Political Fictionalism

by

Shang-Chun Tsui

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Literature Review

1 Introduction

1.1 The Relationship between the Moral and the Political

A central tenent of political liberalism is the principle of liberal neutrality, which holds that the state ought to be neutral between the conceptions of the good that its citizens may endorse (Gaus and Courtland 2010). An interesting feature of this principle is that it presupposes a metatheoretical distinction between political values and moral values. While this form of neutrality[1] is obviously a political value, it could not be a moral value. This feature of the principle becomes apparent when it is contrasted with the classical liberal ideal of individual autonomy. The autonomy of individuals, for Locke and other classical liberals, limits the state's authority to infringe on the freedom of individuals qua autonomous moral agents. Liberty is a moral ideal grounded in the good of freedom and the wrong of coercion. The classical liberal state, far from being morally neutral, actively affirms the good of freedom, and thus, as John Rawls notes, cannot serve as the basis for a political conception of justice (Rawls 1993). Furthermore, if liberal neutrality were a moral value, then the state would be paradoxically required to be neutral between it and conceptions of the good that rejected this conception of neutrality if the principle of neutrality were true. No such paradox arises if, as Rawls suggests, the domain of the political is distinct from the domain of the moral in some relevant sense (Rawls 1993).

The purpose of this literature review is not to discuss the plausibility or the content of the normative principle of liberal neutrality. Rather, I aim to provide a survey of the literature on the related metatheoretical question of the relationship between the moral and the political domains.

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[1] Other conceptions of 'neutrality', however, are moral (e.g. conceptions of impartiality or fairness that depend on some form of the idea that each person is of equal moral worth). However, these are not morally neutral, in that they are themselves conceptions of the good.

Here, I take 'political domain' to refer broadly to the theories of, objects belonging to, and knowledge produced by moral and political philosophy. I will call the metatheoretical field of inquiry in which this question is investigated 'metapolitics'[2]. This is because I think that there are important metatheoretical questions specific to political philosophy that fall beyond of the scope of metaethics, such as the topic of this review—though that is not to say that there will not be any overlap between the two metanormative fields. As my terminology suggests, the emphasis in this review will be on the political side of the relationship in question. In particular, my survey will primarily focus on arguments in favour of the distinctiveness of the political domain. I will call such views 'metapolitical separatisms'. Borrowing a term from David Enoch (whose view I will discuss later), I will call opposing views (i.e., views that deny the distinctiveness of the political) 'metapolitical intranormativisms' (Enoch 2009).

First, I will discuss in more detail the framework that I will apply in my survey of the literature, including the area of metapolitics, and the categories of separatism and intranormativism. I will then conclude the introductory section with a brief discussion of the significance and relevance of my project. In section two, I will argue that the traditional view on the relationship between the moral and the political in the history of philosophy is an intranormativist view. As I will discuss, separatism is a novel view that has its origins in Rawls's political liberalism, which poses two challenges to the traditional view. I will conclude the section with a discussion of why I think Rawls's account is deeply problematic. Section three will form the bulk of the review. There, I will discuss the main contemporary approaches to separatism, as well as some of the debates and criticisms surrounding them. I will conclude the review in section

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[2] While Alain Badiou uses this term to refer to "[W]hatever consequences a philosophy is capable of drawing, both in and for itself, from real instances of politics as thought. Metapolitics is opposed to political philosophy, which claims that since no such politics exists, it falls to philosophers ot think 'the' political." (Badiou 2005, xxxix), I am using this term in a different sense, as I discuss above and throughout this essay; there is no relation between my usage and his.

four with a brief discussion of future research directions. Since the topic of my review is concerned with an underexplored area in philosophy (i.e., the metatheoretical commitments of political philosophy), it will not take the form of a straightforward canvasing of established positions on a particular topic, but rather, it will syncretistically bring together work from a wide range of, at times seemingly disparate, areas in philosophy. However, given that the motivating source of my project is Rawlsian political liberalism, works by Rawls and other political liberals will naturally form the core of my review.

1.2 Metapolitical Intranormativism and Separatism

Before getting into the literature, it will be helpful to lay out the framework that I will be using in my survey. The central theme of my thesis paper and this literature review is the metatheoretical question regarding the relationship between the moral and the political domains, and in particular, whether the political is distinct from the moral. This question is related to general metapolitical concerns regarding the ontological, epistemological, and semantic commitments of normative political philosophy. These concerns parallel those of metaethics, which is a metatheory about the ontological, epistemic, and semantic commitments of normative moral philosophy. However, these concerns cannot be rightly described as metaethical concerns, since the question itself asks whether moral philosophy and political philosophy have the same metatheoretical commitments (i.e., whether the political domain is distinct from the moral). Characterising this question as a metaethical question would beg the question against separatism, which holds the two domains to have distinct metatheoretical commitments. Roughly put, it cannot be a metaethical question whether metaethics applies to political philosophy, but is instead a foundational debate with respect to the metatheoretical commitments of political philosophy, i.e., metapolitics.

The distinction between metapolitical separatism and intranormativism cuts across more the more familiar distinction between realists and antirealists about practical normativity. The general debate between separatists and intranormativists concerns whether political discourse and moral discourse share the same metatheoretical commitments, regardless of whether we are realists or antirealists about practical values. For realists about practical values, the question will be whether we have reason to think that political properties are categorically distinct from moral properties. For antirealists, the question will be whether political discourse and moral discourse can be captured by the same antirealist semantics. In addition to these four, another possibility would be to argue for separatism by endorsing realism about one discourse, but not the other. The bulk of my survey will focus on realist forms of metapolitical separatism. This is because the existing literature on the status of political values is largely dominated by political liberals, who are generally disposed to some form of realism about practical normativity, given their strong normative commitments to various conceptions of liberal neutrality. Additionally, getting clear on the commitments, implications, and problems of realist forms of separatism will be helpful for future investigations of antirealist accounts of political discourse.

The debate between realist separatists and intranormativists is similar to a debate in the philosophy of science regarding the relationship between different scientific domains. I think the similarities between these two debates are sufficient to justify my borrowing of the framework of this debate for my approach to the one between intranormativists and separatists. At the heart of that debate is the nature of the internal and external relations between the various sciences, and the possibility of reducing the various sciences to the theoretical framework of a single, fundamental science (Cat 2013). While most philosophers of science hold that science is an externally unified domain, some have denied the external unity of science. External unity about some domain of

inquiry is the thesis that the theories or fields of the domain can be united in terms of some shared common feature(s) that is (are) both necessary and sufficient for some theory or field to be considered a member of the domain (Cat 2013). A domain is externally disunified just in case its theories or fields do not have any such feature(s) in common. For those who hold that science is an externally unified domain (i.e., that the sciences may be distinguished from other inquiries in virtue of some shared feature), the question is whether the implied internal relations are reductive (Cat 2013). Reductionists, as their name suggests, hold that these relations are reductive, while emergentists (i.e., antireductionists) deny this claim. This debate is typically characterised as either an ontological or an epistemic question.

Generally, ontological emergentists defend forms of ontological emergence, which is the thesis that complex entities possess qualities that are not rightly attributed to the mere arrangement of their constitutive simples (O'Connor and Wong 2012). This stands in contrast to the ontological reductionists' claim that the complex objects to which non-fundamental sciences are devoted are nothing more than the arrangement of their simplest constituents and are regulated by the laws that govern their simples (O'Connor and Wong 2012).Ontological reductionism has support among philosophers of mind, such as Jaegwon Kim, who endorse reductive physicalism due to what they consider to be the ontological excesses of nonreductive versions of supervenience physicalism and emergence (Kim 1992; O'Connor and Wong 2012). By contrast, some emergentists, like Jerry Fodor, have argued that, given the multiple realizability of certain complex natural properties (e.g. mental properties) by a number of different arrangements of simples (e.g. brain states), unity does not require reduction (Fodor 1974; Fodor 1997).

Although the crux of debate between Fodor and Kim is a ontological issue, philosophers of science, following Ernest Nagel (1998), have been more interested in epistemic relations

between different theories—intertheory relations—rather than an ontological relation between their objects (Cat 2013). Accounts of epistemic reductionism are strongly influenced by Nagel's account of intertheoretic reduction. Epistemic reductionists typically hold that the knowledge generated by the reduced theories is nothing over and above that of the reducing theories. On Nagel's view, epistemic reduction is achieved just in case the laws of reduced theory are derivable from the framework of the reducing theory (Nagel 1998). But since many scientific theories have 'inhomogeneous' conceptual frameworks (e.g. theories from different scientific domains), reduction can only be achieved two between such inhomogeneous theories if the terms and concepts of the two theories can be connected via 'bridge laws', which are "empirical hypotheses concerning the *extensions* of the predicates mentioned in these correspondence rules—that is, concerning the classes of individual things or processes designated by those predicates." (Nagel 1998) Some emergentists, like Fodor, have objected to Nagelian reductions on the basis that it is unlikely that we will discover requisite the laws for bridging two inhomogeneous theories by finding a co-extensive predicate(s) in the reducing theory for every conspicuous predicate in the reduced theory (Fodor 1974). Emergentists typically argue that non-fundamental sciences are irreducible to a more fundamental science because their concepts pick out epistemically emergent complex properties and laws that are unknowable through study of simple properties and laws alone (O'Connor and Wong 2012).

Similarly, those who are realists about political properties can either reject the external unity of practical normativity, or reject the reduction of the political to the moral. The former are strong metapolitical separatists, holding that the political constitutes an ontologically and epistemically independent, freestanding domain. The latter affirms a weaker version of separatism, which holds that the two domains are connected but distinct in that neither is ontologically or

epistemically reducible to the other. In my view, strong metapolitical separatism is not a very plausible view, for reasons I will discuss below. For the rest of this review I will use 'separatism' to refer to the weaker version of this view. Realists about political values who deny both forms metapolitical separatism are intranormativists, who hold that the political is reducible to the moral, or vice versa. Like the debate between emergentists and reductionists in the philosophy of science, the debate between political emergentists and intranormativists can be characterised as either an ontological or an epistemic question. Those who argue that political values are epistemically emergent on moral values are epistemic political emergentists. This is view that the political is distinct from the moral because knowledge of political facts cannot be derived from even a full knowledge of the moral facts. Those who argue that political values are ontologically emergent on moral values are ontological political emergentists. Such views hold that the political is distinct from the moral because political values are ontologically irreducible to moral values.

Like in the case of emergentism in the philosophy of science, such views will depend in some way on the complexity of political entities and their obligations relative to their individual constituents and the obligations of those individuals. Political entities, such as societies, communities, and states, are, at bottom, complex entities composed of individuals and the relations between individuals. Political emergentists hold that the complexity of political entities/relations bars the reduction of the normative properties used to evaluate political entities/relations to the normative properties used to evaluate their individual constituents. While epistemic political emergentists will argue that this is for epistemic reasons, ontological political emergentists will argue that this is for ontological reasons. Central to both views will be an account of just how the complexity of political entities blocks the reduction of political normativity to moral normativity.

1.3 The Significance of the Relationship between the Moral and the Political

I think a brief discussion of why I think the question of the relationship between the moral and the political matters will be helpful for setting the ground ahead. The debate between intranormativists and separatists, and metapolitics in general, is significant for three reasons. First, as I will argue, metapolitical separatism is a fundamental presupposition of political liberal views. For instance, as I discussed, the political liberal principle of neutrality is only coherent if it expresses a normative fact that is not itself a moral fact. But if political facts are not moral facts, then the relationship between the moral and the political will be crucial for understanding political liberal views, and certain internal disputes between political liberals, which I will take up in the course of my survey. Furthermore, if political liberalism does indeed depend on a distinction between the moral and the political, then understanding the relationship between the moral and the political is central to assessing the plausibility of political liberalism.

Second, addressing this question will facilitate the development of rival views to political liberalism. As it stands, political liberalism is unique in its commitment to separatism. If political liberals are right about the distinctiveness of the political domain, then its putative rivals are in fact moral views that are political in name only (and thus, these are not actually challengers to his view). But there is no reason to think that metapolitical separatism necessarily entails political liberalism, although, as I will discuss, some political liberals think that particular separatist views do. A better understanding of the ways in which the political is distinct from the moral, and the ontological, epistemic, and semantic commitments of political philosophy (i.e., metapolitics) in general, will help us determine just what the set of viable normative political theories contains.

The third reason is related to the second. Since political liberalism has been the only game in town, so to speak, this metapolitical question has often been mistakenly thought of as internal

to political liberalism. The question for many is not whether the metapolitical separatist thesis, that the moral and the political domains are distinct, is true, but rather, how this distinction can be best formulated to support the normative goals of political liberalism. For instance, Gerald Gaus presents his view as "a *normative theory of justification*—a theory that allows [justificatory liberals, including Rawls,] to claim that some set of principles is publicly justified, even given the fact that they are contested by some." (Gaus 1996, 3) Estlund describes one of the core aims of his epistemic proceduralism as 'making [moral] truth safe for [liberal] democracy' (Estlund 2008, 3, 24). I think this confuses the relationship between theory and metatheory. While metatheoretical conclusions might sometimes align with particular positions in the object theory, they are not determined by the content or needs of any particular position within the object theory. Rather, metatheory is about the metatheoretical commitments of the object theory as a whole. In this case, the question is about whether political philosophy as a whole is committed to a distinction between the moral and the political domains. This question is significant because it is an interesting and worthwhile question about political philosophy in its own right, regardless of whether or not our answer to this question would lend support to political liberalism.

2 Rawls on the Domain of the Political

2.1 The Traditional View

For much of the history of philosophy, it was implicitly held that the moral and the political were intimately connected. On Aristotle's view in the *Nicomachean Ethics*, ethics is concerned with the flourishing of the individual, for which cultivation of the moral virtues is necessary, because living well is in part to live a life in accordance with practical reason, which guides both our conduct towards ourselves and our conduct towards others (Miller 2011). Politics is concerned with the flourishing of the state or political community, which involves, not only harmony between

the elements of the polis, but also the flourishing of those elements. The legislator is concerned with promoting the moral virtues, partly because the harmony that is required for the flourishing of the polis is threatened by the actions of the wicked. But it is also partly because the end of the polis is to promote the flourishing of its citizens. Thus, according to Aristotle, ethics and politics are in these ways part of a single inquiry concerned with flourishing and the development of virtue (Miller 2011).

Similar lines of thought can be found in the views of Kant, Locke, and Mill, who were all, to varying degrees, influenced by Aristotle. For Kant, both moral and political theorising are instances of practical reasoning, and therefore subject to the principles of practical reason (i.e., the categorical and hypothetical imperatives). When an individual's will is in accordance with practical reason, they are autonomous, because their will is subject to none other than their own reason; when a state's legislative will respects the freedom and equality of its citizens qua autonomous persons, it is a republican (legitimate) state, because the public will of the state is subject to none other than the general will of its citizens, which is subject to the principles of practical reason (Rauscher 2012). For Locke, each individual's moral duties are derived from the patterns of behaviour of individuals found in the state of nature, where they are subject to no authority other than that of reason. And this provides the conditions under which someone or some group can claim to have legitimate authority over any individual (Tuckness 2010). Such authority must respect the freedom and equality that characterised human life in the state of nature. For Mill, actions are right or wrong in proportion to the amount of happiness or suffering produced. Likewise, laws are also judged by their hedonic consequences. However, Mill argues that a constitutive feature of an individual's happiness is their having deliberatively chosen what is

pleasurable for them themselves (Brink 2007). So, a state in which individual liberty is denied could not produce happy citizens.

The idea implicit in the history of philosophy is that ethics and politics are interdependent, and that these are responsive to a common normative standard (flourishing, rational autonomy, natural law, happiness, etc.). This, in my view, places the burden of proof on advocates of the thesis that the moral and the political are distinct domains. In the history of philosophy prior to political liberalism, justice was the defining characteristic of those social arrangements that are either required by or conducive to the good as defined some conception of ethics, or vice versa. The question of justice arises not because it is entirely distinct from the question of the good, but because of the differences between thinking about the good of particular individuals, and thinking about the common good of the society as a whole. On what I will call the traditional view, the political and the moral domains are interdependent, rather than independent.

2.2 A 'Political' Conception of Justice

I have so far claimed that political liberalism is not a moral view and is committed to a metatheoretical distinction between the moral and the political domains, but this is not immediately obvious in Rawls's presentation of his theory of justice and, this will require some explication. According to Rawls, political liberalism differs from traditional theories of justice in that it is a *political* conception of justice (Rawls 1993; Rawls 1985). He tells us that it is 'political' in three ways. First, he tells us that it is a moral conception limited to the 'basic structure' of society, by which he means "a society's main political social, and economic institutions, and how they fit together into one unified system of social cooperation from one generation to the next." (Rawls 1993, 11) Second, it is a 'freestanding view', that is "neither presented as, nor derived from, [a comprehensive moral doctrine] applied to the basic structure of society, as if this structure were

simply another subject to which that doctrine is applied." (Rawls 1993, 12) Importantly, this means, "It offers no specific metaphysical or epistemological doctrine beyond what is implied by the political conception itself." (Rawls 1993, 10) Third, instead, in his words, "[The content of a political conception of justice] is expressed by the fundamental ideas implicit in the public political culture of a democratic society." (Rawls 1993, 12)

While on the traditional view, conceptions of justice are both general and comprehensive, Rawls claims that political conceptions are moral conceptions that differ in that they are neither general nor (fully or partially) comprehensive. For Rawls,

> A moral conception is general if it applies to a wide range of subjects, and in the limit to all subjects universally. It is comprehensive when it includes conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole. A conception is fully comprehensive if it covers all recognized values and virtues within one rather precisely articulated system whereas a conception is only partially comprehensive when it comprises a number of, but by no means all, non-political values and virtues, and is rather loosely articulated (Rawls 1993, 13).

