But in fact, justifying coercion – at least as Ripstein understands it – is not a problem in moral philosophy at all. What we ought to do is a separate question from what we may be forced to do; and our conclusion as to the latter cannot simply be derived from the answer to the former. Political philosophy concerns *right*, which is identifiable with the authority to coerce. Moral philosophy concerns what we ought to do. A successful argument for a theory of coercion will not feature any premises about what we ought to do. That is an entirely separate question.

How can Mill respond to this argument? I think he can reply fairly straightforwardly, along the following lines. The question what we ought to do and the question what we may be forced to do are not so separate after all. In fact, the class of actions that feature in the answer to the second is simply a subset of those that feature in the answer to the first. ‘What acts agents may be forced to do’ is equivalent to ‘what acts of forcing agents ought not to do’. Mill’s theory of what people

⁷⁵ In the opinion of L-P Hodgson, the only value for which they can be justifiably coerced is the value of rational agency, because that is a value whose reality no one can coherently deny. See his ‘Kant on the Right to Freedom: A Defence’ (2010) 120 *Ethics* 791. Hodgson in effect interprets Kant’s political philosophy as a form of political liberalism.

ought to do already has principles – ultimately one principle, the principle of utility – that tell us when people ought to force others and when they ought not to.

Ripstein has a rejoinder available, but it is one that shifts the terms of the debate. The rejoinder is this. Mill's mistake is in deciding what *people* ought to do as individual agents, and then to decide what coercive action the *state* should take in response to their inevitable failure to do as they ought. But that mistake arises from a false assumption: *contra* Mill, coercion is not a response to people's moral failings; it is constitutive of a rightful condition, under which a system of equal freedom is maintained. It might be thought that one ought as an individual to advance the interests of others – or at least some interests, at least to a certain extent. You might think that if I do not do so I can be forced to. This would be a justification for government taxation, for instance. But causing harms and conferring benefits are incidental to wrongs, which are what justify coercion. The justification of coercion starts from a different set of premises.⁷⁶

Ripstein's difficulty is that his Kantian conception of coercion and the case for the autonomy of political philosophy come as a package deal. If we are inclined to prefer the Kantian over the Millian account of coercion and freedom, the autonomy thesis may emerge as a result. If we take on trust Ripstein's view of the relationship between moral and political philosophy, we may be more likely to find the Kantian idea of coercion compelling. Anyone who finds Mill's picture more appealing will not subscribe to the autonomy thesis precisely because she has found insufficient reason to buy into the conception of coercion that underpins it. It turns out that, rather than being wrongfooted by his misconception of political philosophy, Mill was asking the 'wrong' questions *because* he took a different view of coercion. Recall the distinction I drew at the end of the last chapter, between methodological arguments for the autonomy thesis and arguments in substantive

⁷⁶ It is interesting to note that Charles Larmore argues *for* the proposition that 'political philosophy cannot simply be applied moral philosophy' ('What is Political Philosophy?' (2013) 10 *Journal of Moral Philosophy* 276, 292) on the basis of precisely the approach that Ripstein sees as motivating his own argument against the 'applied ethics' approach: 'political philosophy needs to proceed differently: justice as a political [as opposed to a purely moral] idea must specify the conditions under which its terms can rightly be made authoritative' (295).

political theory. Ripstein's is an instance of the latter. He is not arguing that whatever the correct political theory turns out to be, philosophers will only arrive at it by treating it as autonomous with respect to their moral theory. He is arguing, rather, that the truth about coercion is that it is a response to wrongs, which are hindrances to freedom as independence.

4.7.3 *Structural and methodological autonomy in Ripstein*

If we accept *that*, does it follow that political theory – the theory of what can be legitimately coerced – is autonomous? I think it does, because external freedom, or freedom as independence, is the value from which exclusively the norms of the political realm are derived. But that is a form of structural autonomy. Let me explain.

On Ripstein's account, certain kinds of acts are picked out as having special normative significance – these are acts of coercion. Such acts are governed by a specific body of *political* norms that apply to all and only such acts. Political norms, therefore, form a coherent category whose content is given by their function. They are those norms that serve to maintain a system of equal freedom. These political norms are autonomous because they are basic norms and they are not derived from moral norms. The wrongness of an act of coercion consists in its hindrance of a system of equal freedom, and admits of no further explanation in terms of Ethics rather than Right. Right is, in other words, a self-contained normative system. On this account, is political philosophy methodologically autonomous? Yes: because adducing a political theory (or, more exactly, the *right* political theory) is a matter, not of working out the application of Ethics to the political domain, but of understanding the content of Right. But that is so only *because* the right political theory is *structurally* autonomous. That political theory cannot be derived from moral theory follows from the autonomy of the norms that constitute political theory.

I said that the wrongness of an act of coercion admits of no further explanation in terms of Ethics. But it is not right to say that there is no further explanation at all. Why were acts of coercion picked out as normatively special in the first place? It is precisely the normative salience of coercion that Ripstein thinks Mill and others fail to notice. Coercion is normatively special, and is to be understood in Kantian terms, because of the value of external freedom, that is, of freedom as independence. As we noted earlier, Ripstein accepts that the idea of independence ‘carries the justificatory burden of the entire argument’.⁷⁷ It is only if this idea is an appealing one that we can get on board with Ripstein’s agenda in the first place.

Ripstein does not offer any explicit argument in favour of the value of independence.⁷⁸ He regards it as more or less self-evident that, ‘as a matter of right, each person is entitled to be his or her own master’.⁷⁹ I think there are plenty of reasons not to find Ripstein’s package an attractive one, but I do not want to enter into this debate here. What I want to do is to point out how problematic Ripstein’s dependence on the normative significance of independence is for his defence of the autonomy thesis. Ripstein shows that political theory requires independent consideration from moral theory only at the expense of losing what was radical about this proposition in the first place, viz. the idea that it could be used to criticize the Millian *methods* of mainstream political philosophers. In fact, if these theorists are doing political philosophy by asking about fundamental values and their application to the political domain, then they have got the right idea, even by Ripstein’s lights; what they have missed is the most important – for the political realm – of those values, the value of freedom as independence. What appeared to be to be an argument for the autonomy thesis that functioned outside the ordinary back-and-forth of

⁷⁷ Ripstein n8, 14.

⁷⁸ Or – if the invocation of ‘value’ is thought not to fit within a Kantian rights-based account of freedom – its normative significance. But I think Ripstein concedes that it is the appeal of independence as a valuable aspect of human life that is doing the work: ‘All of this can be repackaged into the vocabulary of my long-term or higher-order interest in self-determination, so long as it is understood purely relationally: the only “interest” that matters to my rights is the interest in having no other person determine my purposes’ (n8, 111).

⁷⁹ *ibid.* 15.

normative political theory returns us straight back to those first-order disputes. I think a full rebuttal of Ripstein's case for the autonomy view would require a rebuttal of his case for seeing freedom and coercion in Kantian terms.⁸⁰ To that extent, the vindication of the simple view is deferred. But the flipside of this is that the autonomy thesis survives only as an implication of a full normative political theory: it gets no grip on anyone independently of their disagreement with that theory.

⁸⁰ For some compelling arguments against Ripstein's picture see Sangiovanni n51; Tadros n38, and L. Valentini, 'Kant, Ripstein, and the Circle of Freedom: A Critical Note' (2012) 20 *European Journal of Philosophy* 450.

5. Theory, conception, and truth in political liberalism

5.1 Introduction

In this chapter I examine the political liberal case for the autonomy of political philosophy. In criticizing the views expressed in his earlier *Theory of Justice*¹ Rawls took himself to task for failing to draw a distinction between moral and political philosophy.² The new problem he set himself, the ‘problem of political liberalism’, was

to work out a political conception of political justice for a (liberal) constitutional democratic regime that a plurality of reasonable doctrines, both religious and nonreligious, liberal and nonliberal, may endorse for the right reasons.³

Rawls regarded this problem as so deep-seated that it must be tackled at the outset of any theorizing about justice. We might have thought it possible to build upwards from basic principles in moral philosophy, towards the more complex problems of political life and social interaction, dealing with difficulties such as ‘stability’ and the co-existence of reasonable comprehensive doctrines as they arise. But Rawls’s view is that in fact we are forced to leave our previous conclusions behind. A political conception of justice, he thinks, should be ‘as far as possible, independent of the opposing and conflicting philosophical and religious doctrines that citizens affirm. In formulating such a conception, political liberalism applies the principle of toleration to philosophy itself.’⁴

It is the somewhat mysterious idea of applying the principle of toleration to philosophy that I address in this chapter. My demonstration that the arguments of political liberalism fail to show political philosophy to be autonomous will have two further results. The first is to clarify the role

¹ J Rawls, *A Theory of Justice* (Harvard University Press 1971).

² John Rawls, *Political Liberalism* (Columbia University Press 1993) xvii. Page references to Rawls are to this volume unless otherwise indicated.

³ Rawls n2, xli.

⁴ *ibid.* 9-10.

of truth, and the relationship between justice and legitimacy in political liberalism. I believe that political liberalism manufactures from an (in any case contentious) view of the nature of justice and legitimacy a thesis about the nature of political philosophy itself. I remain neutral on the political liberal account of justice and legitimacy, but reject the broader claim about political philosophy. Secondly, in the light of these clarifications I rehabilitate a well-known criticism of political liberalism articulated by Joseph Raz. I argue that David Estlund's response to the criticism, which attempts to find a third way between Rawlsian 'epistemic abstinence' and a Razian full-throated commitment to truth in theories of justice, does not work.

I argue that the autonomy thesis as defended by political liberalism (PL)⁵ is ultimately banal. It turns out that where we expected *political philosophy* to be autonomous, only *political liberalism* is autonomous. Where, alternatively, we were looking for an autonomous political *theory*, all we find is an autonomous *conception* of justice. These results do not trouble the simple view of political philosophy as a branch of moral philosophy, because the political liberal still has to do political philosophy in order to argue for political liberalism, and still has to have a political theory (which for PL turns out to be first and foremost a theory of *legitimacy*) in order to ground the conception of justice. Those who wish to defend political liberalism will have to defend its theory of legitimacy. That task, I argue, has not been shown to be autonomous with respect to moral philosophy, or any other part of philosophy.

My argument proceeds as follows. In section 2, I explain the motivation behind the political liberal case for the autonomy of political philosophy, and examine the nature of the argument, with particular reference to the work of Rawls and Jonathan Quong. In section 3 I explain how I think the political liberal argument must be understood if we are to make sense of it. My explanation is in terms of a distinction between a political *theory* and a political *conception*. I suggest

⁵ I use 'PL' to refer to the philosophy, doctrine, theory, or programme called 'political liberalism', and the italicized 'PL' to refer to Rawls's *Political Liberalism*.

that the constraints that PL places on the construction of a political theory actually apply only to the construction of the political conception of justice. To support this view, I explain the various differences between a theory and a conception, and offer evidence from Rawls in support of the distinction's validity. I also explain the relationship between justice and legitimacy in political liberalism. Understanding this relationship is crucial for understanding what PL takes to be autonomous and what it does not. In section 4 I argue that on the picture that I have sketched – which I think is the only picture that makes sense of the justificatory structure of political liberalism – PL's political theory is not autonomous. Nothing in PL supports its contention that the success criteria for a political *theory* are different from the success criteria for any other philosophical theory. There is only one criterion: truth. I argue that David Estlund's defence of the political liberal view as against Raz's criticism actually serves to reaffirm the distinction between theory and conception, and reinforces the claim that political obligations are ultimately grounded in truth. In PL the 'autonomous' political conception is grounded in the (truth of the) theory of legitimacy. Section 5 addresses an objection modelled on Quong's 'internal conception' of political liberalism.

5.2 *Political liberalism and the autonomy of political philosophy*

Before exploring the political liberal argument for the autonomy thesis, let's briefly remind ourselves of the types of argument available. A political theory is *structurally* autonomous if it contains political norms that are basic and are not moral norms. Political philosophy is *methodologically* autonomous if its theories about political norms and values can't be derived from theories of moral norms and values. This is the 'non-derivation constraint'. I will interpret political liberalism as arguing for a methodological claim about political philosophy.

Rawls's project in *Political Liberalism* grew out of his concern that the account of stability in the third part of *A Theory of Justice* was inadequate because it envisaged a society whose members converged on a contentious and comprehensive theory of justice. This, Rawls thought, was

unrealistic because it failed to take account of what he came to refer to as the fact of ‘reasonable pluralism’. That is, given the ‘burdens of judgment’ – ‘the many hazards involved in the correct (and conscientious) exercise of our powers of reason and judgment in the ordinary course of political life’⁶ – a democratic society will always support a variety of conflicting moral, religious and philosophical doctrines, each of them reasonable in the distinctively Rawlsian sense that they are prepared to ‘propose fair terms of cooperation’ and to recognize the burdens of judgment.⁷ We cannot hope to eliminate this pluralism except through the unacceptable use of force by an authoritarian state. What we need to achieve, then, is not universal assent to a philosophical theory of justice, but rather an overlapping consensus whereby the members of a society reasonably divided in their comprehensive doctrines can all endorse a political conception of justice, each from the point of view of her more general moral, religious or philosophical account of the world.

For Rawls the autonomy of political philosophy is based on a distinction between comprehensive doctrines and the political conception of justice. This is a distinction that other political liberals have continued to endorse in developing Rawls’s ideas.⁸ Jonathan Quong, for instance, follows Rawls in saying that ‘when a conception of the good “covers all recognized values and virtues within one rather precisely articulated system” intended to inform our conduct in almost all aspects of life, that conception is a *comprehensive doctrine*.’⁹ The core of the autonomy argument is the claim that the political conception of justice must be ‘freestanding’. That is, while the political conception should have a ‘justification by reference to one or more comprehensive doctrines, it is neither presented as, nor as derived from, such a doctrine applied to the basic

⁶ Rawls n2, 56.

⁷ *ibid.* 48-66.

⁸ See D Estlund, ‘The Truth in Political Liberalism’, in J Elkins & A Norris (eds) *Truth and Democracy* (University of Pennsylvania Press 2012) 251-271 for an argument that it may be possible to preserve the essence of political liberalism without invoking the idea of a political conception. My case against the autonomy thesis in this chapter does depend on this feature of political liberalism, but whatever the details of Estlund’s argument (he only makes the suggestion in outline), I doubt whether he would want to incorporate in it a defence of the autonomy thesis.

⁹ J Quong, *Liberalism without Perfection* (Oxford University Press 2010) 13 (emphasis in original).

structure of society'. The political conception is, rather, a module 'that fits into and can be supported by various reasonable comprehensive doctrines that endure in the society regulated by it.'¹⁰

This last claim is political liberalism's version of the non-derivation constraint. This is, remember, the injunction that the correct political theory cannot be derived from the correct moral theory. It should be acknowledged that PL does not always put things explicitly in these terms. In Rawls the claim comes in two parts. It is not simply that the correct political theory cannot be derived from a moral theory, but rather that (i) the correct political theory cannot be derived from a *comprehensive doctrine*, and (ii) in general, moral theories are offered as comprehensive doctrines.¹¹ It is also part of his view that the freestanding political conception does not 'say that political values are separate from, or discontinuous with, other values.'¹² The political conception is itself a moral conception,¹³ and the domain of political values is a 'subdomain of the realm of all values'.¹⁴ In other words, Rawls is explicit in disavowing any claim to structural autonomy on the part of the political. Martha Nussbaum is right to say that

To endorse political liberalism does not entail that political principles have no ethical content. For both Rawls and Larmore, they do. But the content is advanced as something that ought to be acceptable to people holding a wide range of divergent reasonable comprehensive doctrines.¹⁵

There is no distinction between moral and political varieties of normative content; it is the *derivation* of the normative content that is crucial to PL, i.e. that it is not taken from moral theories, since these are subject to reasonable disagreement, but enters in directly at the political stage. The

¹⁰ *ibid.* 12.

¹¹ *ibid.* 13. Rawls's favoured example of a secular comprehensive doctrine is utilitarianism.

¹² *ibid.* 10.

¹³ Rawls, n2, 11; Quong n9, 14.

¹⁴ *ibid.* 139.

¹⁵ M Nussbaum, 'Political Liberalism and Respect: A Response to Linda Barclay' (2003) 4 *Sats – Nordic Journal of Philosophy* 27.

political norms that the autonomous political theory is about can and should be understood as moral norms.

It is important to stress the feature of PL that Raz refers to as ‘epistemic abstinence’: the refusal of political liberalism to claim that the tenets of its political conception are true, rather than merely reasonable. PL remains neutral as to the truth of comprehensive doctrines. Since moral theories are offered as comprehensive doctrines, moral theories (or any subset of propositions thereof about which there is reasonable disagreement) cannot be admitted as premises in an argument for a political theory.¹⁶

5.3 *Theory and conception*

I have said that political liberalism subscribes to a version of the non-derivation constraint, the idea that the correct political theory cannot be derived from the correct moral theory. Let me explain how this is supposed to work. In doing so I will introduce the distinction between a political theory and a political conception.

The political conception of justice cannot be derived from a comprehensive doctrine, and since moral theories are offered as comprehensive doctrines, it cannot be derived from a moral theory. But why not? What is driving this injunction? So far I have explained this in terms of the transition from *A Theory of Justice* to *Political Liberalism*. Rawls’s concern was that the earlier work did not give an adequate account of stability. But we can put this in terms of a more formal requirement on a

¹⁶ Note that the supposed autonomy of political philosophy according to political liberalism is different from political liberalism’s anti-perfectionism. As Quong explains: ‘Perfectionist considerations are narrower than comprehensive doctrines: many different sorts of perfectionist considerations will be included in a single comprehensive doctrine, and many comprehensive doctrines might share similar perfectionist views’ (n9, 175). Or they might not. Many would regard Ronald Dworkin’s political theory as a comprehensive doctrine, but one that is anti-perfectionist. See R Dworkin, *A Matter of Principle* (Oxford University Press 1985), *Justice for Hedgehogs* (Harvard University Press 2013). Where political liberalism is anti-perfectionist because it is political (as opposed to comprehensive), anti-perfectionism is one tenet of Dworkin’s comprehensive view.

conception of justice. Call this the ‘compatibility requirement’. The idea is that any viable conception of justice must be compatible with the fact of reasonable disagreement. The account in *Theory* fails this test because it in effect assumes away that fact: the well-ordered society of *A Theory of Justice* is one in which all subscribe to the comprehensive doctrine that Rawls calls justice as fairness. But we know that in any realistic non-authoritarian society this would not be the case. The revised, ‘political’ account meets the requirement because it no longer treats justice as fairness as a comprehensive doctrine. Here is how Quong explains the compatibility requirement:

Because freedom and rationality produce reasonable disagreement, we have good grounds to want our conception of justice to be compatible with rationality exercised under conditions of liberty.... Rawls values stability and unity amongst reasonable persons because this is necessary to make his conception of justice consistent with the workings of rationality under conditions of liberty.¹⁷

The compatibility requirement is what explains the non-derivation constraint. That is, the reason why there is an injunction against deriving one’s political theory from one’s moral theory is because the political conception of justice must be compatible with the fact of reasonable disagreement. This requirement will not be met if that conception is derived from a comprehensive doctrine (which is what a moral theory is), because not everyone (who acknowledges the burdens of judgment and is prepared to offer fair terms of cooperation) will subscribe to that doctrine. The foundations of the political theory will be subject to reasonable disagreement. But already there is a difficulty here. The non-derivation constraint is a constraint on the construction of political theories. It is what makes political philosophy (which is the business of constructing political theories) methodologically autonomous. The compatibility requirement, however, seems to be a requirement on a political *conception* of justice. How can a requirement on a political conception of justice form the basis for a constraint on the construction of political theories?

The gist of my argument is that it cannot. But in order to show this I need to explain and illustrate the distinction between a political conception of justice and a political theory. I will do

¹⁷ Quong n9, 227-8.

so by contrasting theory and conception across several categories. The arguments about each feature of theory and conception – their role, their ontology, and so on – are supposed to be mutually reinforcing. One cannot fully grasp the different roles of theory and conception, for instance, without also understanding their different ontologies. Accordingly, each opposition is intended to stand or fall only in conjunction with the others, rather than individually.

5.3.1 *Theory and conception: the basic idea*¹⁸

A political theory is a philosophical theory of the political domain. On my view, and apparently on the political liberal view too, that is just a subset of the moral domain. As a philosophical theory, a political theory is justified by giving reasons. Arguing for a political theory involves the derivation of true conclusions from true premises via valid methods of inference. A political conception, by contrast, is a set of ideas about justice (or the person, etc.) whose ‘content is expressed in terms of certain fundamental ideas seen as implicit in the public political culture of a democratic society.’¹⁹ It is freestanding: its propositions are not presented as derived from any propositions outside it. ‘It offers no specific metaphysical or epistemological doctrine beyond what is implied by the political conception itself.’²⁰

5.3.2 *Role of conception and theory*

A political conception has a practical public role that a political theory does not:

A political conception is at best but a guiding framework of deliberation and reflection which helps us reach political agreement on at least the constitutional essentials and the

¹⁸ The distinction between theory and conception is a device for understanding the mechanics of political liberalism. I use this terminology because doing so mirrors the dialectical moves made by political liberalism itself. But I do not intend the terms to import any more significance than I argue for specifically below.

¹⁹ Rawls n2, 13.

²⁰ *ibid.* 10.

basic questions of justice. If it seems to have cleared our view and made our considered convictions more coherent; if it has narrowed the gap between the conscientious convictions of those who accept the basic ideas of a constitutional regime, then it has served its practical political purpose.²¹

‘The aim of justice as fairness,’²² Rawls tells us, ‘is practical: it presents itself as a conception of justice that may be shared by citizens as a basis of a reasoned, informed, and willing political agreement.’²³ A political conception of justice is, in other words, political *as opposed* to philosophical. It may fail, not because it is untrue, but because it fails to ‘gain the support of a reasonable overlapping consensus.’²⁴

A political theory, as I have suggested we understand it, does not play any practical role. It is a statement of the norms and values of the political domain. That is not to say that it *cannot* play any practical role, or cannot be put to any practical use. It can, and in some circumstances it should. But a political theory, qua theory, aims to *get* things right, not to *put* things right. Political philosophy, of which a political theory is the output, can be done for its own intrinsic value, or it can be valued instrumentally. Philosophy may serve all sorts of purposes: pedagogical, aesthetic, rhetorical, and so on. It may even serve a political purpose: doing political philosophy may in the long run contribute to changing people’s attitudes in society at large, and in turn it may contribute to the cause of justice. But that political philosophy can contribute towards these ends does not mean that its success qua philosophy – or its theories’ success qua philosophical theories – is to be measured by the degree to which it achieves these ends. Getting things right is the aim that is internal to the practice of political philosophy. But getting things right may itself serve a further purpose.

I do not mean by these comments to suggest that political liberalism claims that political philosophy is purely practical. I do mean to suggest that the novel practical role assigned to the

²¹ *ibid.* 56.

²² ‘Justice as fairness’ is the name of Rawls’s own political conception of justice (*ibid.* xxxvii-xxxviii).

²³ *ibid.* 9.

²⁴ *ibid.* 36.

political conception of justice by Rawls (and those political liberals who follow him in this respect), in recognition of the shortcomings of the exclusively theory-based account of *A Theory of Justice*, allows us to make a clear distinction between the role of a political theory and of a political conception. If political liberalism did not consider the role of a political conception to differ from that of a political theory, the ‘political turn’ would not achieve its aim of providing an account of justice that deals adequately with the problem of stability.

5.3.3 *Justice and legitimacy*

An objection may be raised at this point, as follows. ‘Rawls did not intend – and contemporary political liberals do not, and should not, recognize – any distinction between theory and conception. Rawls’s idea was not to introduce the idea of a political conception of justice, with a different purpose from the political theory of *A Theory of Justice*. His intention was to *recast* the earlier theory *as* a political conception of justice. We can regard the “theory”, as you have described it, as simply falling away, to be replaced by the political conception. Moreover, the appropriate contrast is not between a theory and a conception, but between a comprehensive doctrine and a political conception.’ More generally, the objection is that the considerations just rehearsed prove too much: they show not that we need to distinguish a theory from a conception, but rather that we need to jettison the idea of a political theory (as I have argued we should understand it) altogether, and *replace* it with the idea of a political conception. Therein, it might be said, lies the distinctiveness of political philosophy: properly understood, it deals not in political theories, but in political conceptions.

The account of Rawls’s understanding of his project is fair. But it does not yield a full explanation of the differences between the earlier and the later work. There is new normative work going on in *Political Liberalism*. Rawls’s primary concern in the later work is with *legitimacy*, as understood by the so-called ‘liberal principle of legitimacy’:

[P]olitical liberalism says [that] our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason.²⁵

Not only does Rawls now present justice as fairness as a political conception of justice, rather than as a comprehensive doctrine; he now situates that political conception of justice *within* a theory of state legitimacy.²⁶ The political theory represented by *Political Liberalism* – and indeed the political theory of political liberalism more generally – is principally a theory of legitimacy. As I shall argue at greater length later on, political liberalism takes legitimacy to be morally prior to justice, as the foremost political value.

It is the political conception of justice that has a public practical role to play, viz. to be the focus of an overlapping consensus. The political liberal theory of legitimacy is what tells us *why* there is any need for this kind of functional conception at all. The liberal principle of legitimacy says that the state's exercise of power is not legitimate unless in accordance with a constitution the essentials of which free and equal citizens can reasonably be expected to endorse. This requirement will not be met in a society in which there is reasonable disagreement about moral matters unless those citizens can reach an overlapping consensus around a political conception of justice. It is ultimately this principle of legitimacy that grounds the compatibility requirement.

5.3.4 *Success criteria for theory and conception*

The theory of legitimacy, then, does not play a practical role. It explains why the political conception plays the role *it* does. The success criterion for the theory, then, is the same as the success criterion for any other philosophical theory: truth.²⁷ If the theory of legitimacy is not true,

²⁵ *ibid.* 137.

²⁶ Others have noted the shift in Rawls's overarching concern from justice to legitimacy. See, for example, GA Cohen, *Rescuing Justice and Equality* (Harvard University Press 2008) 297-8.

²⁷ I do not have space here to argue for a theory of philosophy. However, I do think that the idea that philosophy seeks the truth (however that is understood) is widely held among philosophers, and is neutral

then PL will have given us no reason to believe in the need for a political conception.²⁸ The success criterion for a political conception, on the other hand, is that it provide the focus for an overlapping consensus of reasonable citizens. On Rawls's view, failure for the political conception is failure to be endorsed by such an overlapping consensus.²⁹

5.3.5 *Ontology of theory and conception*

If theory and conception are to be distinguished, what does each consist of? The political conception of justice, as drawn by Rawls, consists in three fundamental ideas, of (i) society as a fair system of cooperation over time; (ii) citizens as free and equal persons, and (iii) the well-ordered society as a society effectively regulated by a political conception of justice. The ideas are 'elaborated into a political conception of justice that can gain the support of an overlapping consensus'.³⁰ But by no means everything in the theory that Rawls presents in *Political Liberalism* is part of the political conception. It is a condition of a reasonable political conception, for example, that it justify only constitutions that satisfy the 'principle of reciprocity', that is, that 'our exercise of political power is proper only when we sincerely believe that the reasons we offer for our political conception may reasonably be accepted by other citizens as a justification of those actions'.³¹ The criterion of reciprocity, in other words, dictates constraints on what conceptions of

as between many conceptions of what is (or should be) going on in philosophical theorizing. For example, those who regard it as primarily an a priori enterprise, or as involving extensive a posteriori work; those who endorse the practice of conceptual analysis and those who reject it as fundamentally misguided; those who regard philosophy as yielding a distinctive kind of knowledge, and those who regard it as the 'underlabourer to science', and so on – all these factions can (I do not say, necessarily, *do*) agree that true answers to their questions are the kind that philosophers should be looking for. (See section 2.3.1.)

²⁸ In section 5 I address Jonathan Quong's objection that, in short, we do not need any such reason.

²⁹ Quong has a different view of the role of the overlapping consensus, and therefore the political conception, but agrees that the conception's truth is not the issue. Nor is the truth of the basic ideas from which it is constructed, because anyone who rejects these ideas is stipulated to be unreasonable and therefore outside the relevant constituency of justification. See note 71.

³⁰ Rawls n2, 14-15.

³¹ *ibid.* xlvi.

justice are reasonable; it is not itself part of a political conception. These remarks also apply to the liberal principle of legitimacy quoted above.³² Rawls continues:

To this [political liberalism] adds that all questions arising in the legislature that concern or border on constitutional essentials, or basic questions of justice, should also be settled, so far as possible, by principles and ideals that can be similarly endorsed. *Only a political conception of justice that all citizens might be reasonably expected to endorse can serve as a basis of public reason and justification.*³³

‘Political liberalism’, as is made fairly clear here, is the name of the political theory of *Political Liberalism*. ‘Justice as fairness’ is the name of Rawls’s preferred political conception of justice. The italicized sentence above is a claim made by the political liberal theory *about* what is a viable political conception of justice. It is not a norm of the political conception itself.

So far it looks like the political conception is *part of* the political liberal theory. This is true, and I will have more to say about this in the next section. But the status of the political conception within the theory is not on a par with the principle of legitimacy. That principle is foundational: it is what grounds the need for a political conception in the first place, and it is what gives the conception its normative force.³⁴

Finally, as regards ontology, it should be noted that the political conception of justice leads a kind of double life. It (or at least Rawls’s version of it) is to be found in the pages of *Political Liberalism* and its propositional content exists as a subset of the propositional content of the theory.

³² It may be that Rawls understands the criterion of reciprocity to be itself an elaboration of the liberal principle of legitimacy.

³³ Rawls n2, 137 (emphasis added).

³⁴ It is not clear in Rawls how much of the theoretical material that grounds the conception should be reduplicated *in* the conception. For example: is the liberal principle of legitimacy part of what all reasonable citizens should subscribe to? Quong is explicit on this: on his view, only those who subscribe to the liberal principle of legitimacy even count as reasonable citizens. Subscription to that principle is a precondition for being someone to whom the political conception of justice must be justified (Quong n9, 161-191). Rawls equivocates on the question: see E Zoffoli, ‘The Place of Comprehensive Doctrines in Political Liberalism: On Some Common Misgivings About the Subject and Function of the Overlapping Consensus’ (2012) 18 *Res Publica* 351.

But the political conception of justice also consists in those ideas about justice held by that group of citizens which is united in an overlapping consensus of reasonable comprehensive doctrines.

5.3.6 *Justification of theory and conception*

A philosophical theory, of which a political theory is one kind, is justified by giving the reasons in support of it. This is neutral as between coherentist and foundationalist accounts of justification. The reasons given might ultimately be traced back to some basic proposition, which it is hoped no one could conceivably deny, perhaps because it is self-evident. Or the reasons given might refer to the relationship between the propositions of the theory and other propositions generally held to be true, so that the most coherent set of propositions available turns out to be one that incorporates the theory.³⁵ Call this *philosophical* justification. The political conception of justice, by contrast, is subject to *political* (or *public*) justification. Political justification appeals only to a limited class of reasons – those that citizens already endorse or accept.³⁶ By appealing only to reasons that are accessible to all citizens, public reason is supposed to render policies acceptable or justifiable *to* those citizens.

Why is the political conception of justice subject to this different requirement? On any political liberal view, the answer seems to be that the political conception, unlike a political theory, performs a function beyond itself. On Rawls's view, it is because the political conception of justice is the basis on which the state exercises its power to coerce people. Justifying the political conception is, in effect, justifying that coercion, and it is axiomatic on Rawls's account that such coercion is not legitimate unless justified *to* each citizen in terms that she can accept. On Jonathan Quong's view,

³⁵ On foundationalist and coherentist approaches to justification in normative theory, see M Timmons, 'Foundationalism and the Structure of Ethical Justification' (1987) 97 *Ethics* 595.

³⁶ See J Quong, 'Public Reason' *Stanford Encyclopedia of Philosophy* (E Zalta ed, Summer 2013 Edition), <<https://plato.stanford.edu/archives/sum2013/entries/public-reason/>>.

the practical aim of the political conception is to ensure that the ‘terms of our public life’ are fair.³⁷

A philosophical theory has no such function.

5.3.7 *Understanding the compatibility requirement*

The distinction between theory and conception is important because it helps us to understand why the reasoning behind political liberalism’s non-derivation constraint is mistaken. That reasoning, to recap, is as follows. A political theory cannot be derived from a moral theory because the latter is a comprehensive doctrine. Comprehensive doctrines are not shared by reasonable citizens. Our political theory needs to be compatible with this reasonable disagreement because only if it is can political power be exercised in accordance with the liberal principle of legitimacy. If political liberalism ‘situate[d] political values within a wider moral or ethical theory in answer to the priority question,’ argues Quong, this ‘would make the theory incompatible with the fact of reasonable pluralism.’³⁸

I now want to suggest that the compatibility requirement makes sense only if its subject is a political conception, as distinct from a political theory. (Quong sometimes states it as such: see the text to note 17.) To see this, consider the content of the compatibility requirement. In what sense exactly might a theory be incompatible with the fact of reasonable disagreement? When we say that a theory is incompatible with a fact, what we usually mean is that it *falsifies* what we know to be empirically true, that its empirical assumptions or implications are *inconsistent* with what is actually the case. But that does not seem to be the way to understand incompatibility here. We can consistently affirm a comprehensive moral theory and recognize the fact that reasonable people

³⁷ Quong n36.

³⁸ Quong n9, 233. Quong uses ‘reasonable pluralism’ as a synonym for ‘reasonable disagreement’. The ‘priority question’ is ‘how the priority of the right over the good can be justified when political principles are only presented as reasonable, and when political liberals must remain silent on comprehensive values and perfectionist claims.’

will disagree with it. The denial of the empirical fact of reasonable disagreement does not follow simply from the affirmation of a political theory grounded in a wider moral theory. Another way to interpret the compatibility requirement is as a requirement that each person (or each person within a specified subset, such as the reasonable) accept the theory. On that reading a political theory grounded in a wider moral theory would fail to satisfy the compatibility requirement because those individuals who did not accept the moral theory would therefore also not accept the political theory. But this would be a bizarre and unusual requirement with which to saddle a philosophical theory. We do not generally think that it is a criterion of success for a metaphysical or epistemological or moral theory that everyone should agree with it.³⁹ Philosophical theories are not incompatible with reasonable disagreement because there continues to be debate about their merits.

(The political liberal will say, of course, that I have missed the point. That point is precisely that political philosophy *is* different, because its theories *are* subject to the compatibility requirement, whereas theories in other areas of philosophy are not. It is precisely this that makes for the autonomy of political philosophy. I postpone further consideration of this objection until section 5.)

