“Man was born free and he is everywhere in chains... How can this be made legitimate?” Jean-Jacques Rousseau’s profound observation and question express the fundamental concerns of political philosophy. Accordingly, political philosophy is primarily a normative project, one whose main focus is on the principles that guide the evaluation and reform of political and economic institutions that have pervasive effects on our lives. Government, bureaucracy, law, police, property, markets, the welfare state and courts have profound effects on all our lives. And while these institutions enhance our freedom and benefit almost all of us in a great variety of ways, they also impose costs and restrict our freedom in many ways as well. The protection of the property of a person guarantees the freedom of the property holder, for example, but it also restricts the freedom of those who do not hold this property. The efforts to ensure a reasonable distribution of wealth require that taxes be imposed on some to benefit others. Indeed, the whole scheme of institutions guaranteeing security is costly and so requires each to make a contribution to its maintenance.

The question for us as members of societies is which of these types of institutions are ethically defensible? And how should we reform institutions if they are ethically defective? This is a significant part of the stuff of political debates in democratic societies. But this raises the question about what the appropriate normative standards are by which we make these assessments. The assessments we make are at least partly based in more general principles, but we disagree often about the basic principles as much as about the policy questions. One does political philosophy when one articulates and rationally defends some of these principles and criticizes others.

There is much disagreement concerning the legitimacy of each one of the activities modern states engage in, raising the suspicion in each case that they are merely the misguided efforts of some or the thievery of others. Many argue, for example, that there is not enough redistribution of wealth in society or there is too much inequality and that as a consequence the protection of private property is in effect the protection of a privileged class of persons. Others argue that there is too much redistribution and
that the government that carries out these activities is engaged in simple thievery no matter how fine sounding its rhetoric may be. A theory of distributive justice attempts to elaborate and defend principles by which we can adjudicate these issues by determining the correct answers to the general question of what justice requires regarding the distribution of wealth.

Furthermore, when there is such pervasive disagreement about how society should be organized, we must then ask who ought to decide such contentious issues? Traditionally many argued that the wisest ought to decide, but in the modern world it is generally assumed that people ought to decide together as equals in a democracy. Still others argue that there ought to be severe limits on what democracies can decide, leaving the leftover areas of social life to be determined by individuals themselves. But how extensive should these limits be? Who ought to decide this matter? Theories of democracy and constitutionalism attempt to answer these questions in rationally defensible ways.

Moreover, one of the profound questions of political philosophy concerns how to deal with the centuries-long injustices done to minorities, women and others, especially since the injustices of the past have had a tremendous impact on the present (if indeed they have ended at all). These injustices and their current effects often remain unacknowledged or at least ignored by the larger society and thus create fresh new injustices in the present. The experiences of minorities are belittled and their plights blamed on them. What is the just response to the overhang of great injustice of this sort? Again, the activity of political philosophy expresses the hope that these questions can be given generally defensible answers.

Finally, the focus of political philosophy has expanded in the last thirty years beyond its initial focus on the assessment of the nation-state to include questions about the nature of global justice and the place of the nation-state in the larger global order. Some have argued that the principles that were thought to apply to individual political societies in fact apply to the world as a whole. Why, these thinkers ask, should we focus on issues of poverty only in our own societies? Why shouldn’t we be even more concerned with global poverty, which is often much more serious? These cosmopolitan views are criticized by those who think that there is still an important place for the modern state in our moral appraisals of political power. They argue that citizens have special obligations to their compatriots that they do not have towards others and that these obligations include those of distributive justice. But all theorists agree that the assessment of the modern state and its policies must now be carried out with an eye to its position in the larger global order. Many theorists, then, are interested in developing conceptions of human rights that take into account the interests of all human beings and that set minimal standards for the assessment of the activities of states towards people in other countries. Still there is much disagreement about the nature and basis of human rights among contemporary theorists.

For most philosophers, political theory involves a commitment to the idea that the questions above have objectively valid answers and that the issues can be understood and progress can be made on them by means of rational argument and good judgment. Many of the papers in this volume display the efforts at rational discussion central to the project of political philosophy. They approach the issues with an eye towards clarifying the central concepts and problems. They advance alternative
systematic theories of the principles of justice and the common good. And they defend
theories by means of rational arguments in favor of the theory and against alterna-
tives. To be sure, even this commitment should be brought under scrutiny when we
think as philosophers, as the fourth essay does. The book as a whole can be thought
of as an invitation to participate in rational debates on the basic standards by which
we evaluate modern political societies and their place in the world.

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In this volume we attempt to capture the main currents of contemporary political
philosophy as practiced, for the most part, in the so-called analytic style but with
due attention to alternative approaches. This is perforce a selective enterprise, where
many themes are left in the background despite their importance and relevance.
Surveying the present landscape, though, suggests certain dominant preoccupations
as well as trajectories in new directions. In this Introduction, then, we will discuss
some of the main trends and topic areas that have preoccupied political philosophers
in the current landscape and, in so doing, provide a brief overview of the excellent
papers contained in the volume.

