

Methodological moralism in political philosophy

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ABSTRACT

An important strand in the school of thought known as ‘political realism’ is a distancing from, if not a rejection of ‘political moralism,’ the application of moral standards to political phenomena. This initial formulation of realism’s opposition to moralism suggests several distinct theses. One is that moral thinking, as a social phenomenon, is causally subsidiary to political structure. Another is that moral convictions are mere rationalizations of preferences and interests. A third is that proper political thought takes the moral defects of humans as given. Another thesis yet would be that political standards are not ‘applied ethics,’ applications of moral principles applicable to individual behavior. I argue that none of these positions, even if they were correct, would raise any difficulty for the thesis that political arrangements are subject to moral standards of what is right or just.

KEYWORDS

Realism; political moralism;
ideal theory; non-ideal
theory

Introduction

Evaluative standards for political arrangements have an uneasy relation to the idea of moral standards for several reasons. For one thing, it is not clear how to delineate the boundaries of the moral. Another issue, influential lately, is that political communities need a way forward even in the face of moral disagreement. It might seem to be unresponsive to offer a moral argument as the solution. But that does not get us very far, since any evaluative standard – moral or not – will also be implicated in the kind of disagreement we find in politics. For this and other reasons we will survey, it is not easy to discern what the realist objection to the moral understanding of political normativity is meant to be. In this paper, I want to make some distinctions in order to identify several (by no means all) of the possibilities, and argue along the way that each of them faces serious difficulties. Without knowing exactly what ‘moral’ should be taken to mean, which I admit is a hard question for either side of the political realism debate, I adopt what might be called a ‘methodological moralism.’ Since my aims here are critical, I mainly adopt the stance of anti-anti-moralism in political philosophy, rather than mounting a substantive defense of the moralist position. Also, I am not suggesting that anti-moralism is the core of realism (though it may be in some authors). Realism is not a single view but a family of views which I will not try to define further here. My focus is several strands of critique of moralism in political philosophy.

There is reason to complain about the very term ‘realism’ in political philosophy. The connotation, surely not unintentional, is that realists are those who believe we should be realistic in political theory and practice. The opposing camp has been labeled, by the realists, (a term evidently coined by Bernard Williams) as the party of ‘moralism.’ *Merriam-Webster* proposes as synonyms for ‘moralism,’ ‘prudery, nice-nellyism, prudishness, puritanism.’ I have no proposal for substituting new terms, at least not a realistic one. So I will stick with ‘realism’ (though it will sometimes be useful to refer more specifically to ‘anti-moralism’) and ‘political moralism.’

The following distinction might help in thinking about the vague idea of being ‘realistic’ in political philosophy. Consider two propositions that are not very controversial:

Proposal realism:

Proposals for political action or change are defective if they are not informed by and sensitive to the best available assessment of the relevant facts and probabilities, however depressing they might be (but also without irrational pessimism).

Nobody could plausibly deny Proposal Realism, and I doubt that anyone ever has. (Obviously, some thinkers have been wildly more optimistic than others, but that dispute about probabilities is different.) So, if the question is whether to be realistic, we are all realists in that sense. Consider, next,

Principle idealism:

Appropriate normative principles or standards for the evaluation of political arrangements are neither committed to nor refuted by facts about whether the standards are or will (or probably will) be met in practice.

Has anyone ever denied Principle Idealism? To deny it is to hold that normative political standards can be refuted by the mere fact that they probably will not be met. I do think many writers have said things in tension with it, perhaps conflating likelihood with ability, turning on the slippery term, ‘feasibility.’ But they also might often be equivocating between proposals and principles. Once the question is put explicitly in terms of principles (or standards, or requirements) I do not see how it could be denied.¹

So basically everyone is a realist about proposals, and no one is a realist (in this sense) about principles. So if there is an interesting debate between realists and some opponents, it must lie elsewhere. A number of thinkers associated with the realist school of thought claim that it is, in some way, a mistake to evaluate political arrangements by moral standards.² I want to distinguish several versions of this idea, and consider to what extent they ground a case in favor of a distinctive method, ‘realism,’ as against ‘moralism’ in political philosophy.³

Beyond applied ethics

One way of opposing an overly moralized approach to political standards would be to reject basing requirements of, for example, justice on what are taken to be plausible principles of individual morality.⁴ It is not entirely clear what is meant by this rejection. Perhaps the question is whether there is a special ethics for certain political agents such as office-holders. Debates about ‘role ethics’ for lawyers, doctors, and others can be extended to the role of politicians, and maybe they are under permissions or requirements that would not apply to non-politicians. However, this question is not a central concern of realist critics of political moralism. The kinds of political philosophy they criticize, in which justice, legitimacy,

authority, and so on are central and morally defined, do not suggest any distinctive position on the role-ethics question.