Contrast the position where the subject of the compatibility requirement is a political conception of justice rather than a theory. A political conception of justice is meant to serve a public role as the focus of an overlapping consensus of comprehensive doctrines. A conception of justice built on a wider moral foundation would be incompatible with the fact of reasonable disagreement in the sense that it could not perform this role if it incorporated a wider, controversial

³⁹ This may not be true in some special cases, where the theories in question are theories *about* what people think. For example, an account of folk psychology is an account of belief, desire, and action that makes sense of those concepts as they are used and implicitly understood by people. But such a theory aims at acceptability indirectly, insofar as it is a philosophical theory about what people think, not insofar as it is a philosophical theory. What it aims at is faithfulness to the facts, but since the relevant facts here are facts about what people think, any theory that succeeds in this aim will necessarily also find wide acceptability.

moral theory. This explains why the success criterion for a political conception of justice is not simply truth, as had been considered the case by liberal philosophers before Rawls. The failure of a political conception consists not in its falsity, but in its failure to be endorsed by an overlapping consensus of reasonable comprehensive doctrines. It is a condition of its achieving this endorsement that its content be compatible with the content of the range of reasonable comprehensive doctrines that exist, or might come to exist, in a liberal democratic society; that it be compatible, that is, with reasonable pluralism. Rawls had the subject of the compatibility requirement right when he said that ‘to attain such a shared [public political] reason, the *conception of justice* should be, as far as possible, independent of the opposing and conflicting philosophical and religious doctrines that citizens affirm.’⁴⁰

He was wrong, however, to analyse this by saying that ‘In formulating such a conception, political liberalism applies the principle of toleration *to philosophy itself*.’⁴¹ In the next section I will argue that if PL insists, as it should, that the compatibility requirement applies to the political conception of justice, then it no longer has any basis on which to argue that political philosophy must be autonomous. PL does have a political theory – but it is ultimately a theory of legitimacy (which PL takes to be the pre-eminent political value), and there is no reason to see it as autonomous with respect to moral theories.

5.4 *Theory, conception, and truth: why political liberalism’s political theory is not autonomous*

In this section I will do three things. First, I will explain why a political conception of justice meeting the compatibility requirement is not identical with, and does not entail, the corresponding political theory also meeting it. Second, I will show that we do not need to abandon the uniformity of success criteria for philosophical theories, because the compatibility requirement does not apply

⁴⁰ Rawls n2, 9-10 (emphasis added).

⁴¹ *ibid.* 9-10 (emphasis added).

to a philosophical theory; it applies to a political conception. Third, I will vindicate the role of truth in political theories, and in so doing provide a defence of Joseph Raz's criticism of political liberalism. I will do these three things by way of examining and expanding on an argument of David Estlund about truth in political liberalism.⁴²

Estlund's primary aim is to show that political liberalism cannot cut itself adrift completely from truth. Even if PL is right (as Estlund thinks it is) to require that a political conception of justice satisfy an acceptability condition before that conception can be considered to ground the legitimate exercise of political power, nevertheless PL must still be able to specify what is the *correct* acceptability condition; more precisely, it must be able to specify the constituency of citizens whose verdict is relevant. It can do this only by appealing to the truth of its acceptability condition. But Estlund also believes that PL has the resources to reject Joseph Raz's claim that any theory of justice must be fully grounded in the truth. He thinks that the political conception of justice can be successful qua conception of justice even if it is not true.

Up to a point my contention runs parallel to Estlund's. I claim that it is PL's political theory – more specifically, its theory of legitimacy – that must be grounded in truth. But I think the distinction between theory and conception allows us to make the structure of the political liberal argument more perspicuous. I will argue that while Estlund is right to insist that political liberalism cannot exclude truth altogether, understood in the context of the distinction between a political theory and a political conception of justice, Estlund's response to Raz's criticism of political liberalism loses its force, and a normative political theory⁴³ must be grounded in truth to a greater extent than Estlund allows. The upshot of this argument is as follows. If one accepts the political liberal theory, then the political conception of justice may be autonomous with respect to moral,

⁴² D Estlund, 'The Insularity of the Reasonable: Why Political Liberalism Must Admit the Truth' (1998) 108 *Ethics* 252.

⁴³ Not necessarily a theory of justice, depending on one's view of the relationship between legitimacy and justice. You might think that it is in the nature of justice that it is grounded only in reasonableness. But the explanation for this – perhaps a theory of legitimacy – will have to refer to true propositions of a political theory.

and indeed the rest of, philosophy. But the role of the theory remains unchanged. It is not subject to the compatibility requirement, or the non-derivation constraint, and its success criterion is truth. Nothing in the political liberal argument regarding the role of the political conception shows the theory to be autonomous.

Estlund's primary aim is to show that political liberalism 'must assert the truth and not merely the reasonableness – or acceptability to all reasonable people – of its foundational principle'.⁴⁴ That principle he labels RAN, and characterizes as follows:

RAN (Reasonable Acceptance Necessary): No doctrine is admissible as a premise in any stage of political justification unless it is acceptable to all reasonable citizens, and it need not be acceptable to anyone else.⁴⁵

The reasonableness of the principle itself cannot render admissible (or inadmissible) any reasonable (or unreasonable) doctrine, because this would be question-begging. But Estlund also wants to defend the political liberal account against a charge levelled by Raz, that a theory of justice must give a more significant role to truth rather than depending, even to the extent that Estlund grants, on reasonableness. On Estlund's account RAN applies to itself, but it does so because 'such an acceptability criterion is true or correct independent of such acceptability'.⁴⁶

RAN is a specific form of a more general principle:

AN: No doctrine is admissible as a premise in any stage of political justification unless it is acceptable to a certain range of (real or hypothetical) citizens C, and no one else's acceptance is required.⁴⁷

RAN specifies C as the set of reasonable people. AN implies an 'insularity requirement'. That requirement is that 'Each member of C must recognize the rejection rights of all and only the members of C.'⁴⁸ An *insular group*, accordingly, is one 'whose members recognize the rejection rights

⁴⁴ Estlund n42, 253.

⁴⁵ *ibid.* 255.

⁴⁶ *ibid.* 256.

⁴⁷ *ibid.* 257.

⁴⁸ *ibid.* 258-9.

of all and only each other.⁴⁹ But lots of (possible) groups are insular. What justifies the choice of reasonableness as the criterion for membership?⁵⁰ Rawls's account of political liberalism, Estlund argues, leaves itself without the resources to answer this question: 'Rawls... holds that political liberalism may not require the truth of a doctrine for its admissibility. With that move, the view loses any way to select among the plurality of insular groups, and it becomes untenable.'⁵¹

So the problem is this: how are we to choose the right constituency of people whose acceptability matters for political doctrines? There are several possible groups which are insular in the sense that each member recognizes the rejection rights of each and only its members. The only way to choose one is to say that one – the reasonable, in Rawls's case – is the *true* group, the only group that is *truly* appropriate for political justification. But Rawls can't do that because he says that PL eschews any reference to the truth about normative matters. PL, says Estlund, must appeal to the truth in order 'to penetrate this plurality of insular groups.'⁵²

5.4.1 *Theory, conception, and truth on Estlund's view*

Rawls claims in *Political Liberalism* that justice as fairness is now presented as a political conception, which I have tried to distinguish from a political theory. I think that this distinction is nicely illustrated, albeit implicitly, by Estlund's account of the structure of political justification. Estlund asks how a citizen is to 'put forward a consideration as part of a political justification without sincerely asserting it', and answers as follows:

[P]olitical liberalism must hold that properly putting a consideration forward as part of political justification does not depend on a willingness to assert that consideration

⁴⁹ *ibid.* 259.

⁵⁰ We might also ask: what specifies the content of the reasonableness requirement?

⁵¹ Estlund n42, 260.

⁵² *ibid.* 262. He further notes (262) that 'The difficulty cannot be avoided by saying that 'we the reasonable' should just carry on and ignore the other views about the authoritative group rather than insisting that they are false.' This is, I think, precisely what Quong suggests the reasonable should do. I discuss this 'internal conception of political liberalism' in section 5.

sincerely. What it does require is a willingness to assert some higher-order doctrine according to which this consideration has the capacity to justify the things that follow from it. That would be a sufficient basis for putting the consideration forward as part of a justification.⁵³

He continues:

Political liberalism, on this view, says that a citizen need not believe or be willing to sincerely assert a doctrine used in political justification (its truth is not required), since there is a higher-order doctrine that says that a doctrine has the ability to justify what follows from it so long as that doctrine is acceptable to all reasonable citizens. So a citizen can put forward a consideration as part of a justification on the ground that, whether or not it is true (even minimally), it is acceptable to all reasonable citizens.⁵⁴

Let me put this in the terms I have been using in this chapter. The higher-order doctrine to which Estlund refers is a principle of a political theory which specifies the success criteria for a political conception. In other words, it is a substantive principle of political theory, but a meta-principle with respect to the political conception. The rest of PL's political theory must consist of the normative statements, and other empirical and non-empirical philosophical premises, which together comprise the philosophical argument for the political liberal way of thinking about political justification, including the need for an overlapping consensus around a political conception.⁵⁵ And the normative statements here will be statements in moral theory:⁵⁶ they will have to do with the nature of legitimacy, the moral significance of coercion, perhaps the requirements of respect, and so on.⁵⁷ If Estlund's argument is sound, as I believe it is, then his identification of the necessary role for truth in the political liberal account of political justification shows the way towards reaffirming truth as the success criterion of a political theory.

⁵³ *ibid.* 271.

⁵⁴ *ibid.* 271.

⁵⁵ On Estlund's account, this would be RAN and the arguments for RAN.

⁵⁶ Estlund himself presumably would not defend the autonomy thesis, since he says that "The idea of authorizing and authorized doctrines shows how a consideration can have justifying force apart from whether it is true (even in the minimal sense): it can be given that force by some other doctrine, say, a moral principle" (271).

⁵⁷ Charles Larmore's account of political liberalism focuses especially on the role of respect. See his 'Political Liberalism', in D Sobel et al (eds) *Oxford Studies in Political Philosophy Vol 1* (Oxford University Press 2015).

5.4.2 Raz's criticism

Raz comments as follows on Rawls's recasting of his theory of justice in *Political Liberalism*:

To recommend [a theory of justice] as a theory of justice for our societies is to recommend it as a just theory of justice, that is, as a true, or reasonable, or valid theory of justice. If it is argued that what makes it *the* theory of justice for us is that it is built on an overlapping consensus and therefore secures stability and unity, then consensus-based stability and unity are the values that a theory of justice, for our society, is assumed to depend on. Their achievement – that is, the fact that endorsing the theory leads to their achievement – makes the theory true, sound, valid, and so forth. This at least is what such a theory is committed to. There can be no justice without truth.⁵⁸

Raz's argument is highly condensed and somewhat obscure, but I think that with the distinction between a political theory and a political conception of justice in hand, we will see that it has more bite against the political liberal account than Estlund allows. Raz does not take account in this passage of the fact that in *PL* the idea of a theory of justice has in effect been *replaced* by the idea of a *conception* of justice.⁵⁹ What Rawls offers in *PL* is a conception of justice inside a theory of legitimacy (that is, of the legitimate use of political power). More specifically, what he offers is a (purportedly) reasonable conception of justice inside a (purportedly) true theory of legitimacy. As I explained above, the conception of justice falls within the scope, as it were, of the liberal principle of legitimacy. In this sense, *PL* (like public reason liberal theories in general) makes legitimacy morally prior to justice.⁶⁰ (As I understand Estlund's argument, he should agree with this.) Now the values of consensus-based stability and unity are premises in the argument for the political

⁵⁸ J Raz, 'Facing Diversity: The Case of Epistemic Abstinence' (1990) 19 *Philosophy & Public Affairs* 3, 15.

⁵⁹ That is not to say that *PL* contains no *theory* of justice. It does, if a theory of legitimacy is itself a theory of (a kind of) justice. Larmore suggests that justice and legitimacy 'are not entirely disjoint since the conditions under which coercive power may rightly be exercised form part of the domain of social justice' (Larmore n57, 75 n17).

⁶⁰ Cf. Z Stemplowska & A Swift, 'Dethroning Democratic Legitimacy', in D Sobel et al (eds) *Oxford Studies in Political Philosophy Vol. 4* (Oxford University Press 2018). In Quong's view 'the domain of the legitimate is broader than the domain of justice, though it is still *about* justice' (Quong n9, 137). In *PL* this is complicated by Rawls's remarks on the possibility of grave injustice 'corrupting' legitimacy (Rawls n2, 428).

liberal way of thinking about political justification. That is, what they are supposed to justify is not the *content* of the conception of justice (i.e. the fully adequate scheme of liberties, the difference principle, and so on); what they justify (or contribute to justifying) is the conclusion that what legitimacy requires is an overlapping consensus of reasonable citizens (hence Estlund's RAN) around a political conception of justice.

Estlund takes issue with Raz's fourfold equivocation between 'true', 'reasonable', 'valid', and 'sound'. He groups these together as all attempting to refer to the 'normative success of the theory – its actually grounding obligations and/or warranting coercive enforcement.' This property he calls 'legitimacy'.⁶¹ Raz, he thinks, fails to distinguish between truth and legitimacy:

It is not a conceptual confusion to think that obligations can sometimes be grounded not in true justice but in a conception which, whether or not it is true, is authoritative for other reasons, such as that it is the only conception that is acceptable to all reasonable citizens. In that case, *the theory of legitimacy* would be saying that *the false conception of justice ought to be obeyed as if it were true*. One need not accept this theory of legitimacy in order to see that Raz's objection fails, for this theory is a counterexample to Raz's argument that, as a conceptual matter, our being obligated to do what a theory of justice purports to obligate us to do is simply the truth of that theory. It is conceptually coherent, at the very least, to allow that a theory of legitimacy might point to a theory of justice and tell us, for certain reasons, to obey it whether or not it is true.⁶²

Is this a fair account of the assumptions behind Raz's criticism? Yes and no. Raz thinks – as I do – that the success of a philosophical theory lies in its truth. A normative theory is no different in that respect, but since it is a normative theory, its success is normative success; that is, if it is true, it actually grounds obligations and/or warrants coercive enforcement.⁶³ Why does Estlund think Raz is making a conceptual mistake? Because he thinks that Raz can't make sense of the possibility that a theory of legitimacy (which, remember, is Estlund's word for normative success,

⁶¹ Estlund n42, 274.

⁶² *ibid.* 274 (emphasis added).

⁶³ To be specific: where a true theory claims that A is under an obligation to φ , A is under an obligation to φ . Where a true theory claims that A's obligation warrants coercive enforcement, A's obligation warrants coercive enforcement. It is unhelpful to bundle these together because it may suggest that on the Razian view where a true theory T claims that A is under an obligation to φ , it follows (from the truth of T) that A's obligation warrants coercive enforcement. This suggests a conceptual running together of justice and legitimacy to which Raz is not committed.

or whatever is indicated by all Raz's predicates: true, reasonable, valid, sound) might instruct us to obey a theory of justice regardless of its truth. I think Raz's account does have the resources to make sense of this possibility, but those resources are obscured by a combination of two things: divergence of terminology, and the political liberal prioritization of legitimacy over justice.

5.4.3 *Rehabilitating Raz*

First, terminology. Estlund and Raz are both talking about 'theories of justice', but they are not talking about the same thing. Raz is referring to the normative success (which he takes to consist in truth alone) of a *theory*, Estlund to the normative success (which he believes may consist in something other than truth) of a *conception*. Estlund is right to suggest that 'obligations can be grounded in a *conception* which, whether or not it is true, is authoritative for other reasons'. But Raz can admit this possibility as well. He could say: 'What grounds the obligations in a theory of justice is the truth of the theory. But the theory could obligate us to follow a conception of justice that is acceptable to all reasonable people.' But since he does not have the distinction between a theory and a conception, this formulation is not available to him.

What is misleading about Estlund's formulation is the idea that the theory might tell us to obey the conception 'whether or not it is true'. As Rawls understands a conception of justice, and as I have distinguished it from a theory, there is no question of its being true or not. Consider Estlund's analogy:

Analogously, one could be morally obligated to obey a false set of moral rules in a classroom if that were the only set of rules all reasonable students could accept, and they were not too far from the truth, and the teacher said to do so. This does not make them the true moral rules, and yet there is a moral obligation to obey them as if they were. There may be an authorizing doctrine that gives them this status.

It makes sense for a set of rules to be followed in a classroom to be referred to as a '*false* set of moral rules' only if the rules purport (or are purported by someone) to be *true* (moral) rules. But

there is no implicit claim made by the rules in Estlund's example, or by the political conception of justice in PL, to anything that could be labelled 'truth'. The classroom rules ground obligations because they are acceptable to all reasonable students and endorsed by the teacher.⁶⁴ The political conception of justice grounds obligations because it is acceptable to all reasonable citizens and authorized by the liberal principle of legitimacy (or RAN). The important point is that any set of rules whose obligation-groundingness must be traced back to an 'authorizing doctrine' are, in Rawlsian terms, conception rather than theory.

Estlund notes correctly that there could be a moral obligation to follow a 'false' set of rules which derives from an 'authorizing doctrine' that prescribes that they⁶⁵ be followed. But the authorizing doctrine itself (on Estlund's analysis, RAN) must be *true*. What this shows is that any defence of Rawls against Raz's criticism that foregrounds the idea that a theory of justice can ground obligations without itself being true is at best misleading, and has no purchase against what is Raz's central point. That point is best brought out if we replace 'justice' with 'obligation' in the last quoted sentence from Raz: 'there can be no *obligation* without truth.'⁶⁶ This is no less true of Rawls's theory, on Estlund's interpretation – because a conception of justice, even when it is acceptable to all reasonable citizens, is a genuine source of obligations only because of the *truth* of the authorizing doctrine.

⁶⁴ I am not sure what to make of Estlund's requirement that the rules be 'close to the truth'. As I have said, the function of a set of rules used in the manner described seems to me to prevent them from being assessed for truth. The only interpretation I can think of would read the requirement as implying that compliance with the rules is at least morally permissible according to the 'true' rules. But this cannot be right. What the 'true' rules say – that is, what the authorizing doctrine says – is that the classroom rules should be followed iff they are acceptable to all students and endorsed by the teacher. The normative work is done by the criteria of reasonable acceptability and teacherly endorsement. It can't make sense for the classroom rules to refer back to a moral theory an authorizing doctrine of which referred us to them in the first place. This would make the authorization process circular.

⁶⁵ More precisely: a set of rules with a description which they uniquely fulfil.

⁶⁶ As I understand his argument, this alteration preserves Raz's intended meaning. If it does not, then I am making a new argument rather than elaborating Raz's.

In political liberalism, as Estlund says, ‘political rights, powers, and obligations’ may be ‘*determined* by the legitimacy of a [conception]⁶⁷ of justice’, where that consists in something other than the truth of the theory (namely, in its acceptability to all reasonable citizens), but this is determination only in the Thomistic sense of a *determinatio*. A government gives specific content to our moral obligation to take care for one another’s safety on the roads by stipulating that we should all drive on the left (or right). The legal rule determines the specific content of the moral obligation. So it is that the political conception of justice fills in the blanks left by the theory: any account that is acceptable to all reasonable citizens will do, just as, in judicial decision, any reasonable account of parties’ legal rights that is consistent with pre-existing law will do.⁶⁸ But this does not mean that political rights, powers, and obligations are *grounded* in anything other than the truth.

Now, the meat of the problem: legitimacy and justice. The non-terminological disagreement between Raz and Estlund, I want to suggest, is not about the role of truth in political theories. Estlund and Raz agree that obligations are ultimately grounded in truth. Once Raz’s account is put in terms of the distinction between theory and conception, it can recognize that obligations can be *proximately* grounded in something other than truth – such as the acceptability achieved by a political conception – but Raz will rightly point out that the theory must claim that it is true that obligations are so grounded: ‘This at least is what such a theory is committed to.’ The real disagreement is about the nature of justice and legitimacy.

Estlund chooses ‘legitimacy’ as the label to stand for what he calls the ‘normative success’ of a theory of justice, that is, its soundness, validity, truth, or reasonableness. A theory of justice is legitimate if it ‘actually ground[s] obligations and/or warrant[s] coercive enforcement.’⁶⁹

⁶⁷ I substitute ‘conception’ for ‘theory’ here, as seems to me appropriate once the distinction is read into Estlund’s article.

⁶⁸ From the point of view of the law, that is: not just any account that is consistent with pre-existing law will do from a *moral* point of view.

⁶⁹ Estlund n42, 274.

Legitimacy is more usually predicated of governments, or states, or the actions taken or decisions made by them. It is surprising that Estlund does not remark on the novelty of his use. But though novel, Estlund's use is neither eccentric nor accidental, because the use of 'legitimacy' to indicate normative success is intimately linked to legitimacy in the sense in which I have suggested that that value is the subject of the *theory* (as opposed to the conception) at the heart of political liberalism.

The choice of 'legitimacy' reflects the fact that Estlund, with political liberals in general, thinks that the question whether political obligations exist, and (especially) whether coercive enforcement of political obligations is warranted, is not a question of justice (or an 'all things considered' question) but pre-eminently a question of legitimacy. When Raz talks of a theory of justice purporting to obligate us to act in a certain way, that is precisely what he means: the theory claims that we should φ . When PL talks of a conception of justice purporting to obligate us to act in a certain way, this must be understood as *provisional* only: the conception claims that we should φ , but there is a further question to be asked about the legitimacy of the conception. Only if the conception is legitimate (in Rawls's case, satisfies the liberal principle of legitimacy) should we *actually* φ .⁷⁰ To put things another way: for Raz a theory of justice is a theory of obligations; for PL it is a theory of provisional obligations, whose full obligation-groundingness is conditional upon its satisfaction of an additional principle of legitimacy. (This explains why it was fair to substitute 'obligation' for 'justice' in the Raz quotation as I did above.)

What is important to recognize here is that this is not a disagreement about the nature of truth, or its role in normative theories. Raz and Estlund agree that there is no obligation without truth. But Estlund is concerned to highlight the possibility of obligation being grounded in truth via the intermediate step of a conception of justice. It is true that in political liberalism the obligations of the conception of justice are grounded in the fact of their being acceptable to reasonable citizens,

⁷⁰ It is because a conception of justice yields only provisional obligations in this way that it makes no sense to think of it as enjoining us to follow a 'false' theory of justice.

but this is not an *alternative* to their being grounded in truth. Acceptability to reasonable citizens grounds obligations only because the authorizing doctrine RAN says that it does, and RAN is true. So the obligations given in the political conception are ultimately grounded in the truth of the liberal principle of legitimacy, which is what authorizes the admissibility of doctrines that are acceptable to all reasonable citizens.

5.4.4 *Summary*

Let me sum up the rather complex argument of this section. Estlund shows that PL must accept truth as the measure of success at least for its way of specifying the constituency of people, acceptability to whom grounds political obligation. In my terms: even if, for the political conception of justice, acceptability is what matters, the theory of legitimacy that lies behind it must be true. But while Estlund may have shown that a theory of justice can be successful without regard to *its own* truth, he has not shown that it may be successful without regard to truth. And that, I have argued, is no more than the point Raz was making. It is PL's distinctive understanding of the relationship between justice and legitimacy that prevents us from seeing this more easily – and prevents Raz, who does not share that understanding, from targeting his criticism more acutely. Since Raz does not recognize the same kind of distinction between justice and legitimacy, he naturally ascribes truth to theories of justice. Political liberalism, on the other hand, reserves truth for theories of legitimacy.

Where does this leave us? Political liberalism claims that political philosophy is methodologically autonomous: that theories of political norms and values can't be derived from theories of moral norms and values. This is because there is reasonable disagreement about theories of moral norms and values. Any attempt to derive a political theory from a moral theory would fail to observe the requirement that a political theory be compatible with the fact of reasonable disagreement. Estlund's argument serves to illustrate that it is the conception of justice,

and not the theory of legitimacy, that is subject to the compatibility requirement. The conception of justice must be compatible with the fact of reasonable disagreement because it can yield obligations only if it is acceptable to all reasonable people. The theory of legitimacy tells us that this is what is required of a conception of justice.

The political liberal version of the autonomy thesis unwarrantably elevates its account of justice and its relationship to legitimacy into a view about the nature of political philosophy. Political liberalism's opponents need only target their objections at its understanding of justice and legitimacy – rather than being cowed into retreat by the suggestion that they have fundamentally misunderstood the nature of their undertaking by failing to apply the principle of toleration to philosophy itself.

5.5 *Is the autonomy of the political conception all that is required to show political philosophy to be autonomous?*

I now consider an objection that takes its cue from Jonathan Quong's 'internal conception' of political liberalism.⁷¹ On the internal conception, it says, there is no philosophical work to do other than on the political conception, so the supposedly non-autonomous 'theory' just falls out of the picture as irrelevant, leaving the autonomous conception. The only thing that could be autonomous, is autonomous. Let me explain.

Quong argues that it is not the philosopher's job to provide a philosophical (or 'comprehensive') justification for the fundamental ideas of political liberalism. The principle of

⁷¹ Quong's view differs from Rawls's in several respects. For him, the overlapping consensus is around the fundamental ideas of political liberalism, viz. of society as a fair system of cooperation over time, between free and equal citizens, who accept the burdens of judgment, rather than around the political conception of justice. The conception is what follows from those ideas (Quong n9, 161-191). Questions about state legitimacy fall within the scope of the political conception (14), but insofar as the priority of a political conception of justice is the central tenet of political liberal legitimacy, and those fundamental ideas are instrumental in the argument for that priority, Quong's political liberalism quite deliberately offers no argument for its distinctive conception of legitimacy (233). On his version of the compatibility requirement, the political conception must be compatible with that *hypothetical* constituency of people *stipulated* to be reasonable on the basis of their subscribing to the fundamental ideas (143-4).

legitimacy, and the argument from it towards the necessity of a political conception of justice, is not some esoteric doctrine available only to philosophers. In fact, there is no *one* argument to discuss here. All the arguments that could be endorsed by reasonable people, with or without regard to a comprehensive doctrine, are fine as far as PL is concerned. PL does not concern itself with any such ultimate philosophical justification for its central ideas. Earlier I raised on behalf of PL the possibility that I had simply missed the point of political philosophy. Its very distinctiveness, it might be said, lies in the fact that it deals not in political theories, but in political conceptions. This objection to my argument invokes the internal conception of political liberalism. The internal conception can be understood as a way of insulating PL from external justification. It claims, in short, that PL has all the justification it could have or need.

The objection relies on a particular understanding of the work that political liberalism is supposed to do. It accepts the conclusion that I have argued for, viz. that the non-derivation constraint applies to the political conception of justice, but it makes the further claim that where I have posited a philosophical theory of legitimacy and a political conception of justice, really there *is* only a political conception of justice. Although there are plenty of things that might be said in support of the political liberal principle of legitimacy and the necessity of a political conception of justice in a society characterized by a reasonable pluralism of comprehensive doctrines, this is to be said not by political liberalism, but by each citizen's comprehensive doctrine. What I have referred to as the 'theory', then, is not incoherent so much as irrelevant. According to Quong's 'buck-passing' account of justification, it simply falls out of the picture:

[The] requirement for public justification does not go all the way down, that is, we do not require public reasons to explain why justice ought to have priority over other, non-public values. That task is left to each citizen's comprehensive doctrine. The internal conception of political liberalism *assumes* that citizens agree about the priority of establishing a political conception of justice because this is what it means to be a reasonable person: it does not seek to publicly justify that priority.⁷²

⁷² *ibid.* 188.

If the only work to be done by political philosophy is work predicated on the *assumption* that a political conception of justice is necessary – if there is no philosophical justificatory work prior to that assumption – then the very thing that I have claimed is not autonomous turns out not even to exist. The only philosophical work left is work that I have conceded may fairly be regarded as autonomous. So political philosophy is autonomous after all.

The response to this argument invokes the distinction between *political* (or *public*) and *philosophical* justification. Quong uses this distinction himself to explain the difference between the internal and external conceptions of political liberalism:

The mere fact that there exists a valid justification based on true premises for some proposition Q does not mean that we have justified Q to Peter when we present Peter with the valid justification. In order to justify Q to Peter, we must also ensure all the premises and steps in our argument can be justified to Peter, and that may or may not be possible depending on Peter's wider epistemic situation.⁷³

What matters, on Quong's view, is political justification: justification *to* reasonable citizens. But the problem is that this type of justification is not relevant to claims about the autonomy of political philosophy. We can illustrate the disconnect between the political and the comprehensive liberal as follows. The political liberal says: 'You cannot derive your political theory from your moral theory because not everyone agrees with your moral theory.' But what she is really saying is: 'You can't produce an account of political obligations that you can justify to everyone because not everyone starts from your premises.' The comprehensive liberal can reply: 'That's fine; I wasn't interested in justifying it to people who don't agree with the premises. I'd rather they *did* agree with them: that's why I've provided arguments for my premises (i.e. for the moral theory I'm starting from) in the first place. And I think that these further political consequences follow from those arguments. But if you don't buy my premises, then of course I can't convince you of the further argument.' This response reveals the claim that political philosophy is autonomous to be a

⁷³ *ibid.* 142. Quong talks about 'justification to a particular person' and 'justification *simpliciter*.'

confused one: what the political liberal was actually saying was that *political justification* is autonomous with respect to the rest of philosophy.

Quong says that the claim that ‘political principles and laws are only legitimate when they can be justified to a certain idealized constituency – reasonable people – is the defining feature of political liberalism.’⁷⁴ But what the philosopher needs to do is to justify *simpliciter* this claim about political justification. If she can do this, then it may be accurate to say that the political justification that is ultimately offered for political principles and laws – the justification embodied in a political conception of justice – will be autonomous with respect to moral philosophy. But that is not a victory for the autonomy thesis, because the *philosophical* enterprise starts with the philosophical justification of this very tenet of political liberalism.⁷⁵ And Quong’s argument does nothing to show that this is autonomous. The comprehensive liberal’s failure to find the political liberal conception of legitimacy appealing should not be mischaracterized as a misunderstanding of the nature of political philosophy.

It’s important to realize that the demand for a philosophical justification is not just the eccentric indulgence of perfectionist philosophers. Anyone might want a philosophical justification. (Remember also that philosophical reasoning is no more than a sophisticated, rigorous and sometimes formalized version of everyday reasoning.) Most citizens, after all, simply don’t have comprehensive doctrines.⁷⁶ A view of the world that ‘covers all recognized values and virtues

⁷⁴ *ibid.* 161.

⁷⁵ Elsewhere Quong seems to accept that this is a worthwhile question to ask: ‘even if we assume the idea of public reason is coherent, we can plausibly ask why we ought to accept this idea, that is, what is the basis for adopting public reason as the relevant standard to evaluate rules and to govern individual conduct?’ (Quong n36). I do not know whether Quong would seek to defend the autonomy thesis as I have developed it here. I understand his reply to Raz as defending the ‘autonomy of political theory’, which Quong describes as one of the ‘central planks of political liberalism’ (Quong n9, 232), roughly along the lines I have suggested (221-255). But he is above all concerned to defend the internal conception rather than the autonomy thesis as such.

⁷⁶ Rawls assumes that all citizens affirm a comprehensive doctrine (Rawls n2, 12). This may be a simplification for theoretical purposes, or it may be an assumption of a ‘worst case scenario’, since for Rawls the primary political problem is the diversity of reasonable *comprehensive* doctrines. But Rawls’s theoretical model for dealing with this problem opens up a new one for any real-world scenario: the attitude of those *without* a comprehensive doctrine to the political conception.

within one rather precisely articulated system' may be a feature of most religions, and some philosophical accounts of ethics, but it is not something that the average citizen either has or considers necessary. Some of our beliefs about the world are the conclusions of careful reasoned argument; some we have unconsciously imbibed from our parents, or education, or indeed religion; other beliefs we take on trust from people we regard as authoritative; others still may be no more than rank prejudice. Rarely do we consider how all these variously acquired beliefs fit together. Nor do we often attempt to articulate them precisely, let alone as part of an overarching system. On what basis, then, might a citizen for whom these observations hold true decide, in one of her more reflective moments, whether to accept a political conception of justice? Suppose she finds the basic tenets reasonable but is puzzled by the need for a so-called 'political' conception in the first place. Why, she wonders, should we not just try to find out the truth about these matters, rather than settling for what is reasonable?⁷⁷ Faced with these questions, what she will not do is consult her comprehensive doctrine, including its 'theory of truth', and decide whether the political conception is true according to that doctrine. So the answer, 'You decide' will not cut it. She wants to know what the *argument* is for this account. That is the basis on which she will 'decide' whether to endorse it or not. Political liberalism may choose not to take up the task – not to offer any philosophical justification for the most controversial elements of its doctrine – but if it does so it will be doomed to self-imposed exile in an echo chamber of political liberals, rather than taking up a position of serious engagement with contemporary political philosophy.

⁷⁷ If the answer to this is that such questioning shows such a citizen to be unreasonable, in a sense from which it follows that we are justified in paying no more attention to her views, then the view under consideration must be rejected as implausible. It does not seem tenable to me for a philosopher to hold, as Quong appears to, that the charge of unreasonableness extends to utilitarians (Quong n9, 185-186), and anyone who does not accept the priority of establishing a political conception of justice (188) or endorse the duties of public reason (233-234). It is difficult to see the point in engaging with any view committed to dismissing its numerous real-world philosophical opponents as unreasonable.

6. Realism, facts, and theory

6.1 Introduction to Chapters 6, 7, and 8

This chapter and the next two examine arguments for the autonomy thesis that emerge from the current resurgence in ‘realist’ political theory.¹ There is no single realist argument for the thesis. Although many political theorists have labelled their approach ‘realist’, their aims and emphases differ widely, and there is no unified set of tenets ascribable to realism which could form the premises for such an argument. Nevertheless, there is no doubt that many realists make claims that are at least in the vicinity of the autonomy thesis, and in fact it is realists who have recently been most likely to make explicit autonomy claims on behalf of political theory.

In these chapters I will try to reconstruct what appear to be the arguments that motivate realist affirmations of the autonomy of political philosophy. I first say a few words about what is distinctive about the realist agenda. Most realist accounts of political thinking focus in one way or another on a supposed desideratum of political theory that I have already alluded to in Chapter 3: that it be appropriately sensitive to empirical facts. Some arguments are couched explicitly in terms of such sensitivity; others, such as those advocating non-ideal over ideal theory, can be understood as relating to one interpretation of it. In this chapter I consider whether realist claims about the importance of sensitivity to the facts can ground a viable distinction in kind between moral and political philosophy, and conclude that they cannot. In fact, such reasons as exist even to see these debates as concerned more with political than with moral theory are not philosophically significant.

¹ The last prominent wave of political realist thought was in international relations around the middle of the twentieth century. See, for instance, EH Carr, *The Twenty Years' Crisis 1919-1939* (1939; new edn Palgrave MacMillan 2016) and H Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (2nd edn, Alfred A Knopf 1954). For criticism, see C Beitz, *Political Theory and International Relations* (1979; revd edn, Princeton University Press 1999), Part 1. For a recent re-examination of this wave of realism see D Bell (ed), *Political Thought and International Relations: Variations on a Realist Theme* (Oxford University Press 2009)

In Chapter 7, I come to the most promising realist argument for the autonomy thesis, based on the claim that politics is sufficiently distinctive as an empirical category to warrant our positing an autonomous normative domain of the political. I criticize a variety of arguments in favour of such a domain, before turning in Chapter 8 to a detailed examination of the most influential realist account of politics, that of Bernard Williams.²

6.2 Political realism

What characterizes ‘realist’ thought in political theory? Realism is too diverse a movement to be identified with any particular philosophical thesis, but we can get across the flavour of realist thinking by listing the themes that recur.³ Realist thought tends to feature: suspicion of the usefulness or even coherence of ‘ideal’ theory,⁴ however that is glossed, sometimes alongside criticism of the motives of those who pursue or endorse it;⁵ scepticism or cynicism about the motivations of political actors;⁶ a desire to refocus political philosophy more pointedly on the often unpalatable empirical details of everyday politics;⁷ and an insistence on the significance of power relations, force, and even violence in politics.⁸ But above all, realists hold in common the belief

² After most of the work for this thesis was complete, I read in draft Jonathan Leader Maynard & Alex Worsnip’s ‘Is There A Distinctively Political Normativity?’ (forthcoming, *Ethics*). Leader Maynard and Worsnip cover much of the same ground as chapters 6, 7 and 8, and respond to the realist claims with similar counter-arguments to my own.

