

Part I

Disciplinary Contributions

Chapter 1

Analytical Philosophy

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Introduction

Analytical philosophy is philosophy in the mainstream tradition of the Enlightenment. Specifically, it is philosophy pursued in the manner of Hume and Kant, Bentham and Frege, Mill and Russell. What binds analytical figures together is that they endorse, or at least take seriously, the distinctive assumptions of the Enlightenment. These assumptions go, roughly, as follows:

- 1 There is a reality independent of human knowledge of which we human beings are part.
- 2 Reason and method, particularly as exemplified in science, offer us the proper way to explore that reality and our relationship to it.
- 3 In this exploration traditional preconceptions – in particular, traditional evaluative preconceptions – should be suspended and the facts allowed to speak for themselves.

With these assumptions in place, analytical philosophers see their job in one of two ways. They see themselves as pursuing the Enlightenment project of methodical investigation, carving out areas of philosophical inquiry and methods of philosophical argument; or they see themselves as methodologically charting the pursuit of that project elsewhere, providing a perspective on the nature of scientific and other approaches to knowledge. Either way the key word is 'method'. In this focus on method, and in their broader affiliations, analytical philosophers distinguish themselves from the counter-Enlightenment or continental tradition. They take their distance from more or less Romantic figures like Rousseau, Herder, Hegel and the early Marx, and from disciplinary approaches – say, in sociology or anthropology – that are heavily influenced by such thinkers. They distance themselves equally from philosophers of a more sceptical and anti-systematic cast like Kierkegaard and Nietzsche and from the many later thinkers, philosophical and non-philosophical, who identify with them. And, finally, they reject styles of philosophical thought that are distinctively shaped by certain traditions of religious, cultural or political commitment.

Sometimes analytical philosophy is demarcated geographically as the style of philosophy pursued, in the main, among English-speaking philosophers, or at least among English-speaking philosophers in the twentieth century. My account fits loosely with this geographical criterion. Most English-speaking philosophy is methodologically driven or methodologically focused in the Enlightenment manner, while much but by no means all continental thinking is not; one striking exception, for example, is Jürgen Habermas, who has exercised an enormous influence in analytical circles. For ease of reference, however, I will focus on writers in the English-speaking tradition.

My concern here is with the contribution that analytical philosophers, in particular recent analytical philosophers, have made to political philosophy: that is, to normative thinking about the sorts of institutions that we ought politically to try and establish. It will be convenient to discuss this contribution in two different phases. First, I will offer an overview of the history of analytical political philosophy in recent decades. And then I will look at the legacy of assumptions, often assumptions unnoticed and unannounced, that analytical philosophers have tended to intrude, for good or ill, into political thinking.

Analytical Political Philosophy: the History

The long silence

One of the most striking features of analytical philosophy is that its major practitioners have often neglected politics in their active agenda of research and publication. Political philosophy was a focus of analytical concern and activity in nineteenth-century Britain, when the main figures were Jeremy Bentham, John Stuart Mill and Henry Sidgwick. These thinkers established a broad utilitarian consensus, according to which the yardstick in assessing political institutions – in assessing institutions that are politically variable – is the happiness of the people affected by those institutions, in particular the happiness of the people who live under the institutions. They all acknowledged other values, in particular the value of liberty, but they argued that such values were important only for their effect on happiness.

But the utilitarian bustle of the nineteenth century soon died down. From late in the century to about the 1950s political philosophy ceased to be an area of active exploration. There was lots done on the history of the subject and of course this often reflected a more or less widely accepted set of assumptions. But there was little or nothing of significance published in political philosophy itself. Peter Laslett summed up the situation in 1956 when he wrote: 'For the moment, anyway, political philosophy is dead' (Laslett, 1956, p. vii).

This all changed within a decade of Laslett's pronouncement. In 1959 Stanley Benn and Richard Peters published *Social Principles and the Democratic State*, in 1961 H. L. A. Hart published *The Concept of Law* and in 1965 Brian Barry published *Political Argument*. Benn and Peters argued, in a fashion that would have cheered many of their nineteenth-century forebears, that most of the principles we find attractive in politics reflect a utilitarian disposition. The books by Hart and Barry were considerably more

revolutionary. Each used techniques associated with current analytical philosophy to resume the sort of discussion of grand themes that had been the hallmark of the nineteenth century. And each developed a novel perspective on the matters that it treated. Hart used contemporary techniques to defend a positivist view of law against the view that law was the command of the sovereign; that view had been defended by the nineteenth-century utilitarian jurist John Austin. Barry used such techniques to try, among other things, to make a pluralism about values intellectually respectable; this pluralism was directly opposed to the utilitarian tradition in which everything had been reduced to the value of utility.

Why had there been such a silence in political philosophy through the first half of the twentieth century? A number of factors may have made a contribution. There were methodological reasons why political philosophy may not have seemed to be an attractive area to analytical philosophers during that period. But there was also a substantive reason why it should have failed to engage them. I will look at the methodological reasons first and then at the substantive consideration.

Analytical philosophy became methodologically more and more self-conscious in the early part of the century, with the development of formal logic in the work of Frege and Russell. Two propositions emerged as orthodoxy and were incorporated into the logical positivist picture of the world that swept the tradition in the 1920s and 1930s (Ayer, 1936). One of these propositions was that evaluative or normative assertions did not serve, or at least did not serve primarily, to essay a belief as to how things are; their main job was to express emotion or approval/disapproval, much in the manner of an exclamation like 'Wow!' or 'Ugh!' The other proposition was that among assertions that do express belief, there is a fairly exact divide between empirical claims that are vulnerable to evidential checks and analytical or *a priori* claims, such as mathematical propositions, that are true in virtue of the meaning of their terms.

These two propositions would have given pause to any analytical philosophers bent on doing political philosophy. They would have suggested that since philosophy is not an empirical discipline, and since there are few *a priori* truths on offer in the political arena, its only task in politics can be to explicate the feelings or emotions we are disposed to express in our normative political judgements. But that job may not have seemed very promising to many philosophers. If you are possessed of the Enlightenment urge to advance the frontiers of knowledge, or to map the advances that occur elsewhere, then trying to articulate non-cognitive feelings may look like small beer. The best-known logical positivist tract on political philosophy is T. D. Weldon's *The Vocabulary of Politics*, published in 1953, and while it left room for this task of articulation, its main contribution was to pour cold water on the aspiration of political philosophy to say something important.

The propositions dividing the factual from the evaluative and the *a priori* from the empirical did not bulk large in the critique of logical positivism, and of theoretical philosophy generally, which was developed by Ludwig Wittgenstein from the 1930s through to the 1950s. But the propositions still retained a place in this post-positivist variety of analytical philosophy and, in any case, the Wittgensteinian development introduced extra methodological reasons why political philosophy should not have seemed a promising area of research. The development brought strains of counter-Enlightenment thought into analytical philosophy, emphasizing that the job of the

philosopher is to dispel the false images of reality that theorizing can generate – images like that of logical positivism – and to restore us to the ease and quiet of unexamined language use. If philosophy is cast in this therapeutic role then, once again, it is not obvious why political philosophy should be an attractive research area. Whatever the problems in politics, they do not look like problems of the sort that any kind of therapy could resolve.

Some figures who are associated loosely with the later Wittgenstein, in particular J. L. Austin and Gilbert Ryle, did not embrace his therapeutic view of philosophy. But these thinkers also nurtured a picture of philosophy in which political philosophy would not have been represented as a fetching or challenging activity. Both of them thought of the main task of philosophy as charting and systematizing distinctions and habits of thought that are marked in ordinary language but that are often overlooked in crude theorizing, in particular theorizing about mind and its relation to the world. This conceptualization of the task of philosophy does as badly as the Wittgensteinian by political philosophy. It leaves political philosophy, at best, in a marginal position.

We can see, then, that there were methodological reasons why political philosophy may have come off the analytical research agenda in the first half of this century. But, as Brian Barry (1990) has argued, such reasons may not be sufficient to explain why it disappeared so dramatically. Consistently with thinking that normative judgements express feeling, one may believe that there is still an important task for reason in sorting out the different commitments that can be consistently made. The point would have been clear to most philosophers from the influential work of C. L. Stevenson (1944) or R. M. Hare (1952) in ethics. Again, consistently with thinking that the main job of philosophy is to carry forward the sort of programme described by Wittgenstein or Ryle or Austin, one may believe that a subsidiary job is to sort out the commitments that can rationally be sustained. So is there any other reason why political philosophy should have been neglected by analytical thinkers in the first half of the century?

Apart from methodological considerations, there is a substantive reason why the subject may not have engaged the best minds in this period. There was probably little puzzlement in the minds of Western philosophers in the early part of the century as to what are the rational commitments in regard to political values. Continental refugees like Popper may have felt that they had something to establish, for they would have had a greater sense of the attractions of totalitarian government; Popper was one of the very few analytical philosophers to contribute, however historically and indirectly, to political theory (Popper, 1945; 1957). But the majority of analytical philosophers lived in a world where such values as liberty and equality and democracy held unchallenged sway. There were debates, of course, about the best means, socialist or otherwise, of advancing those values. But such debates would have seemed to most analytical philosophers to belong to the empirical social sciences. Hence those philosophers may not have seen any issues worth pursuing in the realm of political philosophy itself.