When we turn to such questions as political legitimacy, justice, and authority it is obscure what the target position that simply derives political standards from individual morality is meant to be. Here are some common schematic candidates for requirements of political justice: Members should have certain guaranteed basic rights and liberties (maybe equal, maybe not...); Certain goods or opportunities ought to be distributed in some certain ways; The social structure itself ought to meet certain standards. We notice right away that none of these has any clear analog in individual morality. An individual is not a society, and so is not made up of agents who might be granted or denied rights or liberties or between whom certain assets might be distributed. And not being a society, an individual cannot be required to instantiate any principles of social structure. This might seem to be a point in favor of the view that political requirements are not based on 'pre-political' moral requirements. That can look like a category mistake: political standards are of the wrong kind to have any conceivable application to individuals. The problem, though, is that there is no debate about this claim once it is interpreted in this way. There is no school of thought, no idealist or utopian outlook, that thinks there are moral requirements on individuals of the kind that are proposed as requirements of social justice. So this cannot be the locus of any significant debate.⁵

In another view that is suggested by rejecting 'pre-political' moral requirements on the political, some, in the tradition of Machiavelli, investigate how rulers ought to rule *given* the moral defects of humans. And they often suppose that this kind of 'ought' must, for this reason, itself be other than moral. It is hard to see why. Whether or not Machiavelli was reasoning morally, there is no difficulty about there being paradigmatically moral questions of this kind. So the view that questions about politics take facts about individual moral vice as given is no reason for thinking the questions about politics are something other than moral.

The obscurity of political normativity

It would be possible to hold that there is a *sui generis* mode of practical normativity that is political but not moral. But if we survey the main things this might mean, the idea is elusive. As I have said, it is notoriously difficult to say clearly what the moral consists in, and I do not have a proposal. But if someone claims to have arguments that normative standards for appropriate politics are not moral standards, they owe us enough of an account of the nature of the moral for us to understand what it is that they mean. If, instead of proposing a distinctive normativity, political anti-moralism is meant to rest on a comprehensive normative skepticism, then the debate is one about moral epistemology, and the realists have not begun to engage the rich philosophical literature about moral skepticism and possibility of moral knowledge.⁶ But, more likely, realists do not mean to rest their case on sweeping epistemological skepticism about normativity in general. For example, the view often appears to be that there is a distinctive kind of normativity in the political realm, one that is in some way 'prior' to moral normativity.⁷ So maybe they mean to allow that appropriate normative political standards are moral after all. But then it remains unclear to me what they mean to be claiming – what precise kind of priority they have in mind, and I return to that question below.

The intention in the idea that politics is not subject to a morality that is 'prior to politics' might be to reject the idea that we can think soundly about the content of moral requirements about politics prior to considering politics itself. But everyone rejects that idea, more or less. It is an epistemological issue, and it seems to me a fairly simple one. It is preposterous to hold that one could attain strong epistemic justification for moral views at all, including for those that would bear on politics, entirely before considering what they would imply in political contexts. That kind of 'ethics first' approach is not a serious contender in moral or political philosophy, and I take it that political realists who reject the priority of morality to politics mean to reject moralism in political thought in some deeper way than this.⁸

Some who oppose moralism about politics do have a beef of one kind or another with moral thought itself. Certainly, philosophers have long debated whether moral thought can ever gain significant epistemological warrant or authority. Notoriously, moral views vary widely across history and culture. In addition, there are no instruments to detect the moral facts in the way that are sometimes available for scientific facts. And so on. And, of course, this might all open the door to rationalization. What is often not properly appreciated, however, is that similar challenges face normativity of every kind, not just moral normativity. There are no instruments to detect the true principles of rational prudence (dear to many realists' hearts) or logical inference either, or any other normative standard. Granted, there is less cultural and historical disagreement about some of these than about morality. But consider the political realist position. Either it eschews normative standards for the evaluation of politics altogether (in which case, we need this explained), or it accepts some (ostensibly pre- or non-moral) kind of distinctively political normativity.⁹ But it is difficult to see how anyone's view of the substance of those alternative standards could dodge the slings and arrows that are cast toward moral normativity: after all, whatever kind of normativity this is supposed to be, there is surely pervasive disagreement about its content, no instruments to detect it, psychological tendencies to rationalize, and all the rest.