³ CA Coady offers a similar ‘family resemblance’ definition of realism in his *Messy Morality: The Challenge of Politics* (Oxford University Press 2008) 12.

⁴ C Farrelly, ‘Justice in Ideal Theory: A Refutation’ (2007) 55 *Political Studies* 844

⁵ C Mills, “‘Ideal Theory’ as Ideology’ (2005) 20 *Hypatia* 165.

⁶ See e.g. R Geuss, ‘Moralism and Realpolitik’, in his *Politics and the Imagination* (Princeton University Press 2009).

⁷ M Sleat, *Liberal Realism* (Manchester University Press 2013); R Jubb & F Kurtulmus, ‘No country for honest men: political philosophers and real politics’ (2012) 60 *Political Studies* 539; B Williams, *In The Beginning Was The Deed: Realism and Moralism in Political Argument* (Princeton University Press 2009).

⁸ Important influences here are Carl Schmitt and Max Weber: C Schmitt, *The Concept of the Political*, trans. George Schwab (University of Chicago Press 1996); M Weber, ‘Politics as a Vocation’, in HH Gerth & C Wright Mills (eds), *From Max Weber: Essays in Sociology* (Routledge & Kegan Paul 1948).

that politics is in some sense a distinctive sphere of activity and as such demands a distinctive type of theorizing. Matt Sleat makes clear that in this last respect political realists are autonomy theorists:

A paradigmatic feature of realist political theory is the notion that politics is a distinct and autonomous human activity that, as such, requires a mode of thinking that cannot be merely derivative of some other sphere but must itself reflect the particularity of the political.⁹

He also endorses Morgenthau's view that makes explicit that one of these 'spheres' is ethics: political realism 'sets politics as an autonomous sphere of action and understanding apart from other spheres, such as economics (understood in terms of interests defined as wealth), ethics, aesthetics, or religion.'¹⁰ Bernard Williams similar advocated 'an approach which gives a greater autonomy to distinctively political thought'.¹¹ And Enzo Rossi and Sleat go so far as to make a 'defining feature of realism... the attempt to give autonomy to political normativity and political theorising through a fuller understanding of the sources of normativity in politics'.¹²

Williams talks of giving political thought 'greater' autonomy. Greater than what exactly? For my purposes the most relevant counterpart against which realism defines itself is what Williams dubs political 'moralism'. This is, roughly, an approach to political philosophy that models it in some way on moral philosophy. (I consider Williams' distinction in more detail in Chapter 8.) The challenge for the realist autonomy theorist, then, consists in pointing out what exactly is distinctive about political philosophy as against moral philosophy, and why this is normatively or methodologically significant. But realists also contrast their approach with idealist, or at least idealistic, political philosophy. Such work focuses on ideal end states rather than reality, or is idealistic in its view of (for example) human nature or political feasibility, or in its prescriptions for institutional change and/or personal conduct. Where this is the contrast in view, the challenge for the realist autonomy theorist consists in explaining why the features that make political philosophy

⁹ Sleat n7, 63.

¹⁰ Morgenthau n1, 5.

¹¹ Williams n7, 3.

¹² E Rossi & M Sleat, 'Realism in Normative Political Theory' (2014) 9 *Philosophy Compass* 689

objectionably idealist are nevertheless legitimate in moral philosophy. Unless moral philosophy is permitted to be idealistic in a way that political philosophy is not, a contrast between realism and idealism offers no prospect of grounding a theoretically significant distinction between moral and political philosophy. Realists, in other words, have to ensure that their arguments hit a sufficiently well-defined target. This observation is the basis for the two problems for the realist autonomy theorist.

6.2.1 *Autonomy by default*

The first problem has already been mentioned in the Chapter 3.¹³ As I stated there, arguments for the autonomy thesis are uninteresting insofar as they achieve their conclusion by default, that is, they purport to show that political philosophy cannot be moral philosophy because moral philosophy is itself an empty category. Some realists think that there is something generally fishy about normative claims.¹⁴ If the realist critique of the ‘moralist’ position is based on a general suspicion about the validity of normative claims, then it is not a philosophically interesting argument. It amounts to saying that political theory is not moral philosophy because if it was it would have to make normative claims, and such claims are impossible, or incoherent, or naïve. Those who take this view must reject the very idea of normative moral theory as well as normative political theory. (Hence this particular way of achieving autonomy by default is an instance of the over-inclusiveness problem I set out in the next section.) In any case, I will assume that there is nothing fishy about making normative claims in general. I will occasionally make reference to realist suspicions about normativity, but I do not pursue this complaint in any more detail.

¹³ See section 3.4.1.

¹⁴ Geuss is the obvious example here.

6.2.2 *The over-inclusiveness problem*

However, noticing this problem may alert us to a second, more insidious difficulty – and one that will crop up often. Not all realist arguments for the autonomy of political philosophy are based on a general worry about normative claims. But all of them (or so I will argue) are based on worries that appear to apply to moral philosophy as much as to political philosophy.¹⁵ I call this the *over-inclusiveness problem*. If their criticisms are to form part of a critique of the contemporary treatment of political philosophy as applied (or a branch of) moral philosophy, those criticisms must apply to political philosophy and *not* to moral philosophy. Where there is no doubt space for a realist critique of normative theorizing in general (and indeed that is what some realists endorse),¹⁶ this will no longer form the basis of a distinctively political realism. It will no longer ground a case for the autonomy thesis. The realist’s difficulty in confining her critique to political philosophy will be a recurring theme of this chapter.

6.3 *Empirical sensitivity*

6.3.1 *Introduction and agenda*

The case for the autonomy of political philosophy that emerges from realist observations about empirical sensitivity is for a form of *methodological* autonomy. It contrasts in this respect with the arguments considered in chapters 7 and 8, which claim that political theory is *structurally* autonomous because political normativity itself is autonomous. The realist thought is, roughly, that political philosophy must deal with the world as it actually is; that it must engage fully with,

¹⁵ Unless they are interpreted as purpose critiques, as I explain in section 6.4.4.

¹⁶ See the references in note 70. Hall and Sleat seem recently to have hitched their trains to this wagon as well, although they are influenced by Bernard Williams rather than Marx: E Hall & M Sleat, ‘Ethics, morality and the case for realist political theory’ (2017) 20 *Critical Review of International Social and Political Philosophy* 278.

rather than abstracting from or idealizing,¹⁷ ignoring or failing to take adequate account of, the empirical facts of politics.¹⁸ I use the phrase ‘empirical sensitivity’ for both a positive and a negative reason. The positive reason is that it seems to capture what the realists are after. One of the changes that realists seek to effect is to a political philosophy that is better attuned – in various ways that I shall explore presently – to the specific details of the empirical world. The realist worry is that contemporary political philosophers have retreated (or perhaps ascended) into a world of Platonic forms in which the relevance of the normative concerns under consideration to our lives back on earth has been lost.¹⁹ They often wish to foreground in political philosophy the kind of empirical observations that characterize some of the writers who feature in the canon of ‘political thought’ but not in that of analytical political philosophy.²⁰ The negative reason is that the label ‘fact-sensitivity’ has already been reserved by GA Cohen to refer to the grounding of basic normative principles (or lack thereof) in facts.²¹ This falls into my third category.

There are three principal arguments to address here. Each advances a different criticism of contemporary political theories. None emerges clearly from the realist critiques, but my aim here is to reconstruct the most promising lines of argument for the autonomy thesis from the accounts available.

¹⁷ O’Neill distinguishes between abstraction and idealization. Abstraction, on her account, consists in ‘bracketing off some complexities of a given problem’, the better to deal with the central question, whereas idealization ‘consists in making false assumptions about some significant aspect of the problem’: A Hamlin & Z Stemplowska ‘Theory, Ideal Theory, and the Theory of Ideals’ (2012) 10 *Political Studies Review* 48, 50. See O’Neill, *Towards Justice and Virtue* (Cambridge University Press 1996) 40–41. On my realist-orientated understanding of fact-sensitivity, a theory that uses either abstraction or idealization is to that extent fact-insensitive.

¹⁸ Abstraction and idealization are both more or less deliberate attitudes that can be taken towards facts. The addition of ignoring and failing to take adequate account of the facts covers those (probably equally numerous) cases in which theorists are accused not of adopting an inappropriate methodological stance, but rather of paying insufficient attention to the facts that their methodology admits to be relevant.

¹⁹ See D Miller, ‘Political Philosophy for Earthlings’, in his *Justice for Earthlings* (Cambridge University Press 2013) for imagery of this sort.

²⁰ See, for instance, M Philp, *Political Conduct* (Harvard University Press 2007) on Machiavelli and R Geuss, *Outside Ethics* (Princeton University Press 2005) 219–233 on Thucydides.

²¹ GA Cohen, ‘Facts and Principles’ (2003) 31 *Philosophy and Public Affairs* 211. By ‘facts’ Cohen means ‘any truth, other than (if any principles are truths) a [normative] principle, of a kind that someone might reasonably think supports a principle.’ I will not offer a detailed account of facts, but I do mean specifically empirical facts.

(i) The *accuracy objection*: the theory has an inadequate account of the facts. This is the most straightforward objection. It encompasses much of what is usually subsumed under the heading of ‘ideal and non-ideal theory’.²² A theory might be inaccurate, for example, because it assumes that people will for the most part comply with their obligations of justice, whereas in fact for the most part they will not.

(ii) The *application objection*: the theory applies its principles inadequately to the facts. According to this objection, the account of the political facts with which the theory purports to engage is itself adequate, but there is something awry in the way that the theory is applied to these facts.

(iii) the *grounding objection*: the theory’s principles are themselves insufficiently shaped by the facts; that is, the theory has a mistaken view of how empirical circumstances figure in the grounding of normative principles.

In the rest of this section, I will look at each objection in turn, starting (6.3.2) with the accuracy objection. In 6.3.3 I consider at length the argument from disagreement, which I take to be an instance of the accuracy objection, but one which deserves detailed examination in its own right. In 6.3.4 and 6.3.5 I address the application objection and the grounding objection respectively. First, however, I make some brief comments about empirical sensitivity in general, and preview the basic argument that I will pursue against all these objections.

In section 6.4 I turn to some realist arguments that do not fall into any of these categories, but rather claim a distinctive *purpose* for political philosophy. I call these *purpose critiques*. Purpose critiques claim that political philosophy is autonomous, because it must orientate itself to the world in a different way. I consider three aspects of a political theory which, it is alleged, must be specially attuned to the political purpose of that theory in order for the theory to be successful. They are

²² For responses to criticisms of ideal theory of a realist or similar bent, see: L Valentini, ‘On the Apparent Paradox of Ideal Theory’ (2009) 17 *Journal of Political Philosophy* 332; Z Stemplowska, ‘What’s Ideal About Ideal Theory?’ (2008) 34 *Social Theory and Practice* 319; A Swift, ‘The Value of Philosophy in Non-Ideal Circumstances’ (2008) 34 *Social Theory and Practice* 363.

(6.4.1) that the theory is *action-guiding*, (6.4.2) that the theory is *motivating*, and (6.4.3) that the theory is *not excessively demanding*. I first deal with each as making a straightforward complaint about faulty methodology. Yet again, I find no basis on which to separate moral and political theory. If these observations are important ones, they are important for moral philosophy too. But, I argue, there is a deeper point here as well. In 6.4.4 I point out that as purpose critiques, these objections in any case depend for their cogency on first-order arguments in political theory. They are therefore an inadequate basis from which to launch any argument for the autonomy thesis that is supposed to apply to the construction of those very first-order arguments. Finally, in 6.5, I briefly consider the idea that political philosophy should be regarded as a form of activism, and the implications this might have for the way we go about it.

I am using a capacious understanding of empirical sensitivity, but one that is, I think, well-motivated.²³ All the objections outlined above complain about philosophers' attitudes towards undisputed empirical facts. Philosophers have, allege the realists, neglected or ignored them, illegitimately brushed them aside, or failed to appreciate their proper role in political theory. To be sure, the grounding objection is slightly different, since the alleged error is strictly speaking an epistemological or metaphysical one rather than a methodological one.²⁴

Why might realists think that observations about empirical sensitivity form a good basis for the autonomy thesis? I must concede that I find the realist explanations far from intuitive, so the reconstruction of a rationale is difficult. But I think the thought is something like this. A normative theory is not just a theory of norms but a theory of norms that apply to some particular area of

²³ Stemplowska and Swift ('Ideal and Nonideal Theory', in D Estlund (ed), *Oxford Handbook of Political Philosophy* (Oxford University Press 2012)), for instance, regard the accuracy objection and (to the extent that they address it) the application objection as questions of ideal versus non-ideal theory. But since ideal theory is ideal to the extent that it imagines counterfactual (idealized) circumstances, it seems to me fair to regard the ideal/non-ideal distinction as one dimension of empirical sensitivity, where that notion is broadly understood, along lines that reflect realist concerns.

²⁴ The error could be either a failure to use empirical facts in the right way in forming our beliefs about normative principles (epistemological), or a failure to understand how empirical facts figure in what grounds normative principles (metaphysical). I focus on the latter. This would make for a structural rather than a methodological form of autonomy.

life. It involves selecting certain aspects of the world for special consideration. This task is not straightforward or self-explanatory; it demands philosophical attention in its own right. That makes a political theory a theory of the nature of politics as much as a theory of anything else. And politics is not an object that can be constructed for the purposes of normative inquiry by *a priori* philosophical reflection, but rather must be recovered from the real world in all its complexity. Politics as an objective of normative inquiry is therefore a constantly moving target, and one whose theorization is integral to the project of political philosophy rather than a side-module to be attached to the real normative work done by moral philosophy.

What makes moral philosophy different is rarely made explicit. But the assumption seems to be that moral philosophy has no corresponding complex object of empirical concern. If moral philosophers do not need to heed the realist warnings about empirical sensitivity it is because the object of their inquiry is simple and timeless, or at least sufficiently uncomplicated that it can be studied without similar acute attention to empirical particulars. I think this is a mistake.²⁵ The basic components of normative theory – goodness, duties, rights, and so on – might be timeless (if not simple) but any understanding of their implications for how we ought to act will require the same sensitivity that realists advocate for the case of politics.

I will argue, therefore, that the realist arguments fail to escape the over-inclusiveness problem. There is no concern here that is distinctive to political philosophy. As regards accuracy, any normative theory must deal with the relevant empirical facts. Sometimes these facts include adverse circumstances, such as the fact that some, or many, or all, people are not going to do what they ought to do, or the fact that there is bound to be widespread disagreement about what ought to be done, or the fact that the best institutional reforms²⁶ are not currently possible. These

²⁵ And I should stress that not all realists see it this way. I am suggesting that something like this must be driving realism insofar as it makes a case for the methodological autonomy of political philosophy with respect to moral philosophy.

²⁶ Is all normative theorizing about institutional reform *ipso facto* political? Maybe – but if that's the direction of explanation then the realists are just taking the trickier bits of moral philosophy and labelling

difficulties may be more salient in political contexts, but they are neither facts of a special sort nor special to politics. As to application, the question how a normative theory must be applied to empirical circumstances in order to yield concrete prescriptions for us here and now is a difficult one, and as yet little philosophical work has been done on it. It may be that the complexity of the political world makes the problem all the more intractable. But there is nothing in the nature of the political facts that makes the problem distinctive. Grounding, by contrast, is currently a fashionable philosophical niche. There are plenty who are optimistic about the progress we can make (and have made) in understanding the relationship between a fact and those facts which constitute its grounds. Much work remains to be done on normative grounding. But I see no reason to think that we will need separate accounts for moral and political grounding.

6.3.2 *The accuracy objection*

The idea here is that any theory, whatever its aims, must at least have a sound grasp of the facts that are, by its own lights, relevant. Yet contemporary political theories are based on an inaccurate or otherwise inadequate story about what goes on in the world of politics. The objection can but need not be framed as an objection to abstraction. An objectionably inaccurate picture of politics might be the result of bracketing off facts about, for instance, the motivations of political actors; but it may equally be produced simply by complacency or carelessness on the part of the theorist.

Geuss goes so far as to *define* “moralism” in politics’ as ‘the view that the distinction between good and evil is clear and easy to discern to all men of good will, that is, to all those who are not themselves morally corrupt, and because this is the case, it is inadvisable to try to get too detailed an understanding of any given situation.’²⁷ While this might be an appropriately withering

them political (rather than showing that there’s something distinctive about the political that *makes* it trickier).

²⁷ R Geuss, *Politics and the Imagination* (Princeton University Press 2010) 32. There are other concerns Geuss may have in mind. He may be interested in *precision* rather than accuracy, for instance: that is

description of the attitudes of Tony Blair and George W. Bush (the examples of this kind of thinking that Geuss cites), it is transparently a straw man as far as philosophers are concerned. I cannot think of anyone who would subscribe to this obviously absurd view, so Geuss's moralism, at least in professional philosophy, is an empty set. (Perhaps when Geuss says 'in politics', he means *as opposed to* 'in philosophy'.) Here is a more tempered expression of the accuracy objection from Matt Sleat:

One way to characterise realist political theory is as an exercise in political understanding. Such understanding does not preclude the possibility of making normative political prescriptions, but does require that any such recommendations be grounded in as descriptively and explanatorily accurate a vision of politics as we can muster.²⁸

A lot depends here on what we take 'grounding' to mean. If Sleat means to suggest that the normative grounding of basic political norms is to be found in detailed empirical facts – in other words, that they have the normative content that they do *in virtue of* the empirical facts being the way they are – then this is an interesting and possibly radical thesis. This interpretation falls under the grounding objection, and is discussed below (6.3.5). The passage is more naturally interpreted simply as adverting to the need to be careful in ensuring that one's normative theorizing is adequately *informed* by the facts on the ground. It is hard to see how anyone could disagree with it in principle, even if in their work they failed to observe it.²⁹ If we are trying to understand our moral obligations in any reasonably specific set of circumstances, or even if we are trying to reach a sensitive moral judgment in our everyday lives, we need to pay close attention to the facts.

Ideal theory, compliance, feasibility, and motivation

suggested by the focus on 'detail'. Or he may simply be alerting us to the danger of being hasty or overconfident in our moral decision-making. The accuracy interpretation strikes me as the most plausible reading given Geuss's other comments.

²⁸ Sleat n7, 7.

²⁹ It isn't clear from the text which reading Sleat has in mind. His next sentence makes a point about ideal theory (we should 'start our theorising not from people's motivations as they should be in a morally ideal world, but as they actually are' (my sense (i)), and the paragraph then returns to empirical sensitivity in the sense of application of theory to facts (my sense (ii)): 'we need to be attentive to the fact that there is a big gap between developing a theory and putting it into practice.'

Many of the arguments in contemporary political philosophy are unsound, runs the realist accusation, because they are part of ideal theory. Ideal theory fails to deal with the facts of the real world. It assumes that people will comply with their obligations of justice, when in fact we know that many will not. It assumes that an ideal of perfect justice is attainable when in fact we have no idea how it might be achieved in the real world. It assumes that, even if we knew what perfect justice looked like and how to achieve it, people would be motivated to make the necessary changes. But we know that in the real world they are not.

I will not rehearse the central debates here. The coherence and utility of ideal theory has been defended against widespread criticism. Its defenders have argued, amongst other things, that (on ideal theory in general): theories of ideal justice are important for current practice as allowing us to know whether we are on the right path to meeting our very long-term goals, and enabling us to formulate sub-goals for moving to a position from which ideal justice is more easily achieved;³⁰ the achievement of justice is path-dependent, so that some localized improvements in justice might move us further away from or prevent us from achieving the goal of idea or even just greater justice;³¹ some degree of idealization is part and parcel of theorizing about complex problems; idealized assumptions can help us better understand the constraints on what is desirable;³² (on compliance:) the truth about people's moral obligations is not constrained by the likelihood of their compliance with them;³³ (on feasibility:) the feasibility of a goal is compatible with the knowledge that the goal will not in fact be achieved;³⁴ (on motivation:) human motivational capacities do not constitute a general constraint on political philosophy.³⁵

³⁰ A J Simmons, 'Ideal and Nonideal Theory' (2010) 38 *Philosophy & Public Affairs* 5; Stemplowska n22.

³¹ Simmons n30; P Gilibert, 'Comparative Assessments of Justice, Political Feasibility, and Ideal Theory' (2012) 15 *Ethical Theory and Moral Practice* 39.

³² Stemplowska n22.

³³ D Estlund, 'Utopophobia' (2014) 42 *Philosophy and Public Affairs* 113.

³⁴ P Gilibert & H Lawford-Smith, 'Political Feasibility: A Conceptual Exploration' (2012) 60 *Political Studies* 809; H Lawford-Smith, 'Understanding Political Feasibility' (2013) 21 *Journal of Political Philosophy* 243; A Gheaus, 'The Feasibility Constraint on the Concept of Justice' (2013) 63 *Philosophical Quarterly* 445

³⁵ D Estlund, 'Human Nature and the Limits (If Any) of Political Philosophy' (2011) 39 *Philosophy and Public Affairs* 207.

I think these responses are more than sufficient to rebut the claim that ideal theory is inadequate in virtue of an inaccurate picture of the political world. In any case, all these theory-influencing factors may be particularly salient in political circumstances, but they are not unique to politics. Facts about compliance, feasibility, and motivation are all facts about the actual and probable behaviour and attitudes of people other than, or (in the case of collective agents) partially comprising, the agent whose actions are under consideration. Such facts are relevant to moral deliberation in any environment where individuals' behaviour is routinely subject to the impacts of others' actions. Many of these are political institutions, but also include schools and universities, businesses, social clubs, and so on. Should a company pursue a policy prohibiting personal use of the internet during work hours, believing that such a policy would increase efficiency if it were observed, but knowing that many of its employees will fail to comply? Are those who are motivated to comply still obliged to do so in the knowledge that a majority of their colleagues will not?

Some of the central problems of ideal and nonideal theory apply as much to individual moral and even prudential decisions. It seems better for me now to take this well-paid job, but perhaps I will be happier over the course of my life if I forgo this opportunity and devote several years to further study, even amidst financial hardship, in order to forge a successful academic career? This kind of quandary is not uncommon in everyday life, but is structurally not significantly different from the question whether we should pursue a short-term improvement in justice or suffer a more prolonged period of injustice in order to implement a long-term transition to a situation closer to the ideal. It seems to me likely that we tend to regard problems of ideal and nonideal theory as peculiarly political because politics is in general focused on much longer-term calculations whose character is broadly consequentialist. Individual ethics, by contrast, is more constrained by (i) the greater relevance (in the eyes of most) of non-consequentialist constraints,³⁶ and (ii) even within a consequentialist framework, by the limited causal potential of individual action, and the much

³⁶ Cf. Weber n7.

greater difficulty of long-term calculation. As individual agents our occasions to worry about trade-offs between short- and long-term gain, or about the effects of our actions on any but those closest to us, are relatively few.³⁷ But in concert with others, and given the prodigious causal reach of the modern bureaucratic state, we find such difficulties to be extensive and ubiquitous.

6.3.3 *The argument from disagreement*

One fact about politics deserves special consideration. Disagreement is one of the facts that realists say has been ignored, or optimistically sidelined by contemporary political philosophers. Disagreement may even be constitutive of the ‘circumstances of politics’. I treat it as an instance of the accuracy objection because the accusation, broadly speaking, is that the neglect of the problem of disagreement by political theories means that their models of the political world are inaccurate – they simply miss out one of its defining features. There is disagreement in politics about the right and about the good. Even when there is broad agreement about the values that are relevant in an area of policy-making, there is likely to be disagreement about the relative weights of those values. We cannot hope to start constructing a political theory from a moral-philosophical foundation, it is argued, because the political world that we are attempting to theorize introduces disagreement about all those elements on which we would hope to build.

It hardly needs to be said that disagreement as a moral problem does not fall exclusively within the domain of politics. We could devise all sorts of mundane examples to illustrate the ubiquity of disagreement in moral decision-making. Imagine, for instance, two people disagreeing about where to go on a date. They will have to take into account, among other things, the strength of each

³⁷ Perhaps we ought to give these dimensions of our ethical lives more consideration – see P Singer, ‘Famine, Affluence, and Morality’ (1972) 1 *Philosophy and Public Affairs* 229 for a well-known argument to that effect. But even if we accept that consequentialist calculation should feature more prominently in individual ethics than it does for most, the contrast between individuals and state bureaucracies is still stark.

other's preferences, the implications of any previous reciprocity in similar matters ('we did what you wanted last week'), and the fairness of any procedure they devise for deciding, in the event that such considerations fail to return a solution. The realist might respond by pointing out that this kind of scenario is simply a conflict in preferences. What is distinctive about the political is *second-order* disagreement: disagreement about what ought to be done. But in fact there is no reason to interpret the couple's date scenario as being a clash of desires rather than a genuine disagreement about what they ought to do: 'It would be fairer if we went with my idea this week, since we did yours last week.' 'Yes, but I think you'll enjoy this more so actually it would be better for you too.'

But it is important to recognize that it is not only the over-inclusiveness problem that tells against the realist argument here. For even if we thought that the problem of moral disagreement were a peculiarly political one, it would still not follow that political philosophy was autonomous. Consider the following argument from Matt Sleat. Realism, he argues,

denies that the question 'What should we do?' can simply be answered with reference to what we think is the morally right thing to do in any given political situation. The circumstances of politics ensure that we will disagree on what we think the morally right thing to do will be. Politics takes place in conditions where we don't agree what the right course of action is. The prevalence of disagreement and conflict, alongside the fact that power and violence will be a constituent part of any answer to this question, ensures that politics cannot be simply 'applied morality', the mapping of the good or the morally desirable onto the political.³⁸

The argument in this paragraph seems to be something like the following:

- (1) In order to answer the question 'What should we do?' in any given situation we simply need to refer to what we think is morally right to do in that situation. [Moralist assumption]
- (2) But in political situations, there is disagreement on what the morally right thing to do is.

³⁸ Sleat n7, 66.

(3) Therefore in political situations there is nothing (or at least no *one* thing) that ‘we’ think is morally right to do in the situation. [Redescription of (2).]

(4) Therefore (from (1) and (3)) we cannot (on the moralist assumption) answer the question ‘What should we do?’

The weaknesses of this argument are twofold. The first is that it illegitimately detaches the fact of disagreement from the description of the situation in (1). For the purposes of the moralist assumption, the argument describes the ‘given situation’ *independently* of the disagreement. It then adds disagreement to show the impossibility of answering the question. The framing of the moralist assumption is therefore question-begging: it assumes that the moralist fails to start from an accurate picture of the facts by stipulating the disagreement out of the situation as described. In order to make the problem transparent we need to be clearer that one of the facts that is ‘given’ is the fact of disagreement. What we are setting out to answer by means of moral argument, then, is the question what we should do in a situation where we disagree about what we should do.

Perhaps this makes things seem no less problematic. We can clear things up by recognizing the second weakness of the argument, which has to do with the scope of the ‘given situation’. The frame of reference of the question is too narrow. We need to decide what to do in situations (including this one) in which we don’t agree on what the morally right thing to do is. If we can agree on *this*, then we go a long way to solving the problem, because in such situations we have a *first-order* disagreement, but can reach a *second-order* agreement. This is what Wollheim referred to as the ‘paradox in the theory of democracy’³⁹ – I think the policy should be X, while you think it should be Y, but we both agree, at the second order, that the policy should be whatever is the outcome of (most saliently) the democratic process. So all the fact of disagreement implies is that we need some way of authoritatively settling the action that we will collectively take: but this is

³⁹ R Wollheim, ‘A Paradox in the Theory of Democracy’, in P Laslett & WG Runciman (eds), *Philosophy, Politics and Society* (Basil Blackwell 1962).

something that will be decided by moral argument. Of course, things are rarely as simple this. We can also disagree about the *weight* to be ascribed to the principle that the result of the decision-making process should be respected.⁴⁰ (Witness, for example, the arguments adduced recently in favour of working around, or even disregarding, the result of the UK's referendum on withdrawing from the European Union). But the realist argument gives us no reason to think that this is anything other than a *moral* disagreement, to be settled by moral argument, or indeed moral philosophy.⁴¹

Sleat also mentions 'power and violence'. These are recurring realist themes. In this instance, their role seems to be in enforcing whatever decision is taken against those constituencies of people who still disagree – who have a different view on the first-order issue from the one that has prevailed in the decision-making procedure, and who further disagree that the decision-making procedure was or is the right one. But of course, the question of the legitimacy of such coercion is the central question of modern political philosophy, including in the so-called 'moralist' Rawlsian mode. If there is an argument here for the autonomy of political philosophy, it must be the political liberal one already addressed in Chapter 5. Realists may of course reply that Rawlsian political

⁴⁰ See Z Stemplowska & A Swift, 'Dethroning Democratic Legitimacy', in D Sobel et al (eds), *Oxford Studies in Political Philosophy Vol 4* (Oxford University Press 2018).

⁴¹ What is the realist alternative? Sometimes it seems Sleat thinks that because we cannot agree what we should do in a given domain, the only possible conclusion is that *nothing can be done* in that domain: 'While realism argues that such political questions are and inevitably will be the subject of disagreement and conflict, thus undermining the possibility for political consensus, what the liberalism of fear offers is the possibility of shifting the content of the agreement to political commitments which can more plausibly be thought of as universally held, from the goods that politics should pursue to the evils that it should protect us against' (Sleat n7, 93-94). But we can't decide *not to do anything* about distributing the benefits and burdens of social cooperation. They will be distributed in one way or another whether we like it or not. Governments can choose to influence this distribution or leave things as they fall; but either of these is a significant policy decision: inaction cannot be justified without recourse to moral argument any more than action can. That is not to say, of course, that a justification for government policy will always be forthcoming. Disagreement is sometimes settled by the exercise of power by one group over another. But this just reflects the relative impotence of reasoned argument in politics, and the irrelevance of academic philosophy (realist or otherwise) to those in power. Nor should anything I have said be confused with the bizarre idea that disagreements can be authoritatively resolved through imposition by philosophers. As Alice Baderin notes, the realist idea that 'moralist' philosophers wish to circumvent the democratic process 'rests on an implausible caricature of political theorists as would-be philosopher-kings' (A Baderin, 'Two forms of realism in political theory' (2014) 13 *European Journal of Political Theory* 132, 139).

liberalism, in its idealized conception of the ‘reasonable’ citizen and its unjustified optimism about the possibility of overlapping consensus, is naïve about the realities of necessary enforcement. As it happens, I am of the same opinion. But we can accept that political liberalism is insufficiently realistic without being forced into any retreat on the autonomy question. A political theory that is continuous with moral theory simply needs to embrace disagreement as a relevant fact. A theory that is unconvincing is not necessarily methodologically misguided.

Charles Larmore, himself a political liberal, makes a related argument about disagreement. He says that political philosophy ‘must... focus on the characteristic problems of political life, which include widespread disagreement about morality, and for just that reason it demands a significant autonomy from moral philosophy.’⁴² The view of political philosophy he advocates ‘sees reasonable disagreement about the right and the good as integral to the problem at the center of political life, so that political philosophy cannot simply be applied moral philosophy.’⁴³ Larmore is explicit in regarding the fact of reasonable disagreement as leading us towards the autonomy thesis but he does not make clear how the inference here is supposed to go. If the idea is that since political life involves disagreement about what constitutes sound moral reasoning, and moral reasoning is precisely what we are trying to apply to political life, *therefore* we cannot use moral reasoning in this domain, then what are we supposed to use? Political reasoning? But what is that? There simply is no ‘meta-moral’ reasoning available. There is reasoning from empirical and normative facts – which are themselves reasons – to normative conclusions.⁴⁴ It is not clear what Larmore’s view is of what counts as ‘applied moral philosophy’, but it must be a terribly anaemic

⁴² C Larmore, ‘What is Political Philosophy?’ (2013) 10 *Journal of Moral Philosophy* 276, 280.

⁴³ Larmore n42, 292. Larmore is interested in *reasonable* disagreement, as one would expect from a political liberal. (I drop the ‘reasonable’ here – as does Larmore – for the sake of simplicity.) Sleat seems to be interested in disagreement *sans phrase*; but see note 44.

⁴⁴ There is, of course, ‘public reason’. Larmore’s arguments here are too under-described for it to be clear whether he takes himself to be offering simply a version of the political liberal argument criticized in Chapter 5. But my comments in the text here can be seen as summarizing the gist of my response to that argument. The disagreement argument highlights the significant affinities between some versions of political realism (including Sleat’s) and political liberalism. I revisit these affinities in Chapter 9.

enterprise if it is hamstrung when confronted by the fact of reasonable disagreement in political life.

In fact, applied ethics is no stranger to the problem of decision-making amidst disagreement. Medical ethics, for instance, is traditionally taught to students by first introducing them to the major ‘schools of thinking in normative ethics’ – consequentialist, Kantian or deontological, and virtue-centred approaches – and then moving on to apply these accounts of morality to specific problems in medical practice and research.⁴⁵ But in at least some cases these approaches will deliver conflicting answers in these specific cases. (Put another way, Kantians and consequentialists will *disagree* as to the answers.) Policy-making cannot wait until the final verdict is in about the correct general moral theory. Even if we think that we could in principle arrive at the correct moral theory, and that the answers to specific moral questions can be somehow derived from such a theory, we cannot proceed like this in practice. While normative ethicists work on a final theory of morality, policies have to be chosen and implemented. This has led many to advocate a ‘top-down’ rather than a ‘bottom-up’ approach to theorizing procedures in applied ethics. The idea is that we can start from the specific problems and make some progress by reasoning from there, rather than by the application of general theories to specific problems. Some hope that philosophy can yield greater practical benefit by adopting this approach than by more ‘traditional’ methods.⁴⁶

⁴⁵ See e.g. T Beauchamp and J Childress, *Principles of Biomedical Ethics* (7th edn, Oxford University Press 2013).

⁴⁶ See e.g. J Radcliffe Richards, *Careless Thought Costs Lives: The Ethics of Transplants* (Oxford University Press 2012) 102-146; J Wolff, *Ethics and Public Policy* (Routledge 2011) 1-10. Note that whether progress can best be made in normative theory by the ‘top-down’ or the ‘bottom-up’ approach is not the same question as whether any part of normative theory is autonomous. First, there is no suggestion in advocating a top-down approach that there is reason to think that the nature of practical ethics, or any branch thereof, supplies an absolute injunction against the bottom-up method. Indeed, many applied ethicists (including, I expect, Radcliffe Richards and Wolff) would acknowledge that the bottom-up approach would be satisfactory *if* we could work out the moral foundations first. Their point is that we are not likely to do that any time soon, so the top-down approach, assuming it is theoretically sound, is more practical. Secondly, the distinction between top-down and bottom-up approaches applies *within* both moral and political theory; indeed, it is compatible with there being no important distinction between the two.

Where philosophy is employed in the service of policy-making it may need to produce some definitive recommendations. A report detailing the arguments for and against each proposal may help to elucidate the issues, but it won't help get us any further towards resolving the question of what we should do. But if applied ethicists can find a way of producing such definitive (albeit perhaps rather circumscribed) recommendations, this won't suddenly make their discipline something other than moral philosophy. In any case, it won't be philosophers who make the actual policy decisions; it will be politicians. And this is because the resolution of disagreement in situations where unanimity is impossible is ultimately down to the activity of those in *authority*. Sometimes it seems as if what the realist is getting at is that political philosophy cannot simply be applied moral philosophy, because moral philosophy does not have the requisite authority to settle disagreements, or the means to coerce the recalcitrant into cooperation or submission. But no one should expect philosophy of any kind to be able to do this. Political philosophy contributes towards our thinking about when such coercion is legitimate, but only politics is concerned with the business of coercion itself.