Questions of Method

How should political philosophy proceed? What mode of thought should predominate
in theoretical exchanges about such complex and tortuous controversies as are the
subject matter of politics? The legacy of the European Enlightenment, and the modernist
philosophical framework it helped spawn, has long suggested that “reason” in some
form provide the fundamental basis for moral principle and thus, by extension, the
justification of political principles. However, much nineteenth- and twentieth-century
political and philosophical thought insisted that we reappraise the role of reason in the
justification of political positions especially given the pervasive human tendency to
be irrational, moved by subconscious motives, given to rationalizations and subterfuge,
and so on, not to mention the fact that various injustices that were supported by
“reason” in those Enlightenment (and later) thinkers themselves.

Stephen White, in Chapter 4, takes as a starting point the radical challenges to
the modernist approach to political justification, challenges which pointed out these
patterns of subterfuge and domination under the banner of reason. In his examina-
tion of the aftermath of these challenges, he surveys ways that being “reasonable”
might now substitute for a traditional foundational understanding of the grounding
of principles in untethered “reason.” He proceeds to examine the way “reasonableness”
functions in four areas of political discussion: the justification of basic social and
political structures; the foundations of ethical-political judgments; and the struggle
for recognition of identity. He considers the ways that seeing ideal rationality as a
personal and social (and philosophical) ideal has, in the past, led to all manners of
exclusion and domination (specifically of those “others” who were by implication
labeled “non-rational”). He traces the idea of “reasonableness” as a substitute for the
traditional idea of reason as the foundation of political power in ways that is more
sensitive to our many and deep differences as well as our mortality and finitude.
White’s essay differs from most of the others here both in style and perspective; this is due to his focus on ways that paradigm methodologies in political philosophy have been questioned.

One of the key issues in political philosophy is the relationship between ethical theorizing and social science. This issue pervades many of the discussions in political philosophy. But it is nowhere more in evidence than in John Rawls’s political philosophy. On Rawls’s view many of the fundamental principles of justice depend for their validity on facts about human nature and society. For instance, Rawls asserts that the virtue of justice only arises in the context of the circumstances of justice in which humans are only moderately altruistic and there is moderate scarcity of the things that people want. Furthermore, Rawls argues that the principles of justice are those that would be chosen by individuals in a suitable set of circumstances and assuming knowledge of the general facts about human nature and society. More generally, many have argued that principles of justice must be feasible in order for them to be valid. Thus, facts about feasibility constrain the choice of principles. So the complete carrying out of the project of elaborating and justifying fundamental principles of justice requires a good deal of social science and psychology.

G. A. Cohen has questioned this frequently cited methodological constraint. In his contribution in Chapter 2, he argues that the fundamental principles of political philosophy must be fact insensitive. By this he means that the truth or validity of fundamental principles of political philosophy must hold regardless of the facts. To the extent that facts play a role in these principles, it is a conditional one. That is, facts affect the conditions under which principles are to be applied, they may also be present in principles as conditions for requirements. But any fact that appears to play a fundamental role does this only because there is a deeper grounding principle that explains this role. Ultimately, Cohen argues that this grounding relation must terminate in fact insensitive principles.

Samuel Freeman responds in Chapter 3 to Cohen’s challenge by defending the Rawlsian account of the relation of facts to principles of justice. His reply depends on making a distinction between fundamental principles of conduct such as principles of justice and fundamental justificatory principles such as the principle of impartiality, and the freedom and equality of persons, which determine for Rawls the need for and the nature of the initial position in which persons are to agree on principles of justice but are not themselves fundamental principles of conduct. The idea is that principles of conduct can be fundamental in the sense that they are not grounded in any other principles of conduct even though they are grounded in facts and fundamental justificatory principles, which are not principles of conduct though they are normative principles.

This exchange raises the broader question of what kinds of facts might be relevant to the shape and legitimacy of normative political principles. Facts about the historical and sociological conditions of democratic societies, to which such normative principles are to apply, might include, for example, a record of poverty, social hierarchies, violence, and division. Actual constitutional democracies that even pretend to be fully inclusive and egalitarian, after all, are very recent phenomena. This speaks to a broader issue of whether political philosophy should proceed in an ideal fashion, where past and ongoing patterns of injustice, domination, and violence are ignored or bracketed in order to specify the precise nature of normative principles. Are the
principles that would be justified under relatively ideal conditions the same as would be required in real world settings where centuries of inequality and oppression have left their marks (and continue unabated in many settings)?

However, when one does turn to the specification and justification of normative principles for a society, one paradigm has dominated the landscape in many ways, at least since the seventeenth century in Europe and continuing to the present day, and that is the paradigm of liberalism. There are many forms of liberalism and several fundamental components to it, but the domination of this framework for normative political principles in recent decades is notable and indeed is even taken for granted by liberalism’s several critics. It is fitting, then, that this paradigm be represented in full force, including many of the central issues raised about and within it in recent work in political philosophy.