Political moralism as window dressing

One familiar ground for suspicion about moral views generally is the observation, difficult to deny, that they often arise in a self-serving way, as a kind of wishful thinking.¹⁰ If I like having the money-filled wallet that I found on the street, it will calm my mind if I also judge that I am morally permitted to keep it – say, on the exalted principle of 'finders keepers.' It is natural to be suspicious, or at least critically alert, when a person's moral principles happen to endorse things that would be favorable to her. This is a mechanism – leaving its details aside here – that operates at the level of individual psychology. (We will turn shortly to more social-structural versions of the idea.) Of course, some of the self-serving moral views that are so-formed might be about political matters. For example, if I like the tax benefit I get when I inherit a lot of money from my wealthy family (a hypothetical example), then it will calm my mind if I also believe that there is a moral justification for such a tax break. And it isn't just a matter of what I might think, but also about what I might want to say or do publicly. If I want to politically promote such a tax policy, it will calm my mind if I understand myself as arguing honestly rather than selfishly feigning that moral view – that is, rather than lying.

E. H. Carr, a classic political realist, writes,

‘Ethical notions,’ as Mr. Bertrand Russell has remarked, ‘are very seldom a cause, but almost always an effect, a means of claiming universal legislative authority for our own preferences, not, as we fondly imagine, the actual ground of those preferences.’ This is by far the most formidable attack which utopianism has to face; for here the very foundations of its belief are undermined by the realist critique.

This grounds a kind of political realism in the general thesis that ‘ethical notions’ are always rationalizations of preferences. This is not quite moral nihilism, the view that nothing is right or wrong. The claim, so far, is only that humans will tend to form moral judgments that would justify or advance their preferences and interests. That is an empirical psychological claim, not a moral or philosophical one. In fact, Russell, whom Carr is quoting, was no nihilist, but a kind of utilitarian.¹¹

Incidentally, nihilism would also appear as nonsense to all those (everyone?) whose moral views are formed to calm their minds. If they believed nothing were right or wrong, there would be no question of justification to trouble them or calm them. The psychological thesis that moral views are rationalizations seems forced to admit that people are not nihilists. And unless such theorists exempt themselves from their sweeping psychological claim, they are not nihilists either, or at least not in their heart of hearts. The view is an awkward one, though not logically incoherent: some things really are right or wrong, though people’s judgments about these matters are nothing but rationalizations of their (and our) own preferences.

A more important point for my purposes is this: the claim that someone’s moral views or arguments are psychologically explained by trying to rationalize preferences is no argument at all against the resulting moral positions. Beliefs and arguments cannot be refuted by identifying their cause or even their motive – that commits the so-called ‘genetic fallacy.’ And, pertinently, Carr’s claim that moral views are caused by (and perhaps in an effort to rationalize) political structure (or, in Marx, by economic modes, to be discussed below) merely purports to identify their cause and motive. So, it is no argument at all against them. For this reason, the thesis of morality as rationalization is perfectly compatible with the ‘moralist’ (or, in Carr, ‘utopian’) view that political arrangements are subject to moral standards.

Mere superstructure

Carr endorsed Russell’s thesis of individual psychological rationalization (mentioned above), but he also held that moral thought was, or was closely bound up with, a kind of superstructure, in a Marxian sense, resting on a more fundamental explanatory ‘base’ consisting in social and political structures. Marx, of course, thought that even political structures were superstructural relative to the more fundamental explanatory level of the succession through history of what he called modes of production, and also that not just moral thought but thought or ideas generally were superstructural in this way.¹² Nevertheless, Carr’s general idea of base/superstructure is similar to, and clearly drawn from, Marx’s.

Russell, or Carr, or Marx, could add to the causal explanatory theory a metaethical claim that there is nothing to morality except these causally situated phenomena – no such thing as true or sound moral views. They could embrace *moral nihilism*, so understood. Or they might embrace some kind of metaethical expressivism or other non-cognitivism, where moral judgments do not answer to attitude-independent moral facts.¹³ But the important point here is that the diagnostic causal claims (rationalization and superstructure), which

are disputable in themselves, would in any case be no support for such metaethical views. Like Russell, who accepted a form of utilitarianism, Carr or Marx could consistently hold moral views of their own (presumably they all thought that rape is wrong), or at least take the general position that some moral views are sound or true even if it is difficult to get things right in the face of these social and psychological causal forces. A causal diagnosis of moral thought either at the individual (as I have said before) or the social level, however sweeping and plausible, simply does not engage any moral question, nor does it engage, much less damage, the view that political arrangements are properly subject to moral standards. It commits a genetic fallacy. Analogously, we know that arguments in criminal court are overwhelmingly self-serving, and often produced for that reason. This should alert us, but it does not somehow sidestep the pressing issue of whether the defendant's arguments can be answered. So, even if moralized views of political justice tend to be produced or even motivated by their functionality for the status quo or the ruling class (which is not to be easily conceded), the question remains in full force: can the arguments for those views be answered? (Often, prudence fuels ingenuity, after all, as criminal defense attorneys can attest.) If the arguments are sound, then the arrangements are indeed justified, though all agree it is not easy to find those arguments.

