15
Doing Political Philosophy

David Miller

My aim in this chapter is to provide a synoptic view of political philosophy: what it is and how it should be done.[1] I have addressed aspects of this question in several other places.[2] But it may be helpful to pull the threads together and provide a general statement. I don't intend to be narrowly prescriptive, however. Political philosophy is a collective enterprise carried out by many hands, and there is room for a division of labour. For example, although I shall emphasize the practical, action-guiding aspect of political philosophy in this chapter, it makes sense for some work to be carried out at a more abstract level, and other work at a more applied level. Equally, although I shall stress the importance of using evidence from the social sciences in political philosophy, the extent to which empirical data can and should be used will depend on the problem being addressed, thereby leaving space for work that is almost entirely conceptual in character.

15.1 Against Transcendent Truth

Despite these expressions of tolerance, however, I do want to juxtapose the way of doing political philosophy that I defend sharply against a rival view that I shall call the Transcendent Truth (TT) view. It may turn out that that this is a position that no one actually holds in quite the form that I present it. Nevertheless, it clearly

[1] This chapter grew out of a talk that I gave to a workshop on the role of political philosophy at the Centre for Ethics, University of Zurich on 26 January 2018. I should like to thank all the participants for their feedback, and especially Mira Wolf-Bauwens and Friedemann Bieber for their initiative in organizing the workshop. I am also very grateful to Alice Baderin, Dan Butt, Sarah Fine, and Zofia Stemplowska for their acute comments on an earlier draft.

[2] Including D. Miller, *Principles of Social Justice* (Harvard University Press, 1999), Chapter 3; D. Miller, 'Political Philosophy for Earthlings', in *Political Theory: Methods and Approaches*, edited by D. Leopold and M. Stears (Oxford University Press, 2008), reprinted in D. Miller, *Justice for Earthlings: Essays in Political Philosophy* (Cambridge University Press, 2013); D. Miller, 'A Tale of Two Cities: Or, Political Philosophy as Lamentation', in Miller, *Justice for Earthlings*; D. Miller, 'How "Realistic" Should Global Political Theory be? Some Reflections on the Debate So Far', *Journal of International Political Theory* 12 (2016): 217–233; D. Miller, 'In What Sense Must Political Philosophy Be Political?', *Social Philosophy and Policy* 33 (2016): 155–174; D. Miller, 'Justice Beyond the Armchair', *Contemporary Political Theory* 17 (2018): 97–104.

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represents a tendency within political philosophy that has numerous advocates, and I hope that setting it out will prove to be an illuminating way of explaining what is distinctive about my own position.[3] So I shall begin by briefly describing and then criticizing the TT account of the nature and purpose of political philosophy.

According to the TT view, the aim is to establish the truth about political ideals like justice, freedom, democracy and so forth—what the content of these concepts is and what it would mean for a society to realize them. Beyond its purely cognitive aspect, such as exploring how the concepts of justice and equality are related, the purpose of the exercise is evaluative. We can judge the moral standing not only of our own society but of other societies, past, present and future, by seeing how far they achieve, or fail to achieve, these standards. The exercise is purely evaluative in the sense that we can know what it would mean to establish perfect justice or perfect freedom, regardless of how close we have come to realizing them now or are likely to do so in the future, or indeed more generally how feasible it would be to implement them fully. It is no objection to a truth claim about justice, say, that social justice so defined remains far out of anyone's reach. The view is transcendental because it makes no concessions to empirical realities or to historical circumstances. Justice is justice: it means the same for the ancient Egyptians as it does for us, and if they thought differently, either they were mistaken or we are.[4] This position might also be called Platonic because it allows there to be a significant gap between opinion—how people at large understand one or other of these political ideals—and the corresponding truth that the philosopher can discover by use of reason. Ordinary people, non-philosophers, the inhabitants of Plato's cave, might be systematically mistaken about the meaning of justice or democracy. The TT view need not adopt Plato's metaphysics, with its sharp distinction between the appearance of something in the world and the true Form of that thing, but it must assume some form of cognitivism about political values, such that the philosopher can discover what democracy, or justice, or freedom, really are independently of what common opinion takes them to be.

My own position, then, stands in opposition to each of these features of the TT view. First, it regards political philosophy as a branch of practical philosophy, and more specifically as a normative enterprise that provides its audience with reasons for action—reasons for acting individually or collectively to preserve or change features of their society. I say 'its audience' because for present purposes I want to leave it an open general question as to who the addressees of political philosophy

[3] Among the most prominent of these advocates have been Jerry Cohen and David Estlund. See G. A. Cohen, *Rescuing Justice and Equality* (Harvard University Press, 2008), esp. Part II, and D. Estlund, *Utopophobia: On the Limits (If Any) of Political Philosophy* (Princeton University Press, 2020).

[4] Cohen, it should be noted, allows that when we make judgements about individual people, we should make some allowance for the context in which they live. Even though slavery is always and equally unjust, we might condemn an ancient Egyptian slaveholder less harshly than we would a slaveholder today. See G. A. Cohen, *If You're an Egalitarian, How Come You're So Rich?* (Harvard University Press, 2000), pp. 211–212.