At first glance, it is hard to see how such a conception of justice can be a moral conception if it does not minimally include 'conceptions of what is of value in human life'. On Rawls's view, "In saying that a conception is moral, I mean, among other things, that its content is given by certain ideals, principles and standards; and that these norms articulate certain values, in this case political values." (Rawls 1993, 11) Recall that the third way in which a conception is 'political' is that its content is drawn from the ideas implicit in the public political culture of a democratic society. So, a political conception is still a moral conception on Rawls's view, even though it lacks its own conception of what is of value in human life to supply the ideals, principles, and standards that comprise its content; instead, it draws these from the public political culture.

This is a more radical departure from the traditional view than Rawls seemed to realise. Notice that Rawls's political conception of justice does not depend on a *normative* view of what is morally true, but rather, it is informed by a *descriptive* account of the normative view implicit

in the public political culture. The normativity of such a conception of justice cannot stem from its substantive content (i.e., the fact that the public political culture implicitly holds certain ideas). The fact that a conception of justice is developed from ideas implicit in the moral views of others, however many in number they are, is no reason for my endorsement of that conception. Rather, its normativity stems from the fact that these ideas are implicit in the public political culture of a society of which I am a member, a culture that is determined, in part, by the shape of views you endorse yourself. Contra the traditional view, a political conception of justice does not command individuals to endorse some conception of justice because it is a true conception, but rather, it asks individuals to support a conception of justice that they are already implicitly committed to by their own lights. In order to meet the task that Rawls sets for himself and political philosophy, normative truth must be superseded by agreement and consensus.

Importantly, what saves Rawls's conception of justice from being a form of brute relativism, is that he stipulates that a conception of justice developed form the ideas implicit in the public political culture must be one that "can gain the support of an overlapping consensus of *reasonable* religious, philosophical, and moral doctrines in a society regulated by it." (Rawls 1993, 10; emphasis mine) However, this normative criterion is notoriously difficult to define in explicit terms. Rawls himself is elusive on its precise meaning. In his words,

> If we ask how the reasonable is understood, we say: for our purposes here, the content of the reasonable is specified by the content of a reasonable political conception. The idea of the reasonable itself is given in part, again for our purposes, by the two aspects of persons' being reasonable: their willingness to propose and abide by fair terms of social cooperation among equals and their recognition of and willingness to accept the consequences of the burdens of judgement (Rawls 1993, 94).

However the criterion of reasonableness is defined, it appears that minimally, on Rawls's view, this criterion cannot be grounded in a moral conception of either 'what is of value in human life', or 'ideals of personal character' on pain of his political conception of justice becoming a comprehensive moral conception.

Even if we accept Rawls's claim that a political conception of justice is still a moral conception, his theory is at best a qualified moral conception. The normativity of a political conception of justice stems not from the normative force of its substantive moral content, but from how this content is specified. Political liberalism qua a political conception of justice is normative for the citizens of the society to which it is addressed because it follows from what reasonable individuals in that society endorse, and not for any moral reason. Importantly, the normativity of such a political conception does not stem from reasonable individuals' prudential reasons for promoting their own good, but rather, it stems from the mere fact that it is acceptable to all because it takes into account each reasonable individual's conception of the good.

2.3 The Normative Truth Objection

Jean Hampton and Joseph Raz have both noted the tension I noted above (Hampton 1993; Raz 1990). Together, I think their respective critiques form a strong challenge to Rawls's formulation of political liberalism, though not against political liberalisms in general. I will call this challenge the normative truth objection. If this objection had a slogan, it would be Raz's directive, "There can be no justice without truth." (Raz 1990, 15) To this, we might add on behalf of Hampton that there could be no justice without *true normative commitment(s)*. Together, this is the objection that unless a theory of justice asserts and defends the truth of its underlying normative (moral or epistemic) values, it runs the danger of becoming a mere modus vivendi. While their worries are closely related, there are some important differences between their critiques that will be useful for my purposes here. Raz's critique takes aim at Rawls's idea of a political conception that emphasises agreement rather than truth, and will provide important context for understanding Rawls's arguments in his later works. Hampton's analysis instead targets Rawls's criterion of

reasonableness, and her critique will be helpful for foregrounding the later discussion of contemporary political liberal approaches to the question.

Raz identifies four senses in which Rawls's theory of justice is 'political'. The first three align with Rawls's own remarks discussed above, which were published after Raz's critique. According to Raz, the first three senses are as follows: Its limited applicability to just the basic structure of society; its autonomy from particular comprehensive moral doctrines; and its shallow foundations, which go no deeper than the public political culture of the society for which the conception is developed (Raz 1990). Raz argues that these force Rawls to be 'epistemically abstinent'. In his words, "Rawls's *epistemic abstinence* lies in the fact that he refrains from claiming that his doctrine of justice is true. The reason is that its truth, if it is true, must derive from deep, and possibly nonautonomous, foundations, from some sound comprehensive moral doctrine." (Raz 1990, 9)

On Raz's reading, Rawls's aversion to the truth stems from the worry that affirming the truth of any particular comprehensive moral doctrine would undermine social stability and unity (Raz 1990). As Raz notes, Rawls's political liberalism is motivated by what he calls the fact of 'reasonable pluralism' (Rawls 1993; 1985; Raz 1990). In his words, "This is the fact of profound and irreconcilable differences in citizens' reasonable comprehensive religious and philosophical conceptions of the world, and in their views of the moral and aesthetic values to be sought in human life." (Rawls 1993, 3) Rawls's political turn is an attempt to accommodate this fact in his political theorising; this is reflected in its limited applicability, shallow foundations, autonomy, and epistemic abstinence. However, we may ask along with Raz, "But why should philosophy contribute to [the goals of stability and unity] rather than to others?" (Raz 1990, 14) Raz's worry is that without an account of why stability and unity are normatively significant, his theory cannot

rightly be regarded as a theory of justice. The challenge is that unless Rawls asserts the truth of stability and unity as values worthy of justice, the pursuit of stability and unity looks to Raz to be the pursuit of a mere modus vivendi. But for Raz, the structure of Rawls's theory cannot overcome this worry because of his commitment to the accommodation of pluralism.

It is worth noting here that Rawls himself sees stability as a methodological requirement on political theorising, rather than a normative goal, and that he recognises that accommodation is not the only means to achieve stability. By running these two concerns together, I think Raz overlooks an important dimension of Rawls's theory. For Rawls, political philosophy should aim to produce practicable conceptions of justice that "fall under the art of the possible," and since "if a conception fails to be stable, it is futile to realize it," a practicable conception of justice must be stable (Rawls 2001, 184-185). Thus, Rawls's concern with unity and stability is not grounded in the normative value of these properties, but because these are necessary conditions that any successful conception of justice must meet, regardless of its normative content. What distinguishes his theory of justice as a liberal theory is that its stability is *legitimate*, because it is undergirded by consensus and reasonable agreement, rather than coercive state power.

Contra Raz, Rawls need not assert the normative value of stability and unity, but rather, what he needs to justify is his endorsement of liberal approaches to realising stability over illiberal ones. Nonetheless, I think Raz's diagnosis of epistemic abstinence is generally right. As Hampton notes, the conjunction of the requirement of stability and the fact of pluralism implies only a disjunction between liberal accommodation and authoritarian fiat; the inference to liberal accommodation is warranted only if we assume an additional premise that precludes on some normative grounds the authoritarian option (Hampton 1993). Hampton's insights are noteworthy because she is among the first to notice that this dimension of Rawls's political liberalism and

anticipates many of the contemporary political liberal approaches to the problem, though she is largely uncredited for this.

Building on Raz's analysis of Rawls's epistemic abstinence, Hampton notes that Rawls attempts to substitute reasonableness for truth. Having been forced to refrain from claiming that the content of his conception of justice ought to be endorsed because is normatively correct, Rawls claims instead that his conception of justice ought to be endorsed because it is compatible with all of the existing reasonable views, it would be unreasonable to deny it (Hampton 1993). She calls this 'the reasonableness test for admissible beliefs in the overlapping consensus', which requires, in her words, "The beliefs which comprise the overlapping consensus must be ones that all citizens can reasonably be expected to endorse in light of their own common, human reason." (Hampton 1993, 298) However, as she notes, reasonableness is a normative concept, and if true, Rawls's claim that it would be unreasonable to reject his conception of justice would express a normative fact of some kind.

As Hampton argues, normative commitments need not be moral commitments. On her view, if Rawls refuses to ground the idea of reasonableness on a comprehensive moral view, then his only remaining option would be to ground it on a moral epistemology that would show "that reasonable and rational people would believe these ideas to be either self-evident or decisively proved." (Hampton 1993, 304) If Rawls refuses to commit himself to the moral truth of his conception of justice, he may appeal instead to the truth of the epistemic norms showing that it is unreasonable to deny. However, in her words, "Philosophers who are used to questioning the authority of these norms may believe that Rawls has made no great bargain trading moral norms for [epistemic] norms if he wished thereby to purchase a more solid foundation for his theory." (Hampton 1993, 304) Roughly put, there is no less reasonable disagreement on epistemic norms

than there is on moral norms, so Rawls cannot get far trading on the epistemic reasonableness of his conception of justice rather than on its moral truth. But without such an epistemic commitment, Rawls cannot hope to normatively justify recommending his conception of justice over authoritarian fiat, given the disjunction implied by the methodological requirement of stability and the fact of reasonable pluralism, without appealing to a destabilising contentious moral view. Thus, according to the normative truth objection, Rawls is caught between the dual horns of either incurring a destabilising moral commitment or a seemingly indefensible epistemic commitment, or admitting that his theory of justice is a modus vivendi.

2.4 A Constructivist Response to the Normative Truth Objection

While Rawls does not acknowledge either Raz's or Hampton's critiques, he does attempt to address the weaknesses identified by Raz and Hampton in his later *Political Liberalism* (Rawls 1993). There, he presents and defends a form of constructivism about political values, which he claims does not compete with metaethical views about moral values such as moral realism (what he calls 'rational intuitionism') and Kant's moral constructivism. The purpose of political constructivism is to enable Rawls to specify a conception of justice that is objective, but not true, since it holds that "the objective point of view always understood as that of certain reasonable and rational persons suitably specified… in justice as fairness, it is the point of view of free and equal citizens as properly represented." (Rawls 1993, 115-116) Rawls's response to the normative truth objection is to avoid committing to any normative truths by subscribing to a metatheory that redefines what it means to have an objective practical reason in the political context.

According to Rawls, political constructivism holds that objective political principles of justice are determined by a constructive procedure that is informed by a conception of society as "a fair system of social cooperation from one generation to the next" and a conception of persons

as free and equal individuals who possess "a capacity for a sense of justice and for a conception of the good." (Rawls 1993, 93) On this view, "To say that a political conviction is objective is to say that there are reasons, specified by a reasonable and mutually recognizable political conception… sufficient to convince all reasonable persons that it is reasonable." (Rawls 1993, 119) Importantly, Rawls claims that political constructivism is intended to construct a representation of an order of values that all reasonable comprehensive moral views can affirm from their own point of view (Rawls 1993). It is in this sense that it is to be compatible with metaethical views such as moral realism and Kantian constructivism. It is compatible with these disparate metaethical views, since "Political constructivism does not criticize… religious, philosophical, or metaphysical accounts of the truth of moral judgements and of their validity. Reasonableness is its standard of correctness, and given its political aims, it need not go beyond that." (Rawls 1993, 127) Such a conception, as Rawls notes, is commendable as a conception of justice without being defended as true, since "if any of the reasonable comprehensive doctrines support only true moral judgements, the political conception itself is correct, or close thereto…" (Rawls 1993, 128)

Prima facie, political constructivism seems to be an interesting and informative reply to the normative truth objection. While Rawls claims that the constructed political values are still nonetheless moral values, political constructivism can only provide an interesting response to the normative truth objection if it affirms the distinctiveness of the political from the moral. It purports to enable Rawls to avoid asserting the normative truth of its representation of the order of values, while nonetheless providing us with a normative theory of justice rather than a mere modus vivendi. It does so by posing two distinct challenges to the traditional view of the relationship between the moral and the political. First, it poses an epistemic challenge to the idea that we can infer conclusions about justice from moral facts alone, but rather we are warranted to infer

conclusions about political justice from reasonable moral views. Second, despite his claims to the contrary, political reasons ontologically differ from moral reasons in that the former are representations of the latter from the point of view of reasonable individuals constructed by the procedure specified by political constructivism.

Unfortunately, this carefully constructed response unravels as soon as we ask whether political constructivism and its conception of objectivity as reasonableness are true, and whether we have any reason to endorse either political constructivism or the conception of objectivity it relies on independently of any normative commitments to political liberalism and liberal neutrality. Rawls tells us that the advantage of political constructivism is that

> [T]here can be but one true comprehensive doctrine, though as we have seen, many reasonable ones. Once we accept the fact that reasonable pluralism is a permanent condition of public culture under free institutions, the idea of the reasonable is more suitable as part of the basis of public justification for a constitutional regime than the idea of moral truth. Holding a political conception as true, and for that reason alone the one suitable basis of public reason, is exclusive, even sectarian, and so likely to foster political division. (Rawls 1993, 129)

But, as Hampton notes, "Hobbes's recommendation for dealing with this pluralism is the dictatorial enforcement of one point of view, not the tolerance of many views. Rawls's argument for the latter response must presuppose premises that… would prohibit the Hobbesian solution and mandate tolerance." (Hampton 1993, 311) In other words, the accommodation of reasonable pluralism is not simply a formal criterion implied by the methodological requirement of stability and unity, but rather, it is a substantive premise that requires defense.

The problem is that it is not clear from Rawls's account whether there are any such independent reasons for thinking that we ought to be constructivists about political normativity. Furthermore, Rawls cuts off one avenue of potential justification for constructivism in insisting that a political conception of justice cannot have ontological foundations—even though constructivism is generally taken to be an ontological view about the objects of some discourse. But there are too few epistemic resources in Rawls's account for accomplishing this task. We can

only get so far armed with the fact of reasonable pluralism and an epistemic procedure for determining overlapping consensus on practical matters between divergent views.

Accepting the fact of reasonable pluralism requires us to assume both that reasonably disagreement between epistemic peers does not imply relativism and that we can think that all parties in a disagreement are reasonable even though one or all of them are mistaken. The fact of moral disagreement is often cited as grounds for antirealist views about moral properties, but these arguments are far from conclusive. As Ralph Wedgewood notes, given these assumptions, we can only get as far as a mild uncertainty about our knowledge of the moral facts, not, as many metaethical antirealists think, all the way to either a radical relativism or a full-blown scepticism about morality (Wedgewood 2010). While the procedure of identifying an overlapping consensus may help us to ward off such uncertainty from infecting some core set of reasonable moral beliefs, that does not warrant us to think that moral truth need not matter for political objectivity or that a conception of political objectivity can be built around the reasonableness of our beliefs instead. It does not suggest, as Rawls seems to think, that objective political values are constructed out of our reasonable (but not necessarily true) moral beliefs.

Furthermore, setting aside the question of how such a view about political values could be justified, Sharon Street and David Enoch have both persuasively argued that Rawls's brand of constructivism is not non-moral (Street 2010; Enoch 2009). For both Enoch and Street, what discounts Rawls's theory from being, in their respective terms, a 'metaethical constructivism' or 'global constructivism' is in part its limited scope. Rawls's constructivism is 'restricted' or 'local', because it holds that political claims are true just in case they are either entailed from the point of view of ones who accept some set of substantive moral values (Street 2010), or constructed by procedures defined in relation to other features of the normative domain (Enoch 2009). They both

affirm Raz's and Hampton's claim that Rawls's theory must depend on deeper moral foundations than he admits. If Street and Enoch are right, Rawls's project seems to be not only ill founded, but also fundamentally incoherent.