Let us remind ourselves why the argument from disagreement falls under the accuracy objection. It is because moral philosophy is supposed to fail to take into account the signal fact of disagreement in political life. To that extent, it is proposed, political philosophy must be done differently. But this line of reasoning reveals a confusion about why normative problems become political in the first place. The difficult, complex decisions – those that require scrupulous and perhaps impartial (so far as that is possible) attention to the empirical facts, those that involve weighing the interests of several or many parties, those that engender endless debate and dissension – those decisions are precisely the ones that are likely to *become* political,⁴⁷ because the disagreements or decisional difficulties cannot be overcome without the intervention of an adjudicator or arbitrator. That is one reason why our personal lives become political: because

⁴⁷ Or are necessarily political, depending on how you think the word 'political' ought to be used.

unresolvable disagreements become legal disputes. But the problems that require decision by law or other political means are no less moral problems for that, nor is the reasoning required to judge them any less a matter of moral philosophy.

When we think of things this way, it seems clear that the political *is* a domain of deep-seated disagreement and conflict – but we need to be clear about the order of explanation here. The political is not a given, which on examination turns out to be characterized by disagreement and conflict. Rather, the political is a self-selected category, carved out from the moral as a subdomain of precisely those complex moral problems that require resort to authority for their resolution. (Recall the uncontentious claim U1 that we looked at in Chapter 3: political philosophy is broadly distinctive in its subject matter, themes and factual scenarios.) It gets things backward to look at the political in isolation and conclude from the disagreement it manifests that the philosophy that tackles it must be autonomous.

6.3.4 *The application objection*

The application objection claims that political philosophy cannot be moral philosophy because political philosophy has a distinctive relationship between theory and practice. The argument focuses on the process of applying an abstract theory to the actual facts. ‘Any political theory worth the name,’ notes Andrew Sabl, ‘must deal forthrightly with “the empirical complexity of the real social world and of actual political situations.”’⁴⁸ Sleat similarly observes that ‘we need to be attentive to the fact that there is a big gap between developing a theory and putting it into practice.’⁴⁹ Indeed. But what impact should the recognition of these points have on the way we go about constructing our political theories? And is political philosophy significantly different from

⁴⁸ A Sabl, ‘History and reality: idealist pathologies and “Harvard School” remedies’, in J Floyd & M Stears (eds), *Political Philosophy versus History: Contextualism and Real Politics in Contemporary Political Thought* (Cambridge 2011) 152 (quoting Frederick Whelan).

⁴⁹ Sleat n7, 7.

moral philosophy in this respect? In this section I will argue that the answers to these questions are, respectively, ‘not much’, and ‘no’.

First, Sabl’s point suggests that a full political theory⁵⁰ must have something clear and concrete to say about the real world. This might be taken as a criticism of those contemporary philosophers who concern themselves exclusively with ‘high theory’ without deigning to descend into the empirical details of the world to which that theory is supposed to apply. But there is a lot of work to be done in political philosophy. It seems reasonable that there should be some kind of division of labour between theorists. Even if the discipline of political philosophy in general is to say something about actual political situations, there is no reason why those constructing ‘high theory’ must be the ones to say it. Nor is there any reason why those interested primarily in practical application should be under any pressure to advance our thinking about the moral foundations of the normative framework in which their work is situated. And the same applies in moral philosophy. There are theorists working on practical problems in medical or business ethics who proceed from (e.g.) a Kantian starting-point, but who are not concerned to offer new insights about the fundamental nature of human dignity, or new interpretations of the formula of humanity;⁵¹ and, conversely, some of those who specialize in explaining the basic structure of Kantian ethics may contribute little directly to our understanding of the implications of their work to practical problems.⁵²

What about the gap between developing a theory and putting it into practice? There are several factors that will make the task of acting in accordance with the prescriptions of a theory more difficult. It is plausible to think that the gap between theory and practice will be bigger the more complex the situation to which the theory is being applied, the less information we have about the

⁵⁰ I am not sure whether he has in mind the ‘political’ or the ‘theory’ (or perhaps both) when he talks about a political theory being ‘worth the name’. My comments here have more to do with the idea that political philosophers are supposed to be producing a *theory*. I deal below with the idea that that theory must be in some significant sense ‘political’.

⁵¹ E.g. N Bowie, *Business Ethics: A Kantian Perspective* (2nd edn, Cambridge University Press 2017)

⁵² See, for instance, the rich but, for the most part, highly abstract work of Paul Guyer.

situation, the more actors involved, the more receptive or compliant those actors are, and so on. It is also plausible to think that political situations score highly on many, if not all, of the relevant metrics. But this looks very much like a difference of degree rather than one of kind.

The objection might be that any attempt to apply moral theory to political circumstances will be making a kind of category error. Moral theory just isn't the right sort of thing to apply to political life, because moral theory already deals with an altogether different set of circumstances – the circumstances, roughly, of everyday life. Clearly a theory of right action in everyday life cannot simply be applied to politics, because political circumstances are not the circumstances of everyday life. Politics is an area of different and more complex concerns. Applying a moral theory to politics, on this view, would be like trying to build a real car using the instructions for building a Lego one.

But not all moral theory need be like the instructions for building a car. No doubt we cannot expect a moral theory of the family to give us a model on which to build a political theory of the modern liberal democratic state.⁵³ However, we should expect normative accounts of families and of states to respond to some of the same basic moral categories – well-being, fairness, reciprocity, and so on – just as the manufacturers of toy cars and monster trucks must deal with gravity, friction and the capacities of their users.

A full answer to the application objection would require an account of the fundamental building blocks of morality, and an account of the nature of applied ethics. 'What,' as Richard Norman asks, 'is applied to what?'⁵⁴ I can provide neither of these here, but I offer some further thoughts on these matters in due course. In the next chapter I suggest that some realist arguments may rely more broadly on an idea that moral theory is somehow 'already applied' and therefore incapable

⁵³ That is not to say that the model of the family could not be usefully deployed in an argument for thinking of political society in a certain way. But consider how such an argument might go. It would suggest that the relationships of political society are, contrary to first impressions, really rather like the relationships of the family, and therefore the obligations that hold between members of society are more like the obligations that hold between family members than we might have thought. The argument works (if it does) by analogy, not by application.

⁵⁴ R Norman, 'Applied Ethics: What is Applied to What?' (2000) 12 *Utilitas* 119.

of application. In the final chapter I consider whether we should consider political theory to be applied ethics.

6.3.5 *The grounding objection*

The grounding objection is hard to pin down. It has emerged from GA Cohen's critique of Rawls's constructivism about justice, and takes the form of a sort of counter-thesis to Cohen's. As part of his critique, Cohen developed an account of the grounding of normative principles.⁵⁵ He argued that the ultimate ground of any normative principle must be a more basic normative principle. Empirical facts, such as facts about human nature, will figure in explanations of less basic principles, but the grounding of such principles will ultimately be traceable down to what he called 'fact-free' principles.

I suspect that when some realists argue that the special relevance of empirical facts is what makes political philosophy autonomous, what they have in mind is a counterpart to Cohen's position. What might that counterpart position be? Here is a possibility. It might be suggested that some facts are constitutive of the political. Candidates here are by now familiar – disagreement, conflict, and so on. The further suggestion might be that fundamental political norms are partly grounded in these constitutive political facts.

Let's test this suggestion with an example. David Miller, arguing against Cohen's position, writes:

Hume argues that principles of justice apply only because of certain contingent features of the human condition, namely that resources are scarce relative to human desires, that human benevolence is limited, and that external goods can be readily transferred from person to person. In the absence of these features, there would be no need to have principles of justice to regulate the distribution of resources...⁵⁶

⁵⁵ Cohen n21.

⁵⁶ D Miller, 'Political Philosophy for Earthlings', in Miller n19, 25.

Miller takes the facts that are often referred to as the ‘circumstances of justice’ as grounding justice ‘in a presuppositional sense’. The problem with this argument is that grounding is not a relation of presupposition. It is the ‘in virtue of’ relation. And it is not clear that we ought to say that the facts constituting the circumstances of justice are among the facts in virtue of which a principle of justice holds. It *is* among the facts that make it true (if it is true) that I ought to share my resources with others in my present circumstances, but that fact is also made true by whichever are the true principles of justice. This is to say no more than that in order to know what I ought to do now, I need to *apply* (i) the relevant moral principles to (ii) the empirical facts.

The fact of moderate scarcity does play an important role in explaining why an act is unjust, but that role is not in grounding principles of justice. Rather, if Hume is correct, moderate scarcity is a *condition* that must be true for reasons of distributive justice to apply. It is not a fact in virtue of which those reasons exist. This way of seeing things is actually the one that is most naturally inferred from Miller’s own language: ‘principles of justice *apply only because of* moderate scarcity; [*i*n the absence of these features’ they would not apply.⁵⁷ Similarly, there may be moral principles that apply only in circumstances of conflict, or disagreement. Democracy, if it is a fundamental normative principle (which I doubt), would be a good candidate here.

Why, in any case, has this debate about normative grounding been played out for the most part in political rather than in moral philosophy?⁵⁸ I can see no reason of philosophical significance. And it is hard to see why any alleged special grounding relationship between norms and empirical facts would obtain only in the political case. One possible explanation for the special attention this

⁵⁷ It may be that Miller’s unorthodox understanding of grounding is influenced by an implicit commitment to a metaethics on which there are no normative facts. Grounding is generally taken to be a relation that holds between facts, and Cohen’s account, although it is less than clear on the metaphysics, is consistent with this. But Miller says that in the absence of moderate scarcity, ‘there would be *no need to have* principles of justice’. Cohen regards his thesis as metaethically neutral but if it is about grounding as ordinarily understood, it is not clear to me that the necessary theoretical framework is available to someone who does not recognize a category of normative facts.

⁵⁸ For a valuable early discussion of grounding in moral philosophy, albeit under the name ‘resultance’, see J Dancy, *Moral Reasons* (Blackwell 1993) 73-79.

question gets in political philosophy lies in the simple fact that political decision-making is a subset of moral decision-making. However we choose to draw the boundaries of politics, in labelling a situation as 'political', we are drawing attention to *some* set of empirical facts in virtue of which it deserves that label; and at least some of those facts are going to be relevant to practical decision-making. But this latter set of facts, by definition, will not apply to *all* cases of practical decision-making. Now if we think of moral principles as those that apply to all cases of practical decision-making regardless of subtype (regardless, that is, of the presence or absence of any 'special' facts), we might also think of political principles as those that apply only in political situations, that is, only where 'political facts' obtain. It is a short step to thinking that political principles are *grounded in* such political facts (whereas moral principles are grounded in no special facts). But this whole line of thought is misguided. Even if morality applies in all situations, that doesn't mean that all moral norms are relevant in all situations. Norms of reciprocity are not relevant when there is no question of anyone having done anything for me. Similarly, norms of justice are not relevant (if Hume is right) in the absence of moderate scarcity, nor norms of democracy in the absence of disagreement. None of this provides any reason to distinguish between moral and political norms.

6.4 *Purpose critiques*

The realist observations I have discussed so far, and the arguments I have tried to reconstruct from them, are intended to support the claim that political philosophy is methodologically autonomous. Since political philosophy is something qualitatively different from moral philosophy, it cannot be thought of simply as a continuation of it. I have argued that none of the features of political philosophy singled out by the realists is adequate to distinguish moral from political philosophy. If political theorists must heed the warnings about empirical sensitivity, then so must moral theorists. The task might be more difficult for political philosophy, but this does not make political philosophy autonomous.

The realist critiques to which I now turn are different. They focus on the *purpose* of political philosophy rather than its methodology as such. They argue that political philosophy must be done differently from moral philosophy because of what it is for. A purpose critique seeks to argue that the target work fails to understand, or takes insufficient account of, the purpose of political theory. A political theory fails insofar as it fails to serve this purpose. But purpose critiques often come with methodological criticisms attached. *Given* that the purpose of political theorizing is X, they say, political theories must satisfy these X-directed desiderata. For example, they argue that political theories must meet a strong criterion of action-guidingness, or must actually motivate people to action, or that there must be a low bar on demandingness, on the ground that it is only if these conditions are respected that political philosophy will be able to fulfil its purpose of (for instance) bringing about institutional change.⁵⁹ In the next three sections, I consider each of these three desiderata in turn. In section 6.4.4 I reflect more generally on the way purpose critiques work.

6.4.1 *Theory as action-guiding*

The first desideratum I will consider is action-guidingness. It is often said that normative theory must be action-guiding, but it is not often clear what this means.⁶⁰ We can sketch a continuum of properties that a normative theory might have and which allow us to characterize them as action-guiding in weaker and stronger senses. ‘Action-guiding’ might mean:

- (i) yielding *pro tanto* prescriptions as to what an agent ought to do

On this interpretation ‘action-guiding’ means no more than ‘normative’, where that is understood to *exclude* the merely evaluative (e.g. ‘this state of affairs is more valuable than that’). But such action-guidingness will be much too thin for some. This is because the theory’s

⁵⁹ Miller ties action-guidingness explicitly to the question of purpose in ‘A tale of two cities; or, political philosophy as lamentation’: Miller n19, 228-249, esp. 230 n7.

⁶⁰ For another attempt to bring clarity to the idea of action-guidingness, see Valentini n22, 340-343.

prescriptions are ones that might not apply to us here and now. Perhaps there are conflicting values, several of which the theory recommends we pursue, leaving us none the wiser about the best course of action, all things considered. Perhaps pursuing a theory-given end might bring about consequences that are to be avoided by the theory's own lights. We want to know what we should do, taking all these factors into account. So consider a stronger sense of 'action-guidingness':

- (ii) yielding *all-things-considered* prescriptions as to what an agent ought to do (in the circumstances)

This interpretation is an advance on the first because it involves all-things-considered prescriptions rather than *pro tanto* prescriptions. But such prescriptions could still be relatively uninformative. Suppose a theory tells us that, all things considered – based on considerations of justice, efficiency, and so on – a rich nation ought to devote 2% rather than 0.7% of its budget to overseas aid. That still doesn't tell us how exactly the resources should be used. Should funds be put in the hands of governments or distributed among populations? Should we focus on improving agricultural efficiency or on ensuring more widespread literacy? Consider then a still stronger version:

- (iii) yielding all-things-considered prescriptions, *and* further guidance as to how to achieve the theory-given ends

On this view an action-guiding theory goes still further in specifying the actions that the relevant agent should take. It might, for instance, specify sub-goals to be pursued as means to achieve the ends it prescribes.

Note that saying that a theory is 'action-guiding' could indicate that a theory satisfies one of the above *on its own*, or in combination with further non-normative input. So even the merely evaluative might be action-guiding in combination with further information about what is feasible in the circumstances, what the likely consequences of different courses of action are, and so on. But this,

I think, is a difficulty for the action-guidingness critique. It seems hardly fair to criticize a normative theory on the basis that it does not offer sufficiently specific prescriptions by itself. At the very least, even those most sceptical about ‘armchair theorizing’ must concede that philosophers are not social scientists: they should not be expected to do the necessary fieldwork to answer the empirical questions necessary to convert a ‘merely normative’ theory into a more strongly action-guiding one. Should we say, then, that a theory is sensibly criticized as non-action-guiding if it *cannot* be used to guide action, even given any further theoretical input?⁶¹ This just sets up a further continuum. For suppose that a theory could yield prescriptions only given a volume of empirical information that we are unlikely ever to have the means to acquire. Does that make it non-action-guiding *in practice* if not in theory? How accessible must the further necessary theoretical input be for us to be able to say that a normative theory is action-guiding in virtue of its yielding prescriptions when combined with this material?

These questions are not, I think, worth answering. What we need to work out is how the action-guidingness of a theory might figure in an explanation of the autonomy of political philosophy. Here is one proposal. Perhaps we should locate the distinctiveness of *political* theory in its going further along the spectrum of action-guidingness than moral theory.⁶² Philosophy is not truly *political*, it might be thought, until it is strongly rather than weakly action-guiding. This proposal makes sense of the realist emphasis on the significance of empirical facts: more empirical input is needed if theories are to be more strongly action-guiding. But it offers little support for the autonomy thesis. First, the autonomy thesis requires there to be a discrete difference between moral and political philosophy. This proposal, on the other hand, simply makes philosophy more

⁶¹ See Mills n5, and Stemplowska’s response in Stemplowska n22.

⁶² It is possible to see Jeremy Waldron’s plea for a more ‘political’ political theory in the light of this discussion. Waldron’s principal concern is that political philosophy ought to focus more than it currently does on the normative analysis of institutions, rather than abstract values (J Waldron, *Political Political Theory* (Oxford University Press 2016). It may be that one way for political philosophy in general to move along the action-guidingness spectrum is for it to take institutions as the direct object of its normative theories.

or less political. Secondly, it is not clear that this view offers a sensible picture of the boundaries of a theory. If one philosopher's analysis of basic value of justice can yield prescriptions that satisfy the realist when combined with another's detailed social ontology, for example, should we conclude that the analysis of justice was inadequate or incomplete qua theory?⁶³ The only motivation for doing so would seem to be a question-begging stipulation that all theories 'proper' must meet some threshold of action-guidingness. We should allow philosophers to have more modest ambitions: to provide but one module that can take its place in a broader theoretical package.⁶⁴

The error in action-guidingness critiques indicates the nature of what I am calling purpose critiques in general: it is to advertise as an insight into what political philosophy *must* be, qua political, what is really an appeal to political philosophers to understand what their discipline is *for*. Political philosophy is for nothing if it does not 'make a difference to the real world'.⁶⁵ That is ultimately a political stance in its own right; but its message will not be transmitted more forcefully for being clothed in the mantle of the autonomy thesis.

6.4.2 *Theory as motivating*⁶⁶

⁶³ Miller seems to regard incompleteness of this sort as a theoretical defect: 'The problem here is that a theory that contains standards of justice that no human society can reach may give us no guidance when we have to make a comparative judgement between two feasible but imperfect states; so here we have to rely on other principles that are at least partly detached from the pure theory' (D Miller, 'A tale of two cities; or, political philosophy as lamentation', in Miller n19, 235). Why not see such additional principles as complementary rather than getting hung up on the ontology of theories?

⁶⁴ This solution will not appeal to those who have independent reasons for thinking that political philosophy is not applied ethics – because they will object to the idea that we can understand justice in social institutions (for example) by applying an analysis of justice at the most fundamental level.

⁶⁵ Realists often write as if what counts as making a difference to the real world is itself uncontroversial; adding to our understanding of our political obligations apparently does not count. Some (for example, David Miller) might be more inclined to characterize political philosophy's purpose as providing concrete recommendations for institutional reform, but, as we have seen, others are averse to the very project of recommendation itself.

⁶⁶ The difference between an action-guidingness critique and a motivation critique may seem an invalid one to those who subscribe to an internalist view of moral motivation. (Some may explain action-guidingness in terms of motivation.) An assumption of the internalist view may lie behind some 'realist'

Some realists base their disdain for normative theory on the alleged special motivational impotence of theory as such. Brian Leiter, for example, says that

[r]ealist scepticism is directed... at one or both of the following claims: (1) that *moral* ideas and reasons make a causal difference to the course of events; or (2) that certain normative ideas *in the form of a theory* make a causal difference to the course of events

and associates the theoretical (roughly, ‘systematic and explicit’) justification of normative claims with ‘a level of abstractness and comprehensiveness remote from the particularized decision-making of ordinary life.’⁶⁷ Similarly, Honig and Stears point out that ‘Slavery was abolished, the “right of man” promulgated, votes for women obtained, not by reasoned persuasion and careful argumentation, and not even out of the best of motives, but rather by partisan political actors pursuing contrasting agendas in passionate and arduous political contestation.’⁶⁸ Political theory, as it is usually practised, in other words, is insufficiently *motivating*. For a theory to be action-guiding it must yield, or embody, some prescription that people are, in at least some circumstances, able to pursue. For a theory to be motivating, something different is required. The theory must actually *induce* people, or at least have a tendency to induce people, to act in a certain way.⁶⁹ Leiter claims that ‘the aim of theory-construction must be descriptive and explanatory adequacy to the incorrigible facts, rather than normative edification or rationalization’ because ‘only theories which make a difference to practice are worth the effort’, and normative theory plays no motivating role.⁷⁰

motivational critiques of political theory. The thought would be that for a theory to guide S’s action is for the theory to give S a reason to φ . But to say that S has a reason to φ necessarily implies that S would be motivated to φ in at least some circumstances (given an appropriate process of deliberative reasoning, and so on). See B Williams, ‘Internal and External Reasons’ in his *Moral Luck* (Cambridge University Press 1981). The externalist may choose to say that a theory is action-guiding in virtue, not of its *giving* S a reason, but rather in virtue of *stating* reasons that apply to S. Whether S is at all receptive to those reasons is another question.

⁶⁷ B Leiter (2001) ‘Classical Realism’ 11 *Philosophical Issues* 244, 247.

⁶⁸ B Honig & M Stears, ‘The new realism: from modus vivendi to justice’, in J Floyd & M Stears (eds) n48,189.

⁶⁹ That a theory be action-guiding is not a necessary condition for its being motivating in this sense.

⁷⁰ Leiter n67, 245

Leiter's animus is directed as much against moral as against political philosophy.⁷¹ That, it seems to me, is how it must be. The allegation is that the dissemination of moral claims, or the systematization of those claims in the form of a theory, are incapable of moving people to act in accordance with their prescriptions. If this is true of the dissemination of claims about how people ought to act in a political context, I can think of no reason to doubt that it is also true of claims about how people ought to act outside such contexts.

There are two further responses to make here. The first is to say, with Aristotle, that a perfectly respectable purpose for normative theory is to inform those who *are* already inclined to act rightly about where their obligations lie.⁷² (If any philosopher is concerned that her theory is failing to effect institutional change at the rate she would have liked, then of course let her engage in passionate and arduous political contestation as well.) The second response is to ask why the worth of normative philosophical theorizing should be thought to be grounded in something different from the worth of purely theoretical philosophy. While it seems reasonable to argue that a philosophically sound political theory is *additionally* valuable in virtue of its beneficial public effects, it seems odd to think that a theory of justice should be worthwhile *only* if it furthers the cause of justice. If philosophical soundness makes theories in metaphysics or philosophical logic 'worth the effort', why not theories in moral and political philosophy?⁷³

6.4.3 *Theory as not excessively demanding*

⁷¹ See further B Leiter, 'Marxism and the Continuing Irrelevance of Normative Theory' (2002) 54 *Stanford Law Review* 1129 and 'Why Marxism Still Does Not Need Normative Theory' (2015) 37 *Analyse & Kritik* 23.

⁷² Aristotle, *Nicomachean Ethics* (tr T Irwin, Hackett 1985) 1095a.

⁷³ Similar thoughts are expressed by A Mason, 'Just Constraints' (2004) 34 *British Journal of Political Science* 251, 253 and D Estlund, 'What Good Is It? Unrealistic Political Theory and the Value of Intellectual Work' (2011) 2 *Analyse & Kritik* 395.

‘Political philosophy,’ said Rawls, ‘is related to politics because it must be concerned, as moral philosophy need not be, with practical political possibilities.’ ‘[A] moral conception,’ he goes on, may condemn the world and human nature as too corrupt to be moved by its precepts and ideals.⁷⁴ But a political conception, apparently, cannot. In other words, it is permissible for a moral theory, but not for a political theory, to be impractical, in the sense that individuals in the real world will inevitably fail to live up to its prescriptions. This proposition seems to be widely endorsed,⁷⁵ and often leads to the further thought that political philosophers ‘are required to work out just how ambitious political philosophy ought to be in its prescriptions.’⁷⁶

A similar concern is voiced by Robert Jubb, in support of the thesis that political philosophy is not simply applied moral philosophy. Moralistic political philosophers, he says,

do [not] see it as problematic to criticize individuals or the world for failing to live up to ideals in which they or it obviously have little or no interest. Few actually existing states meet or look likely to meet Christiano’s demanding criteria for democratic legitimacy, for example.... Certainly his own polity, the United States of America, is a very long way from meeting those criteria. Nor is it clear that those criteria, or those that Swift, Kymlicka and Fabre endorse in their books, relate to real political aspirations held by those outside the academy.⁷⁷

This line of thinking suggests a further realist-inspired argument for the autonomy thesis: political philosophy cannot involve simply ‘reading off’ the implications of our moral principles in the political domain, because the prescriptions such an exercise would yield are not appropriately attuned to the behaviours and inclinations of real people. Political philosophy is methodologically

⁷⁴ J Rawls, ‘The Idea of an Overlapping Consensus’, in his *Collected Papers* (S Freeman ed, Harvard University Press 1999) 447.

⁷⁵ As David Estlund notes: ‘There is less temptation, for some reason, in moral philosophy than there is in political philosophy to withdraw a principle on the ground that it is too unlikely to be satisfied.’ And further: ‘It is puzzling why someone would think moral principles about politics should be withdrawn on grounds of improbability when there is no similar constraint in nonpolitical moral contexts’ (Estlund n33, 123-4).

⁷⁶ M Stears & J Floyd, ‘Introduction’, in Stears & Floyd (eds) n48, 3.

⁷⁷ R Jubb, ‘Realism’, in A Blau (ed), *Methods in Analytical Political Theory* (Cambridge University Press 2017) 126. The paragraph ends: ‘Finally, the four do not seem to feel a need to show that the values they theorize can be integrated into a realistic picture of how human social and political life actually operates.’ I am not sure what this means, but insofar as it suggests that the values whose implications these theorists work out are the wrong values, it seems to me a different criticism.

autonomous because, even if it does involve applying moral theory to politics, it also involves a *further task*: that of shaping the resultant norms so that they are appropriately *political*. That is the distinctive task of political philosophy.

What is at work here is a distinctive kind of *demandingness* objection. Consider what David Miller has to say, ostensibly about action-guidingness:

[T]he principles political philosophers propose must be principles that citizens can act upon, not in the sense that they can fully implement them here and now, but in the sense that their present actions can be guided by the longer-term goal of realizing the principles in question. But if they are action-guiding in this way, they cannot contravene the deeply held commitments of present-day citizens.... People cannot reasonably be expected to act politically on principles which if realized would have outcomes that they regard as wholly unacceptable.⁷⁸

One way of reading this is to take Miller as regarding normative principles as *constructed* by political philosophers, so that there is no independent normative reality (or quasi-reality, for expressivists) for them to depart from in an attempt to tailor their theory appropriately to the attitudes and behaviours of people in the real world. This reading is suggested by the fact that this passage emerges from a discussion of the grounding objection. Miller's primary concern is to challenge Cohen's view of the 'fact-insensitivity' of normative principles. But other important evidence points away from this interpretation. Miller is explicitly considering the 'central question about the aim of political philosophy' and concedes that it is 'certainly possible'⁷⁹ that a political philosopher could propose more ambitious principles while seeking to downplay or conceal the more unpalatable consequences of following them. His objection to this approach to theorizing is that it is objectionably non-public – not that it yields the wrong principles.⁸⁰

⁷⁸ Miller n19, 34.

⁷⁹ I take this to include, amongst other things, 'not inconsistent with the correct metaethical view'.

⁸⁰ Things are complicated by the fact that in this paper Miller seems to elide at least two separate questions: whether normative principles are grounded in non-normative facts, and what is the proper aim of political philosophy. For critical discussion see K Lippert-Rasmussen, 'What Mr Spock told the earthlings: the aims of political philosophy, action-guidingness and fact-dependency' (2017) *Critical Review of International Social and Political Philosophy*, DOI: [10.1080/13698230.2017.1403127](https://doi.org/10.1080/13698230.2017.1403127).

On the better reading Miller sees the political philosopher's theoretical work as guided by strategic considerations about its probable reception and effectiveness in motivating changes in behaviour. Note that, despite Miller's own labelling, this is not an action-guidingness objection in any of the senses explored above. Miller's objection is better characterized as about demandingness. He interprets action-guidingness as having to do with whether people's present 'actions *can* be guided by the longer-term goal of realizing the principles in question'. But the question whether they 'can be guided' by this goal is immediately cashed out in terms of whether they '*can reasonably be expected* to act' on such principles. Clearly these are not equivalent. A person *can* be guided by a principle even if she cannot reasonably be expected to act on it. The question whether it is reasonable to *expect* someone to act in pursuit of a goal does not arise if she *cannot* be guided by it at all. Miller takes a principle to be non-action-guiding for a person in cases where that principle imposes unreasonable demands on her.

Demandingness objections are familiar in moral philosophy.⁸¹ They have most prominently been levelled against consequentialist theories.⁸² But there is an instructive contrast to be made here between two conceptions of demandingness, and two corresponding types of demandingness objection. The first view sees demandingness as an intrinsic feature of a body of norms. This is the sense in which Samuel Scheffler interprets it. The relevant question is about the demandingness of *morality*: 'How much does morality demand of individuals?' The second view sees demandingness as a property not of morality itself, but of the theory or theorist.⁸³

⁸¹ For a recent overview see M van Ackeren & M Kühler (eds), *The Limits of Moral Obligation: Moral Demandingness and Ought Implies Can* (Routledge 2016).

⁸² B Williams, 'A critique of utilitarianism', in JJC Smart & B Williams, *Utilitarianism For & Against* (Cambridge University Press 1973).

⁸³ Cf. Estlund again: 'The fact that people will not live up to [the standards to which a theory of justice holds them] even though they could is, evidently, a defect of people, not of the theory': n33, 118.

We can illuminate the contrast between the two views of demandingness by considering the four possible responses that Scheffler considers to ‘an otherwise plausible normative moral theory’ that appears to be objectionably demanding:

The first is to say that the theory is unacceptable, and that we should seek a less demanding one. The second is to say that certain areas of human life are simply not subject to moral assessment or moral demands, so that the theory may be acceptable provided its scope is construed as restricted, with the severity of its demands limited in consequence. The third response holds that morality itself is extremely demanding, that the theory in question may thus be entirely acceptable as a theory of what morality requires, but that because morality is so demanding its authority is limited, in the sense that it is sometimes rational for people to ignore its injunctions. The fourth response denies that the demandingness of the theory suggests any flaw or limitation, either in the theory or in morality itself. Morality may be very demanding, and so any adequate moral theory may have to be very demanding, too.⁸⁴

The suggestion I want to follow up, which Scheffler himself does not explore, is that there is a significant distinction to be drawn between the demandingness of morality itself, and the demandingness of the theory. For there is a fifth response that Scheffler does not consider: that is, that morality itself is very demanding, but an adequate theory of morality must not be. That is because the point of a normative theory is not simply *representative* but is fundamentally *hortatory*.⁸⁵ Here, then, is the alternative view of demandingness: it is a *post hoc* theoretical consideration, taken into account when a theorist confronts the strategic question of how ambitious she ought to be in the prescriptions she advocates publicly, after having worked out how things stand normatively.⁸⁶

⁸⁴ S Scheffler, *Human Morality* (Oxford University Press 1992) 17.

⁸⁵ I cannot explore here the interesting question of what it means for a normative theory to be representative, but I take it that Frances Kamm has this idea when she says without further scrutiny that ‘a moral system is our attempt to represent moral truth’: ‘Harming Some to Save Others’ (1989) 57 *Philosophical Studies* 227, 252. Note also that I am not making a metaethical point about the status or purpose of moral language. A hortatory purpose for moral or political theory is compatible with the truth of moral realism. The proper purpose of moral theory could be to incite action rather than to represent the truths of morality. Things are slightly different if some form of prescriptivism or expressivism is true. If normative statements are themselves disguised prescriptions it is not clear how much room there is for distinguishing between the representative and hortatory functions.

⁸⁶ A Swift notes the importance of the distinction between what we actually think about justice and what we think it politic to *say* about justice in ‘Social Justice: Why Does It Matter What the People Think?’ in D Bell and A De-Shalit (eds), *Forms of Justice: Critical Perspectives on David Miller’s Political Philosophy* (Rowman & Littlefield 2002) 19. See also L Valentini: ‘by taking people’s selfishness seriously we may be led to adopt the prescription that the wealthy should donate 1% of their income to the poor. This conclusion, however, would obscure the extent of their wrongdoing, since, *ex hypothesi*, they ought to donate 60%’

The important question for our purposes is whether Miller's and Jubb's concerns, even if they are well motivated, distinguish the methodology of political philosophy from that of moral philosophy. Is it true that a moral conception 'may condemn the world and human nature as too corrupt to be moved by its precepts and ideals' but a political one may not?

A preliminary answer is a straightforward 'No'. Consider the effective altruism movement in moral philosophy. This is the increasingly large community of philosophers who are investigating the ways in which beneficent activity can be better targeted in order to yield the greatest increases in well-being, and offering philosophical justification for the moral worth of this project.⁸⁷ Most of them are engaged both in academic moral philosophy and in public advocacy. On the whole they are utilitarians, or at least maximizing consequentialists. They believe morality to be extremely demanding, but they are also aware of the need to temper their message in order to ensure its effectiveness. Peter Singer, for instance, recommends that people give 10% of their income to charity, while himself donating 40%.⁸⁸ Morality, he believes, *is* too demanding for most to live up to, but a further task is to set a lower standard for public consumption. Here, then, are some moral rather than political philosophers who are not content simply to allow their moral conception to 'condemn the world', and are therefore considering factors extraneous to the content of morality itself in formulating their public message. This kind of gap between theory and practice is not something that distinguishes the methodology of political philosophy.

It might be objected that what is going on here is not best characterized as philosophers allowing their moral theory to be appropriately shaped by strategic considerations about the

('Ideal vs Non-ideal Theory: A Conceptual Map' (2012) 7 *Philosophy Compass* 654, 659-660). Here the 'prescription' is not a deliverance of the theory (that says the wealthy ought to donate 60%); it is a *post hoc* strategic consideration by the theorist qua political activist.

⁸⁷ See e.g. W MacAskill, *Doing Good Better: Effective Altruism and a Radical New Way to Make a Difference* (Guardian Faber 2016); P Singer, *The Most Good You Can Do: How Effective Altruism is Changing Ideas About Living Ethically* (Yale University Press 2016).

⁸⁸ <<https://www.theguardian.com/money/2017/dec/04/millennials-donating-10-of-their-pay-to-save-the-world>> accessed 02.03.18. The problem of tailoring one's message about demandingness is particularly stark for the utilitarian, who very likely believes that nobody, or almost nobody, will give at the level at which they are morally required to give.

likelihood of moral agents acting on its recommendations. Rather, these philosophers are considering what public pronouncements to make having already arrived at a moral theory. This kind of case, then, doesn't show that moral as well as political theorizing is or ought to be shaped by the theory's probable reception. My proposed parallel between moral and political philosophy depends on seeing this case as manifesting a kind of 'morality plus theory' structure, where demandingness gets factored in at the 'theory' stage. Whereas what we have is in fact 'moral theory plus public pronouncement'; and the adjustments for demandingness are made at the 'public pronouncement' stage rather than at the 'theory' stage.