One qualification. There would have been an issue, it is true, as to how unquestioned values like liberty and equality should be weighted against each other. But many would have seen that question as theoretically irresolvable and intellectually uninteresting. And of those who found it resolvable most would have adopted the utilitarian view that the different values involved all reflect different aspects of utility, however that is to be

understood, in which case the question becomes equally uninteresting. Brian Barry (1990, p. xxxv) suggests that utilitarianism was the prevalent attitude over the period and that this made the enterprise of political philosophy look unfetching. Under utilitarianism exact political prescription depends entirely on facts about circumstances and so it lies beyond the particular expertise of the philosopher.

If these observations on the political silence of analytical philosophy are correct, then analytical philosophers in the mid-century would have been inhibited from tackling political matters by two factors. They had a sense, on the one side, that there was little useful work to be done on questions specifically related to values and, on the other, that questions related to facts were properly left to empirical disciplines. With these considerations in mind, we can understand why a book like Barry's *Political Argument* should have made such an impact when it appeared in 1965.

Barry rejected utilitarianism in favour of a value pluralism; here he was influenced by Isaiah Berlin's 1958 lecture on 'Two Concepts of Liberty' (Barry, 1990, p. xxiv). But he introduced the apparatus of indifference curves from economics to show that there is still interesting intellectual work to be done, even if you are a pluralist about values: even if you acknowledge different values, like liberty and equality and democracy, and believe that they do not resolve into a single value like the utilitarian's notion of happiness. There is work to be done in looking at the different possible trade-offs between the values involved and at their different institutional implications. This feature of Barry's work meant that he showed the way beyond the inhibition about discussing values.

He also showed the way beyond the inhibition about trespassing on empirical disciplines. Barry may have maintained a traditional notion of the demarcation between philosophy and the empirical disciplines. But, if he did, he still had no hesitation about advocating a union between philosophy and, for example, an economic way of modelling political problems, when considering how to match various packages of values with social institutions. His programme for pursuing this task was conceived in 'the marriage of two modern techniques: analytical philosophy and analytical politics' (Barry, 1965, p. 290).

Barry's book is reasonably identified as marking the end of the long political silence of analytical philosophy. While Hart's *Concept of Law* had also made a great impact, and while it retains the status of a classic, it was easily seen as a contribution to jurisprudence rather than philosophy and it did not open up new ways of thinking about politics. But Barry's book was itself superseded less than a decade later when John Rawls published *A Theory of Justice* in 1971. Barry (1990, p. lxix) generously acknowledges the fact. '*Political Argument* belongs to the pre-Rawlsian world while the world we live in is post-Rawlsian . . . *A Theory of Justice* is the watershed that divides the past from the present.'

A Theory of Justice

Rawls's book resembles Barry's in two salient respects. Like Barry, he is a pluralist about values but finds this no obstacle to the intellectual discussion of how the different values that are relevant in politics ought to be weighted against each other; the point is discussed below. And, like Barry, he is happy about contaminating pure philosophical

analysis with materials from the empirical disciplines in developing a picture of how to institutionalize his preferred package of values and in considering whether the institutions recommended are likely to be stable. Rawls does not acknowledge the clear distinction that logical positivists postulated between the empirical and the *a priori*. He writes, more or less consciously, in the tradition associated with the work of his Harvard colleague, W. V. O. Quine. For Quine (1960), all claims are vulnerable to experience, though some claims may be relatively costly to revise, and therefore relatively deeply entrenched in our web of belief: if you like, relatively *a priori*. This pragmatic attitude may explain how Rawls can comfortably import material from economics and psychology and other disciplines into his discussion.

So much for continuities between Rawls and Barry. The largest methodological break between the two writers comes in their different views of what the intellectual discussion of values involves. In Barry, the project is one of looking at principles that are actually endorsed in political life – specifically, in the politics of Britain, the USA and some similar countries from 1945 (Barry, 1965, p. xvii) – and then exploring the different possibilities of trade-offs between the values involved. In Rawls, the project gets to be much more engaged, in the way in which nineteenth-century utilitarianism had been engaged. He is interested, not in the different beliefs we actually hold about what is politically right, but in what beliefs we ought to hold about what is politically right.

Rawls restricts himself to the question of what makes for justice, of what makes for the proper political balancing of competing claims and interests (Rawls, 1971, pp. 3–6); he believes that justice in this sense, justice as fairness, is the main right-making feature of political institutions (Rawls, 1971, pp. 3–4). But Rawls is not interested just in distinguishing different, internally coherent conceptions of justice and in looking at what they institutionally require, as Barry is interested in different packages of values and their institutional requirements. He is concerned, in the first place, with what is the appropriate conception of justice to have and what, therefore, are the right institutions to establish.

The aspiration to identify the appropriate conception of justice is tempered in Rawls's later work, where he explicates his aim as one of identifying the appropriate conception for people who share the commitments 'latent in the public political culture of a democratic society' (Rawls, 1988, p. 252). But whether or not it is tempered in this way, the aspiration raises a question of method. How is the political philosopher to identify the appropriate conception of justice? It is significant that Rawls's first publication, 'Outline of a decision procedure for ethics' (1951), offers an answer to this question to which he remains broadly faithful in his later work. The method he proposes, in the language of *A Theory of Justice*, is the method of reflective equilibrium (Rawls, 1971, pp. 46–53).

Consider a discipline like logic or linguistics. To develop a logic, in the sense in which logic is supposed to explicate deductive or inductive habits of reasoning, is to identify principles such that conforming to those principles leads to inferences that are intuitively valid: valid on reflective consideration, if not at first sight. Again, to develop a theory of grammar is to find principles that fit in a similar fashion with our intuitions of grammaticality as distinct from validity. Rawls's proposal is that to develop a political theory, in particular a theory of justice, is to identify general principles such that

their application supports intuitively sound judgements as to what ought to happen in particular cases. It is to identify abstract principles that are in equilibrium with our concrete, political judgements.

It may seem that under this proposal political theory is going to be nothing more than an attempt to reconstruct our political prejudices systematically, finding principles that underpin them. But that would be a mistake. The judgements with which the principles are required to be in equilibrium are considered judgements: judgements reached after due consideration, free from the influence of special interests and other disturbing factors. Moreover, the equilibrium sought under Rawls's approach is a reflective equilibrium. It is very likely when we try to systematize our sense of justice that we will find certain considered judgements that refuse to fall under principles that elsewhere fit perfectly well. The reflective qualification means that in such a case we should focus, not on the principles, but on the recalcitrant judgements themselves, with a view to seeing whether they may not prove disposable in the light of the disequilibrium that they generate.

The method of reflective equilibrium is a method of justification in political philosophy, and in normative thinking generally. But Rawls does better still in answering the question of how we are to determine the appropriate conception of justice. In *A Theory of Justice* he directs us to a method of discovery for political philosophy as well as a method of justification. We want to know which principles for the ordering of society are just. Well then, he says, what we should do is each to ask after what principles we would want to establish for the ordering of society if we had to make our choice under ignorance about our characteristics and under ignorance, therefore, about which position we are likely to reach in that society. We should pursue a contractual method of exploration in seeking out the principles of justice, resorting later to the test of reflective equilibrium in checking whether the principles identified are satisfactory.

Why use the contractual method, rather than some other heuristic, in seeking to identify appropriate principles of justice? The idea of asking what would be chosen under a veil of ignorance is attractive to Rawls because, intuitively, any principles chosen in that sort of situation – the original position, he calls it – will be fair. The idea had already been urged by the utilitarian economist-cum-philosopher John Harsanyi (1953; 1955). But the device of the original position, and the associated contract, also serves to dramatize something that is very important in Rawls's thought: that the principles to be chosen should play a public role in the life of the society, being treated like a founding constitution or covenant (Kukathas and Pettit, 1990, ch. 3). The principles are to be general in form, not mentioning particular persons; they are to be universal in application, applying potentially to everyone; and, most important, they are to be publicly recognized as the final court of appeal for resolving people's conflicting claims (Rawls, 1971, pp. 1430–6).

Rawls thinks that as we do political philosophy, in particular as we seek out an appropriate conception of justice, we should move back and forth between the promptings of the contractual method and the requirements of the method of reflective equilibrium. We take a certain specification of the original position and consider what principles it would lead us to endorse as principles of justice. If we find a match or equilibrium between those principles and our considered judgements, then that is fine. If we do not, then we must think again. We must look to see whether it may be

appropriate to alter the specification of the original position in some way, so that different principles are endorsed, or whether it may rather be required of us to rethink the considered judgements with which the principles conflict. We carry on with this process of derivation, testing and amendment until finally, if ever, we achieve a reflective equilibrium of judgement. At that point we will have done the best that can be done by way of establishing an appropriate conception of the principles of justice that ought to govern our institutions.