**The Troubled Dominance of the Liberal Paradigm**

“Liberalism” refers generally to the broad approach to the justification of social and political power that sees such power as legitimate only if it is based on popular sovereignty, the rule of law, and the protection of basic rights and liberties of individuals, whether these basic rights are seen as derivative from universal (moral) principles or simply the required postulates of a political compromise based on the freedom and equality of citizens. Several issues in political philosophy arise concerning the core elements of this paradigm. One such element is the idea that insofar as just political institutions must meet with the popular approval of those living under them, they must remain neutral toward all of the various value frameworks and moral views those citizens follow. This is supposedly in opposition to the more ancient view that the purpose of state institutions is to advance the virtue or good of the citizenry, where those concepts are defined objectively and apart from citizen consent. But the question of whether state neutrality is feasible and what its implications are is a prominent one in recent philosophical work.

**State Neutrality**

In Chapter 5, Gerald Gaus defends a strong version of liberal neutrality, which he traces from a view of morality generally and concepts of freedom and equality in particular. He argues that all coercion of one person by another person (or state) without sufficient justification is prima facie morally wrong, and that to justify coercion to another moral (free and equal) person we must provide sufficient justification from her (rational and reflective) point of view. Such a position, then, implies what he labels “Liberal Moral Neutrality.” This principle states that in treating all others (in ways that may involve coercing them) we must be neutral between our own and their evaluative standards, their moral point of view. Then, if we assume that states must follow moral dictates that apply to persons (and he claims we should), then a principle of Liberal Political Neutrality follows, namely that state policies must be neutral between (justifiable from the point of view of) all citizens. His arguments for these claims are painstaking, and the conclusions he draws are dramatic, namely that very few state policies are in fact justifiable by these standards, since very few
of them could plausibly be justified from all reasonable and reflective evaluative standards given people’s deep differences in moral outlook and ranking of values.

Neutrality is typically pitted against perfectionism, which is generally the view that state policies, rather than claiming some kind of neutral position vis-à-vis moral value, should actually promote the most worthwhile values and ideals for their citizens. Stephen Wall defends such a view in Chapter 6. He claims that liberal neutralists such as Gaus (as well as political liberals like Rawls and others) cannot consistently justify their view that disagreement about conceptions of the good can give way to consensus about (supposedly neutral) procedures for determining the right. Wall questions whether there we can ever devise procedures that are justifiable from a broad spectrum of citizen points of view and that have specific content without relying on perfectionist values in the end.

Wall and Gaus may not be as far apart as they first appear, as both agree that a purified conception of liberal neutrality leads to very little in the way of justified state policy. But Wall favors the alternative to liberal neutrality, namely that the state should promote lives of its citizens that are in fact “worthwhile.” Some values, Wall claims, are justified on objective grounds, even if some people do not grasp those grounds.

Distributive Justice

Principles of distributive justice have been at the heart of debates in political philosophy in the second half of the twentieth century and the early twenty-first century. The basic questions of distributive justice concern how the good things of social life such as wealth, power, or honors ought to be distributed. In the modern era many have asked a somewhat more abstract question of distributive justice: how ought happiness or opportunity or other intrinsically good things in human life be distributed? And in modern political debates, many have argued that the great inequalities of wealth or opportunities we see are morally indefensible.

The classical tradition of political philosophy in Plato and Aristotle articulated and defended principles concerning the just distribution of goods in society. Aristotle argued that wealth and political honors should be distributed in accordance with merit. The more virtuous persons in political society deserved to have more political power than the less virtuous. The scholastic natural law tradition carried on Aristotle’s tradition of distribution according to merit but theoretical discussions of distributive justice waned in the seventeenth century. Hobbes thought that considerations of distributive justice were not of fundamental importance, and Locke makes no mention of distributive justice, though the satisfaction of needs plays a central role in his thought. The idea begins to make a reappearance in theoretical discussions with John Stuart Mill and Karl Marx, who is responsible for articulating the deeply egalitarian principle: “To each according to his needs and from each according to his ability.”

The person most responsible for the revival of interest in the theoretical grounding and elaboration of principles of distributive justice in the second half of the twentieth century is John Rawls in his A Theory of Justice. Rawls thinks of the whole of social justice as being concerned with questions of distribution. He articulates two central principles of distributive justice. The first principle is that each person is to have the
maximal amount of basic liberty consistent with an equal basic liberty for all. The second asserts that each is to have fair equality of opportunity and that inequalities of wealth and power are justified only if they work to the advantage of the worst off. Rawls's arguments and principles have been taken by many as reasons for reducing the levels of inequality of wealth and power in society subject to the restriction that we must not intrude in the basic liberties of persons.