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are, but if we are thinking about political philosophy today, then the answer will be 'ordinary citizens and those authorized to act on their behalf' since these are the ultimate agents of political stability or change.[5] This immediately has three further implications: first, if our aim is to give people reasons for action, these must be reasons that make sense to them, so there cannot be that sharp division between common opinion and philosophical truth that the TT view permits. I'll come back later to the question how far political philosophy needs to accommodate itself to what people already believe politically. Second, the reasons must also be ones that people might act upon, so questions about feasibility are unavoidable. I am not giving you a reason for action if I tell you that you ought to jump twenty feet in the air. So for principles to serve as principles of *political philosophy*, it must be possible to act on them so as to bring our societies closer to their full implementation. In other words, genuinely political principles are subject to a feasibility constraint, although how exactly that constraint should be understood has been the subject of much recent debate.[6] Third, there is no reason to assume that political philosophy must be timeless. On the contrary, it is more reasonable to expect it to be somewhat time-dependent, for the concepts it uses to have histories that make sense when we consider the changing social and political circumstances in which they have been deployed. There are of course likely to be elements of continuity, reflecting the fact that the societies in which works of political philosophy have been produced have *some* features in common with our own. This is what allows us to look back to Plato and Aristotle, for instance, and see that they held views that we can recognize as views about *justice*, even though their views are not the same as ours.[7] But we should openly concede that when doing political philosophy what

[5] Naturally this has implications for the way in which a political philosopher should communicate his ideas. One of the unwelcome side effects of turning political philosophy into an academic discipline has been the rise of the journal article as the preferred means of expression. Everything about it is forbidding to the lay reader. It has a formal structure that seems designed to reassure her that there will be no surprising turns of argument. It lays out in advance the conclusion to which she will be marched. It plods dutifully through the large literature on the topic, as though to confirm that no original thought is going to be expressed. It is weighed down with footnotes—in the worst case almost every sentence has a Harvard-style reference at the end. Everything about it signals that it's intended only for the initiated—those who've already mastered the fifty-five other articles it cites. In all these respects it contrasts with the *essay* as a form of writing designed to convey ideas to the reader in an enticing and imaginative way and with little use of formal apparatus. For several centuries before this one, the essay was the primary means of conveying political-philosophical ideas to what Hume in his essay on the subject called 'the conversible World'. (D. Hume, 'Of Essay Writing', in D. Hume, *Essays Moral, Political, and Literary*, edited by E. Miller (Liberty Press, 1985)).

[6] See, for example P. Gilabert and H. Lawford-Smith, 'Political Feasibility: a Conceptual Exploration', *Political Studies* 60 (2012): 809–825; H. Lawford-Smith, 'Understanding Political Feasibility', *Journal of Political Philosophy* 21 (2013): 243–259; D. Wiens, 'Political Ideals and the Feasibility Frontier', *Economics and Philosophy* 31 (2015): 447–477; N. Southwood, 'Does "Ought" imply "Feasible"?', *Philosophy and Public Affairs* 44 (2016): 7–45; Z. Stemplowska, 'Feasibility: Individual and Collective', *Social Philosophy and Policy* 33 (2016): 273–291; P. Gilabert, 'Justice and Feasibility: a Dynamic Approach', in *Political Utopias: Contemporary Debates*, edited by K. Vallier and M. Weber (Oxford University Press, 2017); N. Southwood, 'The Feasibility Issue', *Philosophy Compass* 13 (2018): 1–13.

[7] In particular, there is no concept of *social justice* to be found in these classical authors, or indeed in any political philosopher writing before the second half of the nineteenth century. At best we can

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we are doing is defending principles for the here and now. Looking ahead as well as backward, it would be a foolhardy person who predicted that any such theories we might develop today would still apply in a hundred years' time, given the ever-increasing rate of scientific and technological change, including changes that are likely to transform our very understanding of what it means to be a human being.

Why do I reject the TT view? One reason is that it makes political philosophy much less important than it should be—it makes it academic in a bad sense. I'm not suggesting that there is no point at all in elaborating ideals whose purpose is only to provide standards of political evaluation, but in the absence of any concern about feasibility, this can become self-indulgent. It can lead to what I've called elsewhere 'political philosophy as lamentation', where the point seems to be just to highlight the size of the gap between current political reality and the ideal condition that the philosopher describes.[8] You might think that defending demanding ideals, and thereby portraying the existing state of affairs as radically unjust or unfree, etc., would be a powerful way of motivating people to take political action, but in the absence of any account of legitimate and feasible steps leading from the status quo in the direction of the ideal, it can have the opposite effect—of alienating people politically and making them unwilling to expend their energies fighting for whatever small improvements to the status quo might be possible. Jerry Cohen himself described this mindset rather well in an essay called 'The Future of a Disillusion' written shortly after the collapse of the Soviet Union in 1989.[9] He called it the Vanity of Vanities response to the failure of the world to live up to one's high ideals, though as I have suggested he later fell victim to the danger he was warning against, by taking up a version of the TT view.[10]

I have a second reason for rejecting the TT view, which is that it is epistemologically unsound. It attributes to the philosopher an ability to grasp political ideals by individual reason alone, for which there is no warrant. The method adopted is intuitive: the philosopher considers various possible definitions of justice or freedom and then pronounces one of them correct. Unfortunately the outcome differs from one philosopher to the next, as everyone can see by contemplating the different theories of justice, equality, freedom, democracy, etc. currently on offer within the field, with none of them ever achieving hegemonic status.[11] In response to this

find conceptions of distributive justice that foreshadow our concept. The history of the concept's emergence is traced (somewhat differently) in S. Fleischacker, *A Short History of Distributive Justice* (Harvard University Press, 2004), Chapter 3; and D. Johnston, *A Brief History of Justice* (Wiley-Blackwell, 2011), Chapter 7.

[8] Miller, 'A Tale of Two Cities'.

[9] G. A Cohen, 'The Future of a Disillusion', *New Left Review* 190 (1991): 5–20, reprinted in G. A. Cohen, *Self-Ownership, Freedom, and Equality* (Cambridge University Press, 1995).