According to Street, it is important to distinguish between two classes of constructivists views. Generally, constructivist views hold that "the truth of a normative claim consists in that claim's being entailed from within the practical point of view." (Street 2010, 367) The two classes of views are distinguished in terms of scope. For Street,

> Restricted Constructivist views in ethics specify some restricted set of normative claims and say that the truth of a claim falling within that set consists in that claim's being entailed from within the practical point of view, where the practical point of view is given some substantive characterisation. (Street 2010, 367)

By contrast, a metaethical constructivist view holds that "the truth of a normative claim consists in that claim's being entailed from within the practical point of view, where the practical point of view is given a *formal* characterization." (Street 2010, 369) On her view, Rawls's theory is restricted rather than metaethical constructivism because, in her words,

> ...Embedded in the setup of the original position are certain normative judgements implicit in the public political culture of a liberal democratic society—including, for example, judgements about the nature of fair bargaining conditions, the freedom and equality of persons, and the irrelevance from a moral point of view of individual traits of race, sex, class, and natural endowment. (Street 2010, 368)

Enoch largely concurs with Street's characterisation of constructivism. Although his terminology differs from hers, he too thinks that constructivist accounts ought to be distinguished in terms of its scope. For Enoch,

> Constructivism is a metaphysical thesis about the relations of truth-making or correctness-priority between substantive results and the procedures leading to them. Constructivism about a relevant discourse is the claim that there are no substantive correctness criteria that apply to (or in) that discourse, and that the only relevant correctness criteria are procedural... (Enoch 2009, 322)

On his view, a constructivist view is 'global' when it "targets the whole domain of (practical) normative reasons." (Enoch 2009, 322) A constructivism about some subset of the domain of practical reasons is, in his terminology, a 'local' constructivist view. For instance, in his words, "A constructivist about political justice need not be a constructivist about the morality of right and

wrong more generally." (Enoch 2009, 323) Rawls's theory of justice seems to be quite clearly a 'local constructivist view' on this schema.

According to Enoch, Rawls's view is not only 'local', but also 'intra-normative'. For him, a local constructivism is 'intra-normative' when "the characterisation of the relevant constructivist procedure itself invokes normative vocabulary...", since it would be "a view about some special connections between different parts of the normative domain." (Enoch 2009, 323) And, in his words, Rawls's view is an intra-normative view, since it involves "constructing facts about political justice, by helping itself to facts about the fairness of choice situations and the rationality of choices." (Enoch 2009, 327) While on Enoch's view, intra-normative views are a subset of constructivist views, I think this label accurately characterises most existing non-political-liberalisms in political philosophy. For instance, as I discussed above, on the traditional view, political normativity is always grounded in some normative moral framework.

For these reasons, political liberals, and seemingly Rawls himself[3], have largely abandoned political constructivism in favour of other strategies. However, Rawls's work is invaluable in that all of the views that I will discuss below are either inspired by or responding to Rawls's idea of a distinctive political domain and the problems generated by his attempt to define it. Furthermore, Rawls deserves credit for inspiring the epistemic approach to the issue taken by many contemporary political liberals, and anticipating ontological approach taken by liberal value pluralists to understanding the value of liberal neutrality. In the following sections, I will discuss each approach in turn, surveying some of the leading views of each.

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[3] While there was an entire lecture in *Political Liberalism* (Rawls 1993) devoted to political constructivism, in the later *Justice as Fairness: ARestatement* (Rawls 2001), political constructivism is mentioned only once in a footnote.

3 Strong Metapolitical Separatism

3.1 Political Moralism and Antimoralism

In my view, the strong separatist idea that morality and politics are distinct and independent, but equally real, domains of normativity is highly implausible. However, 'political realists'[4], such as Glen Newey and Bernard Williams, have defended forms of this idea, expressed as a denial of what they call 'political moralism', which, for realists, problematically construes the political as an "abstract moral discourse that does not take into account political realities." (Korab-Karpowicz 2013) According to antimoralists, political theories that begin with abstract moral principles are too utopian to be of use for guiding actual political practices (Korab-Karpowicz, 2013). Instead, political theories must begin with the realities of political practice, which is constituted by struggles for power between groups and individuals with conflicting interests, with morality entering the political domain only insofar as the relevant parties are interested in moral concerns (Korab-Karpowicz 2013). In denying moralism, these thinkers affirm the idea that political normativity is distinct from moral normativity.

On Williams's view, political moralism is the general view that "the moral [is] prior to the political." (Williams 2005, 2) He contrasts this with antimoralism, which, in his view, "gives a greater autonomy to distinctively political thought." (Williams 2005, 3) Antimoralists reject the 'derivation' of normative political concepts from moral principles. Political theory, on this view, is neither the 'structuring' of the state according to some set of moral principles nor the 'enactment' of some set of moral principles through 'political action' (Williams 2005). Rather, political theory addresses 'the first political question', which is "the securing of order, protection, safety, trust, and

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[4] In the literature, this label refers to the the view that morally informed normative political theories are too unrealistic to be of use, rather than to the view that normative political values, morally informed or otherwise, are real in some sense. For the sake of disambiguation, I will refer to such view as 'antimoralism'.

the conditions of cooperation." (Williams 2005, 3) Antimoralism affirms the Hobbesian view that such order can only be achieved through coercive state action, and it is the task of political theorists to provide an evaluative framework for distinguishing legitimate states from illegitimate states (Williams 2005). For Williams, a state is legitimate only if it is able to "offer a justification of its power *to each subject*", what he calls the 'Basic Legitimation Demand'. Importantly, in his words, "If [the basic legitimation demand] is [itself a moral principle], it does not represent a morality which is prior to politics. It is a claim that is inherent in there being such a thing as politics: in particular, because it is inherent in there being a first political question." (Williams 2005, 5)

Williams tells us that on his view, "[P]olitical philosophy is not just applied moral philosophy… Nor is it a branch of legal philosophy… political philosophy must use distinctively political concepts, such as power, and its normative relative, legitimation." (Williams 2005, 77) For Williams, normative political concepts, such as legitimacy, are political all the way down, because politics addresses distinctive questions about "what should be done under political authority, in particular, through the deployment of state power." (Williams 2005, 77) And it is only through political discourse about such questions that we may fill out the content of our normative political concepts. For Williams, politics differs from morality in that politics is concerned in the first instance with attaining order and then with better and worse forms of political order. In his words,

> The situation of one lot of people terrorizing another lot of people is not per se a political situation: it is, rather the situation which the existence of the political is in the first place supposed to alleviate (replace). If the power of one lot of people over another is to represent a solution to the first political question, and not itself be part of the problem, *something* has to be said to explain (to the less empowered, to concerned bystanders, to children being educated in this structure, etc.) what the difference is between the solution and the problem, and that cannot simply be an account of successful domination. It has to be something in the mode of justifying explanation or legitimation: hence the Basic Legitimation Demand. (Williams 2005, 5)

The problem with moralism, according to Williams, is that it takes this to be a moral problem, even though moral principles are intended 'to guide our behaviour', rather than evaluate the 'acceptability' of political orders (Williams 2005, 4-7).

On Williams's positive view, it is an axiom of political theory that "might does not imply right, that power itself does not justify." (Williams 2005, 5) But political justification, on his view, depends vaguely on what 'makes sense' to the subjects of the political order that is to be justified, and this in turn depends on the circumstances that these individuals find themselves in (Williams 2005). In his words,

> The question is whether a structure makes sense as an example of authoritative order. This requires… that there is a legitimation offered which 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. (Williams 2005, 11)

While this is in line with Williams's subjectivism about practical values, which encompasses, inter alia, the two distinct domains of political and moral values, more generally, it is not a very satisfying account of normative political theory. On this view, it is hard to see how our normative political theory could fail to affirm the status quo, whatever that may be. As Williams notes, "Much of the time, in ordinary life, we do not discuss whether our concepts make sense, though, of particular ones, we may. Mostly, the fact that we use these concepts is what shows us that they make sense." (Williams 2005, 11) The role of normative political theory, on this view, is not so much to tell us what kinds of political orders ought to be authoritative, but just to elucidate for us what we consider to be an authoritative political order. But this depends in part on our culture and our understanding of history, which are strongly influenced by the political arrangement we find ourselves in.

This, I think, points to a deeper problem with his view. Roughly put, Williams's view consists in identifying some key questions and concepts of normative political theory, and a vague

account of political justification. But it is not clear why some conception of authority is normative for us just in case it makes sense to us. In other words, on his view, political normativity is more than just a modus vivendi, but we are told that to think that it is a morally informed modus vivendi would be too unrealistic. His answer will likely involve his subjectivism about practical reasons, but minimally, he still owes us an explanation of why and how subjectivism applies to political normativity while maintaining the distinction between the political and the moral.

3.2 Political Holism

Newey's positive view, what he calls 'political holism', is more developed than Williams's view, but is nonetheless still problematic. On Newey's view, both political normativity and moral normativity can be explained in terms of a Kantian account of practical rationality (Newey 2010). However, according to Newey, the political is distinguished from the moral by the fact that while political normativity applies at the collective level to the decision making of corporate agents, morality applies at the individual level to particular moral agents (Newey 2010). Moralism fails, on his view, because the rational constraints on political reasoning are necessarily distinct from those that constitute moral reasoning. The difference between collective agency and individual agency is that in corporate action, "A single fictional person represents the collective by the latter's consent." (Newey 2010, 456) In his words,

> For one person to authorize another to act on her behalf, she must be thought free as regards authorization itself. No doubt in some cases, such as mental incapacity, it may be necessary to authorize someone on a person's behalf. But insofar as this action is undertaken for the incapacitated person, it is only through fiction that it can be represented as authorised by her; just as with inanimate objects, such as bridges, it is only by fiction that these things count as authorizing the acts done in their name. (Newey 2010, 456)

While an individual's actions are free just in case their actions are 'self-authorized' (i.e., produced by a unified will), a corporate agent's actions are free just in case the individuals that constitute it freely consents to its authority to act on their behalf.

The difference is that in corporate action, the authorised entity that acts is distinct from the authorising entity that consents to the authority of the former, while in individual action both roles are inhabited by the same entity. For Newey, this means that the corporate agent need not respect the conclusions of individual moral deliberation, but rather, must answer to the conditions on the possibility of authorisation and respect the principles and conclusions of collective deliberation. On this account, we enter into the realm of the political when we freely authorise the corporate collective to act on our behalf, and thus regard the decisions of the collective as our own in this sense. Even when the outcome of collective deliberation contradicts the conclusions we have arrived at in individual deliberation, just so long as there are no defects in either the authorisation or the deliberation of the collective, the collectively determined conclusions are normatively binding for us.

On Newey's view, the source of political normativity lies not in morality, but in the legitimate authority of the corporate collective and the procedural soundness of collective deliberation. This, however, is not enough to show that political normativity is distinct from moral normativity. For instance, we might think that legitimate authority of some collective depends on it being rational for individuals to consent (i.e., that it is, in Kantian terms, an autonomous decision) to authorise that collective to act on their behalves and that the principles that guide collective deliberation are the same as those that guide individual deliberation. In that case, political normativity ultimately reduces to moral normativity. If this were true, it would make the normativity of collective political decisions dependent on the commitments of individuals to regard the political order as authoritative and the principles of practical reason common to both moral and political deliberation.

Newey's response to this objection is to say, "[T]he citizen comes already incorporated, and in adopting the fiction that this body resulted from an originative act of authorization, one moves beyond the rational constraints which bear upon individual action" (Newey 2010, 457) and, "[C]onstraints on collective action will be generated collectively. What considerations are normatively salient is decided by political processes. This again limits the contribution of philosophy." (Newey 2010, 460) This response raises more questions than it answers. With respect to its conception of authorization, it is not clear how 'citizens come already incorporated', and why this is enough to satisfy his proposed condition of free consent. And even if incorporation into a state is the default condition of the modern individual, it is far from clear why individuals may not withdraw their consent to remain incorporated. Moreover, if the constraints on the political process must arise themselves from the practice of politics, then it seems that the search for political normativity is left in a vicious regress.

As it stands, it seems unlikely that realist accounts of political normativity will turn out to be successful. Although the central thesis of strong separatism is generally associated with antimoralism, and defended by antimoralists, it is at least conceptually possible to defend such a view on non-antimoralist grounds, though such views have yet to be advanced in the literature. Thus, the prospects for strong metapolitical separatism seem grim. The problem is that identifying a source of practical normativity that is both distinct from and independent of the sources of moral normativity is a very tall order. However, the goal of establishing the autonomy of political theory from moral theory might be satisfied by a weaker form of separatism that claimed only the distinctiveness, and not the independence, of political normativity. To put it roughly, metapolitical separatisms generally posit that there is a gap between normative politics and morality, but

particular forms of separatisms will differ in terms of the width of the divide between the two domains.

4 Weak Metapolitical Separatism

4.1 Ontic Political Emergentism

As I discussed above, ontic political emergence is the view that political normativity cannot be reduced to moral normativity for ontological reasons having to do with the complexity of the political, which is composed or constituted by the moral in some way. How the structural relation between the political and the moral is construed will depend on the view at hand. While this might seem similar to Newey's view described above, importantly, political agency/normativity is not taken to be wholly independent of moral agency/normativity. Rather, on this view, political normativity irreducibly emerges from moral normativity. Although Galston does not characterise it in these terms, I think his liberal pluralism—or some version of it—is a form of this view.

Liberal pluralism holds that the normative political conclusion that liberalism is true follows from the metaethical fact that there exists a plurality of incommensurable and noncomparable (though not necessarily incomparable) moral values (Galston 2002). The basic thrust of his argument is that value pluralism implies that societies that permit and make possible the realisation of a greater number of values (i.e., ways of life) are better than societies in which fewer ways of life are possible. Moreover, value pluralism means that rational justifications of coercion cannot begin with the parochial favouring of any particular value or group of values over others. Galston refers to the former as 'the diversity argument' and the latter as the basis of negative liberty and expressive liberty (Galston 2002). Together, these two implications of value pluralism supposedly imply the truth of liberalism.

By negative liberty, Galston refers to the Berlinian idea of "the capacity of individuals, unimpeded by external coercion or constraint, to choose for themselves among competing conceptions of good or valuable lives." (Galston 2002, 48) A corollary is the concept of expressive liberty, which is "the absence of constraints, imposed by some individuals on others, that make it impossible (or significantly more difficult) for the affected individuals to live their lives in ways that express their deepest [correct][5] beliefs about what gives meaning or value to life." (Galston 2002, 28) Together, they form the basis of the liberal principle of neutrality, although Galston does not characterise these as such.

While he characterises these as moral goods, I think that they cannot be rightly described as such. If expressive liberty and negative liberty were moral goods, then to recommend them would simply to assert the trivial truth that it would be good to permit the pursuit of true conceptions of the good. Moreover, the argument he provides in support of these principles tells against his claim that either is a moral principle, since what he provides in support of these putatively moral conclusions is not a moral argument but a metaethical one—both, according to Galston, are supported by value pluralism. In his words, "Moral pluralism supports the importance of expressive liberty in ways that monistic theories of value of accounts of the summum bonum do not." (Galston 2002, 37-38) And, "The value pluralist argument for negative liberty rests on the insufficiency of the reasons typically invoked in favor of restricting it." (Galston 2002, 48)

Galston's value pluralist argument in favour of these principles is fairly straightforward. According to Galston, "Contemporary value pluralists are committed both to affirming the heterogeneity of values and to denying the existence of comprehensive rank-orders among them." (Galston 2002, 31) For value pluralists, the structure of the moral domain is such that one cannot

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[5] For Galston, the concept of expressive liberty applies only to the pursuit of actual goods, not, as the quote suggests, merely what individuals take to be good. For example, it does not apply to misguided practices like human sacrifice.

realise any particular value or group of values without excluding some other value or group of values, and there can be no rational basis for prioritising some value over all others. To affirm some value as important does not entail that it is the only important value or that the value(s) excluded are less important, but it is rather just to express that this value is important for the individual who chooses. The importance of expressive liberty lies in the fact that choosing from among the plurality of goods always involves identifying the chosen value as important for the one who chooses. Value pluralism means that the rational basis required for justifying coercion and other violations of individuals' moral agency always require a rational basis cannot involve invoking any particular good, since to do so would prioritise and impose the relevant value on those who are coerced (Galston 2002). The value pluralist argument from negative liberty thus holds that to coerce A into affirming X, even though X excludes Y, is to unjustifiably assert the priority of X over Y.

If value pluralism entails that coercion can never be justified on any parochial prioritising of certain values over others but the realisation of some values will always entail the exclusion of others, then we may wonder whether conflict will be inevitable and whether such conflict can be reasonably resolved. Even in a noninterventionist state, some values will inevitably come to the fore, and others will be cast aside. The heterogeneity of values means that certain ways of life will inevitably conflict with other ways of life. But if so, we may worry, as Rawls does, whether societies marked by such conflict can maintain the stability needed for social life. We may mourn the loss of the excluded goods, even if it was inevitable that some goods will always be excluded. Moreover, we might worry that in such noninterventionist states, the values and ways of life of minority groups will always be pushed out by those of dominant social groups—that, paradoxically, societies modeled on the framework of value pluralism will inevitably become

parochially dominated by a narrow set of values and ways of life. If the value pluralism implies both that conflict between ways of life predicated on incommensurable values is inevitable and that it is morally indeterminate how we ought to settle such conflicts, then how should we proceed?