In outlining this method of doing political philosophy, Rawls made contact with earlier traditions of thought. The contractual method connects explicitly with the seventeenth- and eighteenth-century tradition of contemplating a fictional state of nature prior to social or political life and considering the contract that people must have made, or perhaps ought to have made, in such a position (Lessnoff, 1986). Rawls uses the notion of contract only in a hypothetical fashion, where his predecessors gave it a historical or quasi-historical significance, but he clearly means to forge a connection with that earlier, contractual mode of thought. The method of reflective equilibrium, on the other hand, connects with a long tradition of ethical theory, at least according to Rawls (1971, p. 51). He suggests in particular that it was well articulated by the nineteenth-century utilitarian Henry Sidgwick, in his monumental study of the *Methods of Ethics* (but see Singer, 1974).

I have drawn attention to two features of Rawls's work. Like Barry in *Political Argument*, he finds room for the intellectual discussion of matters of value and, like Barry, he is willing to mix traditional philosophical discussion with a variety of contributions from more empirical disciplines. But in the intellectual discussion of values, he makes a decisive break with Barry. He sees the realm of value as an area worthy of intellectual exploration, not just in the spirit of the cultural analyst or critic, but in the spirit of someone seeking to determine the right political commitments; he justifies this stance by appeal to the test of reflective equilibrium and the heuristic of contractualist thinking.

However, *A Theory of Justice* was influential for substantive as well as methodological reasons. It developed a distinctive and widely discussed view of the appropriate principles of justice, as well as outlining the way to develop those principles in more concrete institutions. Rawls argued that in the original position, where we are ignorant of our chances of success in any social arrangement chosen, each of us would be led rationally to make a conservative choice, opting for a basic social structure which at its worst – though not necessarily at its best and not necessarily on average – would do better for someone than alternatives. He argued, in short, that the parties in the original position would maximin: they would choose the alternative with the highest low point, the maximal minimum. Given that the parties would maximin, he then went on to argue that this strategy would lead them to choose, among salient alternatives, a basic structure characterized by two principles of justice.

The two principles defended by Rawls are: first, 'Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all' (Rawls, 1971, p. 250); and second, 'Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged and (b) attached to all under conditions of fair equality of opportunity' (ibid., p. 83; see too p. 302). The first principle expresses a concern for liberty; the

second, which is known as the difference principle, expresses a presumption in favour of material equality, a presumption which is to be defeated only for the sake of raising the lot of the worst off in the society. The principles are to be applied, according to Rawls (*ibid.*, pp. 302–3), under two priority rules; these rules give him a way of handling the plurality of values represented by the principles.

The first priority rule is that under normal, non-starvation conditions the first principle should never be compromised in the name of the second: its lesser fulfilment is never justified by the greater satisfaction of the second principle; more intuitively, no interference with the system of liberties, whether in respect of extensiveness or equality, is compensated for by an increase in anyone's socio-economic advantage. The second rule of priority is mainly concerned with the relationship between the two parts of the second principle, ordaining that fair equality of opportunity should never be restricted out of consideration for the greatest benefit of the least advantaged. Both of these rules are lexicographic forms of ordering, being of a kind with the rule that dictates the position of words in a dictionary. In each case the second element comes into play in ordering alternatives, only when the first element has made its contribution, as the second letter of a word comes into play in the ordering of a dictionary, only when the first letter has had its effect.

So much for the methodological and substantive novelties of *A Theory of Justice*. The developments that have characterized analytical political philosophy since the appearance of that book – and many of the developments that have characterized political theory more generally – can be represented as reactions of different sorts. We are now living, as Barry puts it, in a post-Rawlsian world.

There has been a great deal of work since *A Theory of Justice*, including work by Rawls himself (1993; 1999; 2001), on the more or less detailed discussion and critique of the approach in that book (Daniels, 1975; Pogge, 1989; Kukathas and Pettit, 1990; Kukathas, 2003). Again, there has been a lot of work, inspired by the framework if not always the vision of the book, on matters that are identified as important there but are not treated in any detail. There has been a growing amount of research on issues of international justice, for example (Beitz, 1979); intergenerational justice (Parfit, 1984); and criminal justice (Braithwaite and Pettit, 1990). Pre-eminent amongst such studies is the extended work by Joel Feinberg on *The Moral Limits of the Criminal Law* (1988).

Rejection

The period since *A Theory of Justice* has been dominated by two more dramatic sorts of reactions to the book: on the one hand, reactions of rejection; on the other, reactions of radicalization. The reactions of rejection come in two varieties. The reactions in the first category represent positions on matters of political philosophy that remain broadly analytical in character and connection. Usually they argue that the sort of ideal depicted in *A Theory of Justice* is undesirable; it is not the sort of thing we ought to be after in designing our institutions. The reactions in the second category connect, on the whole, with non-philosophical or at least non-analytical traditions of thought. They argue that the enterprise of *A Theory of Justice* is infeasible in some way; its methods or its ideals are just not capable of being followed through.

Among reactions of the first kind, Robert Nozick's *Anarchy, State and Utopia* (1974) is outstanding (Paul, 1981). Nozick points out that Rawls's conception of justice is primarily non-historical. He means that how things are to be distributed among people in a society is to be determined, under the theory, not by reference to where the things originated – not by reference to who made them, who exchanged them, and so on – but rather by reference to the aggregate patterns that different distributions represent: in particular, by reference to which distribution will do best by the worst-off in the society. As against this, he makes two main points. First, he argues that Rawls's conception is unrealistic in treating the goods to be distributed as if they were manna-from-heaven. 'Isn't it implausible that how holdings are produced and come to exist has no effect at all on who should own what?' (Nozick, 1974, p. 155). And he argues, second, that enforcing Rawls's two principles, like enforcing a socialist regime, would require constant monitoring of the exchanges between people and constant interference and adjustment. 'The socialist society would have to forbid capitalist acts between consenting adults' (ibid., p. 163).

Largely in reaction to Rawls's vision, as indeed he admits, Nozick elaborates a libertarian alternative to the two-principles theory. He begins by postulating certain rights, roughly of a kind with the rights recognized by Locke in the seventeenth century, and he then looks into what sort of state is compatible with those rights. 'Individuals have rights and there are things no person or group may do to them (without violating their rights)' (Nozick, 1974, p. ix). Each right is a constraint on how others, in particular the state, may treat the bearer: it constrains others not to treat the bearer in fashion X – say, not to interfere with his or her freedom of movement or association or speech – even if treating the bearer in that way would reduce the level of X-treatment of others by others. Each right is a more or less absolute constraint, in the sense that short of catastrophic horror, it cannot be infringed for the sake of promoting some social good like equality or welfare. And each right is a fundamental constraint, in the sense that the satisfaction of the right is a good in itself, not something that is good in virtue of promoting an independent goal.

This libertarian assertion of Lockean rights naturally generates a different, and more distinctively historical, conception of justice in holdings from that which Rawls defends. It means that the justice of holdings will depend on who had the things in question in the first place and on how they were transferred to others (Nozick, 1974, pp. 150–3). But a traditional problem with the libertarian assertion of rights is that it may seem to rule out the moral permissibility of a state of any kind. Every state must tax and coerce, claiming a monopoly of legitimate force, and so apparently it is bound to offend against libertarian rights. Nozick's book may remain important, not so much for its criticisms of Rawls – these depend on some questionable representation (Kukathas and Pettit, 1990) – but for the resolution that it offers for this long-standing difficulty.

Nozick presents an ingenious, though not wholly conclusive, argument that if people were committed to respecting rights, and if they were disposed to act in their rational self-interest, then in the absence of a state they would take steps which, little by little, would lead to the establishment of a certain sort of state. 'Out of anarchy, pressed by spontaneous groupings, mutual protection associations, division of labour, market pressures, economies of scale, and rational self-interest, there arises something very much resembling a minimal state or a group of geographically distinct minimal states'

(Nozick, 1974, pp. 16–17). Given this argument, Nozick holds that libertarians can endorse the minimal state: the state which is limited in function to the protection of its citizens against violence, theft, fraud and the like. And absent any parallel argument for the more-than-minimal state – say, the redistributive state envisaged by Rawls – he holds that this is all that libertarians can endorse.