Perhaps this is fair.⁸⁹ But the question now becomes what reason we have to view political philosophy differently. Can we not recast the picture offered by the realist in light of the account of effective altruism campaigning outlined above? Where the realist would like us to think of the political philosopher's task in constructing theory as necessarily shaped by considerations about the theory's likely reception, the alternative view says that as soon as such considerations influence the theory's content the theorist has moved away from philosophy and into activism, or politics, or public relations. In other words, we can deny that the realist has shown us anything distinctive about political philosophy by denying that she has shown us anything about philosophy at all. If the effective altruists are no longer doing (moral) philosophy when they temper their recommendations to suit the likely behaviour of their audience (an assumption the realist needs in order to sustain a distinction between moral and political philosophy here), then nor are political

⁸⁹ Drawing this parallel also invites the response that the effective altruism movement is itself political. If the implication is that, therefore no example of 'adjustment for reception' has been given on the moral philosophy side, then I wonder what kind of example might suffice. The danger is that *any* such adjustment will start to look *ipso facto* political. This will turn the direction of explanation round: rather than it being essential to political philosophy that it be able to make a difference to the way people act, any philosophy that is adjusted so as to make such a difference will be political. But that does not present a problem for my view. It is consistent with saying that all the normative theorizing that is going on is moral philosophy, and where some further action is taken by the theorist to provide palatable recommendations, that moral philosophy becomes political. We might as easily say that it becomes politics. It is only if the autonomy theorist wants to claim that the second stage *alone* is political philosophy (and the first stage moral) that any statement of the autonomy thesis emerges. But that seems to be either arbitrary or a different usage of the word 'political' that has no bearing on the simple view (see section 6.5).

theorists any longer doing (political) philosophy when they adjust their account of justice to make it sensitive to the ideals in which current political actors take an interest.

So where should we draw the boundaries of theory? Where does philosophy spill over into activism? For the purposes of the present argument we don't need to decide this question. What matters is that we have been given no reason to think that the boundary markers between theory and activism lie in different places for moral and political philosophy.⁹⁰

6.4.4 *Purpose and method*

I have presented some common realist observations about action-guidingness, motivatingness, and demandingness as comprising contributions to the realist case for the methodological autonomy of political philosophy. Two points emerge from that discussion. First, none of these criteria successfully distinguish the methodology of political philosophy from that of moral philosophy. The realist arguments again fail to overcome the over-inclusiveness problem. Secondly, the criteria are all based on an idea about what the point of political philosophy is. If political philosophy is to make a difference here and now, it must be strongly action-guiding, and it must actually motivate people to action, which it will not do if it asks too much of them. Although realist writers' criticism of theories for the faults considered in this section are often made in combination with claims about the autonomy or specialness of political philosophy as such, they are better understood as components of a *purpose critique*.

⁹⁰ Marc Stears considers the possibility that 'political theory' might 'include consideration of the operationalization' of normative principles, while "political philosophy" might be thought straightforwardly to focus on questions of basic principle.' But, he notes, there is a 'significant problem' with this: 'it is unclear how "political philosophy" would differ from "moral philosophy" on this account. Indeed, it would seem to imply that "political philosophy" is just a small subset of moral philosophy.' He supplies no explanation as to why this should be thought a problem at all. M Stears, 'The Vocation of Political Theory: Principles, Empirical Inquiry and the Politics of Opportunity' (2005) 4 *European Journal of Political Theory* 325, 335 n25.

We should distinguish the question of purpose from the question of method. The purpose question asks, ‘How should political philosophy be done?’ That is, what is the most efficient, or the most illuminating, or the most socially progressive, or the most politically effective, way of doing political philosophy? The method question asks, ‘How *must* political philosophy be done?’ That is, what are the methodological strictures within which political philosophers necessarily work simply in virtue of doing political philosophy at all?⁹¹ As far as the autonomy thesis is concerned, the emphasis here is on the ‘political’: what makes doing *political* philosophy necessarily distinct from doing moral philosophy?

Arguments for the autonomy thesis based on purpose critiques build ideas about what political philosophy should be into an account of what political philosophy must be. This is an unpromising strategy for autonomy theorist because it reduces the purchase her arguments can get on their target by placing the debate squarely within first-order normative theory. Let me explain.

In order for an argument for the autonomy thesis to have some bite, the theorists it criticizes must be able to see themselves as its target. Its exponents want to be able to say, ‘If you’re doing political philosophy, you have to do it like this.’ But any argument based on a purpose critique is hostage to a contentious view of what the point is of doing political philosophy. Its exponents are, in effect, saying, ‘If you accept (as you should) that this is the purpose of political philosophy, *then* you must adopt these methods.’ The conditional nature of the proposition weakens the dialectical position of the autonomy theorist. Those who take the simple view can dispute that her preferred end(s) for political philosophy is (are) really the only proper one(s). That does not settle the matter, of course: there is ample room for philosophical debate about the purpose of political theory, and normative theory in general. But how can this dispute be broached? Only by recourse to normative

⁹¹ Both of these can be usefully distinguished from the question of *focus*, which asks on which areas of research political philosophers ought to concentrate their efforts. This is really Waldron’s question (see note 62) but his first five pages already indicate the shift from advocating that political theory reorientate its priorities towards certain allegedly neglected areas of study, to a more ambitious thesis about the ‘distinctive subject matter’ of political theory (Waldron n62, 5).

political theory itself. What is a valid end for action is always a normative question; this is no less the case when the ends in dispute are the ends philosophers should adopt when considering other normative questions. While this is not the end of the road for the debate, it is hard to see any further role for the autonomy thesis on this road, because at this point the autonomy theorist has no ground from which to assert it that is not already in dispute. Far from being a prelude to tackling the questions of normative theory, the autonomy thesis turns out to be a claim that can only emerge by *doing* normative theory. That purpose critiques are radical in their import is not in doubt, but they are best understood as advocating a transformation of political philosophy's self-conception in order to make it relevant to contemporary political concerns and interests. That is not the same as saying that political philosophy is by its nature methodologically different from moral philosophy.

6.5 *Philosophy as activism*

Some people will reject the distinction between the purpose and method questions. The defence of a methodological approach to political philosophy, they will say, is *always* informed and even motivated by prior normative commitments. And this is no less true of the 'metamethodological' dialogue in which we are now engaged. Everything is part of first-order normative political philosophy. More than that, every propagation of political ideas is an act of participation in politics. Doing political theory, then, *is* political, in precisely the sense that I suggested we might reserve to politics 'proper', or public relations, or political activism.⁹²

This is a radical and interesting position. But it is not going to save purpose critique as a foundation for the autonomy thesis. That is because we still need to explain why political philosophy is political in this sense but moral philosophy is not. Now the Marxist strand of realist

⁹² L Finlayson, *The Political is Political: Conformity and the Illusion of Dissent in Contemporary Political Philosophy* (Rowman & Littlefield 2015).

thinking is not really wedded to the autonomy thesis at all.⁹³ Indeed, the Marxist tradition extends its critical eye to all aspects of the superstructure; it offers no reason to think that ideological bias is confined to any particular area of discourse. Lorna Finlayson urges us to recognize that ‘the political is political’. But she might just as well say that the moral is political. And that is fine by me. My view is that political philosophy is itself moral philosophy. But I can quite happily accept a sense of ‘political’ in which moral philosophy is political as well.

⁹³ As I hope cumulative reference has made (or will make) clear, although Geuss explicitly declares himself an autonomy theorist in a variety of ways, his arguments are with normative theory in general. It is worth noting that Marxist or critical realists are not necessarily wedded to the ‘mainstream’ of realist thinking either: see L. Finlayson, ‘*With radicals like these, who needs conservatives? Doom, gloom, and realism in political theory*’ (2017) 16 *European Journal of Political Theory* 264. (Finlayson subscribes to the view that political philosophy is not a branch of ethics, but not to the idea that there is an autonomous domain of the political, and attributes the same views to Geuss.)

7. Realism, politics, and morality

7.1 Introduction

In this chapter I examine what I regard as the most promising realist argument for the autonomy of political theory. This argument is based on the thought that the ‘facts of politics’ ground a normative distinction between the moral and the political. The problems that politics addresses, the argument goes, are so distinctive and different from those of ordinary, or personal, morality that we should recognize the existence of a separate normative domain of the political. The empirical phenomena that realists emphasize here are conflict and compromise, disagreement and dissent, violence, and the struggle for power.

There are two dangers with this argument. The first is that it risks being no more than the banal observation U1 that we encountered in Chapter 3:

(U1) Political philosophy is broadly distinctive in its subject matter, themes and factual scenarios.

So when we consider statements such as this:

Politics arises as a necessary response to conditions that we do not encounter in other spheres of life, in circumstances where we need to reach a common decision, undertake a joint action or agree to a framework in conditions where we disagree about what the decision, action or framework should be – the circumstances of politics. As such, politics is not to be understood as epiphenomenal, a secondary activity generated by some deeper and more basic human activity such as economics or morality, but as responding to its own unique set of questions and concerns (which is not the same as saying that it cannot draw upon the resources of other spheres of human life to address these concerns).¹

we should ask ourselves whether the conditions we think about when we do political philosophy really are as distinctive – even unique – as such claims suggest. We should also attend closely to

¹ M Sleat, *Liberal Realism* (Manchester University Press 2013) 63-4.

the argument to understand precisely what kind of inference is being drawn from observations about the distinctiveness of politics. How does empirical distinctiveness make for the autonomy of the political domain? Does the ‘distinctiveness of the political’ really mean that ‘the mode of thinking appropriate for politics cannot be merely derivative of some other sphere’?² Couldn’t ethics adequately reflect the distinctiveness of the political in dealing with political issues, in the same way that it reflects the distinctiveness of (say) business in dealing with business issues?

The second danger is that, when fully explained, the argument fails to preserve its distinctiveness and instead falls back into one of the familiar ideal theory and empirical sensitivity critiques just considered. So if the point of attending to the distinctiveness of politics is to avoid making simplifying (and therefore false) assumptions about politics, and such simplifications are the ultimate target of the criticism, then there is nothing new about this line of argument: it is another version of the accuracy objection discussed in the previous chapter. Similarly, if the point is to avoid being insensitive to the context of application of moral principles, then it is an application objection that is really being raised. Or the distinctiveness of politics may be invoked as influencing how we should think about the purpose of political theorizing itself: this is another argument for methodological autonomy. What we want is an argument from the empirical distinctiveness of politics to the autonomy of political normativity.

This chapter consists of two further sections. In section 2 I look at some of the arguments for autonomy that realists have offered. (I consider the best known and most influential of these, Bernard Williams’ account of the basic legitimation demand, in the next chapter.) They are (2.1) that morality is not overriding; (2.2) that morality offers an inadequate decision-procedure for politics; and (2.3) that politics constitutes a *sui generis* domain of normativity. In section 3 I direct my attention to the realist account of morality and try to diagnose some possible sources of error in the realist argument for the autonomy thesis. I identify four misconceptions about morality.

² Sleet n1, 64.

They are (3.1) that morality is necessarily context-laden or necessarily context-free; (3.2) that morality is an altogether misconceived category; (3.3) that morality is pure; and (3.4) that morality is a social institution.

7.2 *Arguments for the autonomy of political normativity*

7.2.1 *Morality as non-overriding*

The first argument to be considered here is presented as supporting the autonomy thesis,³ but turns out not to be an argument for the autonomy of political normativity at all. Glen Newey rejects what he calls the ‘sovereignty of morality’, which is an approach to political theory in which ‘moral considerations take precedence over others, and therefore the task of political philosophy is to attempt the project of political design guided by what theory takes to be its fundamental moral commitment or value – justice, autonomy, rights, equality, and so on’.⁴ He urges ‘scepticism about attempts to reduce political normativity to morality, in particular via the philosophically cohesive but also morally very demanding moral theory of Kant, particularly the notion that morality trumps reasons of all other kinds.’⁵ It is this conception of morality as overriding that he takes to lie behind liberal moralism, according to which the design of political institutions ‘must fit a moral template’.⁶

There are several reasons why the simple view need not regard this view as a challenge. First, even if morality *is* overriding, this should not be identified with the reduction of political normativity to morality, any more than it represents the reduction of self-interest to morality. All it implies is that where moral and political (or prudential) reasons conflict, moral reasons are overriding. Indeed, if political reasons could be *reduced* to moral reasons, there would be no need

³ That Newey sees his arguments as supporting an autonomy view is clear in G Newey, ‘Two dogmas of liberalism’ (2010) 9 *European Journal of Political Theory* 449.

⁴ G Newey, *After Politics* (Palgrave 2001) 106-7.

⁵ Newey n3, 449.

⁶ Newey n3, 450.

for the overridingness claim. The simple view that political reasons just are a type of moral reason positively excludes the possibility that moral reasons override political reasons. They cannot override them because they are not anything different from them. And the simple view is neutral as to whether moral reasons override other reasons, such as prudential reasons.

Secondly, it is not clear why we should regard liberalism in general as committed to the thesis that moral reasons are overriding. Even if Newey's criticism of overridingness is sound, it misses its target. Since liberalism does not generally recognize the existence of distinctively political reasons, let's take prudential reasons as the competitor to moral reasons. Liberals tend to think that social justice imposes duties on individuals as well as dictating the structure of social institutions. But they do not take reasons deriving from the duty to support just institutions,⁷ for instance, to take priority over all reasons of self-interest. If I am faced with a situation in which upholding just institutions is only possible for me at immense personal cost, liberalism need not be committed to the idea that it is irrational, or even unreasonable, to act on the reason of self-interest rather than on the reason of justice.⁸ But we are still at the level of individual morality. Might things be different at the institutional level? Newey rejects the idea that 'it is reasonable to impose moralized demands on political arrangements at the most fundamental level, that of the "basic structure".' The objection is to the assumption that morality is overriding specifically in the design of political institutions.

But here it is not clear what the suggested alternative might be. What kind of reasons does Newey think conflict with moral reasons that are neglected by theorists of justice? I look closely at some arguments for distinctively *political* reasons presently. But it is first worth considering whether there is a parallel between (what I have argued is) the liberal acceptance, in the individual

⁷ J Rawls, *A Theory of Justice* (Harvard University Press 1971) 115.

⁸ I leave aside here the question whether, on most liberal views, the natural duty of justice could be stringent enough to lead to such a conflict with self-interest. The relationship between the stringency of moral demands and the overridingness (or not) of morality is examined at length in S Scheffler, *Human Morality* (Oxford University Press 1992).

case, that moral reasons do not override prudential reasons, and a similar acceptance in the institutional case. I do not see how there could be. Even if we accept that there are instances in which it is reasonable for individuals to choose their own self-interest over the dictates of morality, what would the analogue be for the social institutions that comprise the basic structure? What kind of ‘template’ would we want institutions to fit other than a moral one? No doubt there are those who object to Rawls’s own view, that justice cannot be traded off against other values. It might be thought, for instance, that a less just arrangement that is more efficient, in the sense of creating greater overall well-being, is preferable to a more just arrangement that falls short in that respect. But even if we take the view that justice can be compromised to make an institution more efficient, this will be because efficiency is an instrumental value that itself serves a moral end.⁹

Prudential reasons are a plausible candidate for the role of competitor to moral reasons for action where human persons are involved. But they are all but unintelligible in the case of institutions. Take the market economy. A government may decide to cut taxes on the ground that it will be good for the economy. (This is an instance in which the philosophical use of ‘prudence’ and the everyday politicized use favoured by right-wing and centre-right parties both apply.) But no one supposes that the good of the economy is something that requires promotion independently of the good of the individuals who participate in it. Prudential reasons do not compete with moral reasons in the design of an economy. Rather, the idea is that a thriving economy is a necessary condition for the kind of society people want to live in – perhaps one in which individuals have extensive private means to pursue their chosen ends, which is secured from external threat, and in which the state is able to provide a good level of essential services. There are moral reasons for the state to do what is expedient to achieve these things, and in most cases that will include creating and maintaining a thriving economy. (Ultimately one’s understanding of

⁹ Some may think that the only moral end for which justice can be compromised is justice itself. On that view, justice still has the primacy afforded it by Rawls, but justice in one regard may have to be sacrificed to serve justice in another (and thus, perhaps, ‘overall’ justice). See Rawls n7, 4.

what it means for an economy to ‘thrive’ will be informed by one’s opinion of the ends that an economy serves.) Even those who are most vocal in extolling the virtue of prudence in political economy do not mean to suggest that our economy ought to fit a ‘prudential’ template *rather than* a moral one.¹⁰

I have considered the possibility of designing institutions according to prudential rather than moral reasons because the prudential / moral distinction is the obvious one in the individual case. It does not work in the institutional case. But the contrast is perhaps not the relevant one anyway. Surely Newey must think the alternative to a moral template is a *political* template? What might that look like? Newey’s gesture towards an alternative procedure from Rawls’s for the design of political institutions is the idea that we should ‘take politics as given, and resolve for morality’, rather than to ‘take morality as given, and resolve for politics.’¹¹ This is rather cryptic, and Newey does not say what it means but I will suggest two possibilities. The first is that ‘morality’ and ‘politics’ are both to be taken as normative systems, so ‘morality’ refers to moral reasons, and ‘politics’ to political reasons. On this interpretation, Newey’s suggestion is that we should structure our institutional design in accordance with political reasons, and then consider what conformity to moral reasons is left to us within those constraints. The view then begins to look rather like Williams’s; I look at this in the next chapter. The second possibility is that ‘politics’ is to be understood descriptively. On this interpretation, we must be alert to the political fetters within which institutional design is bound to operate. Moral reasons can only be fulfilled to the extent that such fulfilment is compatible with the political facts. But the view now looks like the ideal theory and empirical sensitivity critiques examined in the previous chapter.

¹⁰ There may of course other *moral* reasons to structure the economy in one way rather than another – to protect individuals’ right to exchange goods and services freely, for instance. This is not an instrumental reason, since the structure of the economy embodies the protection of rights rather than serving it as an end. But it is still very obviously a moral reason.

¹¹ Newey n3, 452

The third and final reason why the simple view need not be troubled by the ‘overridingness’ argument is that Newey gives no reason to think, assuming that morality is not always overriding, it is overriding in all circumstances *except political ones*. If the denial of the claim of overridingness is to be relevant to the affirmation of the autonomy of political normativity, then the idea must be that there is a distinct domain of political normativity, and the reasons belonging to this domain are able to trump moral reasons, *whereas others are not*. Unless the italicized claim is added, the claim that political reasons can trump moral reasons adds nothing of interest to the bare claim that there is a domain of distinctively political reasons.

As I have said, the simple view says that political normativity just *is* moral normativity, but leaves open the possibility that morality may not be overriding. This should satisfy those who object to the ‘sovereignty of morality’, *unless* that view is bolstered by a view of politics as a specific source of normativity distinct from morality. But if that view is also taken, then the non-overridingness of morality is not what is doing the important work: it is a claim about *what it is that is not overridden* that is significant. I discuss this below under ‘Politics as a distinctive source of normativity’.

7.2.2 *Morality offers an inadequate decision-procedure for politics*

This argument says that political normativity must be autonomous because a theory of moral norms alone does not offer us an adequate procedure for making political decisions. Mark Philp, for example, argues that ‘politics... itself powerfully influenc[es] the norms and values that it is possible and appropriate to realize. The upshot of this argument is that the relationship between moral philosophy and politics is not deductive, and that many of the abstract values found in moral

philosophy and much liberal political theory are profoundly inflected by their interpretation, implementation and realization in political action.¹²

If the claim is that we cannot arrive at a decision about what to do in a political situation by a process of deduction from a moral theory, then this argument simply rehearses a difficulty that is well-known to applied ethics in general – and what persuasive force it may have results from its failure to reflect the scope of the difficulty, or to acknowledge the points that can be made to overcome it.

Philosophers have wondered how best to understand the process of moving from a generally applicable moral principle to a conclusion about the right action to take in a set of closely specified circumstances.¹³ The suggestion that Philp wants to reject is that the process is a deductive one, and indeed it seems hardly credible that we should expect an agent to be able to bring together theoretical and empirical premises in a syllogism and thus reach a practical conclusion through the application of deductive reasoning alone. Working out what to do just looks very unlike an exercise in logic.

The first thing to note is that even if deduction is the best way to understand the move from general norms to practical conclusions, this need not exclude the operation of moral judgment.¹⁴ The second point is that deduction is not the only model available for understanding the process of arriving at practical conclusions. Henry Richardson, in an influential paper, distinguishes the deductive approach (which he labels ‘application’) from the ‘balancing’ approach before preferring his suggested third approach of ‘specifying’.¹⁵ While deductive inference ‘subsumes the case under

¹² M Philp, *Political Conduct* (Harvard University Press 2007) 4. See also M Philp, ‘What is to be done? Political theory and political realism’ (2010) 9 *European Journal of Political Theory* 466, 473.

¹³ See T Beauchamp, ‘On Eliminating the Distinction Between Applied Ethics and Ethical Theory’ (1984) 67 *The Monist* 514; D Klinefelter, ‘How Is Applied Philosophy To Be Applied?’ (1990) 21 *Journal of Social Philosophy* 16; R Norman, ‘Applied Ethics: What is Applied to What?’ (2000) 12 *Utilitas* 119.

¹⁴ O O’Neill, ‘The Power of Example’ (1986) 61 *Philosophy* 5; C Larmore, *Patterns of Moral Complexity* (Cambridge University Press 1987) 1-21.

¹⁵ H Richardson, ‘Specifying Norms as a Way to Resolve Concrete Ethical Problems’ (1990) 19 *Philosophy and Public Affairs* 279.

a rule',¹⁶ balancing involves 'the intuitive weighing of considerations'.¹⁷ Specifying proceeds by 'qualitatively tailoring our norms to cases',¹⁸ that is, by adjusting the operative norm to better fit our most basic intuitions about the case at hand. I will not try to decide between these models. What is important is that we can construct a variety of models to best make sense of what goes on in ethical decision-making. The simple view does not commit us to a simple-minded deductive view of the relationship between moral theory and political decision. All it insists upon is that insofar as there is *some* relationship between normative theory and practical decision-making, the theory that is relevant to political decisions is not autonomous.

In any case, a moral theory is not a decision procedure.¹⁹ It would be absurd to hope that the best or right action for the state, or the President, or a senior civil servant, could simply be 'read off' from the best moral theory. No moral theory can specify the act a person is to perform in any given circumstance. Such a fool-proof, universal instruction manual would not even count as a moral theory, because it would have no explanatory value at all. Moral theories and moral decision-procedures serve different purposes. The realist argument sometimes seems to be that since moral principles (or moral theories) are not algorithmic decision-procedures in political circumstances, political theory is *sui generis*. But moral principles (and moral theories) are not algorithmic decision-procedures in *any circumstances*, political or otherwise.²⁰

7.2.3 *Politics is a sui generis domain of normativity*

¹⁶ Richardson n15, 281.

¹⁷ Richardson n15, 280.

¹⁸ Richardson n15, 283

¹⁹ For one version of this contrast see R E Bales, 'Act utilitarianism: account of right-making characteristics or decision-making procedure?' (1971) 8 *American Philosophical Quarterly* 257.

²⁰ S McKeever & M Ridge, *Principled Ethics: Generalism as a Regulative Ideal* (Oxford University Press 2006) 3-24.

The central suggestion that I want to consider in this section is the idea that there is something so distinctive about the political situation that we should see politics as constituting a *sui generis* normative domain. There is a dilemma for this view: either it says that politics is one of many *sui generis* domains of normativity, or it says that politics is the only such domain. The first option brings with it the difficulty of explaining what areas morality *does* apply to, or giving some sense to the idea of ‘straightforward’ or ‘everyday’ morality from which it wishes to distinguish political norms. The second option faces the burden of explaining why politics exhibits a set of characteristics that is not only special but unique in human life.²¹

Before examining the realists’ reasons for thinking that politics is a distinctive source of normativity, I will address the first horn of the dilemma. Should realists encourage us to think of politics as the only distinctive source of normativity besides morality? Philp raises this possibility that there might be other *sui generis* domains:

the sphere of politics in itself, in virtue of the imperatives to which it responds and in virtue of the profound consequences that it has for the many it affects, has a depth and a relationship to fundamental normative values that imbue it with normative significance. Some other domains *may also have a normative significance that is not simply reducible to the dictates of morality (such as medicine)*, but I remain open on the question of whether there are any such domains and how extensive their normative responsibilities are.²²

Bernard Williams seems to be tempted by a similar line of thought:

We can hope to make sense of ethical thought in relation to the modern world only if we give up, along with other ambitions of ethical theory, the attempt to find one set of ideas that will represent the demands of ethics in all the spheres to which ethical experience applies.²³

The problem with this direction is that even if the individual arguments for each *sui generis* domain are plausible, the overall picture becomes increasingly implausible the more ‘applied ethics’

²¹ Of course, even if it can discharge the burden of showing politics to be unique, it still needs to provide some explanation of why its unique set of characteristics grounds a special form of normativity.

²² Philp, ‘What is to be done?’ (n12) 475

²³ B Williams, *In The Beginning Was The Deed* (Princeton University Press 2009) 49.

disciplines are (perhaps plausibly) added. This in turn tends to reduce the plausibility of the individual arguments that started us down the path in the first place. Let me explain.

The central claim being made is that the norms governing domains such as politics, medicine, and possibly others, do not consist of ‘applied morality’; rather, these domains should be seen as governed at least in part by their own basic norms – norms that are ‘internal’ to the specific sphere of activity. But while this view claims that politics is subject to its own characteristic norms, it does not deny that there are moral norms as well. The question then arises: if politics is the domain of activity to which political norms apply, to which domain of activity do moral norms apply? There must be some such domain(s) in order for there to be a contrast between the political domain, which does not consist of applied morality, and some domain that does consist of applied morality. Morality, in other words, must be correctly applied *to something*, even if it is not correctly applied to politics.²⁴

In the passage quoted above, Philp cites medicine as a salient candidate for ‘autonomous’ status after politics. And yet medicine is an activity that continues to generate an enormous ‘applied ethics’ literature. Medical ethicists treat medicine as an area of human life to which morality applies. They take concepts that are familiar to moral theory and to other areas of practical ethics (and indeed political theory) – autonomy, distributive justice, harm, and so on – and consider their implications for medical practice and policy. The success of medical ethics as a field – not only by purely philosophical criteria but in terms of its contributions to public policy and engagement with the interests and concerns of the medical profession – is at least good evidence that they are not wrong to do so. It is hard to see what medical ethics would look like if it were to start treating

²⁴ The other option, of course, is to deny that morality can be coherently applied at all, by denying that there are any general principles to apply; in other words, to embrace particularism. But the view under discussion must avoid that road if it seeks to distinguish the moral from the political by the kind of norms that apply (in general) to the moral and political domains.

medicine as a *sui generis* domain rather than as one area of life among many to which morality applies.

It might in any case be asked why we should not regard medicine (or at least a good deal of medicine) as politics. Conflict, disagreement, and coercion are all present in medical decisions – as indeed is scarcity, which attracts less attention from realists but is often cited as central to the circumstances of politics (or justice). Perhaps we are to see parliamentary debates about the NHS as part of politics, but the everyday work of a doctor as medicine. But what about all that lies ‘in between’? The setting of the guidelines for treatment choice and allocation by NICE? The funding decisions of individual NHS trusts? The collective care planning of a team of clinicians? It is far from clear where along this ‘line’ we are supposed to locate the transition from politics to medicine, and yet doing so seems to be essential to understanding which decisions are governed by political reasons and which by (presumably) ‘medical’ reasons.

Consider in this connection a point made by Jeff McMahan in the context analogous debates regarding the morality of war (yet another area characterized by conflict and coercion). Some, McMahan notes, think that war is

morally discontinuous with other activities and conditions. Some think that morality has no application in war – that it is wholly suspended in conditions of war. Others think that war is governed by altogether different moral principles from those that govern other areas of life.²⁵

To test the plausibility of such a view, McMahan asks us to consider circumstances in which ‘innocent, unprotected civilians’, under unjust attack, acquire arms and proceed to defend themselves. In thus making themselves dangerous they ‘have become legitimate targets for the unjust combatants’ and are now subject to the special morality of war. McMahan notes that the ‘discontinuity’ view suggests that unjust combatants wishing to kill civilians while attacking only

²⁵ J McMahan, *Killing in War* (Clarendon Press 2009) 15. McMahan cites as an example H Shue, ‘Do We Need a “Morality of War”?’ in D Rodin & H Shue (eds), *Just and Unjust Warriors: The Moral and Legal Status of Soldiers* (Oxford University Press 2008).

those with combatant status ‘in the moralized sense recognized by just war theory’ could ‘supply [them] with weapons and provoke them to fire the first shot before killing them’.²⁶ The broader question at stake here, however, is when and how exactly the special principles that apply to armed conflict, or politics, or medicine, are supposed to kick in, and when the ‘ordinary’ principles of morality cease to apply.²⁷

The positing of multiple *sui generis* domains actually tends to undermine the autonomy view. The more domains of activity we grant their own autonomous norms of conduct, the less of life will be left in which to apply whatever ‘general’ moral norms we still recognize. There might be plausible reasons in each case for recognizing such autonomous domains. But the more domains we add, the less is left of morality *simpliciter*. At some point, we must begin to wonder what exactly ‘morality’ is, to the dictates of which politics (or medicine, or whatever) is said not to be reducible. The category of ‘morality’ just looks empty, and we have another situation where the autonomy view wins by default. This is not to say that the ‘*sui generis* domains’ view *cannot* be true. But I think it should lead us to ask whether that view is simply a philosophical over-reaction to a valid observation about the empirical complexity of the various domains of activity under consideration. It also suggests that the considerations adduced in favour of the autonomy view as regards any given domain need to be both highly convincing and distinctive. If they are not highly convincing, they will not justify moving to such a radical new view. If they are not distinctive, then the same argument might be made about any domain, and the argument for the ‘*sui generis* domains’ view will become instead an argument for a more ‘role-based’ or compartmentalized view of ethics in general. (I discuss this idea under ‘Political virtues’ below.)

²⁶ McMahan n25, 15.

²⁷ McMahan also mentions political realism, as a view on which ‘morality has *no* application in conditions of war.’ His comments echo mine: ‘on these views it is essential to be able to distinguish with precision between wars and other kinds of conflict. For on all such views, if people are attacking and killing one another, whether they are acting permissibly or are guilty of murder may depend on whether their conflict counts as war. I find this extremely implausible’ (McMahan n25, 35).

7.2.4 *Some moral values are not appropriate in politics*

The first horn of the dilemma – that politics is one of many *sui generis* domains of normativity – looks unattractive. Medicine is a singularly unpromising candidate for *sui generis* status, and it is not clear how the residual category of morality, or the domain of life to which morality does apply, is going to be drawn. Let us consider instead the second horn then. This is the view that politics is the only distinctive source of normativity. I think there are two ways of arguing for this position. The first, negative strategy seeks to show that morality – or, more conservatively, some of morality – is excluded from governing politics. The second, positive strategy seeks to show instead that there are distinctive norms that govern only the political domain. The negative strategy is not, strictly speaking, an autonomy view. It does not show that politics is governed by its own norms. But it is still of interest, first insofar as it threatens the view that morality applies to all aspects of human life, and second insofar as it often comes as part of a package deal with the positive strategy: politics, the theorist says, is an area from which the governance of some moral norms is excluded. (This alone makes it normatively distinctive even if not governed by distinctive norms.) She may then go on to add that there are specifically political norms that take up the slack.

Take the negative strategy first. Philp, we have seen, argues that ‘politics... itself powerfully influenc[es] the norms and values that it is possible and appropriate to realize’. Are there then some moral values that are not appropriate in politics? Certainly, there is no difficulty in acknowledging that what it means, for example, to be honest, or to show integrity, might take on a distinctive complexion in a political context. An honest politician may be a quite different kind of person from an honest priest, and integrity might demand rather different kinds of actions of politicians on the one hand and friends on the other. Even if some virtues are truly inappropriate in politics, we need to ask why that is the case. Here is Philp’s Machiavellian explanation:

In Machiavelli's view, the politician may not display many of the traditional moral virtues simply because the thing to which he is most fundamentally committed, responding to the exigencies associated with the establishment and consolidation of political rule, does not allow him the luxury of such virtues as benevolence, gratitude, and friendship.²⁸

Presumably that to which the politician is most committed – the establishment and consolidation of political rule – is something that individuals *qua* persons, have reason to want, so it is good for them that he is committed to it. (If not, and the achievement of his goal redounds only to the politician's own glory, then Philp's interpretation makes Machiavellian *virtù* look no more appealing than its caricature.) But if that is the case, shouldn't his commitment and his efforts to achieve his goals be relevant to his assessment *qua* person? He may not display benevolence, gratitude or friendship, but his commitment – and perhaps also his leadership, tenacity, resolve and so on – may be virtuous insofar as they are in service of valuable ends. And if these ends are unachievable except by forgoing the more conventional moral virtues Philp cites, then this state of affairs speaks either to the truth of a certain kind of value pluralism,²⁹ and/or to the inadequacy of thinking about the fundamental elements of morality in terms of virtues.

The important point is that it will not make politics a *sui generis* domain of normativity to say either that the circumstances of politics tend to defeat certain moral reasons, or that they differ from the circumstances in which certain moral reasons apply. The reason not to lie is defeated when the murderer asks where his intended victim is hiding. But it is defeated by other moral reasons. The truth of the autonomy thesis requires that politics is governed by political reasons *rather than* moral reasons.

The negative strategy, then, does not support the autonomy thesis. Nor does it threaten the idea that politics is a domain to which morality applies. So let's consider the positive strategy. Philp himself goes further than the claim that some moral values are sometimes out of place in politics.

²⁸ Philp n12, 49.

²⁹ See e.g. J Raz, *The Morality of Freedom* (Oxford University Press 1986) Ch 13.

He claims that some virtues are ‘intrinsic and internal to’ politics.³⁰ But we cannot infer from this, it seems, that the distinctively political virtues – such as flexibility, shrewdness and decisiveness³¹ – are to be regarded as valuable in themselves. They are internal to politics in the sense that they apply always and only to political conduct, but not in the sense that they serve no value beyond themselves. They are, he says, ‘a specific range of virtues or qualities of character [that] are necessary for the establishment and maintenance of political rule’, which is itself ‘necessary to secure what is distinctively human and fine in life’.³²

So far, so uncontroversial. It is very plausible to think both that the practice of politics is necessary to secure many important human goods, and that there are certain qualities of character that fit one well for that practice but not for others. But if the political virtues are to be the basis for the autonomy thesis, we need them not to *serve* antecedent moral ends, but to *replace* them. Though Philp makes gestures towards this view throughout his book, his clearest statement of it is that ‘in many respects working for the establishment of the political order is a case of working to secure the conditions for other values, but (being conditional on politics) those other values cannot act as categorical constraints on politics, and the gentler virtues cannot be too deeply rooted in the characters of those who act in politics.’³³ I understand this in the following way. Establishing political order serves prior moral ends. Those who work to establish political order require certain

³⁰ Philp n12, 2. At this point Philp speaks in terms of ‘standards’ rather than virtues but I don’t think any important distinction is intended. Philp tends to conflate several theses under the idea of there being virtues that are internal to politics. I mention two here in order to set them aside. The first is that the standards that apply in politics are not *strict*: ‘Machiavelli is far from suggesting that there are no standards in politics; rather, his point is that these standards are not in the form of strict rules – for example, to tell the truth, abide by the law, be just in all one’s dealings, and so on’ (52-3). But the pertinent question, for Philp as well as for me, is not whether there are strict standards in politics, but whether they are *moral* standards. There is no reason to think that moral standards are themselves strict in the way Philp suggests. The second idea is that the demands on political conduct are ‘heavily contextual in character’ (5), and that the judgment of political conduct ‘must be acutely sensitive to the political and historical contexts in which people act’ (3). This is apparently offered as a way of cashing out the focus on the particular virtues of political actors but seems to me a point that anyone could agree with.

³¹ Philp n12, 41.

³² *ibid.* 44.