Happily, Galston argues, we are able to find a solution to this problem within value pluralism itself. According to Galston, value pluralists see diversity as intrinsically valuable (Galston 2002). Even if some values will be inevitably excluded in any society, societies will differ in terms of the range of values that may be realised within them. Since value pluralists recognise, even though they may not personally affirm, the whole range of values, they hold that societies that are more diverse (where individuals are afforded greater expressive liberty to affirm for themselves the values that are important to them) are necessarily *better*, in a non-moral sense, than less diverse societies—though it is not clear whether 'better' is meant to invoke a moral or non-moral standard.

Similarly, George Crowder argues, "If value pluralism is true, then there are several, perhaps many, genuine human goods. To acknowledge the weight of all such goods, not just those we arbitrarily prefer or with which we happen to be brought up, is a duty that follows from the idea of value pluralism itself." (Crowder 2002, 465) For Crowder, the unfortunate implication of value pluralism is that we will sometimes be faced with hard choices in practical deliberation, but we may overcome, or at least mitigate, these difficulties by embracing "certain 'virtues' or desirable traits of character [that are] required for practical reasoning under pluralism." (Crowder 2002, 468) One such virtue, he tells us, is "a spirit of 'generosity' towards the full range of human goods," and this virtue compels us to "endorse the promotion within a given social arena of the widest possible diversity of human values" (Crowder 2002, 465). For both Crowder and Galston, the political theory that best satisfies this desideratum is liberalism (Crowder 2002; Galston 2002).

The form of liberalism recommended by value pluralism, what Galston calls liberal pluralism, sits somewhere in between Rawls's poles of comprehensive liberalism and political liberalism. In Galston's words,

> The value-pluralist liberal state will respect self-aware autonomous lives but will not insist on promoting Socratic or Milliam ideals (or any others) as valid for all citizens. It will limit the agreement on principles and practices required of all citizens to constitutional essentials, parsimoniously understood. It will seek to create conditions within which, to the greatest extent possible, individuals and groups can lead their lives in accordance with their own understanding of what gives life meaning and purpose. And it will vigorously defend the ability of individuals to exist from ways of life they have ceased to identify. It is, in short, a liberalism that takes seriously both Berlin's claim that imprisonment is the essence of unfreedom and his generous receptivity to understandings of human existence that do not give pride of place to liberty. (Galston 2002, 62)

While such a liberalism will be comprehensive in that it endorses a view of the good (i.e., value pluralism), it remains nonetheless morally neutral in that it does not resort to any particular good as the basis for justifying state coercion, since to do so would contradict the principles of expressive and negative liberty implied by value pluralism. Instead, it proceeds from the metaethical fact that the moral domain is constituted by a plurality of incommensurable moral values to the normative political claim that the societies in which a greater range of values may be realised and expressed in the lives of its members are better than societies that permit and make possible a narrower range of moral values. As Crowder notes, the value pluralist argument for liberalism does not prescribe that societies must permit or promote any particular set of values, just that societies must as far as possible be internally diverse and respectful of individuals' expressive liberty (Crowder 2002).

If true, this is a very powerful and interesting argument in favour of liberalism. The structure of this argument is unique in that it purports to derive normative conclusions from metaethical premises. In particular, it purports to derive the normative conclusion that particular moral values cannot justify state coercion from an ontological view about moral views that hold

both that these values exist and that at least some values are incommensurable with others. These normative conclusions, however, could not be moral conclusions for two reasons.

First, it is generally acknowledged among metaethicists that theories about moral value and the semantics of moral discourse are neutral concerning disputes about what is of moral value. For instance, the truth of moral realism cannot settle the dispute between consequentialism and deontology, even if it implies that Kantian constructivism is false. Second, by Galston's own lights, if his endorsement of liberalism expresses the moral proposition that liberalism is good, then the truth of value pluralism would mean that it is itself but one good among a plurality of incommensurable and noncomparable goods, and his endorsement of liberalism cannot but anything but the parochial favouring of one particular good over the rest. But if these normative conclusions are not moral conclusions and are not derived from moral argument, but rather from claims about the domain of moral properties, then how should we characterise these conclusions?

Notice, while the value of diversity and liberty, as well as the virtue of generosity are distinct from moral values and virtues, they are still nonetheless practical virtues and values, and are dependent the moral domain in an important way. However, these virtues and values do not normatively depend on any particular moral fact, but rather, they depend on it being the case that moral properties exist and have certain ontological features (i.e., moral properties are incommensurable in that no ranking relation holds between them). These normative political properties are themselves novel, fundamental properties of the political domain. These properties are not constituted by any moral values, but rather, are determined in virtue of certain ontological facts about the moral domain. In this sense, these normative properties are ontologically emergent on the moral domain. Since these emergent properties dependent on ontological features of the

domain of moral properties such that they would be different if the moral domain did not have certain features (i.e., was not pluralistic),

Interestingly, there are some intriguing parallels between the value pluralist argument for liberalism and the multiple realizability argument against reductive physicalism in the philosophy of mind. Both crucially depend on the claim that the same higher-level properties can be realised by different variations of lower-level properties just in case certain functional criteria are met. Multiple realizability was first advanced by Hilary Putnam against the reduction of mental properties to physical brain properties. Roughly put, this argument holds that the mental is irreducible to the physical, because any given mental kind (e.g. pain) can be realised by a number of distinct, non-identical physical kinds (Bickle 2013). On this view, while mental states are dependent on brain states, they are distinct from brain states. According to Putnam, a brain state realises a mental state just in case the brain state fulfils the causal function associated with the mental state in question. Similarly, value pluralists, such as Galston and Crowder, hold that the values of diversity and liberty, and pluralist virtues such as generosity, can be realised by a number of morally distinct societies (i.e., societies in which different values are permitted, made possible, and excluded from its social space). What is important for the realisation of these values and virtues is not whether any particular moral possibilities exist in the social space, but whether the set of moral possibilities represents the greatest possible set of coherent moral possibilities for that society.

The significance of ontic political emergence as a metapolitical category can be appreciated if we contrast views of this form with strong metapolitical separatism. Recall, according to strong separatism, the political is taken to be both distinct and independent of the moral. This, as I discussed, raises the problem of identifying a distinct and independent source of political

normativity, and problem that has yet to be adequately addressed in the literature. The problem, roughly put, is that it is hard to imagine, let alone defend, what a non-moral source of practical normativity might be. Ontic political emergence is able to avoid this problem, since it posits only the distinctiveness or the political domain, and not its independence from the moral. The political is distinct from the moral, insofar as it ontologically emerges from the moral—the value of diversity is a fundamental, value grounded by certain ontological features of the domain of moral values. It remains dependent on the moral insofar as it is realised by certain kinds of moral arrangements. In this way, it represents an intermediate option between strong separatism and intranormativism. Though, as I will discuss, the ontological variant of political emergentism is not the only intermediate option available.

Since the value pluralist argument for liberalism rests on descriptive claims about the ontological structure of the domain of moral values, rather than normative claims about what is morally valuable, its success depends at least in part on whether value pluralists are right about the incommensurability of values. Thus, liberal pluralism depends on whether the truth of value pluralism supports liberalism as a normative political theory, and ultimately, on whether value pluralism is true. I think there are at least some reasons to be sceptical on both counts. While these questions fall outside of the scope of this review, it will be helpful to at least canvas some of the issues and concerns at stake.

According to Galston, value pluralism is generally committed to the thesis that beyond the basic necessities for human flourishing, the deprivation of which would force individuals to 'endure the great evils of human existence' (i.e., objective bads), there is a range of heterogeneous objective goods that cannot be objectively ranked (Galston 2005, 11-12). He motivates value pluralism by noting the experience of conflict and regret moral agents face in choice situations. In

his words, "It is fair to say that everyone experiences what on the surface appear to be conflicts among goods we cherish and pursue… The question is whether the most plausible description of these conflicts will sustain our first impression, or rather offer a better account of what was only a misleading appearance." Roughly put, the question is whether the domain of moral values is as inharmonious as our experience makes it seem. If such conflict is real, rather than only apparent, then in choice situations, we must regretfully sacrifice the unchosen value for the sake of the one we affirm. His argument for value pluralism depends on the rationality of the regret we feel in such cases. But if the conflict is only apparent, and we have chosen correctly, then nothing will have been lost and it would be irrational to regret a loss that did not take place. In his view, "The need to erase rather than save the phenomenon of regret increases the monist's (already substantial) burden of proof, and adds weight to the case for pluralism."

As Robert Talisse notes, however, there is some reason to doubt whether value pluralism could save the appearance of rational regret in difficult choice situations (Talisse 2011). To illustrate his argument, he asks us to imagine a hypothetical choice between leading the impulsive life of an artist and the disciplined life of a monk. In this choice, he tells us, we are faced with two 'incompossible' options that inherently conflict. In affirming one over the other, something of genuine moral value will be lost, and this loss may lead us to regret our choice, even if we would make the same choice given the chance to choose again. But, he argues, if the loss is inevitable, how can our regret be rational? In his words, "[I]f, as the pluralist contends, there *could not be* a single life that manifests the distinctive goods of monkish discipline and artistic impulsiveness, then to *regret* the loss of the former good when I choose the latter is to regret that which could not be otherwise." (Talisse 2011, 94) One cannot, having made the fully informed choice to eat the cake, rationally regret after the fact that one no longer has any cake.

The central claim of value pluralism is the thesis that heterogeneous objective goods cannot be ranked. According to Ruth Chang, rankings can be either ordinal or cardinal (Chang 1997). While cardinal rankings depend on there being some unit of value that determines the order of the ranked items, ordinal rankings require only that the ranked items can be listed in order of how they compare to a 'covering value', which is a value with respect to which the ranked items is compared (Chang 1997). In her terminology, 'incommensurability' refers to the thesis that the properties in question cannot be cardinally ranked; a set of properties is 'incomparable' just in case there is a covering value, but the members of the set cannot be ordinally ranked; and lastly, 'noncomparability' holds when no covering value can be specified (Chang 1997). Incommensurability does not entail either incomparability or noncomparability, but commensurability requires comparability (Chang 1997). Just because there is no single unit of value that applies to some set, does not mean that there is no covering value relative to which the members of the set can be compared.

On Galston's view, heterogeneous objective goods resist both cardinal and ordinal ranking, since there is neither a single unit of value nor a covering value that can apply to the set of such goods (Galston 2005). Value pluralists, he tells us, hold that practical values are both incommensurable and noncomparable. Value pluralism requires both that there is no single unit of value applicable to the set of moral values and that there is no covering value according to which moral values may be compared (Galston 2005). In some choice situations, Galston argues, practical reason may be only able to help us narrow the range of available options, leaving it indeterminate what would be better all-things-considered (Galston 2005). In the face of such indeterminacy, Galston argues, our choices will often "reflect facts about me that I did not choose and cannot alter—features of my distinctive perceptual apparatus, psychology, or sensorium… Or… features

of my distinctive social and cultural context." (Galston 2005, 21) On this view, choices between conflicting pluralistic values will necessarily be subjective.

What threatens the coherence of value pluralism is the fact that even subjective choice between two options requires comparability. As Chang notes, noncomparability is a formal failure of comparability, where either no covering value is implied by the choice situation, or the implied covering value does not cover all of the options one is presented (Chang 1997). In her words, "In both cases, we cannot understand what is being said. Without some value with respect to which the comparison proceeds, no comparison can be understood. And unless the comparability or incomparability predicate applies to the items at stake, we cannot understand that anything is being said about them." (Chang 1997, 29) In short, she tells us, "Practical reason never asks us to compare where there is noncomparability." (Chang 1997, 30) The very possibility of a choice between two options requires there to be a covering value from which even subjective deliberation can proceed. The appearance of noncomparability, she argues, arises from the fact that in such cases, the covering value is often nameless. In her words, "[T]he only names for such values are the names off schematic considerations; as placeholders for any value, their names provide alternative names for every value." (Chang 1997, 32)

While Galston provides a short response to Chang's objection, it is not clear whether it amounts to anything more than mere table-thumping. In his words,

> Does this mean, as Chang argues, that there must be some single underlying covering value in light of which this comparison proceeds? No necessarily. I would argue that when we agree that X and Y are qualitatively distinct but genuine goods, we also agree that each defines a dimension that varies quantitatively in respect of the particular good. .. When we are comparing qualitatively different goods, no one of which enjoys lexical priority or imperative force relative to the rest, we employ rough-and-ready decision rules as presumptions. A significant gain along dimension X presumptively outweighs a trivial loss along Y, unless we can adduce a compelling consideration to the contrary. As we move down dimension X and up Y, the choice becomes more and more difficult. At some point, it may become indeterminate. But at no point do we invoke, or presuppose, a nameless compound covering value that constitutes a single dimension of variation. (Galston 2005, 15)

Notice, this merely asserts his desired conclusion without argument. Chang's worry is that without a covering value, choice situations would be unintelligible and practical deliberation about the relevant options would be impossible. Galston's response is that choice between two noncomparable options can proceed from heuristics that allow us to 'weigh' without comparing the relevant options. But he does not explain how 'weighing' is different from comparing, nor does he tell us what grounds such 'weighing' heuristics. Surely, some heuristics are better than others, and this will depend on certain features of the choice situation—if not, then why not simply flip a coin, or if faced with more than two options, roll a die? If so, then there would have to be some value that facilitates our choice of heuristic at some point, on pain of incurring an infinite regress of choice heuristics. But in that case, there would seem to be a value sensitive to the features of the choice situation that can straightforwardly guide our choice between the available options. If we do rely on heuristics, it will be because the circumstances of choice places certain pragmatic constraints on our knowledge and resources, not because no covering value can be specified.

If Talisse is right, then the main argument in favour of value pluralism is flawed. While this dims the prospects for liberal pluralism, the conceivability of the view itself still nonetheless lends support to the conceptual possibility of ontological political emergentism. That it is intelligible to think that normative political properties are realizable by a number of distinct moral arrangements is a significant result by itself. It vindicates Rawls's intuition that we can and should distinguish normative political concepts from moral concepts, even if it runs counter to his ban on metaphysics. What would threaten this result, however, is if value pluralism was not only poorly supported, but also incoherent. In that case, given that nothing else in the literature supports the idea of ontologically emergent political properties, we may wonder if these belong in Meinong's jungle of impossible objects, tucked in between the square-circle and the married bachelor. One

reason to doubt the coherence of value pluralism is if it were to imply that we are sometimes forced to choose between options that cannot be compared in principle. If Chang is right about comparability being essential for even subjective choice, then value pluralism appears to be in serious trouble. And in that case, the case ontic political emergence will severely weakened, at least for now.

4.2 Epistemic Political Emergence

Following the Rawlsian rejection of metaphysics, but faced with the task of providing a better account of the non-moral political domain, many political liberals have taken epistemic approaches to this problem. On such views, the political is distinguished from the moral on epistemic grounds. Political claims differ from moral claims in that the two are held to different epistemic standards. Moral truth is thought to be insufficient for public justification, even if moral claims sometimes serve as premises for political conclusions in public reasoning. If this is right, then, given a Nagelian view of intertheoretic reduction, normative political theory is epistemically irreducible to moral theory, since political principles cannot be derived from the justificatory resources of moral frameworks designed for producing moral conclusions. On this view, political properties are epistemically emergent on moral properties. Like epistemic emergentism in the philosophy of science, this view posits the underivability of conclusions at one level of phenomena from theories at a lower level of phenomena.

As I mentioned in the introduction, Gaus's justificatory liberalism and Estlund's epistemic proceduralism are both forms of epistemic liberalism. Like Rawls, their metapolitical views are generally motivated by normative concerns. In my view, this is poor motivation for a metatheoretical stance. For instance, while our confidence in particular moral judgements may suggest that there are moral facts, it does not count against arguments for metaethical antirealisms.

If metaethical antirealism is to be defeated, it will be on the back of familiar (or novel) semantic, ontological, and epistemic arguments, not moral ones. Similarly, both Gaus and Estlund aim to justify generally liberal conceptions of democratic procedures on epistemic views of public justification. But it is a mistake to place theory before metatheory. Nonetheless, both provide in their accounts unique and interesting perspectives on the relationship between moral theories and political theories.

At the core of Gaus's justificatory liberalism is the 'Principle of Individualized Liberal Legitimacy', which holds that "Alpha's coercion against Beta is legitimate only if there exists a justification for it that Beta may reasonably be expected to endorse." (Gaus 1999, 277) What Beta may 'reasonably be expected to endorse' will depend on what can be internally justified on Beta's system of beliefs (Gaus 1996). Public justification, on this view, depends on our ability to justify what we believe ought to be done to others in terms that they can accept. Importantly, this does not depend on the actual acceptance of our moral claims by others, but rather, on what they are committed to by their own lights, regardless of whether they are aware of this or not. But this too must be publicly demonstrated. We must be able to respond to others' challenges that our proposal is not justified on their belief systems in a way that is acceptable to them. Conclusive public reasoning, on this view, requires that we are able to publicly demonstrate that others ought to support some proposal by their own lights. In public reasoning, what matters is not whether some claim is true, but rather, whether we can either rationally persuade others to accept the claim, or show that they ought to accept the claim given what we can demonstrate in public reason they believe.