I mentioned Nozick as the outstanding example of a reaction of rejection to Rawls that remains tied to analytical philosophy. The Nozickian reaction is tied to the idea of rights, to which he gave a new currency among analytical and other thinkers (Lomasky, 1987; see too Waldron, 1984; Frey, 1985). Other negative reactions to Rawls that stay within the analytical camp are organized around different but still more or less familiar ideas (see Miller, 1976). The idea of utility has remained a rallying point for well-known figures like R. M. Hare, John Harsanyi, Richard Brandt and Peter Singer, and it has provided a starting point for a number of newer studies (Griffin, 1986; Hardin, 1988; see too Sen and Williams, 1982). The idea of deserts has focused a further variety of opposition (Sadurski, 1985; Sher, 1987; Campbell, 1988). The idea of autonomy or self-determination, itself a theme in Rawls, has been widely explored, with different lessons derived from it (Lindley, 1986; Raz, 1986; Young, 1986; Dworkin, 1988) And the idea of needs has served as yet another focus of opposition (Braybrooke, 1987; Wiggins, 1987). Finally, and perhaps most importantly, the idea of equality has been reworked in different ways by a number of thinkers, all of whom distance themselves in some measure from the Rawlsian orthodoxy (Dworkin, 1978; Sen, 1986; Cohen, 1989; Kymlicka, 1990; Nagel, 1991). This work has included work displaying a decidedly socialist or Marxist stamp (Roemer, 1988; Miller, 1989).

So much for reactions of rejection that stay within the analytical camp. There have also been reactions to *A Theory of Justice* that point beyond the analytical way of thinking and that have served to connect with other traditions of political theory. These reactions have not served to question the desirability of the two-principles ideal but, more fundamentally, the feasibility of any such theory of justice. One reaction of this kind is associated with the economist F. A. von Hayek (1982), who argues that implementing a Rawlsian view of justice, or indeed any redistributive conception, would require a sort of information that is never going to be available to central government (Barry, 1979; Gray, 1986; Kukathas, 1989). Another reaction in the same vein is the more recently voiced complaint that a Rawlsian theory is of little or no relevance in a world where states are deeply enmeshed in international networks of commerce and law and administration (Held, 1991). But the reactions of this kind that have made the greatest impact are associated with feminism and with communitarianism.

There are two feminist challenges that have been particularly emphasized in the literature since *A Theory of Justice*. One is that while a theory like Rawls's seeks to deal even-handedly with men and women, while it envisages a state that is gender-blind, the ideal projected in such a theory is bound to fail in practice: it is bound to prove infeasible. The reason invoked for this inevitable failure is that the sociology that implicitly informs the theory – for example, the assumptions as to what it is reasonable to expect of public office holders and committed citizens – systematically favours males. 'Men's physiology defines most sports, their needs define auto and health insurance coverage, their socially-designed biographies define workplace expectations and

successful career patterns, their perspectives and concerns define quality in scholarship, their experiences and obsessions define merit' (Mackinnon, 1987, p. 36).

The other challenge which feminists have often brought against Rawlsian theory rests on the claim that it assumes that there is a clear distinction between the public and the domestic arenas and that the business of the state is restricted to the public sphere. 'The assumption that a clear and simple distinction can be drawn between the political and the personal, the public and the domestic, has been basic to liberal theory at least since Locke, and remains as a foundation of much political theory today' (Okin, 1991, p. 90). The challenge issued on the basis of this claim is that by neglecting the domestic sphere a theory like Rawls's is bound to fail in its own aspiration to articulate what justice requires; it is bound to overlook the subordination and the exploitation of women in the domestic sphere (Pateman, 1983). The personal is the political, so it is alleged, and any theory that fails to appreciate that fact cannot articulate a feasible ideal of justice.

Communitarians do two things. They argue for the desirability of community, social involvement and political participation (Buchanan, 1989). And, more importantly, they offer critiques of the sort of political philosophy which Rawls is taken to epitomize. For communitarians Rawlsian political philosophy exemplifies, above all, a type of approach that abstains from asserting the inherent superiority or inferiority of any particular conception of the good life (Rawls, 1971, pp. 447–8). The sort of state it countenances is recommended in abstraction from any particular view of the good life, so Rawls claims, and the sort of state endorsed is meant to operate without favouring such a view. Communitarian challenges are usually cast as challenges to any theory that resembles Rawls's in this normative abstraction, this ethical neutrality. Such neutral theories are often described, in recent usage, as liberal theories of politics (Barry, 1990, p. li; Kymlicka, 1990, pp. 233–4). Communitarians prefer a theory of politics in which the state endorses the conception of the good life that is tied up with the community's practices and traditions. They prefer a politics of the common good, as it is sometimes put, to a politics of neutrality.

There are three broadly communitarian critiques that I will mention (for a survey see Gutman, 1985; Buchanan, 1989; Kymlicka, 1990; Walzer, 1990). One argues that effective political debate has got to be conducted in the currency of meanings, in particular evaluative meanings, that exists in the local society and that any theory that tries to abstract from such meanings, as a neutral theory must allegedly do, will not yield a feasible ideal of the state: an ideal that can be expected to command the allegiance of ordinary folk (Walzer, 1983). Under the meanings shared in our society, it might be argued, it is fine for ordinary goods and chattels to be distributed on market principles but not intuitively all right for emergency medical care to be made available on that basis; the culturally given categories embody normative expectations of a kind that any credible and workable political philosophy must respect.

A second communitarian challenge is directed to the ideal implicit in the neutral, liberal image of the state: the ideal of a self that chooses the sort of person to be, picking from among the options that are made available under the meticulously neutral framework provided by the state. The claim is that this ideal is empty and unrealizable and, once again, that a political philosophy that is built around such an ideal cannot effect a grip on people's imagination. The fact is, so the argument goes, that moral choice is always a matter of self-discovery, in which the self unearths the culturally given

commitments that define and constitute it. Only a political philosophy that identifies and reinforces those sorts of commitments can have a hope of being workable (MacIntyre, 1981; Sandel, 1982).

The third communitarian challenge endorses a version of the liberal ideal of the self-determining subject. It argues, first, that in order to achieve such autonomy, people need to be culturally provided with appropriate concepts and ideals, or that they need to have the opportunity for public debate about such matters, or whatever; and second, that the neutral, liberal state is constitutionally incapable of furnishing such resources, so that it makes the very ideal it fosters unreachable (Taylor, 1985; Raz, 1986). There are many variations on this argument, as there are on the other communitarian claims, but the general idea should be clear: the realization of the liberal ideal is not possible under the neutral, liberal state; it requires a state that is prepared to be assertive about the conception or conceptions of the good life that are allegedly associated with the given community and culture.

Feminist and communitarian challenges allege that Rawlsian theory, and any theory in its general image, is sociologically uninformed and, consequently, that its prescriptions are infeasible; they may do for the ciphers conjured up in the philosophical armchair but they will not work for ordinary, culturally situated human beings. Such approaches would lead us away from how analytical philosophers do political philosophy and into the richer pastures seeded by this or that sociological theory. Analytical philosophers have not been hugely disturbed, it must be said, by these attacks. The general line has been that if good points are made in some of the criticisms offered, they are points that can be taken aboard without giving up on the enterprise of analytical political philosophy, Rawlsian or otherwise (Larmore, 1987; Buchanan, 1989; Macedo, 1990; Kukathas and Pettit, 1990, ch. 5; Kymlicka, 1990, chs 6 and 7).

Radicalization

I have discussed the reactions of rejection to *A Theory of Justice*. In order to complete this historical sketch I need also to mention the category of responses that I describe as reactions of radicalization. There are two methodological novelties in *A Theory of Justice*, associated respectively with the method of reflective equilibrium and the contractual method. The method of reflective equilibrium has attracted a good deal of support and has sometimes been consciously extended in ways that go beyond Rawls. One sort of extension is the method of argument – we might call it the method of dialectical equilibrium – whereby a thinker establishes firm intuitions about what is right in a given area and then shows that in consistency they should also apply, however surprising the results, in areas that are somewhat removed from the original one (Nozick, 1974; Goodin, 1985). That type of extension can be seen as a radicalization of the Rawlsian approach. But radicalization of the Rawlsian approach has been pursued much more widely and systematically in relation to the other methodological novelty in *A Theory of Justice*: the use of the contractual method.

I said above that for Rawls the contractual method is a method of discovery that complements the method of justification by reflective equilibrium. Rawls is interested in identifying just or fair institutions; he argues that such institutions are the ones that would be chosen in a just or fair procedure and he then constructs the original position

contract as a procedure with a good claim to be fair. The fact that the two principles would be chosen in the original position, as he thinks they would, is as good an indication as we are going to get that the principles are fair; it shows, for all relevant purposes, that they are fair. 'The fairness of the circumstances transfers to fairness of the principles adopted' (Rawls, 1971, p. 159).

The radicalization of Rawls's contractual method casts a hypothetical contract of the kind instantiated in the Rawlsian approach in a more radical role than that which is strictly envisaged in *A Theory of Justice*. Consider the contractarian property of a set of institutions or principles, which consists in the hypothetical fact that they would be chosen under appropriate circumstances. The fact that the two principles possess that property is a sign that they are fair, under Rawls's way of thinking, but it is not of their essence: fairness or rightness is not defined by that property, at least to begin with (Rawls, 1971, p. 111); fairness or rightness is independently defined as the target we want to track and the contractarian property is identified as a useful tracker. The radicalizations of Rawls resist this merely heuristic construal of the contractual method. They say that the very notion of what it is to be politically right is, or ought to be, nothing more than the notion of what would be contractually chosen in appropriate circumstances. They claim that the contractarian property constitutes rightness rather than merely tracking it.