Contemporary debates about distributive justice focus on two sorts of questions. The first is whether distributive justice is a genuine part of justice at all. Libertarians have famously argued that there really is no such thing as distributive justice as a distinct moral set of principles. Robert Nozick (Anarchy, State, and Utopia), for example, argues that the distribution of goods is just to the extent that it comes about through a process of voluntary exchange among persons who have property rights to the things they exchange. Any concern to redistribute goods so that the distribution accords more with some principle of distributive justice, he claimed, would involve a deep interference in human freedom to which each has a fundamental natural right. Eric Mack's contribution in Chapter 7 attempts to give a philosophical grounding to an account of distributive justice that continues in the Nozickian line of analysis. Mack follows Nozick in seeing rights to self-ownership and companion rights to private property as the cornerstone of distributive justice. Seeing people as “separate,” on his view, means taking seriously the independent importance that any person's well being has for her as compared to the importance it typically has for others (though of course this can vary). The natural and, for Mack, least controversial starting point for theorizing about morality is an assumption of the basic rationality of prudence, that a person has a particular interest in how her own life goes. Mack argues that taking seriously this special importance will be meaningful only if we correspondingly recognize, at the social level, special rights-based protections against others interfering with one's pursuit of one's good. Without these second sorts of protections, the first sort of regard (for the importance of people's pursuing their own good in their own way) has no real weight. This, for him, establishes the fundamental right of self-ownership that justice must always respect.

But Mack proceeds from these basic ethical considerations to specifically libertarian conclusions, namely that protecting people's rights to non-interference and by extension their right to full private property rights (as an extension of this basic self-ownership) is the central tenet of distributive justice. No further attempt to equalize people's chances at achieving well-being or in any other way promoting the “public good” should proceed unless these basic rights are respected. This means that the extension of these personal rights to non-interference support property rights to “extra-personal” objects and material. The “practice of private property,” as he puts it will protect individuals from the intrusions by others that basic self-ownership forbids.

This attention to basic self-ownership – that we all have fundamental moral rights against all others to move and use our bodies, develop our talents, and otherwise pursue our goods, within the bounds of others' rights of the same sort – also grounds Peter Vallentyne approach to justice (Chapter 8). But Vallentyne takes a turn from here, in that he suggests that the protection of self-ownership rights of the sort Mack lays out is consistent with a number of different positions on the principles governing the overall distribution of goods. The “right-libertarian” stance of the sort Mack aligns himself with, combines individual self-ownership with individual capitalist
property rights in the basic principles of distributive justice, resulting in a prominent role of free markets and minimal state interference in capitalist economic activity in the society. But Vallentyne rejects this position, and pursues instead the “left-libertarian” strategy of claiming that justice requires the protection of individual rights to self-ownership along with “equal opportunity left-libertarianism,” which insists any individual claim of property ownership must be consistent with others having an opportunity for well-being that is at least as good as the opportunity for well-being that the first person has in acquiring the property. This is a strict egalitarian approach to the distribution of resources built upon the kind of moral individualism that theorists such as Mack emphasize.

Vallentyne’s position illustrates the way that in many accounts of distributive justice, equality plays the central role in conceptions of justice in modern political philosophy. Historically, the principle of equal distribution is associated with democracy. Citizens in Athens and other Greek city-states claimed rights to an equal amount of political power on the basis of equal citizenship. And Aristotle cites this principle of equality as the foundation of democracy. He criticized the idea of equality on the grounds that the more virtuous deserved greater power than the less virtuous. To be sure, no one in ancient Greece argued for universal equality, women and slaves were to be excluded from political power by both the democrats and by Aristotle. On Aristotle’s view, distributive justice was to be understood as proportionate equality. That is, each person was to receive in proportion to his merit so that the proportion of benefit to merit is the same. And this conception of distributive justice was to be the dominant conception through the scholastic period.

Though Rawls did not defend an egalitarian principle, the principles he does defend are close to egalitarian ones. The first principle is a principle of equal liberty and the second principle includes a principle of equal opportunity and a principle that takes equality of wealth and power to be the baseline from which departures must be justified. And Rawls is the main source for one of the principal contemporary arguments for equality. Rawls argues that differences in people’s meritorious qualities should not serve as the basis for differences in the distribution of social goods. The reason for this is that differential meritorious qualities are primarily the result of factors for which the persons who have them are not responsible. To think that I can deserve greater rewards for qualities for which I cannot be held responsible is to think that I can deserve more good things than another merely as a result of my greater good luck, which seems quite arbitrary. Indeed, a large part of a person’s ability to navigate successfully in the modern world is due to good family background and education and other environmental factors available to some and not to others. These are factors for which the person in question is not responsible. Rawls takes this argument one step further when he says that the natural talents I am born with that make a great difference in how well my life goes are also features that I am not responsible for. I am born with them. The final step in this argument is to deny that even differential efforts ought to be the basis of differential rewards. Rawls argues that the amount of effort I am willing to put forth is itself in significant part a function of environmental factors and natural talent. So even differences in effort could often be attributed to differences in background conditions for which persons do not have responsibility.