The alleged primacy of disagreement

Whether sincerely or cynically, political actors advance and defend competing accounts of matters such as distributive justice, individual rights, and obligations to obey the law. These are often matters of undeniable importance and they are manifestly concerned with political questions, such as the authority of the state and its limits, and the justification of the social economic order. Presumably, and as participants will normally assume, some of these contending positions are right and some are wrong, and careful investigation of them is, at least to a great extent, a philosophical task. This point casts some doubt on one of recent realism's most central claims, what I will call the alleged *primacy of disagreement*. On this view 'the political' is not directly about distributive justice, or human rights, or the extent of a duty to obey the law, and so on. Those are said to be questions in moral philosophy and not political philosophy because these are not genuinely political questions.¹⁴ Genuinely political questions arise from taking seriously the need to find a way forward in the face of fundamental disagreement about that first category of things: justice, rights, etc. There are several claims here all of which seem to me indefensible.

One possible claim in this vicinity is that the supposedly genuine topic of political philosophy – how to get on in the face of disagreement – is not a moral inquiry.¹⁵ This claim against moralism continues to be the object of my criticism throughout this paper, but here we should consider two others. The first claim is that theories of justice and right, etc., are not really political philosophy. Call this the *definitional claim*. The second claim, call it the *primacy claim*, is that inquiry into how it would be appropriate to deal with the facts of disagreement is, in some sense, the primary or more fundamental question for political philosophy or theory.

Consider the definitional claim, that questions about justice, rights, and political obligation are not topics for political philosophy, but only for moral philosophy. One might think it would be a decent refutation to point out that this would seem to disqualify Rawls's *A Theory of Justice* from counting as political philosophy, but that implication is typically

embraced. Rawls, at least in the part of his work concerned with justice rather than legitimacy, is often at the top of a list of, especially, liberal and democratic philosophers who are held to be doing moral but not political philosophy. This definitional claim might be argued for in either of two ways: The first is that political philosophy is best understood as having no overlap with moral philosophy, and since the targeted theories of justice, rights, obligations, and so on are conducted in the mode of moral reasoning about these questions, they do not count as political philosophy. The premise that if some philosophy proceeds by way, in part, of moral reasoning then it is not political philosophy is surprising and undefended. I'm reminded of a childhood friend who insisted, one afternoon, that it was not raining, it was drizzling. Surely the relevant opponent to this realist position holds that moral philosophy and political philosophy overlap.

Realists who emphasize contestation and disagreement as the defining features of the political might be conflating 'politics' and 'the political.' 'Politics' plausibly connotes procedures of argumentation, office-seeking, campaigning, jockeying, advantage-seeking, and so on, that characterize the operations of various political systems.¹⁶ But 'the political' quite obviously covers other matters. For example, consider the question whether or under what conditions there would be a broad moral obligation to obey the law. The answer may make some reference to political conflict and competition, or it may not. The question is not essentially about those things. It is a moral question, but it would be obtuse to deny that it belongs to political philosophy, its being traditionally regarded as one of the founding questions of the field. If it is said that it is 'not a political question,' this is potentially misleading. It is indeed not, usually, a matter of practical political dispute. Political obligation only occasionally arises as a political question in that narrow sense. That leaves standing the obvious fact that it is a philosophical question about the political domain. Questions about how political disagreement can be rightly or legitimately dealt with are certainly *also* part of political philosophy, but they are not, on any plausible definition of political philosophy, the only genuine political philosophy. Of course, even if that exclusionary definition were accepted, this would tell us nothing against philosophy of the political in the moral mode. In any case, my argument here is that the definitional claim is implausible and unsupported, whatever importance it might or might not have if it were sound.

Next, consider the primacy claim, that the problem of disagreement among advocates of conflicting moral and other views is somehow primary or more fundamental to political philosophy than questions such as justice, obligation, and rights. A more modest, indeed obvious claim would be that the problem of disagreement is among the major topics of political philosophy. The point of this observation might be to argue in addition that these questions are neglected. Still, none of this would support any objection to the other kinds of political philosophy.

The less modest claim is that the problem of disagreement is in some sense primary or fundamental as compared with other questions such as justice and rights. It is important not to confuse the claim that some peace and order in the face of disagreement is a precondition for the pursuit of other values, with a claim about the primacy, in the domain of political questions, of the problem of disagreement. It is also a precondition of the pursuit of, say, scientific truth or progress that enough inquirers enjoy enough time, support, health, and education to pursue scientific truth. As in the political case, that is a kind of primacy (if we can call it that) of a certain state of affairs over certain other states of affairs (and this is all Williams seems to assert with his now famous phrase, 'the first political question').¹⁷ But

questions about those social preconditions are not thereby shown to be fundamental scientific questions enjoying some kind of primacy or centrality in the domain of scientific inquiry, which they patently are not.