In Plato's *Euthyphro*, Socrates asks whether something is holy because the gods love it or whether the gods love it because it is holy. The issue between Rawls – or at least Rawls of *A Theory of Justice* – and more radical contractarians has to do with a parallel issue (Pettit, 1982). If a set of institutions or principles is contractually eligible, if it is such as would be chosen in a suitable contract, is that because they are right – because they satisfy some independent criterion of rightness – as in the Rawlsian, heuristic view? Or are they right because they would be the object of contract, as in the view that takes rightness to be constituted by contractual eligibility?

The radical contractarians who have dominated political philosophy since the publication of Rawls's book divide, broadly, into two camps. The one camp casts the contract in an economic image, as a procedure of striking a bargain; the other takes it in a more political way, as a process of reaching deliberative conviction and consensus (Kukathas and Pettit, 1990, p. 32; see too Barry, 1989, p. 371; Hamlin, 1989). Under the economic interpretation, the upshot of the contract is treated as something that is to the mutual advantage of parties whose relevant beliefs and desires are formed prior to exchange with one another; the contract represents a reciprocal adjustment that is in everyone's interest, not an exchange in which anyone tries to influence the minds or hearts of others. Under the political interpretation, the upshot of the contract is treated as a more or less commanding conclusion: as something that each is led to endorse under reasoning – say, reasoning about common interests – that survives political discussion, collective or otherwise, and that elicits general allegiance.

Something like the economic version of contractarianism had been explored prior to *A Theory of Justice* by two economists, James Buchanan and Gordon Tullock (1962). They argued, roughly, that the right set of principles for a society is the set that would be unanimously preferred. This approach operationalizes a static criterion of what is to the mutual advantage of parties and in recent discussions it has been eclipsed by the sort of economic contractarianism developed in the work of David Gauthier (1986).

Under Gauthier's approach, the right principles for ordering a society are those on which rational bargainers would converge under circumstances that it would be rational of them to accept as a starting point for bargaining. Gauthier develops a theory of rational bargaining in the course of advancing his contractarian vision and, applying that theory, he is led to argue for a more or less minimal state. In exploring this approach he claims to resolve a type of bargaining problem that Rawls had described as 'hopelessly complicated'. 'Even if theoretically a solution were to exist, we would not, at present anyway, be able to determine it' (Rawls, 1971, p. 140).

There are traces of economic contractarianism in *A Theory of Justice* and the book undoubtedly served as a stimulus for people like Gauthier. But the political reading of the contractual method is probably more in the spirit of Rawls. The parties involved in a bargain take their own reasons for preferring one or another outcome as given and they are impervious to any reasons that others may offer for rethinking their preferences. They have no care for what other parties believe or want and are disposed, if let, to impose their own wishes on others; when they settle for anything less, that is because that is the best they can squeeze out of their fellow-bargainers. Under the political version of contractarianism, the parties are cast in a very different light. They are conceptualized as persons who each wish to find a structure on which all can agree, seeking out the intellectually most compelling candidate.

A political version of contractarianism is to be found in the work of the German thinker, Jürgen Habermas (1973); he argues that the best structure for society is that which would be supported by people involved in collective debate under ideal conditions of speech, where all are equal, each has the chance to speak and each has the opportunity to question the assertions of others. In English-speaking circles, the most influential contributions have come from Bruce Ackerman (1980) and T. M. Scanlon (1982; 1998). The general approach has also been endorsed by Brian Barry (1989).

Ackerman (1980) suggests that the best sort of state, the best social structure, is by definition the kind of arrangement that would be supported in neutral dialogue: in dialogue where no one is allowed to assert either that their conception of the good is better than that asserted by others or that they are intrinsically superior to any of their fellows. Scanlon (1982, p. 110) argues that the best basic structure will be characterized, at least in part, by 'rules for the general regulation of behaviour which no one could reasonably reject as a basis for informed, unforced general agreement'. These formulae are each meant to catch a guiding idea for further exploration and argument.

The political contractualism that I have associated with Scanlon and Ackerman has also been important in prompting the development over recent years of the ideal of deliberative democracy (Cohen, 1989; Gutmann and Thompson, 1996). The ideal is that actual institutions should be organized at different decision-making sites so that participants are encouraged or even required to deliberate with others about what is for the good of all; and that they should cast their votes according to their judgement on what is best, not according to their personal preferences over possible results (Bohman and Rehg, 1997; Elster, 1998; Fishkin and Laslett, 2003).

We have discussed the long silence of analytical political philosophy in the early part of the century; the break in that silence with the books published by Benn and Peters

(1959), Hart (1961) and especially Barry (1965); the new era introduced with Rawls's publication of *A Theory of Justice* in 1971; the reactions of rejection to that book, analytical and non-analytical: in particular, communitarian and feminist; and the reactions of radicalization that the book occasioned, with new developments in contractual thinking, economic and political. While the account offered is necessarily selective, even schematic, it may help to give some sense of the recent history of analytical political philosophy. I would now like to turn to more speculative and controversial matters. I want to offer a picture of the most important assumptions that analytical philosophy has bequeathed, for good or ill, to normative political thinking.

Analytical Political Philosophy: the Legacy

There are two distinct areas where normative questions arise, according to the lore of analytical philosophers: in the theory of the good, as it is called, and in the theory of the right. The theory of the good is the theory in which we are instructed on what properties, in particular what universal properties, make one state of the world better than another; we are instructed on what properties constitute values, specifically impersonal values that do not refer to any particular individuals or indeed any other particular entities. Utilitarianism offers a theory of the good according to which the only property that matters in the ranking of states of the world is the happiness of sentient creatures. The theory of the right, on the other hand, is the theory in which we are told what makes one option right and another wrong, among the options in any choice; the choice may be a personal decision among different acts or a social decision among different basic structures. Utilitarianism is a theory of the right to the extent that it identifies the right option in any choice as that which suitably promotes happiness: that which suitably promotes the good.

The analytical tradition of thinking bequeaths distinctive assumptions in both of these areas, assumptions that bear intimately on political matters. In the theory of the good it has tended, more or less unquestioningly, to support certain substantive constraints on the sorts of properties that can be countenanced as political values. And in the theory of the right it has generated a set of distinctions around which to taxonomize different possible approaches to questions about what institutions to prefer. I will deal first of all with assumptions in the theory of the good and then with assumptions in the theory of the right. As will become clear, I think that the contribution of analytical philosophy to political thinking is rather different in the two areas. The received analytical theory of the good is a contribution of dubious worth, at least in one respect, serving to constrain political thought rather than liberate it. The analytical theory of the right is a contribution of positive merit and political thought is the better for taking the relevant analytical distinctions on board.

Theory of the good

There are two elements in the received analytical assumptions about the theory of the political good. The first is a universalist form of personalism, as I shall describe it, and the second a valuational solipsism. Personalism is a plausible working assumption in

political philosophy but it has often been distorted by association with the solipsist thesis.

Personalism is the assumption that whatever is good or bad about a set of institutions is something that is good or bad for the people whom they affect. The fact that a set of institutions is allegedly in accordance with God's will; the fact that it is the set that best preserves a certain culture or language; the fact that it is the set of institutions that puts least strain on the natural environment: these features allegedly count for nothing, except so far as they are associated with a benefit to individuals. It will be important that the institutions fit with allegedly divine decrees if that means that people will benefit from a consequent harmony of doctrine; it will be important that they preserve a culture or language if this means that people will enjoy a consequent solidarity of association or a plurality of options; it will be important that they reduce the strain on nature if people are likely to benefit in some way, at some stage, from the enhanced environment. But, considerations of this kind apart, political philosophy need not look to how institutions would answer on these counts.

Personalism is not likely to be resisted on the grounds that it challenges theocentric visions of politics. It may well be resisted on environmental grounds but here the conflict is either of minor practical import or it can be accommodated by a slight shift of commitments. Many environmental measures that are likely to be prized independently of their impact on human beings – measures to do with preserving other species or preserving wildernesses – are arguably for the good of people, though perhaps only in the very long term. And if there are attractive measures for which this does not hold, then they can be accommodated by stretching personalism to encompass the good of the members of certain other species.

Personalism is primarily designed as a form of opposition, not to environmentalism, or even to theocentrism, but to the belief that nations or cultures or states or societies, or corporate entities of any kind, have interests that transcend the interests of individuals. According to such a belief, such an institutional anti-personalism, it may be right to introduce a political measure, even when that measure does not make any people better off, even indeed when it makes some people worse off. Specifically, it may be right to do this, because of how the measure affects some supra-personal, corporate entity.