[10] See my discussion in the closing pages of D. Miller, 'Our Unfinished Debate about Market Socialism', *Politics, Philosophy and Economics* 13 (2014): 119–139.

[11] Alasdair MacIntyre highlighted this some years ago: 'professors of philosophy who concern themselves with questions of justice and practical rationality turn out to disagree with one another as sharply,

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state of affairs, political philosophers ought to be much more self-reflective than they usually are about the status of the intuitions, or 'considered judgements', that they deploy in order to justify their conceptual or normative claims, even if they cannot dispense with them entirely. One reason is that (in western democracies anyway) their social position biases them in favour of certain views and against others: like other university faculty, their political convictions are overwhelmingly liberal when measured against the views of the population at large.[12] Although we might reasonably expect academics in the relevant fields to be better informed than the general public on the political issues of the day, there are no obvious grounds for thinking that their underlying political beliefs will be more sound—not least because they may rarely be called on to defend them against rival views. Another reason is that philosophers are inevitably tempted to adjust what they take to be their 'pre-theoretical' judgements to fit the theoretical positions they have already arrived at independently.[13] To give one example, few political philosophers seem willing to grant *desert* the fundamental role that it plays in most people's understanding of distributive justice. In many practical cases involving resource distribution, what is seen as fair is that people should get what they deserve by virtue of their abilities or their performance in contributing to some valuable end. But in their own case philosophers resist giving such beliefs the status of considered judgements. They may already have decided that the concept is problematic, perhaps because they are convinced on metaphysical grounds that individuals cannot be held responsible for what they do in the way that they would need to be for the notion of personal desert to make sense. Now sustained reflection on such matters might indeed lead us to adopt a highly revisionary notion of desert, or else abandon the idea altogether. But even if this is the right answer to give at the end of the enquiry, it ought not to influence the set of supposedly raw intuitions from which the philosopher begins. This would be like manipulating the data in order to hold on to a hypothesis to which you were already committed. But since in this

as variously, and so it seems, as irremediably upon how such questions are to be answered as anyone else' (A. MacIntyre, *Whose Justice? Which Rationality?* (Duckworth, 1988), p. 3. MacIntyre thought this was inevitable given the absence in modern liberal societies of the forms of social life in which justice claims could be rationally deliberated upon, but I am suggesting, more optimistically, that the problem lies with the method employed by the philosophers rather than with the allegedly radically conflicting views about justice held by ordinary citizens. On the latter, see my discussion in Miller, *Principles of Social Justice*, Chapter 4

[12] For some evidence about this in the case of American academics, see S. Rothman, S. Lichter, and N. Nevitte, 'Politics and Professional Advancement Among College Faculty', *The Forum* 3 (2005) : article 2. In 1999, among Americans as a whole, 18 per cent self-identified as liberal and 37 per cent as conservative; for philosophers, the figures were 80 per cent liberal and 5 per cent conservative. For a study of Canadian professors that did not single out philosophers specifically but nonetheless identified teaching humanities as a main predictor of holding political views well to the left of the public's, see M. Nakhaie and R. Brym, 'The Ideological Orientations of Canadian University Professors', *Canadian Journal of Higher Education* 41 (2011): 18–33.

[13] This point is stressed in the course of an insightful discussion of reflective equilibrium, and the important role that should be assigned within it to the judgements of the public at large, in A. Baderin, 'Reflective Equilibrium: Individual or Public?', *Social Theory and Practice* 43 (2017): 1–28.

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case the data just are the philosopher's own putatively pre-theoretical judgements arrived at by introspection, it's very hard to avoid them being contaminated by theoretical considerations further down the line.[14]

15.2 Taking Popular Belief Seriously

On the alternative view I'm defending, therefore, political philosophers need to take seriously the political beliefs of lay people, not least to guard against the distortions that are likely to result from relying entirely on their own intuitions.[15] This doesn't mean reducing political philosophy to something like an aggregate public opinion poll on concrete questions. What it is essential to grasp is the basic conceptual structure of popular belief, rather than how those concepts are applied to specific questions, where, for example, empirical misinformation may be prevalent. This proposal is sometimes challenged on the grounds that there is no such conceptual structure to be discovered. People may disagree radically with one another about political questions, or they may just be confused about them, holding beliefs that are inconsistent with one another.[16] There is much evidence that when people are asked to pronounce normatively on particular issues, particularly in cases that take the form of dilemmas where different values or principles point to contrasting conclusions, they make extensive use of heuristics, fastening on to some salient aspect of the problem they are being asked about, and judging entirely on that basis, ignoring other aspects that might otherwise seem relevant.[17]

[14] A similar point about the potentially unreliable nature of philosophers' responses to thought experiments designed to test ethical theories is made in J. Doris and S. Stich, 'As a Matter of Fact: Empirical Perspectives on Ethics', in *The Oxford Handbook of Contemporary Philosophy*, edited by F. Jackson and M. Smith (Oxford University Press, 2007).

[15] 'Which lay people specifically?', someone might ask at this point. This raises the difficult question of how to define the political context in which the political philosopher is to develop and present her thinking. Should political philosophy be addressed to the citizens of a particular nation state, to those who inhabit states of the same broad kind—liberal democracies, say—or to the world at large? My view is that the political philosopher speaks first to her own compatriots, but may reasonably hope that some parts of her message will be heard elsewhere (no doubt subject to certain losses in translation). This is complicated by the fact that political philosophers work at different levels of abstraction, as I noted at the outset.

[16] See A. Baderin, 'Prioritising Principles', contribution to critical exchange on 'Who Cares What the People Think? Revisiting David Miller's Approach to Theorising About Justice', *Contemporary Political Theory* 17 (2018): 71–77.