Indeed, there is an obvious kind of primacy that goes the other way. Political disagreements are, among other things, conflicts in political views, the contending views being logically prior to the disagreement. Rossi and Sleat's own sympathetic account of political realism insists that, 'We need politics in part precisely because of the ubiquity of moral disagreements *about what we collectively should do, the ends to which political power should be put, and the moral principles and values that should underpin and regulate our shared political association.*'¹⁸ The part I've italicized describes positions, sometimes philosophically elaborated, that this definitional realism does not count as political views. It is difficult to see any sound basis for this terminological proposal. It is no help to the realist to call those 'moral' views. It might be raining even if it is also drizzling.

These points fit together: (a) that there must, causally speaking, be some social stability in the face of first-order disagreement is no argument that the question of law and order is the primary question for political philosophy or theory. (b) Moreover, there is a clear kind of primacy of the first order questions over the second order one of how to go on in the face of such disagreement.

Two forms of practice dependence

When realists say that politics is not subject to morality in any way that is 'prior to politics' they often mean prior to actual political processes and events, rather than, say, prior to political concepts or to the very idea of politics. So one view is that moral standards for politics such as standards of social justice depend on outcomes and settlements (democratic or not) that arise in real historical time out of real historical agency. On that view, the idea of evaluating political arrangements by standards that are somehow prior to or independent of the outcomes of those historical developments is nonsense. We might call this the view that politics *produces* the relevant standards. It is still a vague position in several ways. For example, it might mean that the produced standards are genuinely valid, or it might mean that there are no valid moral standards for politics at all, but only the norms that predominate or are purveyed as a matter of descriptive social fact.

On the latter, debunking reading, the question whether politically pertinent morality is 'prior to politics' is a distraction. That view is that there is no valid politically pertinent morality at all. It is a form of nihilism about such standards, (whether or not it is nihilistic about individual morality as well). It is not the view that moral standards such as justice are wrongly sought outside of serious attention to political and historical developments. It is, rather, the view that they are bogus in any case. We have considered the case of moral skepticism above, and this would be one form. I mention it here in order to distinguish it clearly from the former view I just contrasted it with, on which certain historically produced norms are valid.

This production view, if it is not meant to be debunking in that way, is arguably committed to some prior, unproduced, moral principle according to which political settlements get this moral authority (akin to the 'Euthyphro question' about how God's commands might generate morality). So it may not entirely avoid positing unproduced moral standards pertaining to politics. Still, it might satisfy some realist impulses by nevertheless letting substantive political standards themselves arise from actual historical agency. Contrast this with a rather

different kind of claim that political morality is not prior to politics, namely the claim that the moral norms that apply in a political setting depends on the kind of practice that it is.¹⁹

On this 'practice dependence' view (or, as I will call it for reasons to be explained, the practice-relativity view), the valid moral standards for a constitutional democracy, say, might be substantively different from the valid standards for an international partnership owing to the very different kinds of practices these are. Sangiovanni has explored this view and counts Rawls as an exponent. Rawls famously denied that his principles of justice are bound to make sense for practices other than whole societies. And he later argued that, in fact, they are not the appropriate principles for the evaluation of a global practice involving multiple (or all) nations.²⁰ This kind of denial that the moral standards are 'prior to politics' is not the claim (a la the production view, above) that the standards are produced by actual political developments in real historical time. On this view, rather, the right standard for a given political practice is prior to and independent of what emerges or is decided out of any actual politics that take that form. The standards are not dependent on how the actual practices go. Rather they are dependent on what kind of practice is in question. For present purposes, as I have said, it might be helpful to call this the *practice-relativity* view, lest 'dependence' suggest the very different view that standards are products of historical political developments.

The practice-production and the practice-relativity versions of 'practice dependence' can agree that the standards that are relevant change when politics produces a new form of practice. But on the practice-production view it is not because it is a new form of practice, and the standards could have changed even if the practice had not, namely if the standing practice had produced certain settlements or other social facts. On the practice-relativity view, by contrast, the relevant standards in this example would change not because new standards had been produced in political practice, but because the standard that was already (prior to political-production) the appropriate one for this as yet undeveloped practice kicked in when the practice actually emerged.

To see how antithetical the practice-relativity view is to at least some prominent versions of political realism, we need only point out that it can (and in leading exponents, it does)²¹ maintain that there are general standards of interpersonal fairness that are triggered when certain kinds of practices emerge. The appropriateness of those standards for those practices is not historically produced on this view, but is, let us say, 'transhistorical.' The idea that fairness is an appropriate standard for many forms of political practice should they arise is the kind of thing that many realists make it their mission to deny. Suffice it to say that Sangiovanni is explicitly developing a deep commitment of Rawlsian philosophy, so often the *bête noir* of political realists. I am not sure whether there is a strand of realism that coheres with that family of views and which is captured by the practice-relativity view. In any case, the more important question is whether that kind of realism would support a critique of modern liberal political philosophy of the kind realism is normally understood to propose. This appears hard to maintain.