Personalism rejects such institutionalism, arguing instead that the only interests that are relevant in the assessment of politically variable arrangements are the interests of those present or future people who may be affected by the arrangements; it is usually assumed that the dead do not have interests or that their interests do not count. Imagine two societies in which the interests of individuals are equally well served but where certain corporate entities fare differently – if that is possible. The personalist claims that there is no ground for ranking the arrangements in either of those societies above the other; if affected individuals fare equally well – however that is judged – then the arrangements have to count as equally good. Perhaps one set of arrangements is aesthetically more attractive than the other, and perhaps it is ranked above the other on those grounds. But that sort of ranking, so the personalist will claim, is not strictly a ranking in political philosophy. From the point of view of political philosophy, the only considerations that should be taken into account are considerations about how individuals fare.

Jeremy Bentham (1843, p. 321) sums up the personalist credo nicely: 'Individual interests are the only real interests. Take care of individuals; never injure them, or suffer them to be injured, and you will have done well enough for the public.' The thesis is also to be found, more or less explicitly, in *A Theory of Justice*: 'Let us assume, to fix ideas, that a society is a more or less self-sufficient association of persons who in their relations to one another recognize certain rules of conduct as binding and who for the most part act in accordance with them. Suppose further that these rules specify a system of cooperation designed to advance the good of those taking part in it' (Rawls, 1971, p. 4). Given this view of society, Rawls naturally thinks that the normative question with a basic structure is how well it answers to those individuals whose good it is supposed to advance. The personalist assumption has been explicitly noted by a number of authors but it generally goes without saying in analytical circles (see Raz, 1986; Hamlin and Pettit, 1989; Broome, 1990; 1991, ch. 8).

But in ascribing personalism to the broad tradition of analytical philosophy, we need to be clear that the personalism ascribed is universalist in character. It holds that not only are persons the only entities that ultimately matter in politics, all persons matter equally. Consistently with personalism, strictly formulated, we might have said that the good of the King or Queen or the good of some class or caste is all that matters. But the universalist twist blocks this possibility. The commitment is nicely caught in a slogan attributed to Bentham: 'Everybody to count for one, nobody for more than one' (Mill, 1969, p. 267).

If personalism has been systematically challenged, at least in its anti-institutional-guise, that has probably occurred only within the more or less Hegelian tradition of continental thinking. But this claim may be resisted. Isn't personalism opposed, less dramatically, to the sort of communitarianism that argues that a state ought to endorse and further the conception of a good life associated with the local culture? At the least, isn't it opposed to the sort of communitarian doctrine that argues that communal solidarity and rootedness is itself a good that ought to be furthered by the state? More generally, indeed, isn't it opposed by any theory that argues that what the state ought to value and advance is a property, not of individuals, but of aggregates of individuals?

Personalism is not opposed, despite appearances, to doctrines of these kinds. The personalist assumption is that if institutions are good or bad, then they are good or bad for individuals. Even if a conception of the good life is associated with a received culture, and is not endorsed by all individuals, it may be a personalist conception; it may represent the way of life as good, because of the alleged good it does for individuals. For example, a traditional, religious conception of the good life may represent a certain way of life as good for the salvation of individuals. Again, even if the valued properties that a state promotes are properties of groups rather than individuals – properties like solidarity – they may be valued for the good which their realization involves for individuals. Solidarity may not be prized in itself, as it were, but on the grounds that it is good for individuals to belong to a solidaristic community.

I said that the personalism of the analytical tradition usually goes without saying. No one makes much of it, since it is taken to be more or less obvious. But there is one exception to this theme that is worth mentioning in passing. Ronald Dworkin draws attention to the personalist commitment, in arguing that all plausible, modern political

theories have in mind the same ultimate value, equality (Dworkin, 1978, pp. 179–83; see too Miller, 1990). For what Dworkin means is not that each theory argues for the equal treatment of individuals but only, as he puts it, that every theory claims to treat all individuals as equals. No one is to count for less than one, and no one for more than one.

Dworkin's claim is worth remarking. It is sustained by the Benthamite observations which I have mentioned – it has a personalist core – but it goes considerably further than those observations. Dworkin holds, in effect, that every plausible political theory countenances the same value and, more specifically, the same fundamental right: the right of each individual to be treated as an equal with others. This claim would be of great interest, for it suggests that there is more unity than first appears in the variety of political theories that we should take seriously: it suggests that they are all egalitarian philosophies. The observation would be of great significance. If it holds, then all political theories can be assessed in a common egalitarian currency, for how well they do in interpreting the demand to treat individuals as equals (Kymlicka, 1990, p. 4).

This is not the place to explore Dworkin's claim. Suffice it to mention that, however attractive and plausible, the priority of the value of treating individuals as equals does not follow just from the personalist claim that whatever is of value in political institutions, it is something that is of value from the point of view of the persons affected and, moreover, from a point of view that does not necessarily privilege any particular individuals over others. The personalist constraint leaves it open whether what is of value is utility or fairness or opportunity or whatever; that question is to be determined independently of any concern with equality, even though the constraint requires that no one be particularly privileged in how the selected value is advanced. The constraint does not entail that the good must be seen as a persuasive interpretation of what it is to treat individuals as equals. And certainly it does not entail that the good must be such that when the state advances it, then it can be adequately and usefully characterized as honouring the right of individuals to be treated as equals.

Personalism is a plausible and harmless working assumption in political philosophy. Or so it seems to me. But the analytical tradition has also bequeathed a second, more specific assumption to the theory of the political good and this proposition is anything but harmless. Up until very recent times it has had a warping impact on analytical thinking about politics: in effect, on the English-speaking, political-theoretic tradition of the past couple of hundred years. I describe this second assumption as one of valuational solipsism.

The word 'solipsism' derives from *solus ipse*, the lone self. The assumption of valuational solipsism is the assumption that any property that can serve as an ultimate political value, any property that can be regarded as a fundamental yardstick of political assessment, has to be capable of instantiation by the socially isolated person: by the solitary individual. It is the assumption that the ultimate criteria of political judgement – the reserve funds of political debate – are provided by non-social as distinct from social values. A value will be social just in case its realization requires that there are a number of people who are intentionally active in certain ways: in effect, that there are a number of people who are intentionally involved with one another. A value will be non-social just in case it can be enjoyed by the wholly isolated individual, even by the lone occupant of a world.

There are a great variety of social values that are invoked in discussions of politics. They cover the goods enjoyed by people in intimate relations and the goods that they enjoy in the public forum. Such goods include family and friendship, fraternity and citizenship, status and power, protection and equitable treatment and participation. Social values also include goods that do not inhere in individuals, but in the institutions that individuals constitute; the personalist can countenance such values too, as we have seen, for their realization will have an impact on the well-being of persons. These sorts of social values include cultural harmony, social order, political stability and the rule of law.

There are also a variety of non-social values that are invoked in discussions of politics. Material welfare is an obvious example, since it is clear that the isolated individual may logically enjoy that sort of good without any involvement with other people. Another example is happiness or utility, in the sense in which this is associated, as it is in the utilitarian tradition, with the balance of pleasure over pain or the absence of frustrated preferences and desires. A third example is liberty in the more positive sense in which it requires, not just the absence of interference by others, but also a high degree of psychological autonomy or self-mastery.

Apart from clearly social and clearly non-social values, there are also some values invoked in political discussion that can be interpreted either way. A good example here is the value of equality. This may be understood as an active sort of equality that presupposes that people are intentionally involved with one another and that requires that they recognize one another as equals in certain ways: say, as equals before the law or as equals in social status. Alternatively, it may be taken in a purely passive mode, as a value that someone may enjoy relative to others with whom she has no dealings whatsoever or a value that someone might even enjoy in total isolation. A person will be equal in this respect just so far as there is no one who has more: this, because there are others elsewhere and they have no more than she or because it is not the case that there are others anywhere else. We might describe this sort of equality as natural equality and contrast it with the civic equality that involves people in active recognition of one another as equals.

What holds of equality holds equally of liberty. Under one sense of liberty, it means civic liberty. This is a value that a person will enjoy so far as there are others around and they accord her the treatment that liberty requires; they recognize and thereby empower the person in the manner and measure that gives her the title of a free person: in the old usage, a freeman as distinct from a bondsman. But as equality may be taken in a civic or natural sense, so the same is true of liberty. For it can also mean the value that someone enjoys so far as there is no one else who denies the person the treatment that freedom is thought to require. A person can enjoy freedom in that passive and natural sense when there are others around but they are elsewhere or there are no others around, period.

Analytical political philosophy has been traditionally committed, not only to personalism, but also to solipsism. Among the many different strands of radical political thought that emerged within that tradition in the nineteenth century, all of them tended to emphasize distinctively non-social values as the ultimate criteria of judgement. Most appealed to utility as the basic good of individuals, taking utility to be determined by the balance of pleasure or the absence of frustrated desire. Failing that,

they appealed to the enjoyment of natural liberty, or the realization of a degree of personal autonomy or the attainment of a certain level of material welfare. This is a particularly striking feature in the tradition, given that there were many factors that might have been expected to lead the tradition towards the articulation of certain social values as the basic terms of political evaluation.