[17] On the use of heuristics in general, see D. Kahneman, *Thinking, Fast and Slow* (Penguin Books, 2012), esp. Part II. On the way people use them to solve moral dilemmas, see A. Appiah, *Experiments in Ethics* (Harvard University Press, 2008), Chapter 4; G. Gigerenzer, 'Moral Intuition = Fast and Frugal Heuristics?', in *Moral Psychology, Volume 2: The Cognitive Science of Morality*, edited by W. Sinnott-Armstrong (MIT Press, 2008); W. Sinnott-Armstrong, L. Young, and F. Cushman, 'Moral Intuitions', in *The Moral Psychology Handbook*, edited by J. Doris et al. (Oxford University Press, 2010); J. Greene, *Moral Tribes: Emotion, Reason, and the Gap between Us and Them* (Penguin Press, 2013), Chapters 4 and 9.

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In consequence, there are widely observed framing effects whereby what is substantially the same question will receive different answers depending on whether it is verbally framed in such a way as to make one or other aspect salient to the respondent. This means of course that empirical investigation of popular beliefs is likely to reveal what may look like radical instability in those beliefs, leading the researcher to conclude that they are not to be taken seriously for normative purposes.

There are other grounds for scepticism about popular opinion. People may fall victim to adaptive preference formation, whereby what they regard as desirable becomes dependent on what they regard, perhaps mistakenly, as feasible, thereby distorting their normative judgements. Alternatively, normative judgements may affect empirical beliefs, as for example in the case of the 'just world hypothesis' whereby people are moved to reinterpret the facts so as to maintain their belief in the justice of their social world—so that if someone is seen to have been rewarded, witnesses will be inclined to attribute to them qualities that make it the case that they deserve what they have received.[18] These and other failings are well documented. But what conclusions should we draw from this? There are two main ones. First, there is no reason to think that the defects of rationality that afflict popular opinion do not also afflict the intuitions of political philosophers when pronouncing on questions similar to those that members of the public are being asked about. There is nothing about being in a university department that insulates you from framing effects, adaptive preference formation, and the rest.[19] The fact that you can understand these processes when they are explained to you does not mean that you can self-police your normative intuitions. So the first conclusion is that if we are to use some version of the method of 'reflective equilibrium' as introduced by Rawls, where normative theories are to be tested in part by seeing whether they can incorporate and make sense of our considered judgements about justice and so forth, we should be very cautious in giving our intuitions that status.[20] Even if they are not contaminated by metaphysical or other theories that the philosopher already holds, as I suggested above that they might be, they may just be unreliable or idiosyncratic, and therefore unsuitable for use if our aim is to devise a political theory that will gain widespread acceptance. (Rawls refers to this as reaching 'full reflective equilibrium'[21]). As one commentator has suggested, in order for an intuition to be counted as creditworthy, one

[18] The classic statement is M. J. Lerner, *The Belief in a Just World: A Fundamental Delusion* (Plenum Press, 1980).

[19] For evidence that professionals are as susceptible to framing effects as lay people, even with respect to topics on which they have expertise, see Kahneman, *Thinking, Fast and Slow*, Chapter 34.

[20] See J. Rawls, *A Theory of Justice* (Harvard University Press, 1971) , §9, and for a fuller discussion N. Daniels, *Justice and Justification: Reflective Equilibrium in Theory and Practice* (Cambridge University Press, 1996), esp. Chapters 1–3.

[21] J. Rawls, *Justice as Fairness: A Restatement* (Harvard University Press, 2001), 31–2.

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would need reason to believe that at least five possible sources of distortion were absent.[22]

The more optimistic conclusion is that we should begin by not taking *any* intuitive judgements at face value, whether these are the judgements people make when they are being surveyed or taking part in experiments, or the judgements of her own that the political philosopher regards as 'considered'. Now alerted to the likelihood of framing effects and other sources of distortion, we can approach the data in a more critical spirit, either trying to correct it for the effects of distorting factors, or looking for cases in which we can be fairly certain that those factors are not in play.[23] As Appiah remarks, 'understanding where our intuitions come from can surely help us to think about which ones we should trust.'[24] Suppose we suspect that people's reported judgements on some question are being affected by adaptive preference formation; then we can ask them to contemplate a scenario constructed in such a way that the empirical barrier to the realization of the principle whose acceptability we are trying to test has been removed. Of course, that still doesn't guarantee that deep down the belief structure of mass publics is coherent, in the sense that people's judgements about justice, freedom, and so forth will converge in such a way that we can say that they are using the same concepts to make them. However, I am inclined to discount the possibility of radical incoherence on the grounds that it would make communication on political matters impossible, since we would lack the shared concepts with which to talk to each other about such questions. We couldn't even *debate* about justice, say, unless there was some measure of agreement over the meaning of that concept, what it applied to, and how it should be used. If it became apparent that people meant entirely different things when they spoke about justice, there would no longer be any reason to continue arguing about how to achieve it. But since we do keep arguing, that implies that our disagreements, although important, don't go all the way down.

A rather different challenge to the approach I'm defending concedes that popular political beliefs may display some degree of coherence, but holds that they are systematically distorted by relationships of power, and so they turn out largely to endorse the institutions and policies that serve the interest of the power-holders. In other words, there is a power-induced status quo bias, which philosophy can

[22] W. Sinnott-Armstrong, 'Moral Intuitionism meets Empirical Psychology', in *Metaphysics after Moore*, edited by T. Horgan and M. Timmons (Oxford University Press, 2006).