Minimalist moralism

A radical version of practice-relativity would be the claim that the only moral standards for the evaluation of political arrangements are concerned with whether they are good of their kind. If a political system is a monarchy then, on this view its actual arrangement might meet the standards appropriate to monarchy or it might not. If it does, there is no moral

defect such as 'injustice' in those arrangements. If it is a constitutional democracy, then again it might meet or violate the applicable standards.²² Even if moral standards of politics such as justice are always and only standards for something's being good of its kind, the form known as a 'state' might also be a relevant kind, as many have argued. If so, the practice-relativity view must be open to the possibility that there are moral standards that are triggered by the state-like form of political practice itself. For example, that view does not rule out the possibility that states are always unjust unless they are constitutional democracies. Monarchies, then, even when they are good of their monarchical kind, would always be unjust by being defective instances of the state kind. This is a practice-relative account of political standards, but it contradicts the common realist position that there are no transhistorical standards by which constitutional democracy is required or monarchy is unjust.

One could, of course, be 'minimalist' about the standards that are triggered by mere statehood. Williams can be read that way, as I will explain. But it is important to distinguish between justice and legitimacy in thinking about that issue. By 'legitimacy' I mean the moral permissibility of a law's or regime's coercive political enforcement. By 'justice' here I mean the question whether a law or political regime is morally right whether or not its enforcement is permissible. Even if there is good reason to be relatively minimalist about legitimacy (a question I won't consider), that does not preclude there also being more demanding standards of justice. To see this point in action, it will be helpful to push Williams' 'critical theory' and 'making sense' principles together and call it the 'critical sense principle.'²³ This says that a political arrangement is not legitimate unless it can be defended in terms that make sense to those who are subject to it, and the political power has not itself manufactured the conditions in which it is so acceptable. It is relatively minimal in the sense that it is clearly understood by Williams not to declare generally against monarchy or to require liberal or constitutional democracy, and so on. But it might be only a standard of legitimacy in the sense I have provided – of what it takes for the coercive enforcement of political arrangements to be morally permissible or justified. This leaves the field open for less minimal standards of substantive political or social justice, and minimalism about justice is not implied by minimalism about legitimacy. There is no contradiction in, for example, holding that the outcome of a free and fair election is, for that reason (and surely within limits) permissibly enforceable even when the outcome is itself an unjust law. That (illustrative but too-simple) standard of legitimacy is relatively minimalist, leaving unaddressed what more maximalist standards their might be for substantive political justice.

For now, focus on the question of moral legitimacy for simplicity. Here is a Williams-inspired and realism-friendly position: The critical sense principle is the only moral standard that is triggered by mere statehood.²⁴ Liberal democracy, for example, is not a standard for all states as such. The critical sense principle, in turn, implies that all and only political arrangements that are justifiable in a way that makes critical sense in the given historical and cultural conditions are permissibly enforceable (legitimate). Before considering which approaches this really opposes, let's first bring to bear the realist idea I discussed above that moral standards for politics are historically produced (and not just triggered). Assume for now that the critical sense principle speaks of acceptability of a proffered justification in the descriptive psychological sense: the political subjects tend to accept it. So understood, this view is quite congenial to the realist idea that purported moral standards such as those requiring liberal democracy or rejecting monarchy have no validity except as products of actual political and

cultural developments – except, that is, as convictions that political subjects might actually come to adopt. They are not, in that strong sense, prior to politics.

Even so, this view crucially incorporates the critical sense principle, which has an entirely different status. It is not put forward (in my construct, or by Williams) as something that owes its own validity to its being a widespread conviction at some historical time – to its making critical sense. It is offered as having a validity that is, in that sense, trans-historical. This is not an inconsistency, of course, even if it is unacceptable to some theorists who hope to reject all trans-historical moral principles pertaining to politics. It is, rather, a kind of trans-historical minimalism: except for the critical sense principle, moral standards for political arrangements are produced by the contingent course of actual historical developments. Call this collection of precepts *Minimalist Moralism* about legitimacy.

There is a possible reading of Rawls along these very lines that resonates with some interpretations of his mature body of work. In the end, I doubt that they can be accurate for reasons that pose a deep Rawlsian challenge to such a Williams-like view, and this makes the point of more than exegetical interest. On this reading of Rawls, putting things roughly for brevity, the liberal principle of legitimacy, requiring justifications to all reasonable comprehensive points of view including many that are mistaken, is trans-historical. In the modern Western historical context a political conception must be liberal and democratic to meet that principle, but liberal democracy has no trans-historical authority of its own. Its legitimacy is historically produced in the way laid out by the (trans-historical) principle of legitimate justification. In other times, and pointedly even in other places at this time, the principle of justification can be satisfied by non-democratic and illiberal political conceptions, such as, perhaps, in some contemporary Middle-Eastern settings which lack the liberal and democratic philosophical traditions of thought and practice. I do not believe this is Rawls's view, but it has structural similarities, and so construed it would be remarkably similar to the Minimalist Moralism I provisionally attribute to Williams.

