Why Moralists Should Be Afraid of Political Values: A Rejoinder

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We are pleased that Erman and Möller have been kind enough to reply to our response to their paper. However, unfortunately, we find that reply disappointing. After alleging that we mischaracterize their view, something we find little evidence for, they then go on to insist on the validity of what we identified as a question-begging assumption and to misunderstand the structure of the example we provided of how a realist political normativity might be constructed.

The question-begging assumption we identified in Erman and Möller's piece was that the values of freedom and equality incorporated in realist accounts of political legitimacy must, apparently in virtue of being values of freedom and equality, be moral. If the forms of freedom and equality realists rely on are moral values, then their theories will be justificatorily grounded in morality just as political moralists' are. This is a peculiar assumption for Erman and Möller to make, since they allow that not all forms of normativity are moral (pg. 1). However, they simply repeat their refusal to consider the question of whether freedom and equality could, at least in the form invoked by realists, be distinctively political values at all. They adopt two strategies of evasion here. First, they define the moral in such a way that any normative consideration about any form of human behaviour becomes moral, saying that "moral values and principles are those that justify the right actions of persons toward each other" (pg. 2). This makes the claim that freedom and equality are moral values trivial. Any value concerned with how people ought to act towards each other is moral and so, by definitional fiat, any normative theory the entitlements we have against each other must be at root moral. This is a pyrrhic victory, if it is one at all. Why would realists want to claim that their theories (i) ought to govern our interactions with each other and (ii) at the same time avoided reliance on pre- or non-political morality, if they thought that all normative claims about how we ought to behave to

one another were necessarily moral? It is usually at least worth starting from the assumption that your opponents hold themselves to basic standards of consistency.

Second, Erman and Möller try to characterize the sorts of normative claims that realists make as reducible to recognisably moral claims. For example, they "trace the values underlying the justificatory commitments of realists to those of freedom and equality of members of the society" and discover that their "justificatory basis" must be in "an idea of freedom and equality of each person" (pg. 3). 'Person' here seems to be doing a lot of work, pointing towards an abstract moral status of the sort one might be given by a religious doctrine or some kind of Kantian metaphysics. If we replace 'person' with 'subject' or even 'citizen', rather than invoking what Rawls would have called a comprehensive view, we can instead rely on a reading of a political relationship – that of "governmental bodies" to their members, and their claims to authority over them (pg. 2) – which seems not to require any such wide-ranging or deep justificatory foundations. Just as the relation between academic interlocutors has a certain character and so is governed by certain norms – a degree of intellectual charity, for example – so does the relation between an agent claiming political authority and those it is claiming authority over. There may be good reason on occasion to fail to abide by those norms, but the norms themselves are internal to the relationship. We justify them by pointing to the character of that relationship (Rossi 2012), and they need no wider or deeper justification.

This brings us to Erman and Möller's discussion of Bernard Williams' Basic Legitimation Demand (BLD) and our use of it as an example of how a realist account of legitimacy could work. They make two points there. First, they point out that a conceptual distinction between domination and legitimate politics will not give us, on its own, the conclusion that domination is illegitimate and so impermissible. Since there can be a distinction between A and B even while something is both A and B, the distinction between domination and legitimate politics does not show that legitimate politics is not domineering. All this shows is that it possible that Williams was wrong when he drew such a distinction and made it clear that he saw legitimate politics and domination as antonyms. Since it is always possible that any of us is wrong at any given time, this is hardly a decisive point. It would be a decisive point if they showed that, given what Williams says about legitimate politics and domination, the two did not exclude each other. However, they make no such attempt.

The second point Erman and Möller make against Williams' BLD seems more significant. There, they claim that the conceptual distinction itself will not provide the normative resources to ground claims about the permissibility or otherwise of different political orders. This is supposed to show that it must in the end rely on moral values to justify the distinctions it draws between legitimate and illegitimate political orders. This however relies on the assumption that any values which might govern any kind of human interaction at all must be moral, an assumption we have already seen that

realists reject and which lacks warrant, given the possibility of justifications internal to practices. Even if we did not reject that assumption, though, this would not show that Williams' BLD cannot give us an appropriately political account of legitimacy. The conceptual distinction, if it can be sustained, enables us to select the justificatory resources needed to ground claims about the legitimacy of particular political orders. It tells us why they are relevant to the particular question it is directed at answering and in doing so, makes them appropriately political.

For example, Williams thought that because legitimacy was about justifying power's production of a social order, that justification risked vicious circularity if the conditions for its success for produced by the same power it was meant to justify. He called this claim "the critical theory principle" (Williams, 2005, pg. 6). This principle filters and decides the valence of the moral claims an account of legitimacy in a particular time and place might rely on. Williams thought that it ruled out appeals to the truth of liberalism as a moral doctrine, claims which would be perfectly admissible in other contexts. This process of filtration and redirection avoids justificatory dependence on moral claims, since they are no longer the claims that could be made in the distinctively moral realm, that of interpersonal interaction. When we refuse to lend you money to send your child to a religious school despite our friendship, we may perfectly well point to our commitment to liberalism as a moral doctrine and so suggest its truth. Williams claimed that in contrast a state could not only do that when confronted with parents who want to educate their child in a particular religious tradition, at least not if it wanted to remain legitimate for and to them. The normative weight of liberalism as a moral doctrine is supposed to be altered when it is raised in a political context. Of course, we may not want to remain in a political context; we may want to make all our disagreements purely moral disagreements. However, as realists will tend to remind us, the costs of insisting on the absolute authority of our private moral views may be very high however we understand them (Rossi and Sleat 2014). What benefits a political relationship brings, though, is a different question from whether there is such a thing as a political context, with its own normativity, not reducible to or derivative of straightforwardly moral claims.

References

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