[23] Some may argue at this point that the deficiencies of popular belief are such that the only way to reconstruct it rationally is by subsuming it under a single master principle, thereby eliminating the conflicting imperatives it contains—and the favoured candidate is likely to be one or other version of the principle of utility. This was the approach taken by Sidgwick (H. Sidgwick, *The Methods of Ethics*, 7th ed. (Macmillan, 1907)) following on from his review of 'the morality of common sense', and it has more recently been defended by Joshua Greene in *Moral Tribes*, which uses experimental evidence about people's intuitive moral judgements. The problem in both cases is that the material under review includes firmly held beliefs that take a non-consequentialist form—prohibitions on certain forms of behaviour, for example—so the proposed reconstruction is not going to be acceptable to its intended audience. This means that it will fail the legitimacy test that I shall introduce below, courtesy of Bernard Williams.

[24] Appiah, *Experiments in Ethics*, p. 110.

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only avoid by turning its back on public opinion. This challenge has quite a long pedigree. My earliest encounter with it came in the form of Herbert Marcuse's *One-Dimensional Man*, a big hit in the 1960s, whose critique of the then current fashion for linguistic analysis as a method of political philosophy took the form of pointing out that 'the established universe of discourse bears throughout the marks of the specific modes of domination, organization, and manipulation to which the members of a society are subjected. People depend for their living on bosses and politicians and jobs and neighbours who make them speak and mean as they do.'[25] As a result, Marcuse concluded, linguistic analysis 'contributes to enclosing thought in the circle of the mutilated universe of ordinary discourse'.[26] For political philosophy to avoid ideological contamination and become properly critical, therefore, it had to move outside of that circle and use concepts that were either not present in ordinary speech, or if they did occur, use them in ways that transcended their everyday sense. Marcuse's fire was directed at philosophical invocations of ordinary language performed strictly from the philosopher's armchair, but the same might be thought to apply to the more evidence-based exploration of popular beliefs that I am recommending as an essential element in political philosophy.

My answer to Marcuse, then and now, is that his account straightforwardly fails to explain how the political concepts that are available to us in everyday speech actually function. Although each case is subtly different, these concepts serve partly to characterize existing practices in a way that also serves to justify them and partly to challenge these practices as incomplete realizations of the values in question. So we speak on the one hand of law as the embodiment of justice, but we are equally ready to criticize existing laws as unjust when they fail to live up to our higher normative standards. We use the concept of democracy to pick out and implicitly praise certain existing political regimes, but we're equally ready to accuse any and all of these regimes of democratic shortcomings. If Marcuse were correct, it would be very hard to explain why our political concepts should have this double-sided character. A language of politics constructed by power-holders directly to serve their interests would be an Orwellian language in which justice meant 'the system of laws we have now' (and nothing more), democracy meant 'the political system as it stands' (and nothing else), and so on.

15.3 Why Empirically Grounded Political Philosophy Can Still Be Radical

Even if we set Marcuse-style challenges to one side, however, it might still be felt that insisting that non-TT political philosophy should be grounded in popular

[25] H. Marcuse, *One-Dimensional Man* (Sphere Books, 1968), p. 155.
[26] Marcuse, *One-Dimensional Man*, pp. 159–160.

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beliefs leaves too little room for political philosophy as a creative activity that may end up calling for radical changes to the status quo. But that is not so. By its very nature, the search for a philosophical theory is bound to introduce greater coherence into the set of beliefs that it studies, and the effects of this may be quite radical. Ordinary citizens aren't generally forced to decide how to cope with instances in which the beliefs they are committed to collide with one another. Politicians have no incentive to explain that the policies they favour embody trade-offs between different values, so they are unlikely to educate their constituents in this respect. When experimenters present subjects with scenarios which *do* involve value conflicts—for example some variant on the hackneyed scenario in which hanging or imprisoning an innocent man would prevent a riot in which many people would die—they are likely simply to assert their commitment to one of the values at stake rather than grappling with the dilemma itself.[27] This then creates ample space for the political philosopher to take the political beliefs of the general public and use them as the basis for a comprehensive theory, such as the famous two principles of justice proposed by Rawls.[28] Such a conversion process is very likely to produce a normative shift, as the following example shows.

The principle of equality of opportunity is widely and firmly held by people living in liberal societies. They believe that a person's success in life should depend on their own abilities and efforts and not on the colour of their skin or who their parents were. They also believe, however, that when people have earned their wealth by fair means they should be entitled to bequeath it to their children, so they are quite resistant to the idea of taxing inheritance, and this belief is hard to shake even when evidence is presented of the highly unequal distribution of inherited wealth among the upcoming generation.[29] Now unless you make some pretty implausible assumptions about what people do with the money they inherit, those two beliefs look inconsistent. Inherited wealth creates a plethora of opportunities for the lucky ones, from starting your own business to being supported while you embark on a career in acting or design where breakthroughs rarely come immediately. A coherent political theory is going to have to resolve the inconsistency, which might be done in various ways: by giving priority to equality of opportunity, which would mean restricting the practice of inheritance in such a way that it no longer had a significant impact on people's relative life chances; by elevating the right to bequeath to the status of a basic right, which would mean

[27] See, for example, J. Doris and A. Plakias, 'How to Argue about Disagreement: Evaluative Diversity and Moral Realism', in *Moral Psychology, vol. 2: The Cognitive Science of Morality*, edited by W. Sinnott-Armstrong (MIT Press, 2007), pp. 322–325. They report that American subjects had a strong tendency to assert that punishing the innocent could never be justified (though Chinese subjects faced with the same dilemma responded somewhat differently).

[28] Rawls, *A Theory of Justice*, §11.