Larry Temkin’s contribution (Chapter 9) defending the principle of equality as a comparative principle of distribution takes this kind of Rawlsian argument as given.
He tentatively endorses the formulation that one person’s life should not go worse than another’s life through no fault of his own. Only qualities or actions for which people can be held responsible are legitimate bases for differential rewards. Temkin generalizes the basic idea by saying that departures from equality must be fair and that no one ought to suffer unfair disadvantage relative to others. This is in order to capture the idea that it is not unfair that a criminal who has not been caught by the police suffers disadvantage through no fault of his own.

Temkin then discusses the question of what equality should be equality of. The traditional account of equality has been of equality of wealth or income. But most have rejected this kind of metric of equality on the grounds that some people are much needier than others because of health problems or disabilities (for which they are not responsible). The natural conclusion seems to be that each should have equality of well-being. But the worry here is that some persons may exploit a concern for equality of well-being and develop highly expensive tastes, which require the redistribution of resources to them. So this has led some to prefer equality of opportunity for well-being or equality of resources so that people have the opportunities to achieve the same level of well-being but they also have the opportunities to pursue more expensive projects without being able to impose the costs on others. Temkin’s position is to endorse a pluralism with respect to these different kinds of equality, a pluralism that accords with a more general moral pluralism that he also endorses. One of the main, indeed perhaps the main objection to the principle of equality is what is called the leveling down objection. Some have thought that a commitment to a principle of equal distribution implies that one must always prefer an equal distribution of good to an unequal distribution even if everyone is better off in the unequal distribution. Not all egalitarians accept that the principle of equality has this implication. Temkin does accept it, though. He argues that it is not an objection, it only shows that the principle of equality is not the only principle of morality. He claims that our aversion to leveling down is not explained by a rejection of the principle of equality, it is explained by the fact that in addition to a principle of equality we also think it is morally important to advance well-being. And he says the principle that enjoins advancing well-being overrides the principle of equality in this instance.

John Kekes argues against the principle of equality in Chapter 10. His principal objection is to the idea that persons are owed equal concern and respect, sometimes taken as a key ground of the principle of equality. On his account the idea that persons are moral equals is highly implausible. He complains first that no one has offered any justification for this principle of equal moral status and most seem to think that none is needed. This complaint is sharpened by the observation that we do not think of people as equals in many important circumstances. Parents do not treat their children as the equals of other children; citizens do not treat foreigners as the equals of fellow citizens; and criminals are not treated as equals with ordinary law-abiding citizens. Kekes considers a number of possible ways of blunting the force of this kind of objection and finds them all wanting. He also objects to egalitarianism on the ground that it seems to criticize what is a necessity for the social organization of the vast majority of developed societies: the existence of inequalities in prospects among persons in those societies. Moreover, he argues that the only genuine source of appeal for equality is not a concern for equality per se but a compassion for those who are badly off.
Kekes defends what he calls a reasonable alternative to egalitarianism. It starts from the observation that certain conventional rules are necessary for the maintenance and flourishing of societies. He enumerates three central kinds of rules (without claiming that this is an exhaustive list): those pertaining to family and special relationships, those pertaining to compliance with promises and contracts and those protecting the security of persons. These conventional rules are such that those who abide by them deserve praise and those who violate them deserve punishment. Furthermore these rules also subvert equality by creating special obligations towards family members and persons to whom one has promised things or made contractual relations with. And these inequalities are essential to the maintenance of society, so Kekes argues that egalitarianism subverts societies and is therefore dangerous.

Democracy

The ideal of democracy was first explicitly articulated, as far as we know, in ancient Greek city-states around the sixth century before the Christian era. In these societies all free males were equal citizens, and women, slaves and laborers were excluded. Even this modest form of democracy was undermined in the ancient world by the development of large empires and by the work of philosophers who argued that power ought to be in the hands of the most virtuous or the most knowledgeable. The arguments of Plato and Aristotle were for the most part unanswered for over 2,000 years. This answer came, though, with the idea that those governed by the power of a sovereign ought to be the ultimate source of that sovereign’s legitimacy. The idea of popular sovereignty was developed by a few medieval thinkers but the rise of democratic thinking must wait until John Locke, Jean-Jacques Rousseau and John Stuart Mill to reach its fruition.

One of the major issues to be dealt with in the theoretical development of democracy is how to accommodate the demands of equal citizenship with a large nation-state. Rousseau thought that equal citizenship was only possible in a small city-state. James Madison agreed with him but thought that some kind of citizen participation was possible in large nation-states and indeed he argued that in some respects it could be more successful than city-state republics. John Stuart Mill is however the most important thinker to try to show how the demands of active citizenship could be made compatible with and indeed enhanced by the large nation-state.