³³ *ibid.* 46. Although Philp says ‘in many respects’, it is not clear what purpose he thinks working for the establishment of the political order serves *other* than to secure the conditions for other (moral) values.

qualities of character, qualities that would be undesirable and perhaps even positively vicious in other areas of life. One might naturally think, therefore, that there must be some moral constraints on the exercise of these equivocal virtues even in the political sphere. But in fact this is not so. It is not so because the prior moral ends which politics serves are themselves conditional on politics. It is this last point that is crucial. Important moral values are ‘conditional on politics’ in the sense that they are dependent for their attainment on the maintenance of political order. They cannot act as categorical constraints on the exercise of the equivocal political virtues, the argument goes, because such constraints might threaten the establishment of the political order that is itself an existence condition for the achievement of those values. By allowing our prior moral values to govern the exercise of the political virtues we would be cutting off our nose to spite our face.

This argument does not succeed. Remember that the very construction of the political virtues is shaped by their service of what is distinctively fine and human. We only allow that what appear to be morally questionable aspects of character may be virtues because of their role in achieving these ends. But if that is the case then the nature and exercise of the political virtues is *already* constrained by moral values. What counts as displaying the *virtue* of, say, decisiveness, is determined by whether the actions that purport to display it tend towards the promotion of the underlying values. To allow these moral values to further constrain the political virtues would be to factor them in twice over.

The ‘internal virtues’ line also suffers from the ‘multiplication of domains’ problem. If there are virtues that are internal to politics, then why not virtues that are internal to law? and to medicine? and to teaching? And we can extend these domains beyond the vocational. We naturally talk about the virtues of friendship, the virtues of leadership, parental virtues, and so on.³⁴ In one way this application of virtue thinking to multiple domains is very plausible. Providing an account of the

³⁴ And in these instances I do mean virtues in a straightforward moral sense, rather than in the more attenuated way in which we might talk about the instrumental ‘virtues’ of the suit-maker or the poisoner. See HLA Hart, ‘Book Review: *The Morality of Law*’ (1965) 78 *Harvard Law Review* 1281.

distinctive virtues required of different professions, or social positions, or functional roles, may be a more illuminating and instructive mode of reflection on the characteristic moral requirements of such roles than a piecemeal account of the way in which morality ‘applies’ to me in this or that highly specified set of circumstances.

This is perhaps how we should understand Philp’s suggestion about a *sui generis* normative domain for medicine. Why then is the multiplication of domains problem a problem at all? Why is it not a strength of this way of thinking? It is a problem because the plausibility of the ‘internal virtue’ approach to the ethics of roles does *not* rely on each set of virtues constituting its own distinctive mode of normativity. It is rather the opposite. This way of seeing things is helpful precisely because it gives us a way of making more intuitive, ‘down-to-earth’ sense of the application of norms that are in all cases nothing other than *moral* norms.³⁵ Instead of asking myself what morality requires of me at each turn, I can instead ask myself ‘what is required of a teacher in this situation?’, or ‘what would a good friend do in these circumstances?’ In this way role-based virtues do not displace moral virtues but are simply a form of making them more specific and more immediate for the moral agent.

7.3 *The realist account of morality*

I devote the next chapter to considering the most fully developed (and yet still inchoate) account of the autonomy of political normativity, and the one that has proved the most influential with contemporary realists, that of Bernard Williams. I conclude this chapter with some remarks about the various misconceptions of morality that might underlie the realist wish to divorce it from

³⁵ Cf. E Pellegrino, ‘Toward a Virtue-Based Normative Ethics for the Health Professions’ (1995) 5 *Kennedy Institute of Ethics Journal* 253. Pellegrino advocates a virtue-based approach specific to the *telos* of a given profession in professional ethics. He does not suggest that the virtues of health professionals conflict or compete with moral virtues; rather, they are a way of doing practical ethics in a certain professional context.

politics. One can only be motivated to deny that morality can be applied to politics, or that political philosophy is moral philosophy, if one has some idea in mind of what morality and moral philosophy are. In many cases, I believe, it is the narrow scope of morality and moral philosophy as envisioned by the autonomy theorists that leads them to reject the simple view.³⁶

Consider some of the inferences that realists typically make, and the alternatives that they reject. Rossi and Sleat describe the autonomy thesis as claiming ‘that it is possible to derive normative political judgments from specifically political values – a position resting on the view that not all values are moral values, plus the more controversial claim that such political values can and should guide politics, whereas moral values are ill-suited to that task’.³⁷ But the particular facts of politics are a *prima facie* weak basis from which to conclude that there are specifically political values of this kind, rather than that politics represents a special challenge for moral values. Philp says that ‘the political process fundamentally affects the kinds of norms and values that can be realized within a state;... politics is an internally complex and grubby domain of human activity that engages a range of passions and ambitions, [but] there are, nonetheless, certain standards of conduct for those acting in politics’.³⁸ Those standards, Philp believes, are not moral standards, or at least ‘not reducible’ to moral standards. They are, instead, ‘intrinsic and internal to’ politics.³⁹ Philp’s phrasing (‘nonetheless’) suggests, of course, that the natural inference might have been, rather, that there are *no* standards of conduct that apply to political actors. But this is a strange assumption. Why think this, rather than that politics is a supremely morally demanding domain of activity, requiring actors to overcome powerful and institutionally reinforced self-serving instincts, and to resist the temptation to succumb to prevailing unsavoury or corrupt practices and cynical attitudes?

³⁶ ‘A too narrow conception of the moral has impoverished recent moral philosophy and helped limit its influence’: T Hurka, *Perfectionism* (Oxford University Press 1993) 5.

³⁷ E Rossi & M Sleat, ‘Realism in Normative Political Theory’ (2014) 9 *Philosophy Compass* 689, 690.

³⁸ Philp n12, 37.

³⁹ *ibid.* 2.

It is not only political ethics that theorists have sought to set aside from moral philosophy. A similar line of thought has been pursued in business ethics, and a quick look at one of these arguments will help to provide a picture of the narrow view of morality and moral philosophy that I believe underlies – and undermines – the realist case. Robert Phillips and Joshua Margolis argue that ‘organizations need an ethics of their own, distinct from both political theory and moral philosophy’.⁴⁰ This ethics would focus on the obligations that arise from ‘economic engagement and interaction, as well as organizational life’,⁴¹ and would be built in isolation from moral and political theories so as to ensure compatibility with as wide a range of the latter as possible.

There is now a fairly substantial literature on whether ‘[t]he ethics that govern organizations [can] be mere derivations, or applications, of political or moral theory’.⁴² But Phillips and Margolis’s conclusions are a consequence of their assumptions that political theory is a guide to the conduct of states, and moral theory a guide to the conduct of individuals,⁴³ and that what is morally significant about organizations cannot be analysed merely at the level of individual conduct. Their argument against the use of political theory is similarly parochial, since they appear to identify ‘political philosophy’ with ‘Rawlsian theory of justice’.⁴⁴ Their conception of applying political philosophy to organizational ethics is of taking a fully formed theory of the state (or of the basic structure of society) such as Rawls’s and applying it to the organization instead of to the state.⁴⁵

⁴⁰ RA Phillips & JD Margolis, ‘Toward an Ethics of Organizations’ (1999) 9 *Business Ethics Quarterly* 619. Phillips and Margolis are referring specifically to business organizations.

⁴¹ *ibid.* 621.

⁴² *ibid.* 621. For the debate see E M Hartman, ‘Moral Philosophy, Political Philosophy and Organizational Ethics: A Response to Phillips and Margolis’ (2001) 11 *Business Ethics Quarterly* 673; J Moriarty, ‘On the Relevance of Political Philosophy to Business Ethics’ (2005) 15 *Business Ethics Quarterly* 455; J Heath et al, ‘Business Ethics and (or as) Political Philosophy’ (2010) 20 *Business Ethics Quarterly* 427.

⁴³ Phillips & Margolis n40, 620.

⁴⁴ For a view that acknowledges this see A Singer, ‘There Is No Rawlsian Theory of Corporate Governance’ (2015) 25 *Business Ethics Quarterly* 65.

⁴⁵ To be fair to them, this is precisely the procedure that many business ethicists have proposed, in defiance of Rawls’s own clear statement that his principles of justice do not apply directly to private associations.

Phillips and Margolis typify precisely the odd view of moral philosophy that leads to the impulse to hive off politics – or business – from morality. According to them, ‘[m]oral philosophy simply ignores (at least) two central features of organizations, their purposes and their power’⁴⁶ and ‘[a]n applied version of moral philosophy simply ignores what must be the starting point for business ethics: the forces and situations produced by organizations.’⁴⁷ But why should moral philosophy commit either of these obvious errors? This is no more than a partisan stipulation of what moral philosophy is. In fact it is Phillips and Margolis’s overly narrow conceptions of both moral and political theory that lead them to commit two of the errors identified in the previous chapter.⁴⁸ In their unsubstantiated claim that moral philosophy is unable to deal with power, or with the ‘forces and situations produced by organizations’ they arbitrarily exclude some normative concepts and some empirical facts from the remit of moral philosophy. (We saw this strategy in Sleat’s argument from disagreement in the previous chapter.) And in supposing that political philosophy as applied to business must be political theory of the state as (inappropriately) re-applied to business organizations, they assume that any normative theory must come already applied to a specific domain of activity. New applications are impossible, so each domain requires an autonomous theory.

In the remainder of this chapter I outline four mistaken ways of thinking about morality that lie behind the realist arguments for the autonomy thesis. They are (i) that morality necessarily operates without context or necessarily operates in a given context; (ii) that morality is a misconceived category to begin with; (iii) that morality is a domain of purity which is incompatible with the ‘dirty hands’ of politics, and (iv) that morality is a social practice for the governance of everyday life analogous to the larger-scale practice of political governance.

⁴⁶ Phillips & Margolis n40, 627

⁴⁷ *ibid.* 628

⁴⁸ Sometimes the point seems to be simply about empirical sensitivity: ‘Business ethics must deal with the central place of power, and only an ethical theory ready to grasp this empirical fact of organizations will be able to address its ethical implications’ (*ibid.* 628).

7.3.1 *Morality as necessarily context-laden or necessarily context-free*

On the first mistaken picture, it is inevitable that political theory will not be applied moral philosophy, because morality is itself conceived as something that *could not be* applied, either because it is necessarily already applied – to something referred to variously as ‘private’ or ‘ordinary’ or ‘everyday’ life – or because it is necessarily context-free; it is, in other words, a set of rules that must immediately be set aside whenever we think normatively about people who are more than ciphers and situations that are more than mathematical models.

The idea that morality is necessarily without context appears in the business ethics literature. An influential argument has it that business is a ‘game’ and is therefore not subject to the same rules or standards as ‘everyday life’, but is assessable according to a special set of internal norms. Criticisms of certain aspects of business conduct – for example, ruthlessness towards competitors, or deceptive advertising – are therefore invalid insofar as they are predicated on a failure to recognize this truth.⁴⁹ The wrong way to respond to this challenge is to *accept* that in game environments ‘the rules change; ordinary *ethical* rules do not apply.’⁵⁰ This misguided response allows that according to the ordinary rules of morality it is wrong to attempt to injure another person, but in boxing this rule does not apply. It then points out that, though ordinary morality does not apply to such games, they are nevertheless still rule-governed. We insist on boxing gloves, helmets, and so on. ‘So if we are viewing business as a game, then by analogy with other games it is a rule-governed game. It is not an “anything goes” Hobbesian war.’⁵¹

⁴⁹ The *locus classicus* is AZ Carr, ‘Is business bluffing ethical?’ (1968) January-February *Harvard Business Review* 143.

⁵⁰ E Beversluis, ‘Is There “No Such Thing as Business Ethics”?’ (1987) 6 *Journal of Business Ethics* 81 (emphasis in original). The argument addressed here is Beversluis’s.

⁵¹ *ibid.* 82.

We should not accept that ordinary morality does not apply in basketball or boxing or business – or politics – unless we want to be led to the conclusion that all reasonably closely specifiable contexts for action have their own special rules of morality, rather than being governed by ‘ordinary’ morality. Of course ordinary morality applies in boxing and in business. You just have to do a bit of work in *applying* it.⁵² So even if there is a moral rule that it’s wrong to attempt to injure another person, there is also (let’s say, assuming boxing is morally justified) a rule that a victim’s consent to the infliction of certain kinds of harm renders the infliction permissible, and in boxing this rule is in play (as it may also be in medical treatment, play-fighting, sado-masochistic sexual activities, and so on).⁵³ The odd idea that ‘ordinary morality doesn’t apply’ arises from failing to notice that moral rules always require application. All action is situated in a context, and most contexts (although we may notice this more when doing philosophy)⁵⁴ are quite complex. I shouldn’t injure another person – but this person has consented – but is his consent valid? (does he understand what is actually involved?) – even if his consent is valid, might I inflict more harm than he anticipated? And so on.

Morality is regarded, in effect, as only operating in a vacuum. Instead of trying to do the hard work of applying morality to politics, the realists throw morality out of the window and start again. A genuine difficulty is that some situations, not least in the political domain, may be so empirically complex, and outcomes so radically unpredictable, that the right thing to do is anyone’s guess. It has become a trite observation of political realism that moral theories founder when confronted with the intricacies and entanglements of political life. But realists proceed to draw the conclusion that politics is too complex for *morality to apply*, or at least too complex for morality to apply *in the same way*, and therefore that political theory – the theory of what to do in these overwhelmingly messy contexts – must be autonomous from moral philosophy. A better approach would be to

⁵² The burden of applying morality to business might be lessened by the development of a usable account of the virtues of the businessperson. See note 35 and text thereto.

⁵³ Cf. The method of ‘specifying norms’ outlined by Richardson: see note 15 and surrounding text.

⁵⁴ Equally, we may notice it less!

explore principles of decision under uncertainty, and other ‘meta-principles’ designed to deal with situations where first-order principles of action are not up to the task.

It might in any case be that we regard politics as complex precisely because we recognize that morality *does* apply. The complexity that is characteristic of politics is a function of many things. Prominent amongst these are those features of situations that make practical decision-making difficult – the sheer numbers of people involved, and their conflicting interests and motivations. the potential for long-term consequences, the need for coordinated action, and so on. Very little of this supposed complexity can be described as such in empirical terms alone. Conflicting interests are significant because interests matter *morally*. There is a need for coordinated action because it matters morally what we do. Realists can say, of course, that their position is precisely that these things matter *politically*. But what they cannot do without begging the question against the simple view is to take complexity of the sort outlined here as a premise in an argument for the non-application of morality. Such a premise would need a description of complexity that doesn’t already make use of precisely the kind of normative analysis that the simple view claims is moral – and it is not clear that such a description could be forthcoming.

Now consider the converse error of assuming that morality is necessarily context-laden. In calling morality ‘context-laden’ I mean that it is only ever the morality of *something*. Most commonly in political philosophy, it is thought of as the morality of everyday life, or ‘private’ as opposed to ‘public’ morality.⁵⁵ If one thinks of morality as something like the moral norms *that apply to everyday life* it is easy to conclude that morality does not apply to politics – because politics, *ex hypothesi*, is not everyday life. But we do not have to think like this. We can agree with Nagel, who says:

Even if public morality is not derivable from private, however, it does not mean that they are independent of one another. Both may derive from a common source that yields different results when applied to the generation of principles for action in the widely differing circumstances of private and public life. Neither private morality nor public morality is ultimate. Both result when *general constraints of morality* are applied to certain types

⁵⁵ See the essays in S Hampshire (ed), *Public and Private Morality* (Cambridge University Press 1978).

of action. Public morality would be derivable from private only if those constraints had to be applied first to the development of principles governing the conduct of persons acting individually, and could not be applied directly to public life. In that case one would have to reach the private principles from the general constraints of morality, and the public principles only from the private ones, as applied to public circumstances. But there is no a priori reason to think that ethics has that structure. If it does not, then public and private morality may share a common basis without one being derived from the other.⁵⁶

I doubt whether anyone has ever thought that a political theory ought to be derived from a moral theory where the latter means a theory of morality *for private individuals* rather than for anyone else. If we take such an artificially restricted view of what morality is, we are likely to come to a conclusion in the vicinity of the autonomy thesis. But it is an artificially restricted view.⁵⁷

Philp's objection to applying morality to politics can be understood against the background of the assumption that morality is already too context-laden to be applicable to politics. For Philp, moral virtues are not appropriate in politics precisely because moral virtues are constructed for circumstances other than politics. His picture admits the existence of basic moral values that are served by the establishment and maintenance of political order, *but also* by the whole range of human conduct. In politics, he thinks, those moral values are ultimately best served by distinctive virtues such as flexibility, shrewdness and decisiveness. In other walks of life they may be best served by courage, patience and integrity. It would be bold and surprising to claim that political conduct does not serve any moral values at all, but is governed by distinctively political values. It is not so bold or surprising to suggest that political conduct is best assessed – proximately, if not ultimately – by reference to a set of personal virtues tailored specifically to the demands and aims of politics. That suggestion might be plausible for any reasonably well demarcated role in life.

⁵⁶ T Nagel, 'Ruthlessness in Public Life', in S Hampshire (ed), *Public and Private Morality*, 79 (emphasis in original).

⁵⁷ Similarly, nonideal theory is not applied ideal theory, since ideal theory is, by definition, theory *applied* to ideal circumstances; nonideal circumstances require reapplication of whatever was applied to ideal circumstances. See A Hamlin & Z Stemplowska, 'Theory, Ideal Theory, and the Theory of Ideals' (2012) 10 *Political Studies Review* 48.

7.3.2 *Morality as misconceived*

Some political realists state explicitly that their critique is of contemporary moral philosophy as well as of political philosophy.⁵⁸ As I have already noted, this tends to undermine their case for the autonomy thesis. Autonomy is achieved by default if political philosophy is not applied moral philosophy because the latter is itself a bankrupt discipline. But it is interesting to consider the extent to which the realist case for autonomy might be more implicitly based on a conception of morality that sets up moral philosophy to fail. The most obvious reference point here is Bernard Williams' critique in *Ethics and the Limits of Philosophy* of what he called 'morality, the peculiar institution'.⁵⁹

Williams laments the fact, as he saw it, that from Plato to Kant the 'ethical' had been 'contracted to the moral'.⁶⁰ He associates morality, or at least its 'central, deontological, version', with a misconceived notion of obligation, and the mistake of 'try[ing] to make everything into obligations'.⁶¹ He worries that with so many (especially imperfect) obligations about there will cease to be any actions that are morally indifferent.⁶² Moreover, morality would have us see obligations as inescapable:

[O]nce I am under [an] obligation, there is no escaping it, and the act that a given agent would prefer not to be in this system or bound by its rules will not excuse him....⁶³

The sense that moral obligation is inescapable, that what I am obliged to do is what I *must* do, is the first-personal end of the conception already mentioned, that moral obligation

⁵⁸ E.g. E Hall, 'How to do realist political theory (and why you might want to)' (2017) 16 *European Journal of Political Theory* 283; E Hall & M Sleat, 'Ethics, morality, and the case for realist political theory' (2017) 20 *Critical Review of International Social and Political Philosophy* 278.

⁵⁹ B Williams, *Ethics and the Limits of Philosophy* (Fontana Press 1985) 174-196. I discuss Williams' own political writings in the next chapter. It is not clear to me to what extent Williams saw these as depending on or following from his earlier critique of the 'morality system'. Since the later work makes little reference to that critique, and since most realists who rely on Williams rarely invoke it in support, I have for the most part taken the later pronouncements in isolation.

⁶⁰ *ibid.* 177.

⁶¹ *ibid.* 180.

⁶² *ibid.* 181-2.

⁶³ *ibid.* 177.

applies to people even if they do not want it to.... From the perspective of morality, there is nowhere outside the system, or at least nowhere for a responsible agent.⁶⁴

Williams further supposes morality to be simple-minded about attributions of voluntariness and allocations of responsibility,⁶⁵ and bent on ‘abstracting the moral consciousness’ from more complex forms of ‘emotional reaction or social influence’.⁶⁶ Morality in general is portrayed by Williams as both perniciously pervasive and intolerably demanding, consisting implausibly of a series of discrete and fairly easily definable obligations, and obsessively focused on placing blame and decrying failures of moral character.

The first point to make in response to Williams’ critique is a relatively narrow one. Williams’ thoughts on the inescapability of moral obligation draw support from two sources. The first is his internalism about reasons.⁶⁷ Williams takes there to be a deep and puzzling question about ‘how moral obligation binds those who refuse it’.⁶⁸ If he is right that there can be no external reasons, then the idea that moral obligation – or morality more generally – is inescapable may well be thrown into doubt. I do not share Williams’ scepticism about external reasons, but this is not the place to add to the debate.⁶⁹ The second source of support is an elision of two distinct (purported) aspects of morality: pervasiveness and overridingness.⁷⁰ If morality is pervasive, it applies to agents in all circumstances. It is inescapable in the sense that I cannot arrange my life or adjust my conduct in such a way as to evade moral assessment. If morality is overriding, on the other hand, what I ought to do morally is always what I ought to do *simpliciter*. It is inescapable in the sense that I cannot reasonably choose some course of action other than the one recommended by morality. I

⁶⁴ *ibid.* 178.

⁶⁵ *ibid.* 194.

⁶⁶ *ibid.* 195.

⁶⁷ B Williams, ‘Internal and External Reasons’, in his *Moral Luck: Philosophical Papers 1973-1980* (Cambridge University Press 1981).

⁶⁸ *ibid.* 191.

⁶⁹ See M Schroeder, *Slaves of the Passions* (Oxford University Press 2007) for the internalist position, D Enoch, *Taking Morality Seriously* (Oxford University Press 2011), esp. 259-266, for a robust externalist response. G Harman, *The Nature of Morality* (Oxford University Press 1977) provides what amounts, to my mind, to an unintentional *reductio* of internalism.

⁷⁰ See Scheffler n8, 25-6 for the distinction. Scheffler accepts pervasiveness while rejecting overridingness.

have already discussed the realist opposition to the overridingness of morality. Contemporary political philosophy, I suggested, is not committed to the thesis that morality is overriding. Moralists can reject it without inadvertently becoming realists. But since Williams' discussion of 'inescapability' fails to distinguish overridingness from pervasiveness, those who find his account of moral obligation congenial will tend to reject pervasiveness along with overridingness. This is a mistake. We should not confuse the plausible idea that moral reasons do not always 'trump' others from the more ambitious and correspondingly less plausible idea that there are circumstances – such as politics – in which moral reasons do not even apply.

The broader point to make about Williams' idea of morality is very simple. We should not be surprised if someone thinks that the deep-seated conflicts of politics, its passions and rivalries, its moral nuance and empirical complexity, are ill-suited to regulation by such an impoverished and myopic system of norms. 'In truth,' says Williams, 'almost all worthwhile human life lies between the extremes that morality puts before us.'⁷¹ That will most certainly include politics.

7.3.3 *Morality as pure*

I have said that realists emphasize the less salubrious aspects of politics. This is often accompanied by a tendency to see morality as the domain of what is pure and untainted. To be guided by morality, on this Kant-inspired view, is to act from unimpeachable motives. For an act to be permissible it must bear no trace of prudential motivation. Where morality is concerned, the imperative of duty must silence everything else. And yet, the thought continues, acts are common in politics that do not fit these strictures. And many of these acts, surely, *are* permissible. For example, political parties, when formulating policy, must be allowed to take into account whether people will continue to vote for them.

⁷¹ Williams n59, 194.

Here are three responses to this way of thinking. First, some of these actions may not be permissible after all. For example, it may be difficult for a political leader not to be influenced by thoughts of her personal legacy rather than the good of her country – and she may be excused for being so influenced – but from a moral point of view, it is nevertheless to be avoided. Secondly, if we think they are permissible, what we mean⁷² is that they are *morally* permissible. It may be morally important that people continue to vote for the party in power. It may be, that is, that a degree of compromise in policy direction is *morally* required in order to do more long-term good. (The real moral difficulty lies elsewhere: in not mistaking compromise for principle; in keeping in sight the moral ends at which one's compromises are targeted, and so on.) Thirdly, we in any case do not need to accept the view that the rightness of an act is tarnished or vitiated by any non-moral motivation. Politics can be a domain in which guidance by morality is appropriate, even if it stands out as one in which guidance by morality is rarely undiluted.

The worry about purity can take the form of a specific philosophical puzzle: the 'problem of dirty hands'.⁷³ The puzzle is this. Sometimes, and especially or perhaps even exclusively in politics, it is necessary and right to perform an immoral act. What is more, we want our politicians to be prepared to perform such necessary acts. But this will lead them to be morally tainted. We should neither expect nor want those who engage in politics to come away from it with clean hands. And yet, on the 'pure' view, that is the whole point of morality. Morality prizes the clean conscience above all. The only thing in the world, Kant says, that can be valued unconditionally is the good will.⁷⁴ If such a will is fundamentally incompatible with proper politics – if in politics it is sometimes right to get one's hands dirty – then politics cannot be a domain that is governed by morality.

⁷² If we do not mean – as colloquially many do – merely that they are excused.

⁷³ For the *locus classicus* see M Walzer, 'Political Action: The Problem of Dirty Hands' (1973) 2 *Philosophy and Public Affairs* 160.

⁷⁴ I Kant, *Groundwork of the Metaphysics of Morals*, in *Practical Philosophy* (M Gregor ed, Cambridge University Press 1996) 49 (4:393).

There are two difficulties with this argument. First, it seems to assume what it denies. On the one hand it allows that the politician's actions are susceptible of moral assessment: it is constitutive of the 'problem' that they are *immoral*. But it uses this to argue for the conclusion that politics is not governed by morality. This looks inconsistent.

Secondly, even if some sense can be made of the idea of getting one's hands dirty without committing us to the idea that the realist wants to repudiate, viz. that political action *is* subject to moral assessment, the inference is valid only if the normative assessment that approves of the politician's act is broader than, or different from, moral assessment. But it is not clear what this assessment might be: in what sense is it 'right' to get one's hands dirty? We cannot mean *prudentially* right. For the action to be endorsed by the people to whom the politician is accountable, it must serve some interests other than her own. And in any case we are not puzzled by conflicts of prudence and morality.

Something appears to have gone wrong in the argument. That is, I would suggest, its overly pure or narrow conception of morality. If we give up the idea of morality as about the clean conscience we can accommodate the phenomenon to which the dirty hands problem points quite easily. Morality can in some circumstances require difficult decisions. It may involve conflicts of value in which a genuine moral good must be sacrificed for the sake of another, incompatible, but equally genuine moral good. It may involve taking actions that in most circumstances would be deeply immoral but in some situations – perhaps especially those where very large numbers of people and very long-term consequences are at stake – are morally required. There is no difficulty in seeing politics as a domain governed by morality as long as we jettison the pure view of morality.⁷⁵

⁷⁵ In fact I think that an adequate account of morality will eradicate any 'problem' of dirty hands altogether, but I cannot pursue that argument here. The problem of dirty hands can of course be read in other ways that are not geared towards finding that politics is not governed by morality. In the next chapter (8.3) I look again at the problem in connection with the idea of distinctively political reasons. I suggest a way to interpret it which is congenial to the realist autonomy theorist, and which gives a

7.3.4 *Morality as a social institution*

On the purist view, morality's concerns are too narrow to accommodate politics. On Williams' view, morality is simply not fit for purpose.⁷⁶ But Williams' discussion, and in particular its title, suggests another view of morality that may feed the realist argument. Williams refers to morality as a 'peculiar institution' and as a 'system'. A similar unusual understanding of morality is at work in much realist writing. For instance, to the charge that any realist prescriptions will ultimately have to rely on arguments in moral theory, Rossi suggests a Hobbesian response. Hobbes, he thinks,

maintains that the foundation of political norms rests on the need to overcome the failure of ordinary morality to provide effective regulation of the political sphere.... [S]ince we recognize that our personal moral inclinations ('ethics' in Geuss's pejorative sense) are not suited to the regulation of the political sphere, and since we also recognize that we cannot do without a political sphere, we relinquish the option of regulating our affairs on the basis of ethics, and we authorize a sovereign to implement and enforce political norms.⁷⁷

'[P]olitical norms are binding,' Rossi believes, 'because we recognize the priority of politics over ethics (in the political sphere).'⁷⁸ What does he mean by 'ethics'? Apparently, no more than 'our personal moral inclinations'. But this is not at all what the moralist has in mind, nor any part of the simple view of political theory as moral philosophy. The moral norms that the moralist⁷⁹ regards as governing action in every sphere of human activity, including the political, are the true or right or best moral norms, not those norms that people are personally inclined to follow, and certainly not their personal inclinations themselves. They constitute 'actual' or 'critical', rather than

compelling sense to the 'rightness' of the judgment of political action that is independent of moral or prudential assessment.

⁷⁶ Williams' discussion also contains the kernel of a critique of ideal theory in political philosophy: Williams n59, 195-6.

⁷⁷ E Rossi, 'Review: Reality and imagination in political theory and practice: On Raymond Geuss's realism' (2010) 9 *European Journal of Political Theory* 504, 506.

⁷⁸ *ibid.* 507.

⁷⁹ In this case, Thomas Hurka: T Hurka, 'Review of *Philosophy and Real Politics*' (2009) *Notre Dame Philosophical Reviews*, <<https://ndpr.nd.edu/news/philosophy-and-real-politics/>> (accessed 16.04.18)

‘positive’ or ‘social’ morality.⁸⁰ Rossi, by contrast, sees ‘ordinary’ morality as a social institution that regulates our ‘everyday’ actions but which proves inadequate in the political domain. He sees it as a practice – perhaps one of having and expressing certain reactive attitudes – that serves a certain purpose but whose effectiveness is limited to ordinary or personal life. The failure of morality to regulate the political sphere is remedied by the implementation and enforcement of ‘political norms’.

If you take this view of morality it is very natural to think that a different institution – a different set of normative practices – is required to ‘regulate’ politics. The social practice of morality operates through individual conscience (‘our personal moral inclinations’) and through sanctions in the form of public censure. This may be enough to sustain basic social reciprocity, but it is too flimsy for the maintenance of large-scale public order, let alone for the administration of justice. These more demanding goals require authoritative determination and coordination, and ultimately physical coercion. We can even see how this view might yield a kind of autonomy for the practice of politics. That practice consists in a set of social norms that are designed to regulate interaction at the level of the community. The practice of ordinary morality, on the other hand, regulates interaction at the personal level. (It doesn’t matter precisely what kinds of interaction we designate each practice as regulating, as long as they can be specified so as to be independent.) The practice of politics is autonomous, then, in that the design and content of its norms need not refer to the design and content of the norms of morality. They are dictated purely by the nature of what the

⁸⁰ HLA Hart, *Law, Liberty, and Morality* (Oxford University Press 1963) 17-20. The use of the distinction between ‘social’ and ‘critical’ morality in the legal philosophy literature has not been as clear as it might be. One difficulty lies in the fact that many writers – Hart included – have balked at the idea of equating critical morality with ‘actual’ morality, since their metaethical commitments have allowed no use for the latter idea. Perhaps now that the most popular non-cognitivist views are more comfortable with this kind of talk, there is less of a problem here. A related difficulty is the tendency to speak as if *both* critical *and* social morality are ultimately a matter of what people say about morality rather than what is the case. George Fletcher, for instance, holds that social (or ‘conventional’) morality ‘consists of propositions supported by social consensus; [critical morality] consists of propositions asserted as objective truth’ (G Fletcher, ‘Law and Morality: A Kantian Perspective’ (1987) 87 *Columbia Law Review* 533.

practice is supposed to regulate, that is, by the nature of politics. That seems to give the realists what they want: a set of norms whose content reflects all and only the peculiarities of politics.

But the institutional gambit just postpones the problem.⁸¹ For we can now ask: What are we seeking to regulate *any* sphere of human activity *for*? What are the values that animate our use of public censure or our imposition of coercive legal sanctions, that justify our disapproval of promise-breaking or the measures we take to prevent tax avoidance? The answer to this question is where the action is in the realist-moralist debate. I will say more in support of my own view on it in the next chapter. For now, let me dispel the confusion sown by this latest realist canard. The simple view does not say that the social rules we put in place to govern our interactions at the political level are the same as, or should be derived from, the social rules that govern our interactions at the personal level. That is a distraction born out of the realist misconception of morality as purely institutional. The simple view says, rather, that the way in which we regulate political life answers to the same values and concerns that justify our attempts to regulate conduct of any kind – and they are moral values, and moral concerns.⁸²

⁸¹ And either ignores or misunderstands Hurka's point in his review of Geuss.

⁸² For a similarly motivated critique of the 'morality as institution' move in the context of public reason liberalism, see D Enoch, 'The Disorder of Public Reason' (2013) 124 *Ethics* 141, 145-150.

8. Williams and political reasons

8.1 Introduction

Bernard Williams' moral philosophy tended towards the suggestive rather than the explicit. He asked the reader to reconsider what he regarded as the counter-intuitive beliefs and attitudes conjured up by an overly refined philosophical approach to moral questions, rather than to come round to any specific conclusion. This method was at least in part indicative of his own philosophical (or perhaps anti-philosophical) commitments in this area. He took human morality to be a messy and unsystematic affair, insight into which was better achieved through unsystematic – though hopefully not messy – thinking.

His later work in political philosophy, however, moves from the impressionistic to the obscure. Gone are the examples whose intuitive appeal was both rhetorically and philosophically integral to their effectiveness, such as the husband whose Kantian justification for preferring to save his wife from drowning over two strangers gives him 'one thought too many'.¹ In his work in ethics, even readers such as this one, who often remain unconvinced by the arguments suggested by the text, can readily admit that Williams presents an interesting challenge to some well-established line of philosophical thought. The work on politics requires a lot more of the reader. Williams gives us some rather mysterious arguments, and the positions he defends are not ones that could be said to represent 'truths about human life which are very well known to virtually all adult human beings except moral philosophers.'² Central among these is the contention that there is a fundamental difference between the moral and the political, grounded in a normative principle, the 'basic

¹ B Williams, 'Persons, Character, and Morality', in *Moral Luck: Philosophical Papers 1973-1980* (Fontana Press 1985) 17-18.

² B Williams, 'The Liberalism of Fear', in *In The Beginning Was The Deed* (Princeton University Press 2005) 52.

legitimation demand', which is inherent in the very concept of a political solution to the problem of securing order in society.³

Williams' distinction between 'realism' and 'moralism' provides the focus for the work of many prominent contemporary political realists,⁴ as well as constituting part of the structural background to wider contemporary debates about ideal and non-ideal theory, political feasibility, and fact-sensitivity. In the previous chapter I discussed some arguments for the autonomy of political normativity. In this chapter I plan to look at Williams' distinction between realism and moralism through a consideration of the idea of distinctively political reasons. The best realist case for the autonomy of political philosophy seems to rely on an idea of this sort. I will argue that Williams does not succeed in making the idea coherent.

8.2 *Williams on politics*

The 'first' political question, according to Williams, is the 'securing of order, protection, safety, trust, and the conditions of cooperation. It is "first" because solving it is the condition of solving, indeed posing, any others.'⁵ That the state 'solve' the first question is a necessary but not a sufficient condition of its legitimacy. The 'basic legitimation demand' is the requirement that the first question have an 'acceptable' solution.⁶ This means that the state must have some justificatory

³ Williams n2, 4-6.

⁴ See, for example, E Hall, 'Bernard Williams and the Basic Legitimation Demand: A Defence' (2015) 63 *Political Studies* 466; M Philp, 'What is to be done? Political theory and political realism' (2010) 9 *European Journal of Political Theory* 466; M Sleat, 'Bernard Williams and the possibility of a realist political theory' (2010) 9 *European Journal of Political Theory* 485; E Rossi, 'Justice, legitimacy and (normative) authority for political realists' (2012) 15 *Critical Review of International Social and Political Philosophy* 149; B Honig and M Stears, 'The new realism: from modus vivendi to justice', in M Stears and J Floyd (eds) *Political Philosophy versus History? Contextualism and Real Politics in Contemporary Political Thought* (Cambridge: Cambridge University Press, 2011) 177. For some doubts about whether Williams' arguments can give realists what they want, see A Bavister-Gould, 'Bernard Williams: Political Realism and the Limits of Legitimacy' (2011) 21 *European Journal of Philosophy* 593 and P Sagar, 'From Scepticism to Liberalism? Bernard Williams, the Foundations of Liberalism and Political Realism' (2016) 64 *Political Studies* 368.