I doubt that Rawls could accept that what is just or legitimate could be wholly determined, in that way, by what most people contingently come to accept or resist without any further questions about whether their responses themselves meet certain standards (ones that go beyond requiring only that the acceptability of a justification not be manufactured). This departure may be precisely the Rawlsian move that Williams is opposing, but his position is unstable as we will see. For now, note that it seems quite possible (and anyway, it is conceivable) that a large fraction of subjects could come to share some point of view which, while freely formed (the critical theory principle is met), is morally not just flawed but heinous. Suppose many come to the view that children are available to their parents on terms much like slavery: they may be forced to work, and their education and well-being make no claims on the parents except so far as they bear on the interests of the parents themselves. This is just an example.²⁵ Williams's avowedly amoral conception of the relevant kind of acceptability would seem to say that the state must find some justification for its measures that are (as a descriptive matter) acceptable to this heinous point of view – one that 'makes sense' to these people. Notice that this is a moral 'must' if I am right that the critical sense principle is a trans-historical moral principle of legitimacy. It is not simply the 'must' of pragmatic necessity. We need to distinguish between the obvious fact that obstacles are obstacles and cannot be ignored, and the much less obvious claim of Williams that the legitimacy of a political order – its permissible enforceability – is nothing but its de facto acceptability to whatever freely formed points of view are extant, however morally bad they might be.

So far, I am just developing an interpretation of Williams, or at least an interesting Williams-inspired position. Briefly, though, consider the separate question whether such a position is to be believed. It is hard to see what basis there is for holding that such execrable moral convictions among the populace have that kind of moral weight as justification defeaters. This kind of realism is a moral view in its own right, a jarring one. Even jarring views can be correct, of course, but we are given no reason to believe that this one is correct. If this objection were side-stepped by understanding the whole view as a non-moral conception of legitimacy, then it is no challenge to political moralism at all, but simply a change of subject. Political moralism is surely not committed to any particular view of what should be counted as legitimacy in some wholly non-moral sense. But that kind of dodge is not what Williams is up to. If it were, there would be no rationale for his 'critical theory principle.' After all, manufactured consent is as good as freely formed consent if the question is nothing but where the obstacles to stable state rule might be found and how they might be effectively overcome. To disqualify the kinds of acceptance that are manufactured by propaganda from counting toward legitimacy is a moral argument.

So we see a distinctively Rawlsian objection to the amoral form of the minimal acceptability requirement suggested (to me anyway) by Williams's writings. The other point to keep in mind, even if it is not a direct objection, is that whether the criterion of legitimacy is or is not adjusted in the direction of a moralized standard of 'reasonableness,' as Rawls does, recall that such minimalism in a theory of legitimacy would not commit one to similar minimalism about standards of social justice. Rawls's more moralistic approach may be necessary to avoid a serious objection, namely that otherwise there are absurd implications for what would count as morally legitimate or illegitimate states. However, whether or not that critique is persuasive the Williams-like minimalism as I have understood it here would still not be a wholesale rejection of moral standards applied to politics, or even of applicable moral standards that are prior to the products of politics. There would yet be some resonance with the realist idea of letting moral standards for politics such as putative requirements of liberal rights or democracy arise as products of social history. It is a nuanced version of some recognizably realist ideas, even if it is hardly the rejection of moral standards of social justice (or legitimacy).

Conclusion

My concluding question then, is this: What strong reason do we have to believe that political arrangements are not appropriately evaluated by moral standards? There would be nothing very helpful in simply pointing to other, non-moral, ways of thinking about politics. Obviously there are historical questions, questions of rational choice, of prediction, causal explanation, structural analysis, cultural interpretation, and many more. If we apply only criteria in these other areas, then it is true that we will not come across the troubling gap between human societies and moral standards of justice. But that observation does not yet address whether there are also those moral questions. It is not yet the least bit responsive. If one doctor tells me I have leukemia, and I seek a second opinion, I want another opinion about whether I have leukemia, not about how acute my eye-sight is, or about how well I tend my garden. There might be good things about my health, or other aspects of my life, but they change the subject. They are irrelevant to the initial troubling diagnosis. Similarly, to 'reject' the whole moralized framework of social justice and injustice, as many authors do, is one thing. To cast any serious doubt on it is another.