In contemporary theorizing there are two main sources of debate concerning the normative underpinnings of democracy. The first is whether democracy is merely instrumentally justified or whether there is some intrinsic merit to democratic ways of making decisions. Some have thought that if democracy and indeed any political institutions are justified they must be justified by reference to the consequences such political institutions have for the society in which they rule. Hobbes, for example, thought that political institutions were to be evaluated solely according to their propensity to establish social peace in the society and argued that monarchy was superior to democracy in this respect. But one could evaluate democracy or political institutions more generally in terms of the quality of legislation that is produced, the quality of the relationships that arise in such societies and the quality of character traits that are generated in such a society.
Richard Arneson and Russell Hardin both argue forcefully for an exclusively instrumentalist approach to the evaluation of democracy. Arneson’s master argument in Chapter 11 is that whenever a person exercises power over others the legitimacy of that exercise of power must be evaluated in terms of the consequences it has for the rights and interests of the persons over whom power is exercised. Arneson also argues against the idea that democracy has intrinsic value by defending the idea that inequality of power is a necessary feature of any political society in which a division of labor is necessary and in which the input of any particular citizen is extremely small. This is important because the usual reasons given for thinking that democracy is intrinsically valuable is that it realizes a kind of equality among citizens in the making of collective decisions. Arneson also thinks that we do not require democratic decision-making in voluntary associations in societies and seem perfectly happy with the hierarchies we live with in corporations, universities and churches. He argues that if we really thought equality in the process of collective decision-making were required, we would require it in these associations.

In Chapter 12 Elizabeth Anderson argues, to the contrary, that democracy has intrinsic value. That is, it is important not only that we have our interests advanced in our political societies but that we advance them ourselves and don’t have them handed on a platter to us. Our participation is essential. Anderson makes an analogy with shopping. She thinks most of us don’t merely want to have our interests in having consumer goods satisfied, we want to go about getting the things for ourselves, with all the deliberation and experimentation that this involves. Anderson’s argument is not primarily based on equality but rather on a deep interest in participation. She places the democratic process narrowly conceived within the context of a larger democratic society in which people treat each other as equals in ongoing processes of cooperation and experimentation.

**Deliberative Democracy**

The other issue that has been particularly prominent in modern debates about democracy has been the question of deliberative democracy. By deliberation we mean the participation in discussion and debate of citizens in society with an eye to giving reasons for their positions and being open to the reasons that others give for their own positions. The ideal of deliberative democracy is that collective decisions are made as much as possible on the basis of this good faith exchange of reasons and ideas among citizens. Contemporary debates focus on the feasibility of deliberation in democracy as well as its desirability. The first question concerns whether deliberation on a large scale is feasible. In Chapter 13 Russell Hardin argues that deliberation on a society wide scale is neither feasible nor desirable. His fundamental concern is grounded in the minimal influence ordinary citizens can have on the political process of any modern state. The idea is that since citizens have so little impact on the outcome of elections, they have virtually no incentive to acquire an even modest ability to engage in the kind of sophisticated deliberation envisaged by deliberative democrats. Hardin thinks that most people are for the most part self-interested so they are simply not going to do what is necessary for participating in deliberation. So large-scale deliberation is not likely to come about. But such deliberation is not desirable either since he thinks that given its large scale and
low levels of citizens’ information the deliberation would be of quite low quality. Furthermore, Hardin argues, it is better for citizens to spend the limited time they have devoting themselves to the productive jobs they have and to their private lives where their knowledge can make a significant difference. Joshua Cohen worries about the feasibility of deliberation in large-scale democracies as well (Chapter 14). He argues that deliberation is an ideal because he thinks that it is most likely to produce justice understood as the terms of association free and equal persons would agree on if they were reasonable and rational. Deliberation also has beneficial effects on the understanding and characters of citizens. And finally deliberation among equal citizens embodies an ideal of mutual respect. However, Cohen is concerned with whether deliberation in actual societies can live up to the ideals of deliberative democracy. He discusses the worry that deliberation might in fact empower those who are well to do and well educated over others and thus increase the inequality of power in modern political societies, but he marshals empirical evidence that the poor in various closely studied cases were, through deliberative participation, able to enhance their political power. He is also concerned with some recent arguments that deliberation may not produce reasoned discussion but rather group-think and narrow-mindedness. In his view, this possibility calls for good institutional design as a remedy. Cohen is also concerned with the problem of scale. The studies he cites in favor of deliberation tend to be studies of small groups. The big question is whether this can be scaled up. Cohen is cautiously more sanguine than Hardin on this question, based on the observations that people can learn how to participate as equals in more local contexts and use these skills in larger settings and that civic institutions such as interest groups, political parties, and the media can enhance deliberative capacities.

Constitutionalism

An issue mentioned earlier was whether liberal democracies must have in place legal structures that define and protect basic rights and liberties prior to and independent of the workings of democracies. This is what constitutions do. A constitution is a set of laws that enables and structures the process of collective decision-making and sets limits to what collective decisions may be made. It subjects the process of making law to the rule of law. The big questions concerning constitutionalism have been whether a written constitution is necessary, whether constitutions must include both laws enabling the making of legislation and limiting the power of the legislature, and whether constitutions should be legally enforced by an independent judiciary.