As Gaus notes, this is a tall order, and on this view, public reasoning will often be inconclusive. When members of the public disagree about some proposal, conclusive judgement

will be elusive, since it requires supporters of the proposal to conclusively show that the opposition is somehow mistaken about whether the proposal is justified on their own belief systems, but in his words, "In cases of reasonable doubt, Alf's epistemic authority over his own beliefs is decisive. After all, if there is reasonable doubt whether B or ~B is justified, and Betty believes B while Alf believes ~B, why should better be accorded the authority to decide what Alf is to believe?" (Gaus 1996, 150-151) Much of this depends, however, on Gaus's commitment to epistemic internalism, which holds that a belief is justified just in case it is either supported by the beliefs and inferential norms of the epistemic agent's belief system, or is a foundational belief in that system (Gaus 1996). I think it would be a fair, though rough, sketch of his view to say that it follows from the conjunction of an internalist account of justification and a liberal commitment to a political order that can be justified to all members of the public. Naturally, given the diversity of beliefs and belief systems, not much will turn out to be publicly justifiable on such a view.

Crucially, however, it is not his epistemic commitments that drive us into the space of public reason, though these end up informing how he conceives of this space. Rather, it is the conjunction of his epistemic views with a particular normative view of moral interactions. In Gaus's words, "[T]he requirement to reason publicly is not an epistemic requirement, nor is it a requirement entailed by being a member of a linguistic community or a rule follower; it is a requirement of moral life." (Gaus 1996, 129) The difference, he tells us, between private moral reasoning and public political reasoning is that in private reason, we issue moral demands of ourselves necessarily from the perspective of our own epistemic system. Given an internalist view of epistemic justification, the reasons we have for accepting a moral demand are precisely the reasons we have for issuing them in the first place. But when we issue moral demands on others, the difference between a normatively authoritative demand and mere browbeating is that we are

not culpable for ignoring the latter, but not the former. What grounds our culpability, he argues, is whether there are any reasons accessible to us for believing that the demand is legitimate. In his words, "To make genuine moral demands on others, and not browbeat them or simply insist that they do or believe what you want, you must show that, somehow, their system yields reasons to embrace your demand." (Gaus 1996, 129) In essence, Gaus is telling us that we can only be blameworthy for violating moral demands that we can subjectively endorse.

Gaus defends this view through a discussion of Alan Gibbard's example of an ideally coherent anorexic (Gaus 1996; Gibbard 1992). On Gaus's reading, Gibbard holds that the ideally coherent anorexic would have reason to reject her foundational 'better dead than plump' norm just in case she was confronted with the fact that this norm makes no sense to others (Gaus 1996). To Gaus, "[T]hat seems a strikingly strong and conformist norm that his formal argument does not establish." (Gaus 1996, 128) I will not go over his arguments against Gibbard here. However, I will note that this commits his account to a more extensive metaethical view than he realised. At the outset of *Justificatory Liberalism,* he tells us, "The theory of justified belief—the epistemology—I defend in this book is consistent with realist and nonrealist metaphysics of morals; my concern is how moral beliefs are justified, and this is consistent with a range of views about the existence of moral facts." (Gaus 1996, 7) But, as Street notes, the ideally coherent anorexic is just one example of ideally coherent eccentrics in metaethics, and the role of these characters is to help us pump our intuitions about whether normative reasons are attitude-dependent or attitude-independent (Street 2009). What these characters purport to show us is what moral reasons are, not just when our moral beliefs are justified. On Gaus's reading of the ideally coherent anorexic, we ought to be subjectivists about practical reasons, holding that our reasons for action are dependent on our evaluative attitudes.

Since Gaus does not provide any metaethical arguments either for or against attitude-dependence/independence, it is hard to tell whether his normative view of the conditions in which we are culpable for resisting a moral demand is implied by a broader commitment to a substantive moral view, or whether it is merely an implication of his metaethical commitments. If it is the former, I think that this would be a significant strike against his view, since the direction of fit between theory and metatheory suggests that while metatheoretical views may sometimes have implications for the object theory (as in the case of error theory, which implies that there are no truth moral claims), we cannot derive metatheoretical conclusions from premises internal to the object theory.

Nonetheless, we may now see the general structure of Gaus's view and why it is a form of epistemic emergence. If moral authority always depends on justification to those addressed by the authority and moral justification depends on internal features of the agent's epistemic system rather than the external truth of the claim, then public justification of the state's moral authority to issue demands on its subjects cannot rest its case on moral truth just in case members of the public have divergent moral beliefs. Normative political phenomenon such as legitimate authority cannot be captured by the concepts and principles of true moral theories. It is always an open question whether what we have personal reasons to do morally will overlap with what we have public reasons to do politically, since not all of our privately held moral beliefs will be available for public justification. This argument will be all the stronger if Gaus can provide us with good metaethical arguments in favour of the attitude-dependence of practical reasons.

An important goal of Estlund's epistemic proceduralism is to '[make] truth safe for democracy' (Estlund 2008). As I discussed above, Rawls's worries about the divisiveness of asserting the truth in political discourse led him to reject truth as the standard of correctness for

political claims, relying instead on a conception of reasonableness. This, however, exposed his account to Raz and Hampton's normative truth objection. Joshua Cohen has recently attempted to mount a response on behalf of Rawls against this objection that nonetheless maintains Rawls's emphasis on curtailing the divisiveness of truth and accommodating reasonable pluralism (Cohen 2012). Estlund's view is a response to both worries.

For Cohen, while the concept of truth, pace Rawls, has an important role to play in public reason, this conception must be adequately 'political' in Rawls's sense; it must not depend on or conflict with any other substantive conception of truth (Cohen 2012). In his words,

> According to [the idea of public reason], political justification, at least on certain fundamental questions, should proceed on a terrain of argument that can be shared... Although I find the idea of public reason compelling, I disagree with Rawls's claim that the concept of truth finds no place in it. [This] makes the idea of public reason hard to understand, because it proposes to leave the concept of truth behind while preserving notions of belief, assertion, judgement, reason, and objectivity. (Cohen 2012, 219)

In a nutshell, his crucial point is that to claim that the idea that truth is entirely irrelevant to public reason is only tenable if we think that claims in public reasoning are not truth-apt, but in that case, it is hard to see how we can intelligibly describe it as a form of 'reasoning' (i.e., the formation and assertion of beliefs and judgements according to reasons that are objective in some sense).

Rawls' dilemma, according to Cohen, is that political philosophy must choose between truth and democracy qua public reason (Cohen 2012). The problem for Rawls, according to Cohen, is that insisting on truth invites disagreement on the concept of truth, but public reason cannot take such contentious grounds as its starting point. Cohen argues that we can dissolve the dilemma with a political conception of truth that is not any more contentious than the concept of reasonableness already in play in Rawls's account. (Cohen 2012) In his words,

> We should not exclude the concept, but we need not incorporate a philosophical theory of truth, any more than we incorporate a philosophical theory of reason when we include an account of reasonableness. We have an understanding that serves the purposes of public political argument, but does not go beyond those purposes. (Cohen 2012, 237)

Such a conception of truth must minimise its philosophical commitments without being itself a minimalist account. In his words,

> Minimalism is an antimetaphysical theory of truth. In contrast, a political conception cannot... be antimetaphysical. It should, however, be nonmetaphysical, which will give it significant overlap with an antimetaphysical theory: it will not make claims about the real nature of truth or affirm that it is substantial property, or make claims about what substantial property it is. (Cohen 2012, 236)

Thus, the political conception of truth takes the minimalist schema of truth, 'P' is true iff P, but leaves aside its deflationary claim that this is all that we can or need to say about the concept. It includes the commonplaces shared by various theories about truth but goes no further (Cohen 2012).

While he admits that this might be philosophically unsatisfying, it is nonetheless sufficient for making the concept available for the purposes of public reason. It is sufficient because it allows us to claim that 'It is true that justice requires P', and it is suitably political because we might add '...whatever the right account of truth is' to any such claim. For Cohen, the idea of public reason is incoherent if the claims advanced within it and the conclusions it reaches are not presented as true. And his remedy is a political conception of truth that enables us to sidestep contentious philosophical debates about truth while engaged in public reasoning.

While Estlund agrees with Cohen on the importance of the concept of truth, he argues that if the principle that motivates the accommodation of reasonable pluralism (i.e., the principle of liberal legitimacy) discounts any claim that is the subject of reasonable disagreement from public reasoning, then, as Rawls held, not even those views on which there is an overlapping consensus can be advanced as true (Estlund 2012). If one endorses some conception of justice, one must view any other conceptions of justice as false, even if there are significant areas of agreement—in short, even those in an overlapping consensus must view rival views as close to being true, but still false. This is why Rawls eschews truth for reasonableness.

Cohen argues that his political conception of truth will be no more contentious than the concept of reasonableness, and so Rawls can admit the truth in public reason because he already admits the reasonable. However, Estlund argues that if we take the principle of liberal legitimacy seriously,

> We don't have the power to decide such a thing as we choose. If there is reasonable disagreement about 'most reasonable,' then it simply *is* blocked by the principle that says justification may not appeal to doctrines that are open to reasonable dispute. That is a logical truth, not a theoretical decision. (Cohen 2012, 264)

Here, Estlund identifies not only a problem with Cohen's account of political truth, but also a deeper, related problem in Rawls's theory: How can we adjudicate between competing definitions of reasonableness if our only criterion for admission into public reasoning is acceptance by reasonable people?

On Estlund's view, political liberalism can acknowledge the truth of its justificatory principle as an epistemic procedure for generating true conclusions about justice, and it being such a procedure would generate the practical obligation to obey its conclusions as legitimate even when false. In his words,

> If (in a familiar formula) free and vigorous debate under equal and favourable conditions would tend to lead toward the correct answer, then this is one strong reason for implementing such a discursive procedure. Moreover, the origin of a political decision in a procedure with this epistemic value might be a significant source of its legitimacy—the moral permissibility of its enforcement. (Estlund 2012, 271)

The idea is that the procedure discussed above need not generate always true claims about justice, but it must be able to defend its truth as a procedure that reliably generates true claims about justice.

Like Gaus's justificatory liberalism, Estlund's epistemic proceduralism depends on a particular view of authority and legitimacy, and aims to show that deliberative democracy is both authoritative and legitimate. According to Estlund, to be an authority is to have the power to issue demands on others that they are morally required to obey (Estlund 2008). While this requires some form of consent, the libertarian requirement of actual consent sets the bar too high, since, as he points out, in some cases, it may be morally wrong for us to refuse to consent to another's authority.

Instead, on what he calls the normative consent theory, an entity such as the state may gain authority over individuals who have refused to consent to its power to morally command obedience just in case it would be morally wrong for the individual to refuse to give their consent. Whether or not any particular command is enforceable, however, depends on the command being acceptable to all reasonable points of view, what he calls the qualified acceptability requirement, which must itself be acceptable to all reasonable points of view. Again, what is important is not whether the command is acceptable to all individuals, but rather, whether it can gain the acceptance of qualified (i.e., reasonable) points of view.

If Estlund is right about the epistemic value of democracy, then it becomes clear how it can gain the authority to oblige its subjects to obey its commands, and why its commands are legitimate. Since democracy has an epistemic value as a reliable procedure for generating the right answers to moral questions that no one can reasonably deny and is the only procedure acceptable to all, it would be wrong for citizens to refuse to consent to obey its commands, and thus it is able to base its authority on the normative consent of members of the public. And since its procedures are acceptable to all qualified points of view, its commands are necessarily legitimate.

Notice, since our political obligations depend on the outcome of epistemically fallible democratic procedures, there will be cases in which democracy obliges us to act in ways contrary to our moral obligations. Political normativity, on this view, is distinct from moral normativity. But, importantly, it is not independent of moral normativity, since the authority of democracy to issue political commands depends on the moral fact that it would be wrong for citizens to refuse to consent to its authority (i.e., its ability to gain the normative consent of its subjects). Thus, it is a form of political emergence. What makes this a form of epistemic emergence is the fact that the distinction between political normativity and moral normativity turns on our inability to predict

from the point of view of morality just what will be the outcome of democratic politics. Even though political normativity depends on the ability of a political entity to gain the (moral) normative consent of its subjects, knowledge of political norms cannot be derived from even a perfect knowledge of the moral facts.

5 Conclusion

Although this review has covered wide range of philosophical views and topics, I have tried to emphasise throughout that views regarding the status of the political domain, and its relationship to the moral domain are neither normative nor metaethical views. Rather, they are metapolitical questions about how we should construe the metatheoretical commitments of political discourse. If intranormativism is right, then these are metaethical commitments, and they will follow whatever the right metaethical account of moral discourse is more generally. But if separatism is right, then the metatheoretical commitments of political discourse will not align with those of moral discourse, and will need to be addressed on their own terms. Contra Rawls, these questions do not depend on the truth of any normative political view, political liberal or otherwise.

Much of the discussion has been focused on Rawls's work on political liberalism and his critics, because the distinction between the moral and the political first appears in the literature in Rawls's original articulation of political liberalism and takes shape in his responses to critics of political liberalism, who were rightly perplexed by his account of a distinctive political domain where the standard of truth is replaced by a vague standard of reasonableness. Furthermore, the puzzles generated by his account of the political domain have directly inspired the work of later political liberals and 'political realists', who I have been referring to as 'antimoralists', on the topic. It is a credit to Rawls and his influence that his work has generated such a rich debate. For the most part, I have limited my review to the work of those thinkers who have most explicitly

engaged with the metapolitical aspects of political liberalism, rather than those who merely make use of Rawls's metapolitical account of the political domain. Examples of the former include Gaus and Estlund, who both offer epistemic reinterpretations of Rawls's project; Galston who cites an ontological basis for liberalism's emphasis on diversity and neutrality; and antimoralists, such as Newey and Williams, who have tried to locate a non-moral source of normativity for political theory. Examples of the latter, not discussed in this review, include thinkers such as Wil Kymlicka, whose contributions assume rather than discuss this distinction.

Nonetheless, the work of those discussed in this review have all, like Rawls, tended to run their metapolitical views together with their normative political views—with Galston, perhaps, as a notable exception. I have tried, as much as possible, to disentangle the metapolitical claims of these thinkers from their normative political and moral claims. To do so, I have enlisted the help of works on related philosophical topics, such as value pluralism, constructivism, and disagreement. Additionally, I made use of distinctions developed in the philosophy of science for the purpose of delineating between views in a debate about the relationships between the domains of the various sciences that parallels the current debate. However, the differences between the normative and the descriptive obviously limited their applicability of these distinctions to a fairly general level. As I have noted, these distinctions generally apply only to realist views about practical normativity, since there are obviously no analogues to metanormative antirealisms, such as error theory and noncognitivism, in the philosophy of science—while scientific discourse are clearly successful at picking out facts of some sort, this is less clear in the normative case. Regardless, however, these distinctions were incredibly useful for my purposes in this review, given the fact that the core of the review focused on the work of political liberals, who are generally inclined to be realists about practical normativity, given their normative commitments.

Again, I have focused on these thinkers, because it is a surprisingly underexplored area dominated exclusively by political philosophers. My hope is that this potentially rich field of inquiry will attract the attention of metanormatively inclined thinkers in the future. While I have been describing the debate between separatists and intranormativists as the first question of metapolitics, I suspect that this debate will not be settled until we can get a better idea of what the right metapolitical account of political discourse is likely to be, and this will require the development of the conceptual possibilities I noted at the outset—and probably many more that I have failed to consider—into actual defensible positions. This will include, minimally, forms of realism other than antimoralism and political emergence, as well as forms of antirealism analogous to those currently found in metaethics.

For instance, one antirealist option will be a form of political expressivism that affirms, rather than denies or mitigates, Rawls's epistemic abstinence. Such a view would neither affirm nor deny its metaethical analogue, but rather, it would begin with Rawls's observation that disagreement is simply a fact of politics, and explain the inevitableness of political disagreement in noncognivist terms. And if political claims were not truth-apt, then the best we could hope for, as Rawls suggests, would be to minimize conflict. If political philosophy is to gain any traction at all, it must begin with the commonplaces of our moral community (public political culture) on a very restricted set of questions (concerning the basic institutions of well-ordered societies) and venture only so far as to reign in the fringes of the community (through reflective equilibrium), with the goal of out what follows from the system of norms endorsed by the moral community on these questions (in other words, what follows from the basic ideas principles embedded in the public political culture). Resolutions that all can noncognitively endorse are 'legitimate' and 'better' simply because that is what these political terms mean.