⁵ Williams n2, 3.

⁶ *ibid.* 4.

story to tell to each citizen. It does not mean that it must have a story that each citizen will actually accept. Anarchists, bandits, enemies, and the ‘utterly unreasonable’, for example, are excluded. Williams is not clear on how the constituency of justification should be drawn, but he thinks that it is a ‘political question’,⁷ and his examples of the types of people who do need to be satisfied that the BLD has been met – ‘other powers, groups, elsewhere sympathetic to the minority, young people who need to understand what is happening, influential critics who need to be persuaded, and so forth’ – reinforce the impression that the crucial question is not whose acceptance is constitutive of *genuine* justification (as a political liberal might say about acceptability to reasonable people) but which people’s and groups’ acceptance in any given case will as a matter of empirical fact enable the state to maintain its position. It is a mainstay of Williams’ position that ‘might is not per se right: the mere power to coerce does not in itself provide a legitimation.’⁸ But Williams does seem to be comfortable with the idea that coercion that is achieved through acceptance by some constituency of the population, specified in an appropriately context-sensitive manner, does amount to political right. It is the fact that under modern conditions only a liberal regime will be accepted by ‘a substantial number of the people’⁹ that makes liberalism the only legitimate form of government ‘now and around here’.¹⁰

Williams regards legitimacy in the relevant sense to be a distinctively political concept:

[P]olitical philosophy is not just applied moral philosophy, which is what in our culture it is often taken to be. Nor is it just a branch of legal philosophy, a point that will concern us later. In particular, political philosophy must use distinctively political concepts, such as power, and its normative relative, legitimation.¹¹

It is not obvious why he thinks that power and legitimation should not be seen simply as moral categories that are heavily implicated in political situations among others. That is part of what I

⁷ *ibid.* 136.

⁸ *ibid.* 69.

⁹ *ibid.* 136.

¹⁰ *ibid.* 8.

¹¹ *ibid.* 77.

want to get to the bottom of. But it is clear that Williams' particular conception of legitimacy is integral to his distinction between realism and moralism.

Political moralism is Williams' name for 'views that make the moral prior to the political'.¹² For the political moralist 'political theory is something like applied morality'.¹³ This, he thinks, is the picture offered by either the 'enactment model' or the 'structural model'. On the first, 'political theory formulates principles, concepts, ideals, and values; and politics (so far as it does what the theory wants) seeks to express these in political action, through persuasion, the use of power, and so forth.'¹⁴ The paradigm of this view, according to Williams, is utilitarianism. On the second, 'theory lays down moral conditions of co-existence under power, conditions in which power can be justly exercised'.¹⁵ Its paradigm is Rawls's theory of justice.¹⁶ *Political realism* is understood contrastively, as a view which 'gives a greater autonomy to distinctively political thought'.¹⁷ Just what this distinctiveness consists in is the question under examination here. Williams does not say anything definitive on this score. But the more important point is that political realism stands for the negation of the 'priority' view. To reject political moralism is 'to reject the *basic* relation of morality to politics as being that represented either by the enactment model or by the structural model.'¹⁸

Many political realists advocate a view on which there are distinctively political reasons, and this is supposed to have important implications insofar as either (i) in some circumstances political reasons clash with moral reasons, or (ii) some scenarios are governed by political reasons but *not*

¹² *ibid.* 2.

¹³ *ibid.* 2.

¹⁴ *ibid.* 1.

¹⁵ *ibid.* 1.

¹⁶ Although note that the structural model seems to apply just as much to Nozick's approach: 'Moral philosophy sets the background for, and boundaries of, political philosophy. What persons may and may not do to one another limits what they may do through the apparatus of a 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' (R Nozick, *Anarchy, State, and Utopia* (Basic Books 1974) 6). The realist critique sets itself against both poles of contemporary liberal theory.

¹⁷ Williams n2, 3

¹⁸ *ibid.* 8 (emphasis in original).

by moral reasons.¹⁹ I start by asking what kind of reasons political reasons must be if there is to be a philosophically interesting contrast between political realism (which recognizes such reasons) and political moralism (which sees political reasons as simply one type of moral reason), or, as I have called it, the simple view. I then ask whether Williams held that there were or were not political reasons, and if he did not, how we should understand his distinction between moral and political *decisions* or *disagreements*. I argue that his account of moral and political decision-making does not give us any grounds to believe in distinctively political reasons. Furthermore, on the face of it, Williams's account looks self-contradictory, because he appears both to affirm and deny the existence of political reasons.

Pursuing the idea that there are political reasons, I examine what appears to be Williams' central argument for political normativity, that is, the idea of the basic legitimation demand (BLD). I suggest two ways of interpreting Williams' remarks. I argue that neither of them provides a successful argument for the existence of distinctively political reasons. First, I consider the possibility that political reasons are reasons of order. This is subject to four difficulties: (i) it is based on an artificial separation of the 'first question' of politics from all the moral concerns that are supposedly conditional upon its solution; (ii) other prioritizations of this kind are possible, and do not give rise to distinctive reasons; (iii) reasons of order are moral reasons; and (iv) the conditionality claim is in any case false. Secondly, I consider what appears to be a *conceptual* argument for them: because the basic legitimation demand is inherent in the very nature of politics, only conceptual analysis is necessary to show us that it is a political rather than a moral norm. This conceptual analysis, I argue, is unconvincing.

My discussion of Williams involves very close reading of his arguments. I have of course tried to construe the arguments as charitably as possible, but a possible criticism of this approach

¹⁹ For an overview, see E Rossi & M Sleat, 'Realism in Normative Political Theory' (2014) 9 *Philosophy Compass* 689.

remains. It is that it leaves the substance of those arguments at the mercy of the precise words in which he chose – perhaps infelicitously, given that the work on politics was still very much work in progress at the time of Williams’ death – to express them.²⁰ My defence is this. The style of Williams’ writing on politics is, as I have said, even more suggestive and elliptical than his previous work. The progression of his arguments is rarely transparent. This is, I think, one reason why it has been so influential. Work whose precise import is hard to pin down is open to interpretation and extension in a variety of directions. But the flipside of this is that ideas can sometimes endure without ever being pinned down. Arguments can survive which, if made more precise, would lose a good part of their appeal. I think that the idea of political normativity falls into this category. If this is the case, then an important task will be the close re-examination of the arguments of one of its most influential exponents. It may be that a viable argument for distinctively political reasons can be made, but if my argument is successful, those looking to construct it will have to look outside Bernard Williams’ writing for its foundations.

8.3 *What kind of reasons would political reasons be?*

What are distinctively political reasons? Most importantly, they are not a type of moral reason. More specifically, they cannot be simply the moral reasons that apply in political situations, or to any situation insofar as it is a political one. That might be a natural view, but it is also a philosophically uninteresting one. For example, we might think that political concerns were primarily concerns about justice.²¹ We might indicate this by labelling reasons of justice political reasons. We might also think that reasons of justice have to be weighed against other reasons, for

²⁰ It might also be objected that we should not expect consistency across such a scattered body of work as is represented in the collection *In the Beginning Was the Deed*. True; but my intention in considering them all is to offer the political reasons view as much support as is available from Williams’ work.

²¹ This seems to be Thomas Pogge’s view in *Realizing Rawls*. Individuals have duties of justice, but they ‘[involve] persons’ *negative* claim not to be made victims of unjust institutions’: T Pogge, *Realizing Rawls* (Cornell University Press 1989) 34 (emphasis in original).

example, reasons of humanity.²² But there is no hint of a realist challenge to conventional assumptions about normativity here as long as this is still a conflict of *moral* values. Political reasons are distinctively political precisely insofar as they are *not* moral reasons.

Those who wish to range political reasons against moral reasons need to steer carefully between two unsatisfactory positions. On the one hand, they want to deny that political reasons just *are* moral reasons – this is precisely their main point. On the other hand, they can't say that moral and political considerations are each types of consideration just like any other; or, to put it another way, that there is a political point of view just as there is a moral point of view. If we see things this way, we will be forced to concede that there could be infinitely many other points of view – the military point of view, the economic point of view, the working-class point of view.²³ The point they want to make is that there is a political normativity that can be seen to *compete* with or *supplant* moral normativity in a way that (at least some of) these others do not. In a way that others do not, because otherwise there seems to be nothing very interesting or special about political reasons at all; in fact, the realist view would end up being a *demotion* of political considerations to the same level as military considerations, or considerations bearing on the health of my front lawn, whereas what they want is a *promotion* of political considerations alongside morality (possibly with a corresponding demotion of moral considerations).²⁴ The realist, then, must allow a degree of similarity between moral and political reasons that is sufficient to convince us that there is an interesting potential clash with moral reasons (a similarity that thus extends well beyond their both just being reasons), but is not so great as to lead us to bring political reasons under the broader head of moral reasons.

²² T Campbell, 'Humanity Before Justice' (1974) 4 *British Journal of Political Science* 1.

²³ Cf. B Williams, *Ethics and the Limits of Philosophy* (Fontana Press 1985) 6.

²⁴ Or it may be that the promotion of political considerations could be considered identical with a demotion of moral considerations, which in the realist view are currently accorded too high a status.

The realist, we might say, needs to convince us that political reasons are *genuine* reasons, rather than, so to speak, merely reasons ‘from a point of view’, where that point of view is one that it may be altogether wrong to endorse. Sarah Stroud introduces the helpful notion of a ‘D-reason’, which is ‘a consideration relevant from the point of view of domain D, a consideration which has weight within or internal to the D-system of evaluation’:

To say that a certain consideration constitutes a D-reason, however, leaves open whether it has any force for the rational agent, any bearing on the practical question of what to do. That is to say that D-reasons in this sense are not necessarily genuine reasons for action. A simple example will illustrate this. It may be perfectly true of me, at a party, that from a social-climbing point of view I have reason to cultivate the rich drunk bore holding forth in the corner. Let us say therefore that I have SC-reason to cultivate him. But it certainly doesn’t follow from this that I have any reason, *simpliciter*, to do so.²⁵

The realist must want to say more than simply that there are political D-reasons. This would be compatible with political reasons being reasons on which no one should ever act – not, note, on which no one should ever act *morally speaking*, but – which is more – on which no one should ever act, *simpliciter*. All that is implied by the existence of political D-reasons is that it is possible to delineate a rough domain of practical reason that can be labelled ‘political’ – perhaps, to invoke a suitably realist conception of the political, it involves the goal of acquiring and maintaining power – and to describe the reasons that apply to someone whose goals are the goals of just this domain. It doesn’t follow from our ability to describe such a normative domain that anyone *ought* ever to act in accordance with these reasons, even before we introduce morality into it.²⁶ So political D-reasons are not enough for the realist thesis. Political reasons must be like moral reasons at least in being genuine reasons for action.

Political reasons, if they exist, are not simply reasons of prudence or self-interest. A popular reading of Machiavelli might tempt us to think that they are, particularly in our era of cynicism about the methods and motivations of the political ‘establishment’ (think of the accusations of

²⁵ S Stroud, ‘Moral Overridingness and Moral Theory’ (1998) 79 *Pacific Philosophical Quarterly* 170, 172.

²⁶ For instance, by explaining that no one ought to act on political D-reasons *because to do so would be immoral* (=would be not to act on the balance of *moral* reasons that applied to her).

self-interested manoeuvring levelled against the MP Boris Johnson recently in the wake of his decision to back the ‘Leave’ campaign in the UK’s referendum on membership of the European Union). But political realists, and Williams in particular, identify certain features of politics – power, for instance²⁷ – that are supposed to undergird its distinctive normativity. These may often be importantly connected with the characteristic motivations of political actors. It may be, for instance, that power takes on the significance that it does on the realist picture precisely because an adequate understanding of politics will be informed by a realistic account of the empirical phenomenon of politics; and this account will tell us that politics is at bottom a struggle of wills rather than a collective deliberative journey. Still, to say that political normativity is *grounded* in the distinctive reality of the political situation (in a way that we have not yet explored), where that reality is significantly shaped by self-interest, is not to say that political normativity is no more than prudential normativity.

But the model of prudential reasons does suggest a promising way to see political reasons. Sidgwick, as hard as he tried, could see no way to escape the ‘dualism of practical reason’. He thought that moral reasons competed on a par with reasons of self-interest, so that choosing the morally right course of action could not be shown to be the right thing to do *simpliciter*, or the rational thing to do – only, trivially, the morally right thing to do.²⁸ Perhaps we should think of the possibility of distinctively political reasons as the possibility that, where political matters are concerned at least, practical reason may be still more frustratingly unstraightforward than Sidgwick thought. Just as prudential and moral reasons are always ranged against each other, at least when they co-exist,²⁹ so are moral and political reasons two conflicting sources of normativity that rationality gives us no guidance on how to decide between.

²⁷ Williams n2, 77.

²⁸ H Sidgwick, *The Methods of Ethics*, (7th edn 1907, Hackett Publishing Company 1981) 507-509; R Crisp, ‘The Dualism of Practical Reason’ (1996) 96 *Proceedings of the Aristotelian Society* 53.

²⁹ It seems possible that there are some scenarios in which there are simply no moral reasons in play. I raise this possibility later on.

This may seem an unwelcome prospect. But we might be inclined to view the admission of political reasons more favourably if they help us to shed light on problems of practical rationality rather than simply introducing needless confusion.³⁰ One possibility worth considering is that the existence of political reasons could give us a way of rendering the problem of dirty hands less mysterious. This is a problem that has appealed to self-styled realist thinkers at least since Machiavelli.³¹ It involves ‘the idea that correct political action must sometimes conflict with profound moral norms’³² but there are several ways to unpack this idea. Each varies in its intuitive appeal and its philosophical interest, but the philosophical interest is usually in inverse proportion to the intuitive appeal.

(1) The *means-end* reading says that doing what (all things considered) right sometimes involves doing what would ordinarily be (grievously) wrong. It is a political problem simply because politics is a domain in which such scenarios arise more readily than in other areas of life.³³ This is, I suggest, uncontroversial.

(2) On the *moral remainder* reading, doing what is (all things considered) right sometimes involves doing what *is* wrong. In other words, a wrong (e.g. betraying a trust) retains its normative valence even when it is done in the service of an end which justifies it. The end justifies the means, but it does not excuse it. The special relevance to politics is often derived from the suggestion that situations of ‘supreme emergency’ – when the life of the state itself is threatened – provide the only, or a common, way of justifying certain kinds of wrong.

³⁰ Williams would of course remind us here that in ethics we should not aspire to simplicity for its own sake.

³¹ Williams’ own take on the problem was the essay ‘Politics and moral character’ in Williams n1.

³² CAJ Coady, ‘The Problem of Dirty Hands’ *Stanford Encyclopedia of Philosophy* (E Zalta ed, Spring 2014 Edition), <<https://plato.stanford.edu/archives/spr2014/entries/dirty-hands/>>.

³³ Thus Weber on the politician: ‘for his action it is *not* true that good can follow only from good and evil only from evil, but... often the opposite is true’ (M Weber, ‘Politics as a Vocation’, in HH Gerth and C Wright Mills (eds), *From Max Weber: Essays in Sociology*, (Routledge & Kegan Paul 1948) 123.

(3) On the *tragic* reading, there is in fact *no* right thing to do. The agent is caught in the terrible bind of having to choose being two or more ‘wrong’ options.³⁴ This is a reading that might appeal to those who are persuaded by Bernard Williams’ contemporary reaffirmation of the reality of tragedy,³⁵ but it removes the paradox that ensures the problem’s continued appeal by denying something that seems to be essential to it, viz. that there is *something* right about the action taken. This seems essential because the theoretical appeal of the problem seems to derive from the paradoxical assertion that an action can be somehow right and wrong at the same time.³⁶

(4) The *political reasons* reading preserves the essential feature of the paradox – that the action taken is both right and wrong – by distinguishing between sources of normativity. The action may be morally wrong, but it is *politically* right. Now it may be objected that this appears to be nothing more than a restatement of the dirty hands problem. Surely the difficulty was precisely to explain *how* an action could be politically right, while being morally wrong? Yes and no. It is true that the dirty hands problem can reasonably be stated in this way. But what makes the political reasons reading an interpretation (and to some extent explanation) of the problem rather than a restatement of it is its understanding of ‘political’ in that statement. In saying that an action can be politically right while being morally wrong, the political reasons reading does not say just that an action that is morally wrong is nevertheless right *in this or that political situation*. That goes no way towards explaining how it could be right in any sense if it is morally wrong. Only if we add the

³⁴ ‘[I]t is this fateful combination of the necessity of coercion, combined with the inevitability of it being put into the service of ends which not all those subject to it will endorse, that gives politics its distinct and potentially tragic ethical dimension’ (M Sleat, *Liberal Realism* (Manchester University Press, 2013) 63).

³⁵ See Williams’ ‘Conflicts of Value’, in Williams n1 (74) for a specific reference. See also M Nussbaum, *The Fragility of Goodness: Luck and Ethics in Greek Philosophy and Tragedy* (Cambridge University Press 1986).

³⁶ It might be said that on the tragic reading, since there is no way to choose on moral grounds between the two options, they are both as much right as they are wrong – so there *is* a right option (in fact, two right options) after all. As implausible as I find the tragic view, it doesn’t seem to me that its advocates need admit this on pain of incoherence. The objection draws its appeal from an implicit analysis of rightness as something like *comparative* deontic choiceworthiness. But even if rightness is correctly analysed as deontic choiceworthiness, the tragic reading can base itself on an *absolute* version of this, where both options fall on the ‘negative’ rather than the ‘positive’ side of the dichotomy. This is what makes them both wrong. The comparative version can still be available (just not as an account of rightness), so that the advocate of tragedy can consistently agree that neither option is more choiceworthy than the other, while denying that this makes either option right.

idea that there are distinctively political reasons for action that are independent of moral reasons for action do we get an illuminating response to the problem, namely, that there are two competing ways for an action to be right.

To my mind this fourth reading makes most sense of what is going on in the dirty hands problem, because it is the only reading that gives a unified account of its two central features: the intuition that the chosen act is both right and wrong, and the distinctively political nature of the problem. The prospect of illuminating the problem of dirty hands is not sufficient warrant for us to conclude that there are political reasons, but it may help to motivate the search.

8.4 *First interpretation: no political reasons*

Before we get to Williams' arguments for political reasons, there is a complication. As we shall see, Williams actually seems to go so far as to *deny* that there are political reasons. This denial, when read against some of the other claims he makes, may appear to render his account self-contradictory. So first I want to consider the possibility that for Williams, the significant normative distinction between the moral and the political is based on the view that there are, not distinct moral and political reasons, but instead distinct moral and political forms of *disagreement*. The idea of disagreement has been another focus of concern for many of those who sympathize with Williams' approach to political philosophy,³⁷ so it is useful to consider the role it plays in Williams' own argument for the distinctiveness of the political.

Williams advances a distinction between moral and political disagreements by way of explaining his claim that freedom is a specifically political value. One consequence of this is that disagreements about freedom are political disagreements. What are these? Perhaps unexpectedly, they are not characterized by the involvement of political reasons:

³⁷ See for instance Sleat n34, 71-79.

The idea of the political is to an important degree focused in the idea of political disagreement; and political disagreement is significantly different from moral disagreement. Moral disagreement is characterized by a class of considerations, by the kinds of reasons that are brought to bear on a decision. Political disagreement is identified by a field of application – eventually, about what should be done under political authority, in particular through the deployment of state power. The reasons that go into political decisions and arguments that bear on them may be of very various kinds. Because of this, political disagreement is not merely moral disagreement, and it need not necessarily involve it, though it may do so; equally, it need not necessarily be a disagreement simply of interests, though of course it may be.³⁸

The reasons that go into political decisions, we are told here, are ‘of very various kinds’; that is, they are not all moral reasons. (There is no suggestion at this stage of the presence of political reasons though.) But is that any different from any other question about what to do? Williams himself in *Ethics and the Limits of Philosophy* is at pains to stress that the straightforward question, ‘What should I do?’ is not itself a moral question; it is a question of practical reason more generally, and various kinds of reasons, moral and otherwise, will bear on it.³⁹ Is Williams’ point that political decisions are made on the basis of moral *amongst other* reasons, as opposed to moral reasons alone? If this were the case, we would seem to be drawn to interpret his remarks about power and legitimacy as distinctively political (as opposed to moral, presumably) concepts as indicating that reasons of legitimacy are not to be regarded as moral reasons. But, as well as sounding simply implausible (cannot parents legitimately or illegitimately exercise their authority over their children? or employers over their employees?), this does not seem to be the direction of Williams’ argument, because he apparently does *not* want to suggest that there is a class of political reasons to range alongside moral reasons. Political decisions and arguments, to rehearse the quotation, are characterized not by the involvement of *political* reasons, but by the variety of reasons, including moral ones, that go into them. Political disagreements, confirms Williams, ‘are not identified through the *kinds of reasons* that are deployed in them.’⁴⁰

³⁸ Williams n2, 77.

³⁹ Williams n23, 5-6.

⁴⁰ Williams n2, 86 (emphasis added).

Williams asserts that political disagreement is ‘not merely moral disagreement’. We can certainly accept this: it is often empirical disagreement too. (Indeed, political debate, both popular and professional, is often unnecessarily hindered by the parties’ infuriating failure – or perhaps refusal – to distinguish between normative and empirical disagreements.) But what else? Williams mentions a ‘disagreement of interests’, but this is an unhelpful equivocation on ‘disagreement’: you can agree with someone about which (moral and prudential) reasons exist, but still choose to favour your own interests as against theirs. A ‘disagreement’ of interests is just a *clash* of interests; and it is hard to see what is of philosophical significance in a distinction between a disagreement about reasons and a clash of interests.⁴¹

In fact, Williams seems to be defining two different kinds of ‘disagreement’ that no one would (need to) suggest were the same in the first place. A moral disagreement, it seems, is a disagreement about *what (moral) reasons there are* in a given situation; that is, about what moral reasons bear on a decision what to do. (And we know that Williams thinks that any decision what to do has various different kinds of reason bearing on it, including moral ones amongst others.) But a political disagreement, it seems, is a disagreement about *what to do* – about ‘what should be done under political authority’. What this means is that what Williams regards as political disagreements occur further downstream in deliberation from moral disagreements (again as defined by Williams). It’s not the fact that a disagreement is political as opposed to moral that makes it different; it’s the fact that it’s further downstream. What Williams regards as a moral disagreement could still be followed by a disagreement about what to do – and this later disagreement could involve ‘reasons... of various kinds’ without being in any way a political disagreement. An example may help to make this clear. Suppose a pair of conspirators with cold feet about their criminal plans agree that there is a substantial moral reason to turn in their fellow conspirators. They then disagree about whether

⁴¹ Williams thinks that Carl Schmitt’s claim that the fundamental political relation is one of friend and enemy is true in the sense that ‘political difference is of the essence of politics, and political difference is a relation of political opposition, rather than, in itself, a relation of intellectual or interpretative disagreement’ (ibid. 78). This looks like a more plausible account of the same observation.

this reason is or is not outweighed by the reason of self-interest to keep quiet so as not to get into trouble themselves. Their agreement is at the stage that Williams reserves for moral agreement and disagreement: it is an agreement about what moral reasons exist. Their disagreement is what Williams regards as a disagreement about what to do. It is that stage that Williams regards as distinctively political. But in this example the disagreement about what to do is not political.⁴²

What about the role of moral and political reasons in a disagreement about what to do in a political situation – about what should be done under political authority? On my analysis, this could involve a disagreement about (what are, as I see it) moral reasons that are *also* political reasons, for example, about what is the socially just thing to do. Reasons of social justice are moral reasons because reasons of justice in general, and therefore necessarily of social justice in particular, are reasons of morality. They are political reasons simply insofar as they concern allocation of resources in society at large. (This needn't be a definitive account of what it means for reasons to be political; if all such reasons are moral reasons, we do not need any such account.) As far as I can see, Williams says nothing that should persuade us to see the matter any other way. The point is that whatever types of reason you think are relevant to the decision what to do – prudential, economic, whatever – are in theory just as relevant to *any* decision what to do, and they interact with the moral reasons that exist in just the same way.

Williams further suggests that a political disagreement needn't necessarily involve moral disagreement. There are a couple of ways in which this might be the case. The first is that the moral reasons bearing on what to do are not in question in this particular disagreement, either because its scope has been deliberately circumscribed by the parties to the disagreement, or because the parties on this occasion happen to agree on moral but not on empirical matters. As an example, imagine two political parties governing in coalition, who do not differ on the moral

⁴² Of course, if the example was about what to do *under political authority*, it would be political – but it would be the political authority that made it such, not the fact that it involved a decision about what to do.

implications of Keynesian or monetarist fiscal policies, but have opposing views on their effectiveness. In such cases – although it might be hard to isolate pure examples – it looks obviously correct to say that we have a political disagreement without moral disagreement, but again this is no different from any other non-political decision situation.

A second possibility is that in some disagreements no moral reasons are at stake, and amongst these are (some) political disagreements. Imagine a (non-political) case of two people disagreeing about what colour to paint a door.⁴³ It might be plausibly suggested that this is simply not a moral issue, at least in the instant case – let’s say, because there is no question of neighbours being upset by a garish colour, or of one of the parties reneging on a previous agreement that the door would be green, and so on. It just doesn’t matter, morally – in the absence of this kind of consideration – what colour doors are painted, so this disagreement involves no moral reasons.⁴⁴ Some disagreements of this type, the argument would go, are political disagreements. The first thing to note is that even if such non-moral disagreements exist, the political domain seems *prima facie* one of the least promising places to look for them. Political decisions are likely to have an impact on people’s interests. Politics is necessary, as realists themselves are keen to emphasize, because those interests conflict and we need some way of adjudicating authoritatively between them. Where people’s interests are at stake, there are moral reasons: because moral reasons are grounded in interests.⁴⁵ It may be objected that some interests are special in grounding political *rather than* moral reasons: the common interest in order or security which poses the ‘first question’ of politics, for example. I address this briefly later on.

It is also in the nature of political decisions that they have the potential to affect many people. The door-painting example works, if it works at all, because the effects of the decision seem trivial,

⁴³ I owe this example to Zofia Stemplowska.

⁴⁴ Whether even this view is tenable (I suspect not) is not the issue here.

⁴⁵ Possibly amongst other things. All I want to claim here is that any sensible moral theory sees moral reasons where people’s interests are at stake, whatever the precise explanation for that is, and wherever else it might see them.

and because the constituency of people who could be affected by the decision is small, with no prospect of extension. Where politics is concerned, the situation is, on the whole, precisely the opposite. In any case, the second and more decisive point here is that what Williams needs to secure his view of distinctively political disagreements is that in some cases of political disagreement, no moral reasons exist, and this *because the disagreement is political*. It is not clear what this suggestion might amount to, and in any case as far as I can see, no argument has been given for it.

8.5 Second interpretation: political reasons

The distinction between moral and political disagreements does not work. Williams has given us no reason to think that any disagreements are distinctively political, and thus no basis from which to claim that political philosophy should be regarded as autonomous. So let us consider the possibility that, contrary to what Williams appears to be saying in the passage above, there *are* distinctively political reasons, that is, genuine reasons for action that compete in force with moral reasons but are entirely different from them. Sometimes Williams' arguments do seem to endorse this view, as when he expresses scepticism about the extent to which 'decisions to engage in international rescue can be helpfully modelled on private decisions under the moral principle of rescue':

I think that when we seriously consider the asymmetries between the international and private cases, we should conclude that we obtain the right slant on these questions by seeing such decisions as political decisions. This is not to deny that moral considerations are involved. Since the reasons for any international intervention directed toward humanitarian rescue must include the consideration that people are suffering, and this consideration in itself is a moral consideration, to this extent the matter is a moral one. But the basic point is that *the decision to intervene must be political*. Political decisions can be made, in part, for reasons that involve moral considerations, and they regularly are so made, when legislation is introduced to control cruelty, abuse, and so forth. To say that a decision is a political decision is to say more than that the decision is made by a government. This, as

we shall see, does not even have to be true. But even when it is true, the point is that *the content of the decision, and the reasons that bear on it, are non-trivially political*.⁴⁶

In this passage Williams suggests that, not only is the decision to intervene a political one, but also the *reasons* that bear on the decision to intervene are themselves (‘non-trivially’) political. But there is no explanation here or in the other passages touching on political decisions what kind of reason political reasons are, or why we should believe that they exist, or are not simply identical with moral reasons, or economic reasons, or reasons of (national) self-interest, and so forth: in other words, the kinds of reason that are relevant in situations of political (and, for most of them, many other kinds of) decision-making. The humanitarian case differs from the private rescue case, we are told, because there is a co-ordination problem: the ‘powerful states’ who are in the best position to act ‘have to make a political decision’.⁴⁷ Even if it is right that such a state ‘should use its power to stabilize the political order in the world or in its own region of the world’, nevertheless this ‘demands a series of political decisions that reach immeasurably further than what is immediately suggested by the morality of rescue.’⁴⁸ No doubt such decisions are complex, and involve difficult problems of co-ordination between states who have their own interests and public opinion at stake. But it does not follow from the uncontroversial point that political *decisions* are made on the basis of many types of reason,⁴⁹ that all the types of reason on the basis of which political decisions are made can be labelled ‘political’ reasons in any philosophically interesting sense. The attempt seems to be to mark out an empirical domain of the political (as in ‘political decisions’) and to move without argument to the claim that there is also a normative domain of the political, consisting of those reasons that apply to decisions made in the empirical political domain. But this just doesn’t follow.⁵⁰

⁴⁶ Williams n2, 148 (emphases added).

⁴⁷ *ibid.* 149.

⁴⁸ *ibid.* 149-50.

⁴⁹ Williams usually – but not always – talks about ‘considerations’ rather than ‘reasons’. I take it that considerations are candidate reasons.

⁵⁰ Williams also seems confused about the category of ‘judicial’ reasons. He notes that where judicial review exists a court may make a political decision about someone’s claim in liberty, but such decisions are ‘made

The conclusion that we can draw from the discussion so far is that, on the face of things, Williams' position on political reasons is self-contradictory. On the one hand, he appears to deny that there are political reasons. Political disagreements, he argues, are characterized not by a kind of reason, but by the multiplicity of reasons that they involve. On the other hand, he affirms quite clearly that political decisions are made on the basis of 'non-trivially' political reasons. He does not fill in the details of the nature of these reasons, but they are not moral reasons.

But this reading may be too uncharitable. The first passage does not deny outright that there are political reasons. It may be that political disagreements involve political reasons amongst others, but that what marks them out as political disagreements is not the prevalence, or even presence, of political reasons, but the sheer variety of reasons involved. Nor is it clear from the second passage how we are to understand political reasons, or what the best argument for them is. We need to go further into Williams' political philosophy if we are to reconstruct something like a full argument for the normativity of the political.

8.6 *Political normativity and the basic legitimation demand*

If anything is a distinctively political reason, or gives rise to such, it is the basic legitimation demand. It is in his discussion of the BLD that Williams pursues most explicitly the idea that political normativity is distinct from moral normativity. The crucial claim Williams makes is the following:

for judicial reasons', and 'judicial reasons, the kinds of reason that a constitutional court, however inventive, must attend to, are only one kind of reason' (Williams n2, 86-87). But aren't judicial reasons just whatever reasons are legitimately or (alternatively, depending on preferred usage) actually canvassed by judges in the course of making their decisions? It's not clear what Williams thinks is the nature of this single kind of reason – what, for instance, does he think is the relationship between judicial and *moral* reasons? Aren't judges permitted to base their decisions on legal, moral, economic reasons? It is hard to see any warrant for uniting these under the head of 'judicial reasons' except insofar as that just means, trivially, the reasons used by judges.

It may be asked whether the BLD is itself a moral principle. If it is, it does not represent a morality which is prior to politics. It is a claim that is inherent in there being such a thing as politics: in particular, because it is inherent in there being first a political question.⁵¹

What is meant by the claim that the BLD, if it is a moral principle at all, is one that is ‘not prior to politics’? Williams seems to be saying that the BLD is not a moral principle that we have to *apply* to political situations. This is consonant with his denial that political philosophy is applied moral philosophy. The conventional view to take might be to say that the BLD is a moral principle that has to do with the justification of coercion, and that it applies to political situations amongst others because it applies to all situations that involve power. Williams must recognize that many, if not most, political philosophers, accept a moral principle to the effect that coercion requires justification or, equivalently, that coercion is *prima facie* wrong. For the BLD to be a distinctively political principle, it will not be enough for it to be relevant most prominently in political circumstances, as seems plausible. One might say the same about many other principles. Take the principle of fair play invoked by Hart and Rawls to account for our obligations to one another as citizens.⁵² For their arguments to succeed in providing the ground for a political obligation, they do not need to suggest that this is a distinctively political principle. Indeed, the way the argument works is to explain an obligation that is specific to the political domain – our obligation to our fellow citizens – by way of an obligation that is more general – our obligation to contribute to a collective enterprise from which we benefit. That the obligation is a moral one is obvious from the kind of examples that are typically used to illustrate it (or its absence) – think, for example, of Nozick’s famous system of public entertainment that I am supposedly obliged to contribute to after having benefited from other people’s stints.⁵³

The burden on the realist view, then, is to show that the specific principles (such as the BLD) that apply to politics are not just moral principles that are also applied elsewhere (most obviously,

⁵¹ *ibid.* 5

⁵² HLA Hart, ‘Are There Any Natural Rights?’ (1955) 64 *Philosophical Review* 175; J Rawls, ‘Legal Obligation and the Duty of Fair Play’, in his *Collected Papers*, (S Freeman ed, Harvard University Press 1999).

⁵³ Nozick n16, 93.

in other contexts where power must be justified) – to show, as it were, that politics is a normative, and not just an empirical, domain. But Williams’ assertion that the BLD is not prior to politics is not an argument for this. What, then, is the argument?

8.6.1 Political reasons as reasons of order

Williams regards politics as governed by an internal normative standard that derives from its necessary focus on solving the ‘first political question’. ‘It is inherent,’ he says, ‘in there being first a political question’. That is the question of ‘securing... order, protection, safety, trust, and the conditions of cooperation. It is “first” because solving it is the condition of solving, indeed posing, any others.’⁵⁴ One way of interpreting what is going on here is this. The normative demand that arises from the first political question is prior to morality because it is the condition of posing any (other) moral questions. There is no question of morality being applied to politics, then, because the political question arises first, before morality has even had chance to get a foothold. There can be no moral reason to do anything before the political reason to solve the problem of order has been satisfied.⁵⁵

This is an intriguing proposition, but there are several objections to it. First, it derives its appeal from an artificial separation between the ‘first’ question of order and ‘everything else’ that is conditional upon its solution. Even if it is true that no (other) moral concerns become relevant until the first political question has been solved, it does not follow that the normative demand that arises from the interest in order and security is not itself a moral demand. It just means that one moral demand arises before we can occupy ourselves with any others. This looks like a thin

⁵⁴ Williams n2, 3.

⁵⁵ I take it that there could be many political reasons, all deriving from one ultimate reason to secure order.

foundation for ‘distinctively political’ thought, and offers no basis for any competition between moral and political reasons, since the political reasons must be satisfied before moral reasons arise.