In Chapters 15 and 16 Jeremy Waldron and Larry Alexander articulate the different purposes for constitutional arrangements and focus on the issue of the limits constitutions can impose on democracy. Waldron argues that aside from the work that constitutions do in enabling collective decision-making, their capacities to limit subsequent democratic decision-making are problematic particularly when supplemented with an independent judiciary with powers to legally enforce limits on the decision-making of democratic assemblies. Waldron worries that this allows earlier decision-makers to constrain latter decision-makers even though there may be good faith disagreement between them. He also sees that it allows an independent and unelected judiciary to constrain a democratic legislature on issues on which there is also good faith and reasonable disagreement. Here Waldron proceeds from a conception of the
intrinsic value of democratic decision-making in circumstances where there is seri-
ous good faith disagreement among equals and argues that it is unclear how it
 can be legitimate in these circumstances to give decision-making power to unelected
judges.

Alexander’s chapter gives an account of the different dimensions of constitutions.
He gives an account of the different steps in the construction of constitutions and
attempts an account of their basic nature and functions. Alexander takes issue with
Waldron’s thesis that constitutional limitations on democratic legislatures coupled
with judicial review is illegitimate. Ultimately his argument proceeds from a largely
instrumentalist account of the value of democracy. Since democracy and all political
institutions are to be evaluated solely in terms of the results of democratic institutions,
Alexander sees no fundamental reason why constitutional limitations and judicial review
ought not to be imposed on democratic legislatures. The relation between constitutions
and democratic activity strike at the center of the philosophical examination of the
promise and limitations of the liberal project, for it raises the issue of whether prin-
ciples of justice can be justified on philosophical grounds prior to, and independent
of, contextual factors about societies, citizens, and institutions. This continues the
question of the viability of the liberal project particularly in raising the issue of whether
normative political principles can apply universally across populations and independent
of specific facts about people and societies.

The Political Person

All normative political theorizing presupposes what Michael Sandel has called a “politi-
cal anthropology” in that they rest upon a model of the person or self or citizen
that is understood as those who are subject to those principles. How one models these
subjects will affect the content of those normative principles in at least two ways.
First, such models reflect the basic interests that human beings, as members of
societies, share and to which political structures should respond.

Second, the model of the person represents the perspective from which the legit-
imacy of political institutions is established. That is, if one follows in the wake of
the social contract tradition in seeing that the basic institutions of political power
are justified only if the persons living under them, in some sense, agree to, accept,
or endorse them, then the way in which we model those persons will affect whether
we think this kind of endorsement is possible or likely.

Traditionally, the liberal approach to these questions is to put forward what was
taken to be a generic, neutral conception of the person (and her interests) as the
linchpin of conceptions of justice. However, from a number of directions this assump-
tion has been challenged, for example over whether such a “generic” conception of
the person is really a disguised form of privileging some kinds of people over others.
For instance, the charge is made in different ways that the liberal conception of the
person is overly individualistic in that it assumes that persons’ fundamental inter-
ests are concerned only with the pursuit of their own individually formulated ends.
Such a model of the person renders less significant the needs and interests (as well as
the self-conceptions) of those people who define themselves with fundamental reference
to groups, cultures, and communities. Such people and groups, it is claimed, are not
adequately represented by the model of the person/citizen in standard liberal con-
ceptions of justice.

Beginning in the 1980s, this challenge arose from the so-called “communitarian”
critique of liberalism, exemplified most forcefully by writers such as Charles Taylor,
Michael Sandel, Michael Walzer, and Alasdair MacIntyre. Richard Dagger and
Margaret Moore engage with this debate in their chapters here, taking us from the
original formulations of the communitarian challenge and bringing things up to date.
Dagger in Chapter 17 helpfully lays out the main prongs of this challenge to liber-
alism as well as some now standard liberal rejoinders. For example, to the claim that
liberalism assumes a problematic conception of the person as somehow “prior to” all
her ends and values, liberals reply that this is a misunderstanding. Conceptions of the
person in liberal principles of justice require only that no particular end or purpose
is immune from re-examination, not that all ends and commitments could be set
apart from my self-understanding and accepted or rejected in toto.

This is a debate that, on the terms in which it was staged, liberalism largely won:
to the extent to which the value of communal ties to groups and traditions was meant
to trump the protection of basic (liberal) rights afforded to individuals, no plausible
view would insist that protection of the community is more crucial. But the debate
did, Dagger explains, force liberals and other theorists to look more carefully at the
relation between self and community that principles of justice assume. For example,
Dagger looks closely at the ideas of “individualism” and “community” to suggest that
some conceptions of these two political ideals may well face challenges from the
other direction. For example, he favors a conception of community which is narrow
enough to capture the uniqueness and importance of communal relations for many
people but leaves open the ultimate value of communities – some are good and worth
protecting politically, others not so much. The upshot, however, is that insofar as
communal connections do or should take on a political dimension, the resulting
political view amounts to civic republicanism – the view that one’s freedom and well
being is defined, protected and promoted by one’s status as an equal citizen in a
self-governing democracy. This view has now gained prominence among various
theorists, some of them latter-day “communitarians.”