Much more will need to be said to develop the sketch above into an actual, defensible view, but hopefully, the description above illustrates the potential for future research here. Towards this end, I will also motivate and develop another antirealist option in my thesis article: Political fictionalism. Again, these do not exhaust the possible options out there in the conceptual space of metapolitics. More generally, there is no guarantee that any of the views discussed here will turn out to be correct, or even close to correct. But I think that their mere possibility is an exciting and significant result.

Political Fictionalism

1 Introduction

1.1 Metapolitics

Until recently, there has not been much interest in metatheoretical analyses (i.e., accounts of the semantic, ontological, and epistemic commitments) of normative political discourse. This is because on what I call 'the traditional view'[6], it is assumed that normative political discourse falls under the domain of moral discourse and its metatheoretical commitments will be captured by whatever the right metaethical analysis of moral discourse turns out to be. This view presupposes what I call 'metapolitical intranormativism'[7], which holds that normative political discourse is indistinct from moral discourse, such that the meaning of normative political claims can always be restated in non-political moral terms, without any loss of semantic content.[8] Following John Rawls's attempts to distinguish the political domain from the moral domain in a series of highly influential works on political liberalism (Rawls 1985; Rawls 1989; Rawls 1993; Rawls 2001), political philosophers, including Joshua Cohen, David Estlund, William Galston, Gerald Gaus, and Bernard Williams[9], have presented a number of interesting accounts of the political domain and its relationship with the moral domain.

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[6] Discussed in more detail in §2.1 of my Literature Review.

[7] Discussed in more detail in §1.2 of my Literature Review.

[8] Here, I am expanding on David Enoch's term 'intra-normative', which refers to constructivist views that attempt to construct some part of the domain of normative reasons via a constructive procedure that "itself invokes normative vocabulary." (Enoch 2009, 323) In his use of the term, a 'intra-normative' view refers to "a [constructivist] view about some special connections between different parts of the normative domain." (Enoch 2009, 323) In my expanded usage, 'intranormativism' refers to the view that any particular part of the moral domain, which includes the political domain, can be reduced to some other part of the normative domain via such 'special connections', though I diverge from Enoch in that these connections need not be defined in terms of a constructive procedure. Here, I will use 'intra-normaive' to refer to Enoch's use of the term, and 'intranormativism' or 'metapolitical intranormativism' to refer to my use of the term. A more detailed discussion of Enoch's view can be found in §2.4 of my Literature Review.

[9] I address their views and others throughout my Literature review.

Despite the clearly metatheoretical nature of such accounts, there has not been much engagement between these thinkers and metaethicists. This is, I think, for two reasons. First, Rawls's own attempts to define the political domain was motivated by his conviction that the space of public political reasons could not tolerate conflicts between comprehensive views of the good (Rawls 1993). On his view, a workable normative political theory of public reasons must be 'political not metaphysical' (Rawls 1985). Rawls's account presumes that the political is in some way distinct from the domain of the moral, and that public reasoning about political values (e.g. justice) is separate from private moral reasoning about the good. This presupposes what I call 'metapolitical separatism', which holds that normative political discourse is distinct from moral discourse. According to the separatist, metaethics cannot directly contribute to analyses of the semantic, ontological, and epistemic commitments of normative political discourse and the political domain.

Second, and more significantly, the debate between separatists and intranormativists cannot be rightly characterised as a metaethical debate, since this would beg the question against separatist views. In many ways, this debate is a debate about how metatheoretical analyses of normative political discourse should proceed, or what I call 'metapolitics'[10]. If separatism is true, then *metapolitics* parallels but does not depend on meta*ethics,* and we will need to address metatheoretical questions about normative political discourse on their own terms. If intranormativism is true, then metapolitics represents a subfield of metaethics, and we may apply familiar metaethical accounts of practical values in our thinking about normative political

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[10] I do not intend to suggest any connection between my use of 'metapolitics' with Alan Badiou's use of the term (Badiou 2005). In Badiou's terminology, 'metapolitics' refers to "[W]hatever consequences a philosophy is capable of drawing, both in and for itself, from real instances of politics as thought. Metapolitics is opposed to political philosophy, which claims that since no such politics exists, it falls to philosophers ot think 'the' political." (Badiou 2005, xxxix) I dffer from Badiou in that I am using this term to refer to metatheories about political discourse that parallel metaethical analyses of moral discourse.

discourse. The question of whether the political is distinct from the moral is in a sense the first metapolitical question, since it asks, in other words, whether normative political discourse is a normatively distinctive non-moral practical discourse that deserves its own metatheoretical analysis.

The chart below both represents how the conceptual space of metapolitics can be divided and depicts the concerns that inform these divisions. On my view, the distinction between *metapolitical separatism* and *metapolitical intranormativism* cuts across familiar metanormative distinctions between realism and antirealism, and between cognitivism and noncognitivism. This distinction is between views that hold normative political discourse to be normatively distinct from moral discourse and views that do not. Intranormativists, holding that political discourse is not normatively distinct from moral discourse, must then decide whether they are realists or antirealists about moral properties, and if they are antirealists, whether they are cognitivists or noncognitivists about moral claims. Similarly, separatists are first distinguished between *political realists* and *political antirealists* about normative political properties. Generally, political realists will resist the reduction of normative political properties to moral properties, while political antirealists will resist the reduction of political claims to moral claims.

Figure 1 A Metapolitics Flowchart
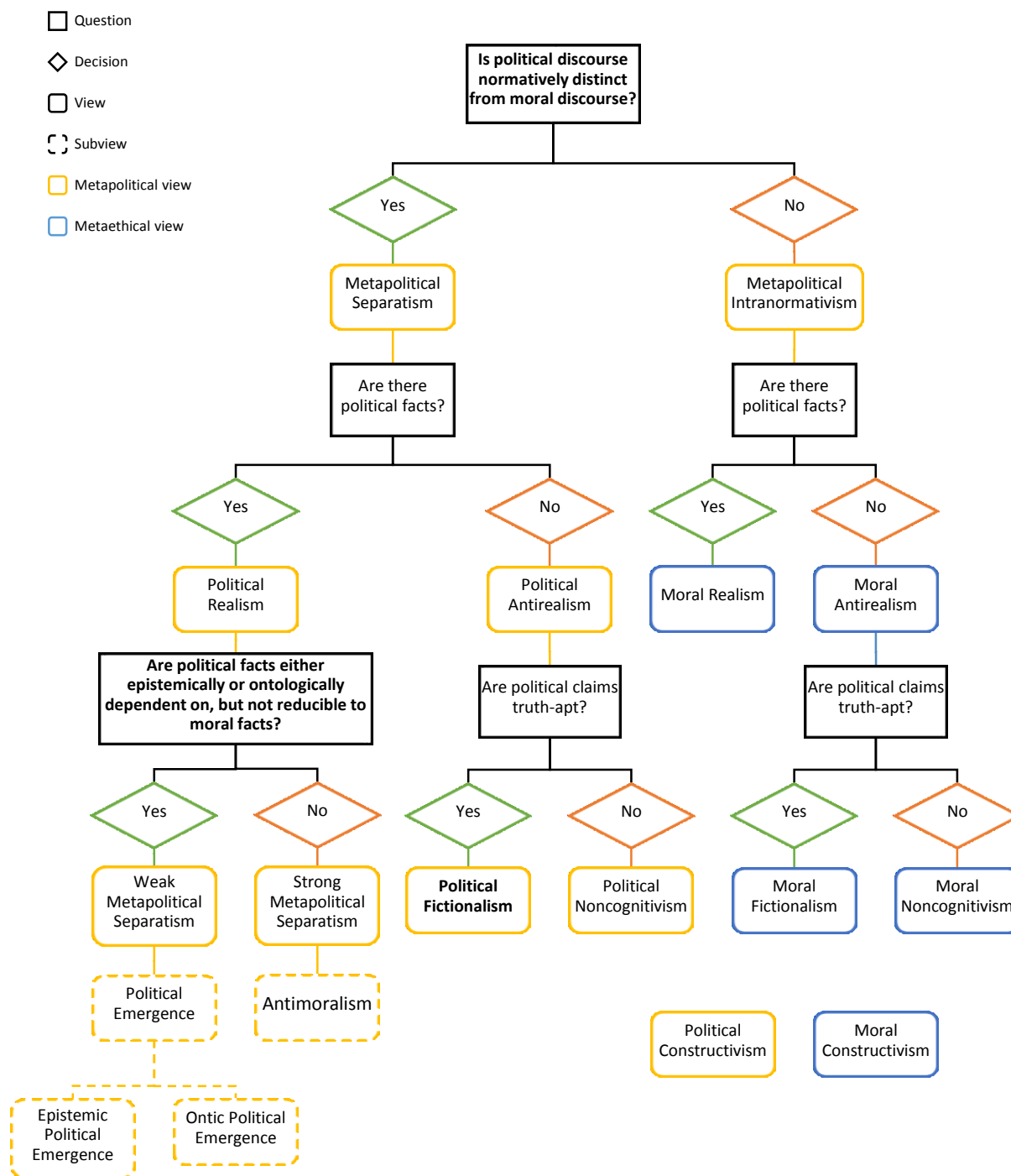
While political realists hold that the political is irreducible to the moral, they must still decide whether political normativity is nonreductively dependent on moral normativity. Those who deny the dependence of political normativity on moral normativity are *strong metapolitical*

separatists; those who do not are *weak metapolitical separatists*.[11] One way to support weak political separatism is to endorse the emergence of political normativity from moral normativity, or *political emergence*. Political emergence comes in two general varieties depending on whether the emergence relation is cashed out in epistemic or ontological terms: *epistemic political emergence* and *ontic political emergence*.[12] By contrast, a form of strong metapolitical separatism is defended by those who reject the grounding of normative political theories on moral principles, a kind of grounding they call 'moralism', as too 'unrealistic' (Williams 2005)[13]. Instead, they endorse what they call 'political realism', which I refer to as 'antimoralism' for the sake of disambiguation. Noncognitivist political antirealists may present novel forms of *political noncognitivism*, or adapt familiar forms of moral noncognitivism for the political context, while maintaining the irreducibility of political claims.

1.2 Fictionalism as a Cognitivist Alternative to Political Realism

The discussion above provides necessary context for understanding the goal of this article, which is to present and motivate political fictionalism as an antirealist (but cognitivist) alternative to realist forms of metapolitical separatism. Fictionalism about some discourse is the view that the claims within that discourse are not literally true, but analogous to claims within a work of fiction in some way (Eklund 2011). For instance, Stephen Yablo's mathematical fictionalism (which he calls 'figuralism') holds that when we make mathematical claims about numbers, we are speaking figuratively about representational aids that were developed to help us better keep track of real world quantities (Yablo 2010) The metapolitical form of this approach is distinguished from both political emergentism and political noncognitivism in that, on this view, political discourse is

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[11] Discussed respectively in §3 and §4 of my Literature review.
[12] Discussed respectively in §4.1 and §4.2 of my Literature review.
[13] Discussed in §3.1 of my Literature Review.

normatively distinct from moral discourse and consists in the exchange of truth-apt claims about political values, despite it being the case that there are no political facts. Rather, political discourse is construed as a fictional discourse in which members of the public attempt to persuade each other to endorse political proposals based on political reasons, and in the context of this fiction, normative political truths are constituted by successful persuasion resulting in public consensus.

My aim in this article is not to endorse or defend political fictionalism, but rather, to establish its viability as a metapolitical view. It will be enough for the purposes of this article to establish its coherence and plausibility, and to provide some considerations in favour of the view. The plan is as follows. After a general discussion, in §2.1, on fictionalist approaches in philosophy, I will flesh out the political fictionalist proposal in §2.3 and §2.4 by drawing on Philip Pettit and Michael Smith's account of *deontological games* (Pettit and Smith 2004), discussed in §2.2. In §3, I will illustrate the political fictionalist's account of political discourse in §3.1 through the examples of two hypothetical political debates where public reasoning goes awry, and in §3.2, I will draw on this to motivate and lend support to political fictionalism by comparing its account of these examples to that of David Estlund's epistemic proceduralism (Estlund 2008), which is in my view, a form of epistemic political emergence.

2 Political Fictionalism

2.1 Fictional Discourses

Fictionalism about some discourse is usually motivated by a desire to preserve the discourse while denying any ontological commitment to the problematic entities presupposed by the discourse (Stanley 2001). Fictionalists claim that engagement in the discourse involves only the pretense that certain sentences are true and that the entities to which they refer exist (Stanley

2001). Fictionalism allows one to engage in a certain form of discourse without accepting the ontological commitments of its naïve or metatheoretically innocent form.

It is important to distinguish between two kinds of fictionalism. *Revolutionary fictionalism* holds that even though none of the claims within a discourse are literally true (because none of the entities to which they refer exist) and even though this is a potentially subversive revelation, we should nevertheless keep engaging in the discourse in question because it is somehow useful to do so (Stanley 2001; Brock 2013). Importantly, revolutionary fictionalism implies that speakers who fail to notice that the claims in question are literally false—possibly a majority or even all speakers—are mistaken without knowing it (Eklund 2011). Richard Joyce's moral fictionalism (Joyce 2005) is a form of revolutionary fictionalism. *Hermeneutic fictionalism*, on the other hand, holds that the discourse in question was never meant to be interpreted literally in the first place. On such views, speakers only appear to sincerely believe that such claims are literally true when engaged in such discourses (Eklund 2011). Yablo's mathematical figuralism is an example of such a view (Yablo 2010).

As Stuart Brock notes, fictionalism about some domain of discourse *S* is committed to four theses about *S*-statements:

> **Instrumental Thesis**: *S*-statements have a certain utility independent of their ability to tell the truth about what they say.
>
> **Truth-aptness Thesis**: *S*-statements are truth-apt; that is, they express propositions.
>
> **Non-Doxasticism**: Someone who sincerely makes an utterance of an *S*-statement doesn't believe what she says. Instead she adopts some other attitude towards the propositions expressed by the S-statements she utters.
>
> **Speech-Act Thesis**: Sincere utterances of *S*-statements are not assertoric; they are used instead to perform another speech-act. (Brock 2013, 4)

Together, these theses specify that if *S* is a fictional discourse, sincere speakers utter *S*-statements without believing or asserting their content to be true, because the uttering of *S*-statements is useful despite the fact that such statements always express false propositions. As Brock notes, views of

this form must account for the discourse's utility, the attitude of sincere speakers when engaged in the discourse, and the speech-acts that speakers engaged in the discourse perform (Brock 2013).

While the function of a fictional discourse will depend on the purpose of the discourse in question, fictionalists generally hold that speakers adopt an attitude of make-believe and perform acts of pretend assertion when engaged in a fictional discourse (Brock 2013). For instance, on Joyce's account, those who realise the truth of error theory might nonetheless decide to retain morality as a 'precommitment' to behaving in certain ways that are prudentially valuable by adopting a fictive attitude towards moral propositions and pretending to assert the truth of moral propositions. Similarly, on Yablo's view, when we are speaking in an engaged way about numbers (e.g. in the context of a math class), we do not really believe that there are numbers nor do we really assert our beliefs about such entities, but rather we are only simulating a belief in such entities and out utterances only express our simulated beliefs (Yablo 2010). Simulation, according to Yablo, is a form of pretense. For Yablo, the myth of numbers was developed in order for us to better track and represent different quantities of concrete objects and the relationships between quantities; mathematics was developed to track and represent these representational aids (i.e., numbers) and the relationships between them.

2.2 Deontological Games

Brock's account of fictionalism provides a helpful blueprint for developing the position I have called 'political fictionalism'. Political fictionalism must hold that normative political claims are truth-apt such that, when read literally, they express either true or false propositions, but competent speakers engaged in the political fiction do so for the sake of some other purpose, cashed out in terms of the utility or function of the political fiction, that does not involve asserting the literal truth of normative political claims. It must account for the non-literal attitude of speakers

engaged in public reasoning, and the speech-act performed when speakers utter normative political statements. It should explain, if it is a revolutionary fictionalism, why it does not "threaten to convict ordinary speakers of massive, widespread error." (Eklund 2011) Alternatively, if it is a hermeneutic fictionalism, it should explain why many speakers do not seem to be aware of the fact that they are engaged in a fiction, when normative political discourse was never intended to be literally true.