Notes

1. Nevertheless, since it might only be obvious once it is made more precise, I press the point at length in 'Utopophobia,' (2014).
2. Among many others, I count Carr, Williams, Sangiovanni. Generally, see authors (with references) discussed by Rossi and Sleat (2014).
3. Notice that this question of moralism vs. realism is entirely separate from the question whether political philosophy ought properly to investigate scenarios of full-compliance or high levels of civic or personal virtue. That question can occur perfectly well within the moralist camp, as well as in the realist camp.
4. See Rossi and Sleat, (Ibid. p. 4.) 'For realists... the point is not that morality is only weakly capable of directing politics, but that political moralism reduces political problems to matters of personal morality.'
5. There is a further challenge here for seeing standards such as social justice as moral standards, namely that it is unclear that any agent is under the requirements, but this is no part of any realist's point as far as I know. I lay out the difficulty in section 6 of, 'Prime Justice,' in *Political Utopias*, (in press).
6. A very brief guide to some recent sources is 'Moral Epistemology,' by Zimmerman (2015).
7. See Williams (2005), Sangiovanni, (2008); Rossi and Sleat, (Ibid.).
8. Even a writer such as Cohen (2008), who aligns himself with the Platonist idea of universal trans-historical standards of morality and justice, does not believe that all there is to moral epistemology is simple intuition of the standards. He writes, "... asking what we think we should do, given these or those factual circumstances, is a fruitful way of determining what our principles are; and sometimes, moreover, responses to actual facts reveal our principles better than our responses to hypothesized facts do, because the actual facts present themselves more vividly to us, and, too, they concentrate the mind better, since they call for actual and not merely hypothetical decisions."
9. Maybe the modern idea of ethics as (in Geuss's (2005, p. 63) terms, 'the immanentist egocentric practical standpoint' – the fixation on the question 'what ought I to do?') – is deeply mistaken, or at least a very incomplete picture of the normative landscape. I await clear development of an alternative conception.
10. I was drawn to this set of issues about moralism and rationalization by Alison McQueen's instructive paper (McQueen, 2016).
11. See Pigden (2014).
12. Marx has a narrow meaning for "superstructure." "The totality of ... relations of production constitutes the economic structure of society, the real foundation, on which arises a legal and political superstructure and to which correspond definite forms of social consciousness." I use "superstructural" here to mean part of the superstructure itself, or of the "correspond[ing]" "consciousness [which] must be explained from the contradictions of material life, from the conflict existing between the social forces of production and the relations of production." My point is its explanatory subsidiarity, on the Marxian view. See Karl Marx, "Preface" to the *Contribution to the Critique of Political Economy*, 1859, any edition.
13. These are often regarded as species of moral anti-realism, but I will avoid that terminology to avoid confusion with the issue of political realism.
14. See, for example, Charles Larmore (2013, p. 295), 'Describing what ideally should be each person's due, apart from the question of legitimate coercion, remains an important part of moral philosophy. The point is that political philosophy needs to proceed differently ...'
15. Larmore rejects that view, but many realists assert it. See Larmore, (Ibid. p. 294), where he speaks of 'the moral principles to which political philosophy must appeal.'
16. Waldron (1999, p. 159) writes, plausibly, 'What is normally understood by politics is that it is an arena in which the members of some group debate and find ways of reaching decisions on various issues in spite of the fact that they disagree about the values and principles that the merits of those issues engage.'

17. '... I identify the "first" political question in Hobbesian terms as 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.' (Ibid. p. 3).
18. Rossi and Sleat, (2014, p. 3).
19. Sangiovanni (2008) and Rossi (2012) both suggest that this captures a strand of realist thinking.
20. Rawls says that his standards of legitimacy (and justice?) apply *at least* to constitutional democracies. He does not say clearly whether they do or do not also apply to all states as such.
21. Sangiovanni (2008) and James (2012).
22. Rawls's famous limitation of his principles of justice to constitutional democracies has suggested such a view to many interpreters, though it does not mean that he takes this view. It does leave that possibility open, although there are other parts of his view that might be relevant to the question.
23. '... the critical theory principle, [is] that the acceptance of a justification does not count if the acceptance itself is produced by the coercive power which is supposedly being justified ...' (2005, p. 6); For a legitimating account to 'make sense' requires that it 'goes beyond the assertion of power; and we can recognize such a thing because in the light of the historical and cultural circumstances, and so forth, it [makes sense] to us as a legitimation.' (Ibid. p. 11).
24. We are forced to explore several possibilities rather than try to decide which view is Williams' own, since he has not said, as far as I know, what legitimacy is – what kind of value is achieved when the critical sense principle is met, or what kind of demand (if not a moral one) the 'basic legitimation demand' is meant to be.
25. Consider Larmore (in press) discussion of slavery in 'The Truth in Political Realism'.

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