[29] See M. Lewis and S. White, 'Inheritance Tax: What do the People Think? Lessons from Deliberative Workshops', in *The Citizen's Stake: Exploring the Future of Universal Asset Policies*, edited by W. Paxton, S. White, and D. Maxwell (Policy Press, 2006).

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thinning down the idea of equality of opportunity so that the material differences created by inheritance would no longer contravene it; or by some compromise proposal, such as providing everyone with a modest capital grant on reaching maturity to offset the effects of family bequests. The resulting theory would still be one that could be presented as reflective of popular belief, because it registered the impact of people's commitment both to equality of opportunity and the right to bequeath—neither is dismissed entirely—while at the same time issuing practical recommendations different from those that people were previously willing to accept.

The scope for creativity is not just confined to cases in which political philosophers propose solutions to value conflicts, such as the one just mentioned, by defending normative priorities or trade-offs. They also, quite properly, engage in the construction of what we might call social models. That is, they lay out for inspection the set of institutions and practices that they believe best realizes the combination of values and principles that they want to defend. The model in question can be more or less distant from the existing social world. Now at this point they inevitably engage in either professional or amateur social science. They offer conjectures about how new institutions will function or about how people will behave when placed in unfamiliar social contexts. Prior to the twentieth century, the evidence for these conjectures was drawn from history, comparisons between a small range of countries, or simply personal observation. We probably all remember Hobbes, that acute observer of human behaviour under conditions of insecurity, reminding us that even where there are officers to enforce the law, those who set out to journey will carry arms, while those who sleep at home will lock their doors and their chests.[30] But in the recent period there has been an ever-increasing mass of evidence gathered by social scientists that bears on such questions. Social psychologists can tell us under what circumstances people are most likely to behave in the distrustful way that Hobbes describes, for example.[31] For political philosophers this is both good news and bad news. The good news is that they should be able to conduct their social modelling on an empirically much sounder basis in light of evidence that has been collected in a systematic and properly controlled way. The bad news is that there is too much of it, and that it is often not presented in a form that makes it easy to use for normative purposes. So serious political philosophy becomes harder to do. The point I am making, though, is that if we take the aim of political philosophy to be normative in the sense that it not only orders our values but also points us towards a social world in which those values are best realized, then it will go beyond popular opinion through its use of social science. Most people have some kind of

[30] T. Hobbes, *Leviathan*, edited by R. Tuck (Cambridge University Press, 1991), p. 89.

[31] The *Oxford Handbook of Social and Political Trust*, edited by Eric Uslaner (Oxford University Press, 2018), runs to 733 pages.

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folk understanding of the way the social world works, but they have no particular reason to immerse themselves in social scientific research. They are therefore not in a position to construct properly grounded alternatives to the existing model. They may have dreams, but these are liable to be fanciful. When the political philosopher speaks to them, what she's saying in effect is: given the best reading of your values and principles, the social world that would fulfil them looks like this…

15.4 The Legitimacy Requirement

What I'm arguing for here is a form of political philosophy that can respond to the political beliefs of ordinary citizens but still potentially be radical by proposing social and political changes that they would not have thought of as following from those beliefs. The evidence on which these proposals are based is not esoteric. It uses methods of enquiry that are in principle open to all, even if getting your head around multivariate linear regression models is hard work. I have so far been defending this approach on epistemic grounds, challenging the view that as philosophers we have well-formed and reliable intuitions about justice, freedom, and so forth, such that political philosophy can proceed without reference to popular opinion. I now want to add to this a second argument, which develops the idea that political philosophy must be normative, in the sense of giving the people it aims to address reasons for action that make sense to them. To do that, it must take an interest in what Bernard Williams has called 'the Basic Legitimation Demand' (BLD).[32] It must, in other words, ask the question: how could social and political institutions be constituted so that all those who were subject to the coercive power of those institutions were given adequate reasons to accept that coercion? It should be obvious, I think, that in answering that question the reasons that will qualify must stand in some relationship to the political beliefs that people actually hold. That relationship need not be an exact mirroring. The legitimating story that those in authority can offer to justify their right to rule won't correspond exactly to the opinions and attitudes that their subjects may already hold. That couldn't be the case because there will inevitably be some disagreement in political beliefs, both between people and within each person, if the evidence referred to above about how subjects respond when presented with moral and political dilemmas is accurate. What is necessary is that the justifying story that is provided is related sufficiently closely to their own beliefs that they can be reasonably

[32] B. Williams, 'Realism and Moralism in Political Theory', in B. Williams, *In the Beginning Was the Deed: Realism and Moralism in Political Argument*, edited by G. Hawthorn (Princeton University Press, 2005).

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asked to accept it, given the circumstances of politics, which include the fact of disagreement among citizens.

That condition is rather vague, however, and if we look to Williams for clarification, his position turns out to be hard to pin down.[33] He says first of all that there can be no universally applicable account of legitimation: what counts as legitimation will vary according to time and place, and will depend on the beliefs already held by the people over whom political rule is being exercised. In particular, although liberal principles are the only ones that will serve for us—denizens of modern western societies—there is no cause to assign them any kind of privileged status *in general* as solutions to the legitimacy problem.[34] On the other hand, Williams is reluctant to say that just anything that 'works' in the sense of inducing compliance will count, since he is alive to the problem of people being coercively drilled into holding beliefs. He therefore applies a 'critical theory principle' that disallows legitimation by means of beliefs that have only come to be accepted through the exercise of the coercion that they purport to justify.[35] He also hedges on whether the form of legitimation that is being provided should merely be *acceptable* to the people in question, in the sense that it appeals to ideas that they ought to accept, given all of the other things that they believe, or should actually be *accepted*. He recognizes that no political order will be recognized as authoritative by everyone under its dominion—some people may, as he puts it, be 'anarchists, or utterly unreasonable, or bandits, or merely enemies'[36]—and this raises the question of what proportion of the population must accept a proposed legitimation for the BLD to be satisfied. These difficulties seem to me to reflect uncertainty on Williams's part as to how far he wants to offer a wholly 'realist' or sociological account of legitimacy, where all that matters is that sufficiently large numbers of people should accept the justifying story that their state tells them, or whether his ambition is to be more normative, such that we would be able to say to people in a certain context that they *ought* to accept a political authority because its claim to legitimacy is sound (albeit not necessarily liberal in form).