Given that public reasoning is a form of deliberation, a good starting point for thinking about political fictionalism is Philip Pettit and Michael Smith's account of interpersonal deliberation and the norms that govern such deliberative exchanges (Pettit and Smith 2004). On their view, "Deliberative practice purports to facilitate the access that participants have to [reasons that are relevant to what they should think or do], including reasons that may support reciprocal or joint actions." (Pettit and Smith 2004, 157) In deliberative exchanges, we position ourselves to arrive at a reasoned consensus on practical matters with our interlocutors through rational persuasion. They note that we engage in such exchanges, because alternatives to interpersonal deliberation can only get us so far. In their words,

> Those who rely on force or coercion to get others to act with them will be able to have faith in those others when they are under effective scrutiny. And those who seek to expand their own evidence and understanding by interrogation of those who fear them will be exposed to the paradox of the counsellor: the paradox that only the [ruler] who abjures [their power] can hope to have honest counsellors. (Pettit & Smith, 2004, p. 171)

Rational persuasion through interpersonal deliberation is invaluable for social creatures, such as ourselves, who must rely on others to meet even our most basic needs. The importance of interpersonal deliberation in human life is such that even insincere interlocutors must maintain a pretense of abiding by the norms of deliberative exchanges, since failing to do so would "ensure a sort of ostracism from their community." (Pettit and Smith 2004, 170)

The 'truth in deontology', according to Pettit and Smith, is that interpersonal deliberation is 'game-like' in that participants in deliberative exchanges are bound by constitutive deontic rules that "determine that certain patterns of behaviour constitute wrongdoing, and they indicate wrongdoing even in the case where the wrongdoing allows less wrong to be done overall." (Pettit and Smith 2004, 156) On their view, successful deliberative exchanges must meet three conditions:

(i)   The parties sincerely communicate their beliefs, openly seeking to get one another to recognize and share them;

(ii)   The communication is intended as an epistemic exploration of one another's reasons for believing or doing various things, individually, reciprocally, or collectively;

(iii)   There are no vitiators present, so that any avowals of attitude—any commitments—are inescapable under the rules of the practice: only a later change of circumstances can excuse non-compliance (Pettit and Smith 2004, 164).

The first condition requires participants to the exchange to refrain from attempting to influence the deliberation through deception by either being actively dishonest, or omitting relevant information that their interlocutors lack access to or have failed to notice. The second condition identifies the goal of the exchange as the joint epistemic exploration of each other's reasons for belief or action. The third condition requires participants to refrain from actively manipulating each other's reasons for belief or action through tipping the scales of the deliberation, which is meant to be a mutual discovery of reasons, by creating reasons that push others towards desired conclusions (e.g. "You should do X, because if you don't, I'll do Y, and you won't like Y").

As Pettit and Smith note, the framework of deliberative 'games' is not only necessary for enabling beneficial cooperative exchanges, but more generally, it is necessary for the possibility of both positive and negative non-violent interactions. A 'cheat', such as threatening or lying, only works in a context where the target is convinced by the cheater's pretense to deliberate, since such strategies rely on the target believing the cheater's threat or lie (Pettit and Smith, 2004). All verbal persuasion, by the rules or otherwise, depends on the credibility of the speaker. Discredible

speakers can only persuade through the actual use of violence. Interpersonal deliberative games serve an indispensable practical need by making social interactions of all kinds possible and eliminating the need for undue violence. And the indispensability of interpersonal deliberation is evidenced by, as they note, the ubiquity of the pretense to deliberate (Pettit and Smith 2004).

2.3 Political Fictionalism

As I mentioned in §1.1, contemporary political liberals have attempted to account for the distinction between the moral and the political in terms of the emergence of normative political properties from normative moral properties. Political emergentism in metapolitics takes a cognitivist view of political discourse and holds that political terms refer to such emergent normative properties. Pettit and Smith's account of interpersonal deliberation and Brock's discussion of fictionalism sets the ground for an antirealist cognitivist alternative for understanding this distinction between the moral and the political. On Pettit and Smith's view, the possibility of deliberative exchanges requires precommitments on the part of the interlocutors to both conduct themselves in particular ways and to upholding the conclusion of the deliberation just in case the conclusion was determined according to the rules of conduct, regardless of the substantive quality of the outcome. But, importantly, this precommitment is binding on interlocutors only insofar as they wish to maintain the deliberative pretense.

Political philosophers, especially social contract theorists, liberal or otherwise, have long implicitly recognised the indispensability of interpersonal deliberation for "stable systems of social cooperation." (Rawls 1993, 11) Public reasoning is, in a sense, interpersonal deliberation writ large. Political liberals, in particular, have noticed, as Pettit and Smith argue, that the indispensability of interpersonal deliberation comes prior to and makes possible the deliberative investigation of the moral domain (Pettit and Smith 2004). And political liberals have noticed along

with Pettit and Smith that in the context of a deliberative game, the norms that determine our obligations to comply with the practical conclusions of deliberation are sensitive to the process by which consensual conclusions are reached (i.e., whether there are any vitiators), rather than the substantive moral truth of those conclusions. On the back of these considerations Rawls concluded that a political conception of justice cannot rely on moral truth about the good, but rather, must be grounded on a foundation of reasonable public agreement on shared values, or in his terms, 'a overlapping consensus of reasonable moral views of the good' (Rawls 1993).

Some contemporary political liberals, such as Joshua Cohen and David Estlund, have balked at Rawls's emphasis on reasonable consensus in place of the truth in public reasoning (Cohen 2012; Estlund 2012). Both Cohen and Estlund argue that public reason *qua* form of reasoning is incoherent if it does not invoke some conception of truth. But as Brock notes, the instrumental thesis holds that fictional statements "have a certain utility independent of their ability to tell the truth about what they say." While fictional statements are truth-apt (the truth-aptness thesis), they are judged not by their literal truth, but by standards of appropriateness particular to the fictional framework they belong to, which constitute or contribute in some way to the purpose of the fiction. As Pettit and Smith argue, interpersonal deliberation serves an important practical need for making non-violent social interaction possible, and is constituted by deontic norms that are sensitive to the conduct of participants rather than the substantive truth of their claims. A successful deliberative exchange occurs just in case the interlocutors have conducted themselves in a sincere and non-manipulative fashion, regardless of whether the conclusion is true.

I think much the same can be said of the function of public reasoning qua interpersonal deliberation writ large. According to political fictionalism, public reason is a fictional discourse in which we advance truth-apt claims about justice, which are judged in the context of public reason

not by their truth, but by the norms which govern successful instances of public deliberation, because public deliberative practices are useful for making non-violent political interactions possible, independently of whether such practices arrive at true conclusions. This, in my view, is very much in the spirit of Rawls's political liberalism, though it differs from Rawls's account in that it openly admits an antirealist view of the values specified by public reasoning, rather than relying on an ad hoc constructivism about political values[14].

On Brock's view, however, an account of a form of fictionalism is incomplete without a discussion of the non-assertoric speech-acts performed by speakers engaged in the fiction, and the non-doxastic attitude of speakers towards "the propositions expressed by the [fictional statements] she utters." Given that the aim of interpersonal deliberative exchanges, on Pettit and Smith's view, is to persuade, I think that a natural answer would be to say that sincere public reasoners aim to persuade others of the content of their claims rather than to assert its truth. The difference between an assertoric speech-act and a persuasive speech-act is that while the first is an illocution, the latter is a perlocution (Austin 1975). As J. L. Austin notes, an illocution is a speech-act that just consists "in saying something", as contrasted with perlocutions, which are "acts of saying something" for the purpose of producing "certain consequential effects upon the feelings, thoughts, or actions of the audience, or of the speaker, or of other persons…" (Austin 1975, 99-101) Accordingly, sincere statements within the space of public reason are uttered not for the sake of 'saying something' *simpliciter*, but are uttered with the intention of producing certain effects on the audience.

Importantly, on Pettit and Smith's view, the constitutive rules that govern interpersonal deliberation impose certain constraints on both the kinds of effects one can intend to produce, and the permissible means for producing desired effects. As I noted above, in their view, successful

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[14] A discussion of political constructivism appears in Lecture III of *Political Liberalism* (Rawls 1993).

deliberative exchanges require that participants are sincere and non-manipulative. The sincerity constraint holds that participants must only attempt to persuade others of propositions that they hold to be true by means of what they consider to be good reasons for believing in these (Pettit and Smith 2004). The non-manipulative constraint holds that participants must refrain from attempting to persuade by threatening, or through other ways of 'rigging' the relevant reasons (Pettit and Smith 2004). However, these constraints seem to be incompatible with the non-doxasticism that Brock attributes to fictional views in general. Non-doxasticism holds that in a fictional discourse, speakers do not literally believe in the truth of the propositions expressed by the fictional statements they utter, but rather, adopt instead an attitude of make-belief, or something similarly non-doxastic, toward the content of their utterances. The problem seems to be that this runs counter to the attitude of 'sincere, epistemically orientated communication' required by Pettit and Smith's view of deliberative practices.

This apparent problem with a deliberative form of political fictionalism dissolves if we notice the political fictionalist is only committed to non-doxasticism about statements about justice and related normative political concepts, which are fictional concepts that derive their content from the norms and conclusions of public reasoning. But public reasoning, according to the political fictionalist, is a deliberative game constituted by rules which require both that players must sincerely believe the truth of the reasons they assert in order to persuade, and that players are committed to the conclusions of public reasoning just in case none of the rules were violated in the process, regardless of the truth of its conclusions or the validity of the argument. The idea here is that the fact that someone has successfully persuaded me in a sincere and non-manipulative manner that we should pursue some course of action commits me in the context of the fiction to that course of action, despite it being the case that this always leaves open the question of whether

it is true that we should pursue this course of action. Political fictionalism does not require public reasoners to adopt a non-doxastic attitude towards the content of the perlocutions they deploy to persuade their interlocutors in public reason, but it does require public reasoners to treat the normative propositions contained in the conclusions of public reasoning as-if they were true, even though it is at best an open question whether these conclusions are true.

But if this is the case, why bother engaging in the political fiction at all? Why not, instead of doing what we pretend is true about what we ought to do, simply do what we ought to do in the first place? The answer is that, as Pettit and Smith note, the very possibility of non-violent, rational cooperative interaction depends on deliberative games. The purpose of deliberative games is to provide an alternative (i.e., rational persuasion) to coercion, violence, and manipulation as the grounds for human interaction in the specified context. Rather than coerce, force, or manipulate others into doing what we think ought to be done, deliberative games allow us to instead attempt to persuade others to do what we think ought to be done through the give and take of reasons. Pettit and Smith's insight is that this necessarily involves a precommitment to certain deontic constraints (that prohibit coercive, violent, and manipulative actions in the context of the game), a receptiveness to the reasons given by our interlocutors, and a mutual commitment to abide by the outcome of the game. As they note, however, none of this establishes the truth of deontology, since it leaves open the possibility that there may be cases where coercion, violence, or manipulation may be better, all-things-considered, than the alternative that deliberative games provide.

In explicit terms, political fictionalism affirms the following versions of Brock's four theses of fictionalism:

Political Instrumental Thesis: Statements about justice and related normative political concepts have a certain utility independent of the truth of the propositions they express, which is derived from the practical need for non-violent political decision making fulfilled by the deliberative practice of public reasoning.

Political Truth-aptness Thesis: Such statements are truth-apt, though they are judged according to the procedural norms of public reason rather than their substantive truth.

Political Non-Doxasticism: When an individual sincerely utters or affirms a normative political statement does not believe that the normative proposition expressed by such a statement, but rather make-believes that they are committed to its truth in the context of public life.

Political Speech-Act Thesis: Sincere utterances of normative political statements are not illocutionary acts intended to assert the propositional content of such statements, but rather are perlocutionary acts intended to produce a desired effect on the audience's attitudes and beliefs towards matters of public policy.

On this view, normative political properties (e.g. justice, rights, legitimacy, etc.) are best understood as fictional normative properties attributed to the conclusions and constitutive norms of public reason, which fills a practical need for non-violent decision making on matters of public policy.

Political fictionalism is similar to Estlund's epistemic proceduralism, which is in my view a form of epistemic political emergence. Epistemic political emergence in metapolitics is the view that the political is distinct from the moral because our answers to normative political problems cannot epistemically depend on our knowledge of moral facts. Like political fictionalism, epistemic proceduralism holds that conclusions in public reasoning are judged by the standard of acceptability to all reasonable points of view rather than substantive truth, and the norms of public reasoning are sensitive to the conduct of public reasoners with an eye towards promoting a sincere epistemically orientated communication. However, political fictionalism differs from forms of political emergentism in that it is an antirealist view of the political domain. Estlund's epistemic proceduralism, in particular, holds that "the whole moral truth about political decisions is not admissible in political justification." (Estlund 2008, 24) Instead, political justification takes place within the framework of deliberative democracy, which is the most reliable epistemic procedure for generating right answers to political problems; even if it does not always get it right (Estlund 2008). Nonetheless, he argues, the epistemic value of democratic deliberation gives us a good

reason to treat the conclusions of democratic deliberation as authoritative, even when they are wrong (Estlund 2008).

Political fictionalism also differs from non-cognitivism and political constructivism in that it construes public normative political claims as truth-apt without making the truth of normative political claims dependent on some constructive procedure. Contra non-cognitivism, there are political facts of the matter about what we ought to do as a society and we engage in public reason qua deliberative game in order to persuade others to accept our proposed account of the facts. But these normative political facts are fictional facts determined by the outcome of the deliberative game. As with any game, public reason is constituted by certain deontic rules that specify the conditions of victory (i.e., successful persuasion) and constrain the conduct of public reasoners. But unlike in a constructivist account, these rules are binding only in the context of the game (i.e., we only make-believe that these rules are normative for us while engaged in the fiction) and it is recognised that the conclusions generated in public reasoning are merely fictions that may or may not align with the real truth (if there are any such truths) about what is to be done.

On the political fictionalist's view, normative political claims uttered in the context of public reason are intended to persuade, rather than to merely assert, others of their commitments according to the norms of public reason, which is sensitive to the conduct of public reasoners in the process of public reasoning rather than to the substantive truth of its conclusions. Public reasoners do not literally take themselves to have such normative commitments, but rather, make-believe such commitments in the context of public life. We engage in public reasoning because the alternative is making rights through might. This commits us to make-believe that the deontic norms of public reason and the conclusions we arrive at in public reasoning are real features of practical

normativity, even though it leaves open whether deontology is true, and whether public reason has gotten it right in any particular case.

2.4 Hermeneutic or Revolutionary?

The question of whether the view proposed above is a form of hermeneutic or revolutionary fictionalism still needs to be addressed. As I discussed above, a disadvantage of revolutionary forms of fictionalism is that they involve accusing ordinary speakers of committing the mistake of engaging in a literally false discourse. The distinguishing feature of hermeneutic fictionalism is that it holds that we need not be realists about some discourse, because the relevant discourse was never meant to be literally true in the first place. This is also problematic in many cases, because it ascribes an attitude to speakers that often runs against the experience of actual speakers of the discourse; this is known as the phenomenological objection (Brock 2013; Eklund 2011). For instance, mathematicians and scientists do not generally take themselves to be speaking fictionally, in any sense, when they engage in numbers talk. The difference between revolutionary and hermeneutic fictionalism is that while the former recommends that ordinary speakers adopt a fictionalist attitude towards the relevant discourse, the latter holds that this attitude is already in place, despite any appearances to the contrary.

I think that the appeal to Pettit and Smith's account of deliberative games naturally suggests that the current proposal is a form of hermeneutic, rather than revolutionary fictionalism. In their view, deliberative games require one to adopt a 'pretension to deliberative practice', which is, in their words,

> To pretend to deliberation is to present oneself as accepting and endorsing the pattern of mutual assumptions on the basis of which deliberative exchange proceeds. It is to put oneself forward as sharing in a mutual belief that everyone involved intends to conform to deliberative norms; that everyone is relying on others to abide by those norms; and that everyone licenses complaints against them should they fail to conform. (Pettit and Smith 2004, 169)

But if participation in deliberative exchange involves such a pretense, it seems that, at least on their view, participants will be aware, at some level, of the contingency of the commitments to the deliberative norms and the outcomes of the deliberative game. These hold in the context of the game, and only in the context of the game. It is always open to us to decide not to play the game, but this comes at a cost. In their words,

> Let people conduct themselves with relative indifference to the norms of deliberation, and they will find themselves deprived of the ability to pretend to deliberate, and so deprived of access to those overtures that involve deliberative pretension. They will find themselves cast out from the society of their immediate fellows. The only life possible for them will be a life on the hoof, in which they move on at every point where their deliberative recalcitrance begins to register with associates. (Pettit and Smith 2004, 171)

In their view, this heavy social toll explains the widespread compliance with deliberative norms. If such pretension were so wide spread, then it would only be natural for individuals to assume that the deliberative norms apply as a matter of course, unless otherwise indicated.

Much the same, in my view, can be said of the fiction of public reason. The political norms of deliberative democracy, much like deliberative norms more generally, involves a pretension to conform to democratic procedures and to abide by democratically produced laws and policies, even when, as I will discuss, democracy goes awry. In essence, it is the pretense that the democratic state guided by public reason is a source of normative obligations. Participation in public reasoning commits us to pretend as if it were a normative authority that we are obligated to obey. Our fictional political obligations are constituted by the outcomes of public reason, regardless of what the moral facts are. The reason we engage in such a pretense is not only to avoid the social cost of becoming ostracised from the community, but also to avoid exposing ourselves to the punitive powers of the state. But if this is right, then it is easy to see how the appearance of pretense and fictive attitude will slip away. To fail to cast ourselves as members of the public subject to the authority of the law, is not only to risk losing the benefits of being a law-abiding citizen but also to risk incurring the wrath of the law enforcement apparatus—becoming an outlaw means ostracisation not just

from polite company, but also either a jail sentence or a life on the lam. Given the stakes, most of us will keep up a near constant pretension to submit to the law. And a near constant pretense is virtually indistinguishable from literal submission to the moral authority of the state.