Democracy became a rallying point for many radicals in the tradition, for example, yet few of them thought of democratic participation or the democratic resolution of differences – the achievement of public deliberation – as a fundamental criterion of political assessment: democracy was valuable, if at all, for its effects in the space of other values. Thus William Paley could argue in 1785, and Isaiah Berlin in 1958, that democracy might or might not score better than a benevolent despotism in the space of natural liberty, a value that each of them prioritized (Paley, 1825; Berlin, 1958). Again, the rule of law was hailed by all as one of the great features of English common law institutions but no one advanced the rule of law as an ultimate value by which to judge a system; on the contrary, the fashion among radicals like Bentham was to see law as a mixed good, as a form of interference that was justified, if at all, by the other forms of interference that it inhibited. Finally, although the chartist and trade union movements emphasized the importance of solidarity and comradeship, none of the theorists of those movements ever really argued that whether such a value would be realized was a basic test to administer in assessing a proposed political arrangement. Socialism may have pushed many thinkers in that direction but mostly the push was resisted.

Consider how different were the approaches to politics that emerged in the same period in continental circles. Think of Rousseau on the general will and on the value of popular sovereignty. Think of Herder on the cultivation of the self in relation to the *Volksgeist*. Think of Kant on the kingdom of ends or Hegel on the realization of *Geist* in the world. Think of juridical ideals like that of the *Rechtstaat* or sociological ideals like the overcoming of *anomie*. In all of these cases we see a spontaneous tendency to assume that the basic values for the assessment of political structures are essentially social in nature. There is no evidence of the imperative that ruled English-speaking, analytical circles: the imperative to go back to properties that could be enjoyed even by a solitary individual in the search for basic political criteria.

There continue to be strains of solipsism in analytical political philosophy today, as communitarians and others often complain (Black, 1991, pp. 366–7). But it must be said that a number of recent developments have put solipsistic prejudices under pressure. Communitarian critics have undoubtedly had an impact on analytical thought and they have stressed the importance of the social goods associated with the enjoyment of community. Contractualists of a radical, political slant have also pushed in this direction, hailing the value of public justification as the ultimate yardstick of political acceptability (Gaus, 1990). And a further anti-solipsistic development has come with the adherents of radical or strong democracy, who think of the democratic resolution of various issues as a good in itself (Cohen and Rogers, 1983; Barber, 1984). This style of thinking has been developed in a particularly influential way by adherents of the ideal of deliberative democracy that we mentioned earlier.

Recent reconstructions of the value of freedom have also taken an anti-solipsistic turn. Those associated with the neo-republican movement have argued that liberty should

be understood, not as natural liberty, but as the sort of civic liberty that is available only in the presence of others, in particular others who accord the person what liberty requires. According to these authors, what liberty requires is non-domination (Pettit, 1997; Skinner, 1998; Viroli, 2002; Maynor, 2003; Laborde and Maynor, 2007). Free persons must be so protected and empowered – say, under the matrix of law, culture and politics – that others cannot interfere with them, not even the state itself, except on terms that they accept and are in a position to enforce.

Why should the analytical tradition have proved so resistant, over such a long period, to the idea that social values might offer the basic terms of political assessment? Why should it have tended to endorse, not just personalism, but solipsism? The main reason, I suggest, has to do with the social atomism that has characterized the tradition from its earliest days (Pettit, 1993).

The social atomist holds that the solitary individual – the agent who is and always has been isolated from others – is nevertheless capable, in principle, of displaying all distinctive human capacities. The anti-atomist or holist denies this, arguing that there is an intimate, non-causal tie between enjoying social relations with others and exercising certain distinctive human capacities. ‘The claim is that living in society is a necessary condition of the development of rationality, in some sense of this property, or of becoming a moral agent in the full sense of the term, or of becoming a fully responsible, autonomous being’ (Taylor, 1985, p. 191).

The issue between social atomism and holism turns around the issue of how far people depend – that is, non-causally or constitutively depend – on their relations with one another for the enjoyment of proper human capacities; we may describe this as a horizontal issue, as the relations in question are collateral, horizontal relations between people. The issue should be distinguished from the question that divides social individualism and collectivism, as I call the doctrines. That issue is a vertical question rather than a horizontal one. It bears on how far people’s autonomy is compromised from above by aggregate social forces and regularities: individualists deny that there is any compromise whereas collectivists say that human beings are controlled or constrained in a way that diminishes their agency. Atomists and holists may agree that people are more or less autonomous subjects – that they conform to the image that we project in our ordinary psychological thinking about one another – while arguing about the extent to which their capacities as human subjects require social relations. I mention this point, as the philosophical tradition, analytical and otherwise, has tended to confuse atomism with individualism and holism with collectivism.

Social atomism became a prominent feature of contractualist theories, particularly that of Hobbes (1968), in the seventeenth century. The notion was that political and social order, if it was legitimate, had to be the product of some tacit contract between pre-social individuals. Such an atomistic picture was almost certainly encouraged by the discoveries of people who seemed to many Europeans to live more or less in the wild. Those discoveries nurtured the view that actual society must have evolved from a contract made by individuals in a state of nature. It may be no great accident that, in Charles Taylor’s words, ‘the great classical theorists of atomism also held to some strange views about the historicity of a state of nature in which men lived without society’ (Taylor, 1985, p. 190).

The long tradition of philosophy from Aristotle had stressed that human beings are essentially social animals but holism only became a prominent philosophical doctrine as a reaction to atomism, among seventeenth- and eighteenth-century forerunners of German romanticism like Vico and Rousseau and Herder (Berlin, 1976). These were all thinkers who were familiar with the atomistic vision of individuals and society and they self-consciously emphasized a thesis that challenged such atomism. They held, first, that people were dependent on language for the capacity to think – a thesis, ironically, that first appeared with Hobbes (Pettit, 2007) – and, second, that the language on which they were dependent was essentially a social creation (Wells, 1987). They maintained that people depended on one another's presence in society to be able individually to realize what is perhaps the most distinctive human ability. Thus, for someone like Rousseau it was self-evident that society and language were required for thinking. This is what created for him the famous chicken-and-egg problem: 'which was most necessary, the existence of society to the invention of language, or the invention of language to the establishment of society?' (Rousseau, 1973, p. 63; see Wokler, 1987, ch. 4).

The romantic thesis that thought is dependent on language and that language is an essentially social creation came to fruition, perhaps over-ripened, in Hegel's notion of the *Volksgeist*: 'the spirit of a people, whose ideas are expressed in their common institutions, by which they define their identity' (Taylor, 1975, p. 387). It came thereby to influence a variety of thinkers, from Marx to Durkheim to F. H. Bradley, who all stressed the social constitution of the individual. They claimed that the individual's relations with her fellows were not entirely contingent or external; some of those relations were internal or essential, being required for the individual to count as a full person. As Bradley (1962, p. 173) puts it: 'I am myself by sharing with others, by including in my essence relations to them, the relations of the social state.'

Social atomism, in my view, is the principal reason why the analytical tradition has favoured valuational solipsism. Anyone who is an atomist is likely to take the possibility of the isolated individual to be a relevant alternative in radical political evaluation: in evaluation that covers all conceivable alternatives. It may be enough in casual political discussion to argue for the superiority of an arrangement over the status quo, and over the more salient alternatives, but in foundational thought the arrangement must also be shown to be superior to the lot of the isolated individual; otherwise, as the atomist sees things, the business of political evaluation will not be logically complete.

It is unsurprising, then, that the many thinkers in the atomist tradition have emphasized that the isolated individual gives us a relevant perspective on political arrangements. Although not required in strict logic to do so, they have implicitly or explicitly assumed that we should judge the attraction of political arrangements, at least in part, from the point of view of that individual: from the point of view, as it is often articulated, of a state of nature in which isolation is the norm. They have assumed, to put the matter otherwise, that part of the job of supporting any political arrangement is to show what there is in it for individuals who could logically have enjoyed a solitary existence instead: what there is about that arrangement that makes it superior for such individuals to a solitary existence.

Theory of the right

I have been discussing the legacy of the analytical tradition for thinking about the theory of the political good. It is time, finally, to consider the legacy of the tradition for thought about what is politically right. To have views about the politically good is to identify one or another property or set of properties as desirable in political institutions: in institutions that are susceptible to political shaping. It is to prize liberty or democracy or equality or whatever. But having such views is not yet enough to enable one to decide which institutions represent the right option for a given society; a theory of the good is not sufficient, on its own, to yield a theory of the right. The point becomes obvious in light of the now well-established analytical distinction between consequentialist and deontological theories of the right.

Suppose you think that the main or unique political good is what we called natural liberty: the good enjoyed by people, as the standard tradition has it, when they do not suffer interference from others in the pursuit of independent activities. What institutions ought you to regard, then, as politically right for a society? The consequentialist answer is, roughly, those institutions whose presence would mean that there is more liberty enjoyed in the society than would otherwise be the case: those institutions that do best at promoting liberty. The answer is rough, because this formula does not yet say whether promoting a property like liberty means maximizing its actual or expected realization; and, if the latter, whether the probabilities that should determine the expectation are subject to any checks. But we need not worry about such details here. The general point should be clear: that for a consequentialist whose only concern is liberty, the right institutions will be those with consequences that are best for liberty.