Secondly, other prioritizations of this ‘conditional’ kind are possible. Compare Rawls’s general and special conceptions of justice. The general conception demands only that ‘social values – liberty and opportunity, income and wealth, and the bases of self-respect – are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone’s advantage.’⁵⁶ The serial ordering of principles in the more familiar special conception, under which liberty takes priority, may not be appropriate until society has reached a level of material prosperity at which the exercise of the relevant liberties becomes overridingly important.⁵⁷ This means that the moral demand to raise the society’s level of material prosperity is prior to the demand for liberty. But does it make reasons of material prosperity normatively distinctive? This doesn’t seem to me to be a sensible conclusion.⁵⁸

Thirdly, reasons of order, safety, trust and so on just look obviously like moral reasons. It is important from a *moral* point of view that we live in an orderly society, that we are safe from the predations of others, that there is a minimal level of trust between strangers, and so on – just as it is important from a moral point of view that we are happy, or that we have food and shelter.

Finally, it is in any case not true that the first question must be solved before any others arise. Perhaps Williams thinks that questions of interpersonal morality are meaningless or irrelevant until some minimal level of civilization has been achieved. He does regard his approach as owing something to Hobbes, who may have believed something similar.⁵⁹ But this is a contentious and

⁵⁶ J Rawls, *A Theory of Justice* (Harvard University Press 1971) 62.

⁵⁷ *ibid.* 62-3, 247.

⁵⁸ If it does, it leaves us – on the reasonable assumption that examples could be multiplied – with an ontologically profligate picture of multiple distinct types of reason, and Williams with no basis on which to claim that political reasons are any *more* distinctive than any of these other reasons.

⁵⁹ But not this, I think. Williams, on the interpretation here, is suggesting that the *existence* of moral reasons is conditional on the satisfaction of one (political) reason in particular (the need for order). Hobbes, I believe, thought that the very *coherence* of moral reasons as authoritative in the way we consider them to be was dependent on the guarantee of their objectivity by the sovereign’s command.

prima facie unappealing view for which he gives no argument. People can engage in heinous exploitation in the midst of civil war, and personal betrayals can be committed under chaotic dictatorships. The existence of moral reasons against such acts is not conditional on the solution of the first political question.

8.6.2 *Political reasons as reasons of legitimacy: a conceptual argument?*

It seems to me that the interpretation that emerges most strongly from what Williams writes is that he is offering a conceptual argument.⁶⁰ To see how this might work, let's quickly remind ourselves of the meanings of some of Williams' central terms, and of the basic claims he makes.

The 'first political question' is the securing of order.⁶¹ This is not really a question so much as a problem. Williams himself refers to its 'solution' rather than its 'answer', which would be more natural for a question. So let's refer to it as the 'problem of order'. The 'basic legitimation demand' is that this first problem of politics have an 'acceptable' solution.⁶² Meeting the BLD is what distinguishes a legitimate from an illegitimate state.⁶³ The BLD is a normative principle of some kind,⁶⁴ but it is not a moral principle. (Recall Williams' assertion, quoted above, that the BLD does not represent a morality that is prior to politics, and is instead inherent in there being such a thing as politics.)

The idea that there are distinctively political reasons emerges from this framework in the following way. There is a distinctively political reason for a state to give an 'acceptable' solution to the problem of order; that is, the reason a state has to provide a justification for its coercion

⁶⁰ This is recognized by Sagar n4, 371.

⁶¹ More fully, it is 'the securing of order, protection, safety, trust, and the conditions of cooperation' (Williams n2, 3).

⁶² *ibid.* 4.

⁶³ Solving the 'first question' is a necessary condition of legitimacy; meeting the BLD (i.e. solving the first question in an 'acceptable' way) is sufficient (*ibid.* 3-4).

⁶⁴ See note 78.

(i.e., to be legitimate) is a political reason. This is to be contrasted, presumably, with the reason a parent has to provide a justification for coercing her child, or an employer has to provide a justification for coercing her employee. These are moral reasons.

So where does the state's reason to provide an acceptable solution to the problem of order come from? That is, why is there a demand (which means more than just *that people do demand*⁶⁵) that the problem of order have an acceptable solution? Williams' answer is this:

At the basic level, the answering of the 'first' question does involve a principle, the BLD. The approach is distinguished from that of PM [political moralism] by the fact that this principle, which comes from a conception of what could count as answering a demand for justification of coercive power, if such a demand genuinely exists, *is implicit in the very idea of a legitimate state, and so is inherent in any politics*.⁶⁶

The BLD is not a principle that we apply *to* politics; because it is already inherent *in* politics. But what does it mean to say that the BLD is inherent in politics? Williams has given two reasons why this could be the case. He has said that the BLD is inherent in (there being such a thing as) politics

- (i) because it is inherent in there being first a political question [problem], and
- (ii) because it is implicit in the very idea of a legitimate state.

Neither of these seems to advance things much because each seems in danger of making the question under investigation – why is the BLD inherent in politics? – seem trivial. The first explanation seems to make the question equivalent to:

The demand that the problem of order have an acceptable solution (=the BLD) is inherent in politics because it's inherent in there being a problem of order (=the first political question).⁶⁷

⁶⁵ Williams makes this clear at Williams n2, 6.

⁶⁶ *ibid.* 8 (emphasis added).

⁶⁷ On the possibly unjustified assumption that 'there being first a political question' is to be read as equivalent to 'there being a first political question'.

While the second, given that the BLD is Williams's suggested principle of political legitimacy, seems to make it equivalent to:

The principle of legitimacy (i.e. the BLD) is inherent in politics because it's inherent in the very idea of a legitimate state.

These explanations seem to imply that there is no more explanation of the BLD available than is plainly evident from a proper consideration of the concepts involved in the question.⁶⁸ But perhaps this is precisely the point. As far as I can see, Williams wants to persuade us that the mere need to distinguish legitimate from illegitimate states is enough to ground the basic legitimation demand.⁶⁹

The following passage may help us to see how the argument is supposed to go. In it Williams tries both to give an idea of what makes a situation political, and to explain how the idea of legitimacy emerges. The key to understanding the conceptual argument is to realize that the justificatory story required by the BLD is what allows us to distinguish the first problem of politics from its solution:

The situation of one lot of people terrorizing another lot of people is not per se a political situation: it is, rather, the situation which the existence of the political is in the first place supposed to alleviate (replace). If the power of one lot of people over another is to represent a solution to the first political question, and not itself be part of the problem, *something* has to be said to explain (to the less empowered, to concerned bystanders, to children being educated in this structure, etc.) what the difference is between the solution and the problem, and that cannot simply be an account of successful domination. It has to be something in the mode of justifying explanation or legitimation: hence the BLD.⁷⁰

⁶⁸ Compare Williams' discussion in *Ethics and the Limits of Philosophy* of the allegedly 'peculiar' notion of obligation used in the 'morality system'. Williams asserts that 'Obligation works to secure reliability, a state of affairs in which people can reasonably expect other to behave in some ways and not others. It is only one among other ethical ways of doing this. It is one that tries to produce an expectation that through an expectation of' (Williams n23, 187). He uses his minimalist but unargued-for position on the nature of obligation to criticize the 'moralist' view of obligation, offering it as a conceptual-analytical corrective to the moralist's mistake.

⁶⁹ Of course, in any given society there may be a good deal more to legitimacy than the BLD requires; but that is precisely the sense in which it is basic.

⁷⁰ Williams n2, 5.

I think what Williams is arguing is that as long as we grant both (i) that there is a difference between a legitimate and an illegitimate state, and (ii) that the first political problem is the problem of order,⁷¹ then we must also accept the basic legitimation demand – because it is the fact that *something* can be said (that some justificatory story can be told) to the coerced that distinguishes legitimate from illegitimate, and distinguishes an exercise of power that is the *solution* to the problem of order from an exercise of power that constitutes the very problem itself (i.e. the exercise of each person or group’s power over the next a situation of ‘unmediated coercion’, of ‘one lot of people terrorizing another’).

But why not say that the solution to the problem is a *successful* exercise of power? That is, why cannot the solution to the problem be the imposition of order by the most powerful agent? The problem is the ‘securing of order, protection, safety, trust, and the conditions of cooperation’. These things can be secured by the imposition of a settlement by sheer force.⁷² So we can distinguish between the problem and the solution without invoking any requirement that the solution be acceptable.

Williams recognizes that responding to this challenge is vital to the success of his project. It is vital because his rejection of any moral principle as grounding a state’s need to justify its coercion of its citizens leaves his account at risk of becoming a debunking of our concept of legitimacy rather than a realist reconsideration of its requirements. The so-called moralist can answer the challenge by saying that it is a basic moral principle that coercion requires justification. The imposition of order by force alone is *morally* unacceptable; the state has a *moral* reason to provide its citizens with a justification for its use of coercion. Williams wants to reject this, but he does not

⁷¹ On this interpretation, the problem of order’s being ‘first’ amounts to its being the problem that is conceptually linked with legitimacy. This is itself debatable, but is part of Williams’ Hobbesian starting point.

⁷² Order, protection, safety and the conditions of cooperation can be secured fairly straightforwardly. Trust is a more difficult case if by that Williams means a relationship between people (and perhaps between citizens and state) that involves believing in each other’s good intentions. But a more minimal understanding of trust, as simply the day-to-day belief that one’s neighbour is not about to threaten one’s person or property, is more in keeping with the Hobbesian spirit of Williams’ argument.

want his conception of legitimacy to be attenuated to the point of permitting just any securing of order. He is a political realist rather than a political nihilist. He thinks the challenge can be dealt with in exclusively political terms.

Williams' answer to the challenge, however, is unconvincing. According to the argument, what bars mere successful coercion as a viable criterion for distinguishing the problem from the solution is the "necessary truth" that "political right is not merely might". This constraint on proposed responses to the demand for justification follows directly after the passage just quoted, and seems to be offered as an explanation of his claim that an account of successful domination cannot be what distinguishes the problem from the solution:

One thing can be taken as an axiom, that might does not imply right, that power itself does not justify. That is to say, the power of coercion offered simply as the power of coercion cannot justify its own use.⁷³

This principle recurs several times in the political essays, with various formulations:

Everywhere, universally, at least this much is true, that might is not per se right: the mere power to coerce does not in itself provide a legitimation.⁷⁴

I take it that the following is a universal truth: legitimate government is not just coercive power.... [E]veryone everywhere where there is such a thing as government recognizes some distinction between legitimate government and a mere conspiracy of effective coercion, even if many people have lived and do live under such a conspiracy or in a state which is not much more.⁷⁵

[O]ne of the few necessary truths about political right is that it is not merely might.⁷⁶

The axiom that might does not imply right is just the bulwark that Williams needs to prevent a slide from political realism into political nihilism. Any suggestion that a state's legitimacy is secured merely by its success in bringing order, where that success is a result of the application of force alone, neglects a conceptual truth about legitimacy. The axiom is what lies behind the claim that the BLD is inherent in the *very idea* of a legitimate state, and thus in politics. It is also what supports

⁷³ Williams n2, 5-6.

⁷⁴ *ibid.* 69.

⁷⁵ *ibid.* 94.

⁷⁶ *ibid.* 135.

Williams' claim that the BLD is a distinctively political principle, because on Williams' view, legitimacy, the conceptual analysis of which yields the BLD, is a distinctively political concept.⁷⁷

The problem with the axiom is that Williams gives us no reason to see it as distinctively political. Williams' analysis purports to tell us that might is just not the right kind of thing to justify coercion. It is not clear whether he thinks that this 'necessary' truth is itself normative or not.⁷⁸ Be that as it may, it does seem to be true. But is it not true in morality as well as in politics? The coercion of children by parents is not justified because parents are in a position of power over their children. We would think it both outrageous and absurd if an employer were to justify a coercive contract of employment by reference to nothing more than its own position of dominance over its employees. We are back where we started. If the principle that might is not right is the normative basis of the BLD, then the BLD arises from the application of a moral principle to politics.⁷⁹

8.7 Conclusion

Agents have a moral reason not to coerce others without a valid justification. This is true in all walks of life; the relationship between state and citizen is just one example. Now of course Williams

⁷⁷ *ibid.* 77.

⁷⁸ Williams does regard the idea of legitimacy in general as normative, in the refined sense that is consistent (in his view) with adopting the 'relativism of distance'. That means that ideas about what is or is not legitimate can be intelligibly action-guiding for us now, and 'in relation to other societies which co-exist with ours and with which we can have or refuse to have various kinds of relations' (*ibid.* 14).

⁷⁹ Might Williams want to claim that all coercion is *eo ipso* political rather than moral? This would involve finding in my alleged counterexamples of parenting and employment (as well as others, such as blackmail) distinctively political concerns. If this is the basis of Williams' argument, then it looks to be a tendentious analysis of the political. Nor would such a broad and unintuitive category sit well with the realist insistence that political philosophy focus on what is, in Williams' own words, 'platitudinously politics' (*ibid.* 13). What of the slogan that 'the personal is political'? This neither amounts to nor implies a claim that all coercion is political. It means that some aspects of people's personal lives are worthy objects of political concern and political intervention. But from the fact that the state may have a reason to prevent (e.g.) domestic coercion it does not follow that the reasons individuals have not to coerce others in domestic contexts are political reasons. It also means that interaction between private individuals can often resonate well beyond the personal sphere, that we should consider the social impact of our patterns of personal behaviour, and that we should recognize (as we too often fail to) that moral considerations that figure prominently in political contexts (for example, of justice) are sometimes no less relevant to personal relationships. None of this should make us think that such considerations are not moral ones after all.

has a good deal more to say about what amounts to legitimate government in any given set of historical circumstances. In his view, what is legitimate depends crucially on what 'MS [makes sense] as an example of authoritative order.'⁸⁰ I do not propose to examine this aspect of Williams' account. It may be that it will enable him to show that legitimacy is both less demanding and more historically contingent than the high liberal tradition has supposed. But any success in this regard cannot depend on the idea of distinctively political normativity. This is because, as I have argued: (i) there is no normatively relevant distinction between moral and political disagreements; (ii) the various considerations bearing on political decisions do not fall into any philosophically interesting category of political reasons; (iii) the social imperative to secure order is a moral imperative, and need not be satisfied before other moral reasons can arise, and (iv) the basic legitimation demand does not arise independently of any moral principle regarding the justification of coercion.

Where does this leave Williams' realist conception of political philosophy as a discipline requiring autonomy in respect of moral philosophy? It removes an important element of the picture. It should be uncontroversial that politics is empirically complex and deliberatively demanding. Careful thinking about political action requires consideration of a multitude of actors, and their obscure and sometimes suspect or base motivations. It requires us to perform difficult risk analyses about very long-term consequences (often from within an institutional framework that militates against long-term prudence), and to confront the sometimes unappealing short term trade-offs. It involves pervasive disagreement and conflict of interest, and the unattractive compromises that they entail. But is political thought for all that *normatively* distinctive? As long as the reasons in play are of the same kind, there is no obvious path to this conclusion.

⁸⁰ *ibid.* 11.

9. Conclusion: Political Theory as Moral Philosophy

In this concluding chapter I reflect briefly on the arguments for the autonomy thesis and the possible connections between them, before identifying some of the philosophical questions that have been raised but left unanswered by my investigation. In particular, I provide the outline of answer to the question whether political theory is applied ethics.

9.1 *Some thoughts on autonomy arguments*

9.1.1 *Structural and methodological autonomy*

What can we say in general about the arguments for the autonomy thesis? In this section I try to pull together some of the strands of argument and counter-argument from the preceding five chapters in order to draw some conclusions about the claims I have been examining.

Let's first consider the contrast between methodological and structural arguments. Methodological arguments are potentially broader in their reach. It's great to be able to say to people, quite independently of their normative positions, that they're going about political theory in the wrong way. But methodological arguments seem to be correspondingly less likely actually to bite. The ones I have examined either reduce to the banal or collapse into arguments in first-order normative theory.

The political liberal argument is guilty of the first failure, since it shows only that a political *conception* of justice is autonomous with respect to moral philosophy, not that the normative theorizing that could justify the distinctive approach to justice and legitimacy that requires a political conception is autonomous. Ripstein's Kantian argument and the political realist purpose critiques are both guilty of the second failure. Ripstein finds fault with those who ask the 'wrong'

questions about authority and coercion, but it turns out that his way of seeing things can only be vindicated by an argument for the Kantian understanding of external freedom; an argument, that is, in normative political theory. The purpose critiques, meanwhile, take contemporary philosophers to task for failing to provide action-guiding, motivating and palatable recommendations for institutional reform. Even where such complaints correctly diagnose a lack in the theories they target, we are only justified in regarding it as a failure in a political theory as such if we accept that the purposes identified by the critics – ‘making a difference to the real world’, however that is characterized by the individual realist – attach uniquely and necessarily to political philosophy. Persuading us of that is a task for normative theory too.

Ripstein’s argument achieves a kind of conditional success, because *if* we accept his arguments in normative theory, then there is a genuine sense in which political norms – juridical laws – constitute an autonomous normative realm: they are those norms which exclusively govern coercive acts.¹ But remember that if we do accept that a Kantian vision of independence (or non-domination) is the most compelling understanding of the value of political freedom (as opposed to the ‘internal’ freedom of Kantian autonomy), and if we accept, further, that the recognition of this singular value commits us to a picture of human interaction on which coercion is an appropriate response to all and only those acts which breach a person’s right to equal freedom - *if* we accept all that, the species of autonomy that results for political philosophy is structural rather than methodological.² This seems to me unsurprising. Arguments based exclusively on methodology are extremely ambitious. They purport to say something about the relationship between two things – moral and political philosophy, or moral and political theories – without first

¹ I conceded in Chapter 4 that a full defence of the simple view would require a critique of the Kantian conception of freedom and coercion. To the extent that I have not provided that, I do not take myself to have fully vindicated the simple view. But I do think the considerations adduced there tell against the use of the autonomy thesis as a philosophical move that is supposed to operate independently of substantive arguments in normative theory.

² Or, at least, it is methodological only insofar as it is structural. As I set out in Chapter 3, the methodological autonomy of political philosophy follows from the structural autonomy of political theories, but methodological autonomy can also be argued for independently.

specifying in a way that will invite controversy what the content of those two things is. This kind of methodological thesis might work well where the content of the relata can be uncontroversially specified, or even stipulated for the sake of argument. But that is clearly not the case here. What we assign to moral theory and what to political has to be argued for. And arguments about the content of normative theories tend to involve doing normative theory. Methodological arguments therefore disguise as observations about how political philosophy, simply as such, must be done what are really differences in substantive normative commitments.³

I suggested in Chapter 3 that it was difficult to see how we could work out the structural relationship between moral and political without having first produced some kind of normative moral and political theory. The discussions of the structural arguments here have borne out this difficulty. Ripstein manages to provide an insightful picture of the relationship between moral and political norms, as governing what we ought to do and what we can be forced to do respectively, but our only way to access that putative insight is by a prior acceptance of his Kantian political theory. Normative argument comes first; structural insight comes only as a corollary. The alternative is to proceed by some kind of *conceptual* argument. This – on one reading at least – is Bernard Williams' strategy.⁴ He attempts to ground a specific normative account of legitimacy in a conceptual analysis of the political. Something like this also seems to be going on in the realist accounts of the distinctiveness of politics as grounding an autonomous set of political norms. But these accounts are highly contentious and, I have argued, unconvincing.

There is an instructive contrast here between Ripstein's approach and the realists'. The realist accounts of the political leave it mysterious in just which circumstances political norms rather than moral norms apply because they offer only a heterogeneous collection of features that are alleged to be specially characteristic of the political domain. Quite apart from the contentiousness of these

³ Lorna Finlayson makes a similar point in *The Political Is Political*, Ch 5.

⁴ See 8.6.2.

attributions of power, disagreement, conflict, and so on to the political domain in particular, this strategy holds out little prospect of our reliably distinguishing political problems from non-political ones. Is the decision to enter politics, for example, governed by political reasons or by morality? Ripstein does offer us a coherent category of situations in which political rather than ethical norms apply, namely, the category of coercive acts. Of course, this still leaves us with the justification for singling out *this* category, and using *this* characterization of coercion.⁵

Structural arguments are *prima facie* more promising than methodological ones. It seems very unlikely in the light of the failures of methodological arguments canvassed in the preceding chapters, that a convincing case could be provided for the non-derivation constraint without a basis in a difference between the moral and the political as normative categories. And rather than trying to take for granted the content of moral and political theories, structural arguments make an explicit case for a specific account of that content; it is that account of the content of the moral and the political that in turn provides their case for the autonomy of the political. But such arguments rarely live up to their billing. They are advertised as normatively neutral, depending on conceptual or empirical claims about the nature of politics, whereas in fact they place us squarely in disputes about normative theory. And the bold claims such argument make for specialness on behalf of the political, when properly interrogated, are revealed to have little substance.

9.1.2 *Political liberalism and political realism*

I have highlighted the disparate sources of the autonomy thesis in contemporary political philosophy. Even theorists who disagree about many things turn out to converge on the claim that

⁵ Not to mention the question whether the distinction between coercive and non-coercive can be systematically maintained.

political philosophy is autonomous. But these convergences are rarely purely accidental. Even ways of thinking that are superficially opposed often turn out to have important features in common.

One particularly interesting parallel is between the realist purpose critiques and the political liberal argument. Both of these take political philosophy to have a practical purpose that moral philosophy does not. And the Quong-inspired strategy I suggested for saving the political liberal autonomy thesis as a substantive doctrine rather than a banality (that of saying that what is autonomous is all there is) amounts to a purpose critique in itself. It says that constructing political *conceptions* is the task of (liberal) political philosophy; the rest of the justificatory work is not something it's appropriate to focus on once we're in a liberal democratic regime. If political liberalism develops along these lines, political liberalism and political realism end up saying something similar. Their message is that *if* this is what the political philosopher is doing – for political liberals, that is constructing a political conception of justice; for political realists, it is something like producing concrete recommendations for institutional reform here and now – then certain things follow. And of course, they think that these *are* the tasks in which political philosophers should be occupied. But what reasons they give for us to see the purpose of political theory in their way just amount to more normative political theory.

But that is just an instance of a general problem that I have already laboured enough; there is a good deal more to be said here. Notwithstanding his categorization of Rawls as a political moralist, Williams' characterization of the basic legitimation demand is resonant of Rawlsian and post-Rawlsian political liberalism. Williams endorses a version of the political liberal requirement that a justification of the state's coercion be available to each person.⁶ He acknowledges that while the government 'must have "something to say" to each person or group over whom it claims authority, ... it cannot be implied that this is something that this person or group will necessarily accept.'⁷

⁶ B Williams, *In The Beginning Was The Deed* (Princeton University Press 2009) 4, 95.

⁷ *ibid.* 135-6

One of the possible reasons for non-acceptance that Williams notes is that people may be ‘utterly unreasonable’: as in political liberalism, the unreasonable are excluded from the constituency of necessary justification. Or again, consider Williams’ suggestion that we may have to ‘think in terms of a structure in which (notably in contrast to the aims of traditional ethical theory) public justification did not try to justify what it was doing to everybody, or every possible person; it would justify it, so far as possible, within its own ethical constituency.’⁸ To reasonable people within liberal democratic regimes perhaps? ‘This would mean,’ Williams goes on, ‘that while its arguments would necessarily have procedural features, the basis of the considerations it took into account could borrow more from the distinctive ethical experience of its constituency, and not fall back merely on the most general and “thin” considerations.’⁹ One might even say that a public conception of justice should tackle the disagreements that exist at the most basic or ‘comprehensive’ level by drawing its normative concepts from the available public political discourse.

Most intriguing is Williams’ concession that his position may have an ‘alarmingly relativistic’ feel, given its exclusion of some from the constituency of justification:

in the end no theorist has any way of advancing beyond [this position]. He or she may invoke absolute or universal conditions of legitimacy, which any ‘reasonable’ person should accept; but in doing this, he or she speaks to an audience in a given situation, who share these conceptions of reasonableness, or whom the theorist hopes to persuade – by this text, among other things – to accept them.¹⁰

Compare Jonathan Quong’s response to the charge that political philosophy needs to answer the question ‘why be liberal at all?’:

It is a mistake to suppose political liberalism must aspire to answer this question; at least it is a mistake if we also suppose (a) the answer must be addressed to those who are not already committed to core liberal values or their deliberative priority, and (b) a failure to successfully convince such persons would constitute a problem for liberal theory. If we

⁸ *ibid.* 49

⁹ *ibid.* 49

¹⁰ *ibid.* 136.

were to take this view we would... be making the justification of liberal justice hostage to the views of persons who might hold unjust or illiberal views.¹¹

That political realism and political liberalism both endorse the autonomy thesis is not unrelated to these deeper affinities. Both schools of thought seek to foreground political justification. But they also take such foregrounding to bring with it an unusual attitude to philosophical justification. Quong reasons that since philosophical justification is not political justification, it is redundant in liberal political philosophy. Williams thinks that political justification involves distinctive concepts and ways of argument that are not available to moral philosophy. I have argued that both of these inferences are mistaken.

9.1.3 *Legitimacy*

A related commonality lies in the focus in several of these arguments on *legitimacy*. The political liberal argument, the realist argument from disagreement (6.3.3), and Williams' argument from the basic legitimation demand assign a similar role to legitimacy.¹² Williams, as we have just seen, thinks of legitimacy along similar lines as political liberalism, as being a matter of justification to a limited constituency of people. But he regards legitimation as the 'normative relative' of power, and as such a 'distinctively political concept', and therefore regards political philosophy as structurally autonomous. The argument from disagreement regards autonomous political thinking as a distinctively political response to our disagreements within moral philosophy. A version of this argument was pursued, tellingly, by one self-styled realist (Matt Sleat) and one political liberal (Charles Larmore).

¹¹ J Quong, *Liberalism Without Perfection* (Oxford University Press 2010) 233.

¹² Ripstein also sees legitimacy as central, but his conception of its role is significantly different. He thinks that the idea of asking what makes coercion of citizens' antecedent duties legitimate has already travelled too far from the correct (Kantian) understanding of coercion as a hindrance to freedom. The idea of legitimacy is for him already implicit in the very notion of coercion itself.

In each case legitimacy is regarded as an ‘extra’ problem that confounds an approach rooted exclusively in moral philosophy. These arguments find problematic the idea that moral philosophy itself has the resources to deal with the circumstances in which its own ‘findings’ are in dispute and need authoritative settlement. My responses to these arguments have in common that they deny that it is the resources of moral philosophy as such that are lacking here. These autonomy arguments seem to assume that for moral philosophy to be adequate it must be *politically* adequate – it must somehow solve problems of politics for us – whereas all I claim on behalf of moral philosophy – all that any branch of philosophy could claim – is that it is *philosophically* adequate. Even if we can solve philosophical problems, that will not get us very far with politics. But it would be strange, and even dangerous, to think otherwise.

The tendency to see legitimacy as a normative problem that requires resources outside moral philosophy is perhaps symptomatic of the more obvious tendency since John Rawls to identify political philosophy – or at least the core of political philosophy – exclusively with theories of justice. If we take for granted that conventional political philosophy, or ‘moralist’ political philosophy, consists in the task of ‘mapping out the structure of the ideal society’,¹³ while bracketing questions of power and coercion, it will be no surprise to find that political philosophy needs a radical overhaul in order to cope with the problems of ‘real’ politics. It is a short step from there to relabel this new task as political philosophy and to recategorize the mapping out of ideal justice as mere moral philosophy. But we simply do not need any of this reconceptualization in order to criticize the contemporary focus on theories of justice.

9.2 *Questions raised*

¹³ C Larmore, ‘What is Political Philosophy?’ (2013) 10 *Journal of Moral Philosophy* 276, 292.

It is much easier to deal with each individual argument for the autonomy thesis than to construct a positive argument for the simple view that could withstand criticism from the perspective of any of those arguments. This is no doubt one reason why, as I said in my introductory chapter, the simple view is a position more often espoused than defended. I have focused in this thesis on rebutting the arguments of those who consider political philosophy to be autonomous. But in doing so I have raised several questions to which full answers would need to be given before a comprehensive case could be provided for the simple view of political theory as moral philosophy. I offer some brief thoughts on those questions in this section.

9.2.1 *What is a normative theory?*

I provided a rudimentary outline of what I consider a normative theory to be in Chapter 2. In Chapter 5 I distinguished a political theory from a political conception. I have also said that I take moral and political philosophy to be in the business (amongst other things) of constructing moral and political theories. There is plenty more to say here. Consider the non-derivation constraint. This says that a political theory cannot be derived from a moral theory. A full investigation of this proposed constraint, and indeed any vindication of the process of deriving political theory from moral theory, would have to give a more far-reaching account of the structure of normative theories. What are their fundamental components and where do their boundaries lie?¹⁴ What are the defining aims of theory simply as such? I suggested that at the least a philosophical theory aims to get things right. Any other purposes are subsidiary to that one. But this leaves a good deal open. What exactly amounts to getting it right in normative theory? How can we ‘represent’ moral truth through theory? These questions in turn imply the need for further clarificatory work on the nature of practical philosophy itself.

¹⁴ For some indications of the likely content of such an account, see Z Stemplowska, ‘What’s Ideal About Ideal Theory?’ (2008) 34 *Social Theory and Practice* 319, 323-326.

9.2.2 *What are moral reasons?*

I said in Chapter 2 that the simple view was difficult to state because there is no word that covers both moral and political normativity but does not extend to practical rationality in general – apart from ‘moral’ itself. My claim is that the moral and the political comprise one species of normativity, not two. In my responses to arguments for the autonomy of political normativity I have depended on a variety of strategies to try to persuade the reader that there are no distinctively political reasons. I have appealed to what I take to be uncontroversially moral claims and moral reasons, despite realist claims to the contrary. I have tried to make the moral appear at once a broader and a more appealing category than it has sometimes been painted. I have asked what kind of reasons other than moral reasons might govern, for instance, the design of political institutions. To the response, ‘*political* reasons!’ I have argued that there is nothing sufficiently distinctive about politics to justify our positing a domain of such reasons, and I have asked why we might not gimmick up a case for special domains of normativity for any number of supposedly distinctive areas of life.

What I have not done is indicated what it takes for a reason to be a moral one. I have not offered, that is, a specification of the type of value of which I say (what we label) moral and political value are instances. Such attempts as have been made at providing such a specification have been either too narrow or too broad. For instance, saying that moral reasons are those that concern the interests and/or rights of others implausibly excludes moral concern for self, while the general question how we should live for many includes not just moral, but prudential, and even aesthetic considerations.¹⁵

I am not sure what to say about this question, but I doubt whether anything we could say would help us to distinguish the class of moral reasons from the putative class of political reasons. Recall

¹⁵ But see A Worsnip, ‘Eliminating Prudential Reasons’, in M Timmons (ed) *Oxford Studies in Normative Ethics Vol 8* (Oxford University Press, forthcoming 2018), for a proposal to drop one of these.

our discussion of political reasons in section 8.3. The plausibility, such as it is, of the class of political reasons, and its viability as a competitor for morality in the governance of our actions, actually depends on its *sharing* any of the features that we are likely to come up with. The case for political normativity depends on its being really very like moral normativity, only – political.

9.2.3 *Is political theory applied ethics?*

Dale Jamieson writes that ‘practical ethics and political philosophy are more closely related than has often been acknowledged.’¹⁶ I agree. But just how close is the relationship? As I suggested in Chapter 3, I don’t think the rejection of the autonomy thesis commits me to any particular view on this question. Certainly it is not a question of a binary choice: either you think that doing political theory consists in applying a moral theory, or political theory is autonomous.

The application view leaves us with the tricky question of what exactly is being applied and how. Is a theory of social justice an application of a deeper account of justice as a moral value? If so, what happens when we try to give an answer to some specific question about social justice, such a whether it requires parents not to purchase elite private education for their children? Is there a further process of application at work here, in addition to the one we performed in order to yield our theory of social justice in the first place? If so, are these processes similar or are there different types of application? Here’s an example. According to the abstract, Harry Brighouse’s book *School Choice and Social Justice*

[d]efends a theory of social justice for education from within an egalitarian version of liberalism. [...] The book argues that school reform must always be evaluated from the perspective of social justice and applies the theory, in particular, to school choice proposals.¹⁷

¹⁶ D Jamieson, ‘Constructing Practical Ethics’, in R Crisp (ed), *Oxford Handbook of the History of Ethics* (Oxford University Press 2015) 845.

¹⁷ H Brighouse, *School Choice and Social Justice* (Oxford University Press 2002).

If we think that egalitarian liberalism, as a political theory, must be inferred by application from a moral theory, this summary actually envisages three levels of application. We apply our moral theory to arrive at egalitarian liberalism. The second application yields the theory of social justice for education. The third application answers the practical questions about school choice. And of course, we could interpose additional layers. Perhaps the theory of social justice must itself be worked out by applying liberal theory's account of the relationship between liberty and equality. Perhaps we could plug in a general theory of just school choice between the theory of social justice for education and the final practical answers.

What this suggests, I think, is that we should not too hung up on the ontology of theories.¹⁸ (This provides a partial answer to the question about normative theories above.) We can retain the idea that some normative material is more basic than other material. What we should do about school choice is determined, amongst other things, by the implications for school choice of basic principles about justice. But we do not need to work out a detailed normative hierarchy in order to do political theory, or indeed applied ethics. We simply use the various normative principles available to us (either because we've argued for them or because they're agreed for the purposes of argument) in order to reach deliberative conclusions, at various levels of generality. Nor do we need the theories we produce to reflect such a normative hierarchy in any systematic way.

Moral and political philosophy are not two discrete bodies of theory, the latter arrived at by performing some operation called 'application' on the former. There is no need for a definitive division between non-applied and applied ethics, or between a body of theory and its application. Indeed, many of the theoretical problems associated with 'applied' ethics are confined to views that require a strict distinction between applied ethics and moral theory. The idea that more general

¹⁸ Or at least on the *internal* ontology of theories. Nothing much seems to turn on what is 'theory' and what is 'application'. But the political liberal argument for the autonomy thesis, I have argued, is based on a sleight of hand with regard to theory and conception. In that case it matters what is theory and what is not because different standards of justification apply to each.

principles can be used to generate more specific judgments is not as problematic if we drop this assumption.¹⁹ Similarly, the simple view that political philosophy is a type of moral philosophy is best kept simple, by refusing to tie it to an unnecessary model of theory ontology.

9.3 *Moving on from the autonomy thesis*

I have tackled the arguments for the autonomy of political theory on their philosophical merits. Except in motivating the investigation at the outset I have said little about the deleterious effect of these arguments. But I believe the autonomy thesis is a pernicious trope in contemporary political philosophy. Too often, specific claims about the peculiar difficulties that normative theorizing faces when dealing with politics are conflated with, or inflated into, the much broader claim that political philosophy is autonomous. It is very likely that what are valid but limited criticisms of the methods or assumptions of contemporary political philosophers will achieve a higher profile if they are advertised as carrying implications that should, if properly understood, transform the way that political theorizing is conducted. No doubt the incentive structures at work in the profession encourage such promotional techniques. But it is unlikely that they conduce to perspicuous analysis of the claims made.

Proponents of the autonomy thesis may hope that their arguments will encourage a positive reorientation of political theory, and that greater advances will be made once the scales have fallen from our eyes and we all see our discipline in its proper light. I agree that misconceptions about the nature of political philosophy have hindered its progress. They have also prevented its being fully integrated within its broader domain of normative theory. I believe we will take an important step in the right direction if we recognize that political theory is ‘just’ moral philosophy.

¹⁹ Although see the discussion in section 7.2.2.

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