3 Why Political Fictionalism?

3.1 Two General Objections to Metapolitical Separatism

As a form of metapolitical separatism, political fictionalism must not only address the usual challenges that fictionalisms face and challenges to its particular semantic analysis of political language, but also objections from intranormativists, who reject the idea that political discourse is normatively distinct from moral discourse. There are, in my view, at least two such general challenges. First, given the familiar problems with accounts of moral normativity, separatist views might seem particularly metatheoretically unparsimonious. In other words, separatism doubles our metanormative burden by requiring us to having to explain two distinct forms of normativity. Second, and relatedly, if there are two distinct forms of normativity, what are we to make of conflicts between the two? At first glance, if political normativity is really distinct from moral normativity, then it appears that such conflicts are irresolvable. But in that case, not only we should expect practical reason to be silent on such questions, but we also cannot expect such conflicts to be semantically intelligible. Consider, for instance, conflicts between epistemic and practical values—not only does there not seem to be any sense in which we can compare the epistemic value of truth to the practical value of goodness, but the question itself, of whether truth is better than goodness, seems ill formed. However, the objection goes, experience tells us that not only are we able to make sense of conflicts between ethics and politics, but we are also able to rationally evaluate many conflicts of this kind.

Objections of the first form, in my view, are merely suggestive, and not decisive. Accounts that are more parsimonious are only better than less parsimonious accounts if both are equally good at explaining the phenomena at hand. We may wonder whether the explanatory savings are worth it, if they come only at the cost of sacrificing large parts of what is to be explained—roughly put, it smacks of cutting off the nose to spite the face. Moreover, such objections lose their bite if we endorse forms of political antirealism that minimize our metatheoretical commitments. Objections of the second form are more worrisome, since they point to the fact that competent speakers seem to be able to effectively cross the gap between the two supposedly distinct discourses and this cannot be explained away, as in the case of the first objection, by merely reducing our metatheoretical commitments in our metapolitical analysis. The strongest form of this challenge will assume moral realism as its starting point, since it invokes the dual horns of the semantic problem of explaining the ability of speakers to move freely between the two discourses, but also the problem of explaining why this does not threaten to collapse the normative distinction between the two discourses. Thus, I think they make a good test case for evaluating the strength of competing metapolitical separatist proposals.

In the following, I will compare political fictionalism's response to this objection to the response of political realist forms of separatism, in particular Estlund's epistemic proceduralism (which is a form of epistemic political emergence). However, I will refrain from discussing whether either response is ultimately successful at meeting this challenge. The point here is just to see which view provides the better response to this objection. For the purposes of this exercise, I will test each view's ability to respond to the strongest form of this objection (i.e., the one that assumes moral realism). I will first sketch two cases in which ethics and politics seem to collide, and then discuss how each view might approach each case.

3.1 Two Case Studies: Gun Control and Abortion

Case One: Gun Control

Consider a public debate about the degree to which a society should restrict or regulate gun ownership. Suppose that it is a moral fact, perhaps on utilitarian grounds (e.g., getting shot is bad, and one's chances of being shot strongly correlates with the number of guns per capita in one's vicinity), that a society should restrict gun ownership as much as possible. Suppose further that, despite it being a moral fact, there is significant disagreement in the society on the issue of gun control. Many members of the public hold the false moral belief that it would be better all-things-considered if there were as few restrictions on gun ownership as possible. Perhaps those who think this justify this false belief on the dubious moral premise that the good of being able to defend oneself from threats with a gun outweighs the bad of innocents being shot. And perhaps defenders of this benighted view are able to rationally sway others to share their false belief without violating any democratic procedures. Nothing in a purely procedural account of public reason blocks this possibility. Suppose this happens and the right to bear and keep arms becomes enshrined in the law, contra our supposed moral fact and justified on a dubious moral premise. How should we account for the conflict between society's political obligation to uphold this democratically determined policy and its moral obligation to protect the physical wellbeing of its members?

Case Two: Abortion

Imagine a society in which there is significant public disagreement over whether abortion is morally equivalent to murder. Assume that it is a moral fact that abortion is not equivalent to murder, not because the embryo is not a person, but because, as Judith Thomson argues, the fetus' claim to life through the use of its mother's body does not trump the mother's claim to bodily autonomy (Thomson 1971). Again, suppose that morally mistaken members of the public have

successfully persuaded a clear majority of voters that abortion is in all cases equivalent to murder, and that it is now illegal for medical professionals to provide abortions to their patients, even in instances where the mother's life is at risk or where the pregnancy was the result of sexual assault. Suppose that the proffered justification is just as dubious as in the gun control case. Anyone found to have provided abortions to their patients will not only have their medical practice closed, but will also be charged and prosecuted for murder. In this case, not only is society politically obligated to uphold a morally harmful law, it must also legally sanction more morally enlightened physicians. More importantly, physicians are now forced into the difficult situation of having to choose between letting their patients with life-threatening pregnancies die and becoming outlaws. How are we to understand the conflict between the physician's moral and professional obligations, and their political obligation to abide by the law? And what about those of us who must watch this tragedy unfold? Should we morally praise outlaw physicians who provide abortions, while legally condemning them as if they were murderers?

3.2 When Politics and Ethics Conflict

Neither case, in my view, poses a particularly difficult problem for the political fictionalist. I think a tremendous advantage of political fictionalism is its ability to dissolve such conflicts in a fairly intuitive way without depending on a mysterious account of the varying weights of our real normative obligations. The simple answer, on the political fictionalist's view, is that the conflict here is merely apparent, since our political obligations are merely fictions produced by a deliberative game. The only dilemma for the political fictionalist is the question of when we should drop the pretense, since we do that on the pain of certain severe personal and social, though not necessarily moral, costs. But to stop here would be to short-sell the advantage of the political fictionalist's response to this question.

On the political fictionalist's view, in both cases, the apparent conflict is generated by the unfortunate fact that the truth is not necessarily persuasive. It is important to understand why public reason can diverge so radically from the moral facts. In both the gun control case and the abortion case, decisive moral arguments fail to be successful political arguments. This, according to the political fictionalist, is only natural, given that in the context of the public reason fiction qua deliberative game, real moral concerns are merely props for fictional political arguments in favour of fictional political obligations. As Pettit and Smith note, the purpose of deliberative games is to facilitate the exploration of shared reasons for action and belief. As such, they are necessarily constrained by what the participants collectively bring to the table, regardless of what the facts are. The force of external reasons for action and belief in the context of a deliberative game depends not on their veracity, but on the degree to which they are internally recognized.

The difference between moral reasoning and public reasoning qua deliberative game is that successful argumentation in deliberative games does not depend on the reasons there are, but rather, on the reasons we share. Political argumentation in public reasoning, likewise, depends on shared fictional political reasons rather than on external moral reasons. But the fictional reasons we share are not always external normative reasons, and can sometimes include considerations that fly in the face of the normative facts. Bad political arguments will fail to identify the political reasons internally recognized by members of the public, even if makes use of real moral reasons; good political arguments will depend solely on the most widely recognized political reasons, regardless of whether or not they line up with the moral facts; great political arguments will judiciously make use of the most widely recognised moral reasons.

Reasoning by our common lights is both what allows deliberative games to help us avoid coercion, manipulation, and violence as the basis for social interaction, and what enables a wedge

to be driven between procedurally sound conclusions and the substantive truth. However, it is not always the case that the importance of public reason is always undermined when it conflicts with the moral truth. Moral objections to the political order may take many forms. When the politics of the day conflicts with the requirements of ethics, it is always open to us to decide to counter morally mistaken but democratically supported policies through more politics in the form of political activism rather than to give up the pretense to democratic deliberation and countermand the conclusions of public reason by force or fraud.

According to political fictionalism, despite the fact that our make-belief political obligations sometimes miss the moral mark because they are dependent on our sometimes defective common lights, they nonetheless still enjoy a certain priority granted by public reason's function as an alternative to coercion, manipulation, and violence. We associate a sense of priority to the norms and conclusions of public reason because, as Pettit and Smith note, we can only eschew the norms and conclusions of interpersonal deliberation at the cost of exposing ourselves to violent confrontations with those who do not share our normative views. In a democratic society, most of our political obligations are always provisionally dependent on how the political wind blows, but this means that real moral progress can be attained through more, rather than less, participation in the political fiction. The idea of political activism both tacitly affirms the priority of politics even for dissidents that reject the dominant political consensus on moral grounds, and depends on the provisionality of political norms that the activists aim to change. The practice of political activism affirms the political fictionalist's contention that political discourse is a fiction in which political obligations are provisionally constituted by the conclusions of public reasoning that nonetheless enjoys a certain priority in human life due to its function as a non-violent basis for social interaction.

In the situations like the gun control case, regardless of one's moral views, reasoned public persuasion is a better alternative than coercion, manipulation, or violence—perhaps because many of those who are in favour of unfettered gun ownership are incidentally also gun owners. However, this is not always the case. Political fictions help us look past our normative differences and smooth over normative conflicts so that we may reap the benefits of political cooperation. But, according to the political fictionalist, when the tension between the public consensus and our moral conviction is sharp enough, we may feel morally compelled to engage in acts of civil disobedience. We may feel that our moral obligations to the right or the good outweigh the benefits of non-violent social interaction. When the moral stakes are high enough, such as in the abortion case, it may be that the physician ought to drop the pretense that their fictional political obligations are really obligatory and do the morally right thing, even if this exposes them to the personal, legal, and social cost of life as an outlaw.

I think that political fictionalist's account of conflicts between ethics and politics compares very favourably with political realist accounts of such conflicts. This is obvious when it is compared to Estlund's epistemic proceduralism, which is remarkably similar in some respects to political fictionalism, despite it being a realist view. Estlund acknowledges that conflicts between ethics and politics pose a problem for his view, though he argues that the problem can be overcome. For Estlund, the problem lies in explaining the authority of democratic procedures and the legitimacy of democratically produced laws, particularly in cases where democracy has gotten it wrong. In his words,

> Some verdicts, and some legal commands, must be too unjust or otherwise over the line beyond which legitimacy and/or authority falls away however proper the procedure for making the decision might have been… In the end, democratic procedures, however procedurally pristine, will reflect the views of those who vote. And those views might be anything at all, as heinous or as noble as you please. We are forced to conclude that even a fine procedure, one that normally lends legitimacy and authority to its decisions, can sometimes generate laws that lack the characteristic legitimacy and authority that the procedure normally provides. A complete theory, then, must say something about where these limits lie—about which laws are over that line even though not all mistaken laws are. (Estlund 2008, 110-111)

Essentially, Estlund admits that, if a procedurally sound law is morally heinous enough, then it is impermissible for the state to enforce it or to require our obedience. But I think the appeal to the ability of morality to place limits on democratic deliberation is hollow unless he is also ready to renounce foundational elements of his own theory (something that he is clearly not ready to do).

Estlund's view, as its name suggests, is a purely procedural view. At the heart of epistemic proceduralism is Estlund's account of the moral concepts authority and legitimacy. On Estlund's view, an exercise of coercive political power to enforce a law or command is legitimate just in case it is 'acceptable to all reasonable points of view' and an entity acquires the moral authority to oblige others to obey its laws or commands just in case it acquires the consent of those it seeks authority over (Estlund 2008, 41-42). Together, these require that a morally enforceable exercise of coercive political power must originate from a source that is able to gain either the consent of all individuals, and be acceptable to all reasonable points of view. The procedural element of his view holds that political justification depends on acceptability, rather than moral truth. But since requiring actual consent sets the bar impossibly high, Estlund argues that an entity can gain the authority to command the obedience of others just in case it would be morally wrong for them to refuse to consent—what he calls 'normative consent' (Estlund 2008, 128-134). The epistemic element of his view then holds that a democratic state is able to gain the normative consent of its citizens to because the procedure of public reason "has an epistemic value that no reasonable or qualified point of view could deny" (Estlund 2008, 156).

Notice, on this view, it is trivially true that a procedurally sound law produced by public reasoning, however heinous, will be legitimate and authoritative. The authority of democracy is derived from the fact that it would be wrong for citizens to refuse to consent, which is underwritten by epistemic value of public reason as a reliable procedure for getting it right on matters of political

concern. That public reasoning has gone awry in a particular case is to be expected, and does little to undermine its authority. And since the heinous law was produced by a sound instance of public reasoning, it has already demonstrated its legitimacy by having gained the acceptance of all reasonable points of view. There does not seem to be any sense, on Estlund's view, that a procedurally sound law can be either unauthoritative or illegitimate. Furthermore, given that the concepts of authority and legitimacy are formally defined, Estlund cannot appeal to any substantive morality to provide the proposed limits on democracy. Estlund must either give up the formal definitions of authority and legitimacy on which his theory is founded, or admit that his theory cannot impose any moral limits on public reason that it would not automatically meet.

Alternatively, Estlund could argue that there are no instances in which we could have a moral obligation to refuse to abide by the conclusions of public reason, that there are no conflicts between politics and ethics, because public reason always trumps moral reason. Though I think this would be a significant strike against his view. But even if we were to grant that there is no problem with the ability of his view to accommodate the ability of substantive morality to place limits on democratic practices, it is still entirely mysterious on his theory of public reason just what these limits are, that is, when we ought to express our dissent politically in the form of political activism, and when we ought to abandon public reasoning in favour of civil disobedience. He tells us that this falls outside of the scope of epistemic proceduralism, because, in his words, "There is no reason to demand a democratic, or even a political account of limits like this… Nothing short of a full moral theory could give a full account of the limits of democratic authority and legitimacy." (Estlund 2008, 111) But the argument here is precisely that political fictionalism is a better account because it is able to explain where these limits lie, and Estlund's does not. The advantage of political fictionalism over Estlund's epistemic proceduralism is that it can both

account for conflicts between politics and ethics, and distinguish the various ways in which political dissent is expressed in a relatively unmysterious way. In particular, it is able to help us understand why dissent does not always lead to outright revolt. In other words, it is able to account for the conflicts described in the respective cases of societies with morally mistaken policies on gun control and abortion, while explaining why each may call for a different form of dissent.

To engage in public life is to announce oneself as one who is willing to honour both the norms and conclusions of public reason, even when one finds oneself at the end of the process excluded from the political consensus. But this is not to say that one should defer one's capacity for making practical judgements to public reason. Being willing to honour another's political freedom to express benighted views in public does not oblige one to tolerate this in private, nor indicate one's moral endorsement of the expression of benighted views. Most importantly, when the moral stakes are high enough, we have no obligations to uphold a morally mistaken political order, no matter how sound its procedures are. The truth of political fictionalism about the practice of public reason leaves open the possibility, in Pettit and Smith's words, "that whenever circumstances are perverse enough to make the prospective results of exiting the practice and resorting to force or coercion better than those of sticking with it, then that is what I should do." (Pettit and Smith 2004, 174) As a fiction, public reason cannot generate real obligations, nor can it provide us with real reasons for preferring public reasoning to other alternatives. It is always possible, however unlikely, that consensus-based public reasoning about matters of public concern will get it horribly wrong. In such cases, we must regrettably weigh the moral cost of the social strife that would inevitably result from abandoning public reason, however briefly, as the basis of social interaction against that of upholding its most morally heinous outcomes.

4 Conclusion

The goal of this article was to present and motivate hermeneutic political fictionalism as a plausible and attractive metapolitical view. The discussion has been fairly general and abstract since the point was not to defend or develop any particular form of hermeneutic political fictionalism. Inspired by Pettit and Smith's account of the deontic constraints on deliberative games, hermeneutic political fictionalism is, to put it roughly, the view that normative political discourse *qua* public reason is a deliberative game in which the goal is to direct joint political action on matters of public concern by persuading others of the merits of political proposals through the giving and taking of fictional reasons. The purpose of such a deliberative game, as Pettit and Smith note, is to provide a cooperative alternative to coercion, manipulation, and violence as the basis for social interactions. Public reason provides us with an alternative to a Hobbesian war of 'all against all' by opening up a fictional deliberative space in which cooperative solutions to common problems may be determined. This however, requires us to adopt the pretense that the constitutive norms of this space are really normative and its conclusions are really normative facts, despite the fact that it is just a fiction—albeit a highly useful one.

An attractive feature of this view over forms of political realisms is that it is able to help us understand the distinction between the political and the moral while remaining fairly parsimonious—since it can apply the antirealist discount and purchase the distinction on the cheap. Furthermore, the truth of moral realism may pose a problem for realist forms of metapolitical separatism, since it is not clear how, on the realist separatist view we should approach conflicts between our political obligations and our moral obligations, while political fictionalism is able to handle this in stride. The point here is not that it assumes moral realism, but rather, that it is compatible with moral realism in a way that realist forms of separatism are not. Obviously, none

of this allows us to say that the case is decisively won in favour of political fictionalism. However,

I think this is more than enough to show that such a view is coherent and plausible.

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