At first blush, it may seem that consequentialism is the only possible theory of the right. But a little thought will show that this is not so. Suppose that the society with which the consequentialist is concerned is one that contains a minority group of fanatical traditionalists, whose aspiration is to install an authoritarian government under which the values of a certain religion would be imposed, at whatever cost in bloodshed, on everyone in the community. Suppose that this means that the institutions that will best promote liberty must ban the meetings and activities of that group, otherwise the chances are too high that the group will grow in stature and eventually seize power. Suppose, in other words, that the consequentialist theory of the right will commit someone who prizes liberty above all else to the repression of a certain religious group. Does it still remain obvious in such a case that consequentialism is the proper theory of the right?

Many will say that for someone who prizes liberty above all else the right institutions are not those that promote liberty, and are not therefore those that would ban the minority group, but are rather the institutions that would testify suitably to the value of liberty. Testifying to the value in a case like this might mean rejecting the ban altogether or rejecting the ban short of some threshold of danger; more generally, it might mean having a concern at some threshold for the instantiation of a concern with liberty, even when this means that less will thereby be promoted than might otherwise have been the case. We may describe what is done in such a case, in a more or less intuitive way, as honouring the value of liberty as distinct from promoting it in an unconstrained fashion. To honour liberty under ideal conditions – under conditions

where there are no recalcitrant agents like the minority fanatics – will be to promote it there. But in the real world where other agents and agencies are bent on undermining liberty, honouring the value may mean failing to promote it: heroically failing to promote it, as it were.

The distinction applies to individual agents as well as to agencies like institutions and it also applies with a variety of values. Consider, for example, the difference between the consequentialist and the deontological pacifist. The consequentialist will want to do things, and to have others do things, that mean that in the long run the consequences will be best for peace; this may involve being prepared to wage or condone a war, provided that the war looks essential for the promotion of peace. The deontological pacifist, on the other hand, will want to pursue only peaceful activities and will want others to pursue only such activities; thus he will not be prepared to wage or condone any war, even a ‘war to end all wars’. He will want to honour peace, not promote it: not promote it, that is, by any means.

The distinction between promoting and honouring a value is a version of the analytical distinction between having a consequentialist and a deontological attitude towards the value (Pettit, 1991; see Scheffler, 1988). That distinction has been carefully elaborated in analytical moral philosophy but it applies in political philosophy as well. It is a different distinction, it should be noticed, from that which John Rawls (1971, pp. 446–52) assumes when he argues for the priority of the right over the good. Rawls is anxious, not to stake out a deontological position, but rather to emphasize that the basic structure should be capable of neutral justification, without reference to the particular conceptions of the good life entertained among the population (Kymlicka, 1990). It is unfortunate that he should use the terminology of the right and the good to make this point.

The distinction between the consequentialist and the deontological theory of the right, in particular the political right, applies across the full spectrum of political values. With any value whatsoever we can distinguish between the consequentialist strategy of designing institutions so that the value is promoted by them and designing institutions so that the value is honoured by them. Take a personal value like equality or fairness or welfare; take a more communal value like democracy or the rule of law or public justification; take the value that is allegedly associated with the satisfaction of certain rights; or take even the contractarian value of a set of institutions that consists in the fact that it would be chosen under certain circumstances. With any such value – or with any weighted mix of such values – we can in principle distinguish between institutionally promoting the value and institutionally honouring it. We can identify the right institutions as those which give consequentialist countenance to the value or we can identify them with those that give it deontological countenance.

This point is well worth stressing as it is a lesson of analytical thought that is often lost in political theory. For example, many political theorists hail certain rights as being of great political importance, without making it clear whether the rights are to be honoured – whether, in Nozick’s term, they are to be treated properly as constraints – or whether their satisfaction is to be promoted, if necessary by violation of the rights in certain cases (Nozick, 1974, p. 28). Again many political theorists invoke ‘just deserts’ as the main concern of the state in criminal justice, without saying whether the criminal justice system is to honour just deserts or to promote them. If the idea is

to promote the delivery of just deserts then this may call for the occasional exemplary sentence; if the idea is to honour that value then no such sentence will ever be permitted (Braithwaite and Pettit, 1990).

However, not only does political theory often ignore the distinction between the institutional promotion and honouring of a value; it also often misconstrues what is involved in having institutions that promote a value, and on this point too analytical philosophy has an important lesson to teach. The lesson was well expressed in an article in 1955 by John Rawls on 'Two Concepts of Rules' but it was implicit in much earlier writing and it has been reworked in many different forms over the past couple of decades (Brandt, 1979; Hare, 1982; Scheffler, 1982; Parfit, 1984; Railton, 1984; Johnson, 1985; Pettit and Brennan, 1986).

What Rawls brought out in his article is that if certain institutions are designed to promote a value, that does not necessarily mean that the agents of the institutions will be authorized to take the value into consideration in their various deliberations and to act in the way that promises to promote it best, by their lights. Consider a value like utility. It is not necessarily the case, as Rawls made clear, that the institutions that will best promote utility are those in which the agents make their decisions in a calculating, utilitarian way. For example, the criminal justice system that best promotes utility is not likely to be the one within which each judge acts in that way; it is more likely to be the ordinary sort of system under which each judge acts according to a specified brief: a brief that prohibits or at least limits utilitarian reasoning.

This point has been generally acknowledged within analytical, political philosophy but it does leave a problem in its wake that has not been given due attention. This is the problem of the zealous agent, as we might call it (Lyons, 1982; Braithwaite and Pettit, 1990). Suppose that a set of institutions is designed to promote a certain value X and that the agents of the institutions internalize that value and are zealously concerned about its promotion. Such agents will undoubtedly come across situations where by their own lights the best way to promote the value will be by going beyond their allotted brief. So what is there to restrain them from doing this? More generally, what is there to prevent zealous agents from undermining any institutions that seek to promote a certain goal and that seek to do so, in particular, without letting the agents of the institutions calculate in regard to those goals? The question requires careful consideration by consequentialists.

If my line of argument is correct, then all salient political theories fall into one of two categories: they are consequentialist theories which recommend the promotion of certain values or they are deontological theories which recommend the honouring of certain values: a concern at some threshold with instantiating a concern for the values, even when this means that promotion is thereby less than it might have been. But the line of argument is not uncontentious.

Ronald Dworkin (1978, pp. 172–3) suggests, for example, that a political theory will fall into one of three categories, rather than one of two: 'Such a theory might be *goal-based*, in which case it would take some goal, like improving the general welfare, as fundamental; it might be *right-based*, taking some right, like the right of all men to the greatest possible overall liberty, as fundamental; or it might be *duty-based*, taking some duty, like the duty to obey God's will as set forth in the Ten Commandments, as fundamental.' It is easy to find examples of pure, or nearly pure, cases of each of these types

of theory. Utilitarianism is, as my example suggested, a goal-based theory; Kant's categorical imperatives compose a duty-based theory; and Tom Paine's theory of revolution is right-based.

How does our division into consequentialist and deontological theories measure up to this taxonomy? Consequentialist theories correspond to Dworkin's goal-based theories, so there is no problem of match there. But what is the connection between deontological theories and theories that are duty-based and right-based?

The connection is fairly straightforward. All deontological theories involve the recognition of obligations. If we say that a structure should be judged for how it honours a value like liberty or equality or respect, then we say that there is a set of response-types that are obligatory for any basic structure; there are certain intrinsically binding obligations that have to be countenanced by every such structure. This makes an important point of contrast with the consequentialist way of thinking, for on that approach the only matter of obligation is to promote the relevant goal and this may select one set of response-types in this society, a different set in another, and so on; there may be no intrinsically binding types of obligation.

The distinction between duty-based and right-based theories is a distinction between those deontological, obligation-involving theories that make the obligations primitive and those theories that hold that the obligations obtain because of the pre-existing rights of relevant individuals. The natural law tradition is probably the longest established school of thought within which obligations are represented as primitive (d'Entreves, 1970; Finnis, 1980). The tradition of natural rights, which developed in the seventeenth century, is the best-known school of thought to postulate rights as the source of all relevant obligations (Tuck, 1979). Rights get conceived of in that tradition as moral controls that individuals can exercise, activating obligations on the part of the state to respond appropriately to them.

In this last section I have distinguished between the theory of the political good and the theory of the political right and I have tried to identify the legacy of the analytical-philosophical way of thinking in each area. The theory of the good, with its combination of personalism and solipsism, is a mixed bag but the theory of the right, with the important distinctions between consequentialist and deontological stances, is of the greatest importance. Political theory has tended increasingly to become an independent teaching discipline and an independent area of research. Whatever the connection it maintains with the tradition of analytical philosophy, it would do well to retain the habits of intellectual precision manifested in such distinctions.

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