[33] I draw in this paragraph on my longer discussion of Williams and his relationship to Rawls in Miller, 'In What Sense Must Political Philosophy Be Political?'

[34] Williams does not make clear to whom exactly the claim about liberalism as the only acceptable solution to the BLD applies. 'Now and around here the BLD together with the historical conditions permit only a liberal solution', he says (Williams, 'Realism and Moralism in Political Theory', p. 8). The historical conditions in question are those displayed by 'the modern state', and involve such things as bureaucratic forms of organization and 'disenchanted' authority—which suggests that contemporary China, for example, would qualify. But if 'around here' is meant to exclude societies like China, then the claim about the BLD and liberalism is in danger of becoming circular: liberal societies need to be legitimated by liberal principles.

[35] Williams's fullest discussion of the critical theory principle can be found in B. Williams, *Truth and Truthfulness* (Princeton University Press, 2002), Chapter 9.

[36] B. Williams, 'Toleration', in Williams, *In the Beginning Was the Deed*, p. 136. For a fuller discussion of Williams's treatment of people who won't accept the legitimation narrative that is offered to them, see M. Sleat, *Liberal Realism: A Realist Theory of Liberal Politics* (Manchester University Press, 2013), 123–126.

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Despite this ambiguity in Williams's handling of the legitimacy condition, he is surely right to insist that political philosophy, concerned as it is to find normative principles to order our political relationships, must be concerned with the issue of legitimation. Of course, it need not be concerned with legitimating the social and political institutions that currently exist. You can be a democratic political philosopher living under an autocracy that you argue ought to be abolished. The point is that you must be able to show that the social model you are recommending is one that could come to be regarded as legitimate by the people living under it, so that it would not be merely a model coercively imposed on them. Now, how can we tell what political arrangements people might be able to find legitimate? Is there any limit to what they might find reason to support? Clearly, at different historical periods, a range of different regimes have found that they are able to generate support, at least among enough of their subjects that we cannot just dismiss them as purely coercive orders (or as Williams puts it, 'one lot of people terrorizing another lot of people'[37]). In other words, there is no single form of government or social system that uniquely commends itself to human beings as justifiable, but rather a repertoire of possibilities. However, it does not follow that we are able to pick and choose among these possibilities at random. Where it is feasible to move to at any particular historical moment will depend not only on material factors but also on the beliefs of the population at that same moment. A twenty-first-century liberal society couldn't, for example, transform itself into a theocracy except by means of a sustained period of coercive enforcement of religious uniformity from above. So applying Williams's critical theory principle, a proposal to create such a theocracy couldn't, for us, count as a political proposal. A political philosopher who tried to recommend it would be in violation of the legitimacy condition.

Perhaps I can make the point clearer by considering an option that many readers are likely to find rather more attractive than a theocracy, namely the communist utopia hinted at by Marx, described in more detail by some of his anarcho-communist near contemporaries such as Peter Kropotkin and William Morris, and recently revived through the device of an idealized camping trip by Jerry Cohen.[38] This is a society in which people work for the common good without compulsion or material incentives and resources are distributed on the basis of need. The centralized state is replaced by freely agreed upon cooperation between the various local communities that make up the society. This model is sometimes written off on the grounds that it is inherently infeasible, but that is not so. We can find historical examples of social formations that approximate to it. But if we look at them more closely through social scientific spectacles, what do we find? First, that

[37] Williams, 'Realism and Moralism in Political Theory', p. 5.

[38] G. A. Cohen, *Why Not Socialism?* (Princeton University Press, 2009). For a critical appraisal of Cohen's analogy, see M. Ronzoni, 'Life Is Not a Camping Trip–on the Desirability of Cohenite Socialism', *Politics, Philosophy and Economics* 11 (2012): 171–185, and my own briefer discussion in Miller, 'Our Unfinished Debate about Market Socialism'.

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where the model has been able to operate with minimal coercion, it is on a fairly small scale, such that members of the relevant group are interacting intensively, monitoring one another's behaviour closely, and allocating social rewards in the shape of praise and blame. Second, that the communities that have been able to retain this form over a substantial period of time have been infused by a strong sense of common purpose, usually in service of a religious ideal, and often with a charismatic leader who is able to uphold the community's normative order by the force of his personality.[39] The most prominent exception to this rule is provided by the (mostly secular) Israeli kibbutzim in their early years, though it is plausible that the element of Zionist ideology that emphasized the remaking of the Jewish character through physical labour provided the substitute for religious commitment in this case.

I introduce this example to illustrate the point that a social model might be feasible in principle without being accessible to us politically. Of course, under current arrangements no one is prohibited from setting up a commune by voluntary agreement among the participants, and there have been many experiments of this kind over the last century, most of them quite short-lived. But attempts to implement it politically under modern conditions and on a large scale have involved massive amounts of coercion, as witnessed for example in Chairman Mao's Great Leap Forward of the late 1950s, estimated to have claimed as many as 45 million lives.[40] So it cannot be offered to the citizens of a large modern state as a legitimate proposal for reordering their common life. Someone who does so recommend it in the knowledge of what it would take to implement the model isn't engaging in political philosophy as I have been presenting it here.

I don't mean to imply that it is wrong to ask the question 'what kind of life is best for human beings?' Suppose by producing relevant empirical evidence we could show that the form of life outlined by Marx, Kropotkin, Morris, and Cohen was indeed the best, in the sense that it made people happiest, most fulfilled, most creative, most autonomous, etc., etc. This would certainly give us reason, as moral agents, to encourage others to adopt that way of living. It would also count in favour of a political order that it gave people the opportunity to live in the preferred way. For example, it could be presented as an argument in favour of a liberal order that it allows people to adopt the communal form of life on a small scale if they wish to. So if some such claim about the best form of human life can be established, this would be relevant to the political philosopher when constructing his social model. But it is far from being the only relevant consideration. The model also has to pass feasibility and legitimacy tests to count as political philosophy and (depending on

[39] See R. M. Kanter, *Commitment and Community: Communes and Utopias in Sociological Perspective* (Harvard University Press, 1972), Chapter 4.

[40] Higher and lower figures than this have both been suggested, but this one comes from two scholarly studies: J. Becker, *Hungry Ghosts: China's Secret Famine* (John Murray, 1996), Chapter 18; and F. Dikötter, *Mao's Great Famine* (Bloomsbury, 2010), Chapter 37.

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the circumstances in which it is being presented) the communal model might fail either or both of these; that is, there might be no way to implement it starting from where we are now, or it might be impossible to defend the model using arguments that actual citizens would be willing to accept.

In fact, I am doubtful whether the question posed at the beginning of the last paragraph *can* be given a definitive answer. Robert Nozick cast some doubt on this by presenting a long list of diverse characters, historical and contemporary, and challenging the reader to say what kind of life would be best for all of them.[41] Although like much of Nozick's work this was a little playful, he had a point: a plan of life that one person might find entirely fulfilling (living close to nature on a remote island, for example), another might regard as hell on earth. Nor would third-party observers be able to settle the disagreement.[42] We can have much greater confidence in being able to find a consensus on evils to be avoided—on what makes a human life *not* worth living—than on ideals of the best life that we might pursue.[43]

15.5 Conclusion

I began this chapter by counterposing my approach to political philosophy to the Transcendent Truth approach. On the TT view, the primary aim of political philosophy is to provide principles by which social states, real or hypothetical, can be evaluated, and it claims to be able to discharge this aim without asking questions about feasibility, and without reference to popular belief. It asserts, for example, that we can know what justice is without knowing the extent to which it is attainable, and without asking people what they think justice means. A TT person might nonetheless wish to make recommendations about how to make the world a better place, by her standards, but this is a secondary activity and not one that a political philosopher is required to engage in. Someone who says 'I'll tell you what justice is, but I've no idea how to achieve it' doesn't, on the TT view, lose their membership card.

[41] R. Nozick, *Anarchy, State, and Utopia* (Blackwell, 1974), p. 310.

[42] Nozick presents this as a reason for seeing 'utopia' as a liberal order with only a minimal state, since it allows many forms of life to coexist, but in fact it is only a fairly weak reason, since there are going to be many people whose capacities and preferences are such that they would do better under a different regime. The essential point was made long ago by Brian Barry:

"Liberalism rests on a vision of life: a Faustian vision. It exalts self-expression, self-mastery and control over the environment, natural and social; the active pursuit of knowledge and the clash of ideas; the acceptance of personal responsibility for the decisions that shape one's life. For those who cannot take the freedom it provides alcohol, tranquillizers, wrestling on the television, astrology, psychoanalysis and so on, endlessly, but it cannot by its nature provide certain kinds of psychological security" (B. Barry, *The Liberal Theory of Justice* (Clarendon Press, 1973), p. 127).

[43] Compare here David Estlund's discussion of 'primary bads' in D. Estlund, *Democratic Authority: A Philosophical Framework* (Princeton University Press, 2008), Chapter 9.

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I reject this view because I take it to be essential to political philosophy that it should be action-guiding—that it should speak to politicians and to the public at large and give them reasons either to change or to maintain their institutions, laws, and policies. That is why it must engage with questions of feasibility and legitimacy; it needs to ask whether the social model the political philosopher is proposing can actually work, and also whether the changes it requires can be justified to the people who will have to make them. But I also argue against the TT view on epistemic grounds: I am sceptical of the claim that political philosophers have some special insight into political values, such that they can set aside popular beliefs as mere opinion. On the contrary, if they find that their intuitions on certain normative questions are at odds with the firmly held convictions of lay people, they should at least seriously contemplate the possibility that it is they, rather than the public, who have got it wrong.

As I said at the beginning, this opposition between two ways of doing political philosophy is stark, and it is certainly possible to search for more nuanced positions—for example, to think about the reasons one might have for paying close attention to public opinion without, however, abandoning the idea that the political philosopher's job is to provide independent justifications for political principles.[44] I also said that there is room in the field for both more applied and more abstract work. So this chapter can be read either as a personal credo, or as a warning against the tendency to turn political philosophy into an absorbing game carried out at some considerable distance from the real world. We face pressing problems: the climate emergency, ramifying social inequality, the refugee crisis, the rise of illiberal nationalism—the list could go on. Political philosophy needs to be able to speak to these problems, and speak in a way that makes it a living presence in our societies.

[44] For a strongly argued defence of this position, see A. Swift, 'Why Does it Matter What the People Think?', in *Forms of Justice*, edited by D. Bell and A. De-Shalit (Rowman and Littlefield, 2003).

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