Margaret Moore, in Chapter 18, picks up this discussion but suggests that, contrary
to the way this debate was fashioned in its earlier form, the challenge to liberalism
waged by both communitarian and multicultural theorists (about which more below)
cannot be resolved abstractly but will depend on and vary according to the contexts
in which they play out. Moore sees the communitarian challenge to have morphed
not into republicanism of the sort just mentioned but into identity-based critiques of
the assumption of the generic individual citizen central to liberalism. This challenge, she
argues, has more bite in that it raises serious questions about whether the liberal con-
ception of the citizen can accommodate the demands of “difference” – the variable and
culturally grounded modes of identity that are increasingly found in modern societies.

Moore discusses how identity-based claims should have an importance to which
(liberal) theories of justice must respond for a number of reasons, for example that
social identities and the interests connected to them are often central to the person’s
sense of self, and that it is therefore inconsistent with respect for people’s integrity
to ask them to pursue social goals that deviate significantly from this self-conception.
However, some claims of this sort can be accommodated under neutral political

Thomas Christiano and John Christman
principles by allowing exemptions from general rules, such as allowing Sikhs to wear turbans instead of motorcycle helmets. Such exceptions can be derived from the more abstract liberal commitment to equality: treating people fairly involves affording different treatment to people who are different in significant ways, in the same way that conscientious objection exemptions are allowed for military service.

But a more trenchant challenge to liberal neutrality, Moore points out, comes from cases in which members of identity groups require policy responses that afford positive recognition of needs rather than simple toleration, such as calls to reform marriage laws to allow gay and lesbian marriage. Classical liberal versions of toleration simply respond to such claims by allowing activities (without criminal penalty) as simply a private matter. But in these cases, group members call for positive affirmation of a way of life, an affirmation that requires restructuring public policies in a zero-sum manner relative to the traditional practice. The particular resolution to these problems, she argues, cannot be determined in the abstract but only in a context-dependent manner that looks carefully at realistic options for treating all interests equally.

This attention to historical context echoes considerations mentioned earlier about the relations between abstract normative political principles and facts about the people and society to which those principles are to apply. Political critique and evaluation relates to particular kinds of societies such as the constitutional democracies of the late modern age. Such social settings are (assumed to be) characterized by sub-populations with differing identities and contrasting commitments to values, religious affiliations, and so on. This is all part of what Rawls calls the fact of (reasonable) pluralism. But in addition to these differences in value frameworks and moral commitment, there are differences in relation to historical experience. Sub-populations in modern democracies have in fact experienced what any plausible theory would call injustice and oppression, as in the experience of racial minorities, women, and indigenous peoples. All of these historical (and ongoing) patterns of oppression are said by some to be relevant to the normative principles that are intended to apply to these geo-political locales.

In Chapter 19 Anthony Laden begins with the observation that political philosophy generally develops in reaction to social events and movements. In particular, the rise of social movements characterized by a politics of identity – feminism, the civil rights and gay rights movements, calls for cultural recognition and group rights – put pressure on the standard liberal doctrines of difference-blind equality, where the assumption was that abstract principles of liberty and equality would apply to all regardless of particulars of identity or social situation (except insofar as that was relevant to whether individuals were equal or unequal). The perceived failure of liberal policies, for example of enforcing anti-discrimination law and guarantees of equality of opportunity – to achieve meaningful equality for traditionally oppressed groups caused a re-thinking of liberal theory. As Moore suggests, there is a complex dynamic between policy conflicts in particular contexts, such as calls for particular rights or exemptions by specific social groups, and revisions of abstract principle. Laden agrees, as he traces the debates between critics who claim that liberalism is insufficient for accounting for the special injustices suffered by identity groups and liberal theorists attempting a response.

The particular forms of injustice contested in the demands for full equality by women and minority groups, calls for recognition by cultural groups, and in arguments for
self-determination rights by national minorities, are not easily accounted for in the standard liberal paradigm. That paradigm remains hamstrung in classifying these kinds of injustice as either violations of basic individual rights, types of discrimination (denying equality of opportunity), or a mal-distributions of resources. But these social movements call for an end to kinds of oppression and marginalization that are not easily classified in these ways. Laden helpfully traces the give and take between identity-based critiques of liberal justice and various attempts by liberal philosophers to respond. In the end, however, he argues that a more fundamental revision of liberal justice must be pressed to take account of these challenges. In particular, he claims that justice should be seen not in terms of individual rights and conditions but rather in the kinds of social relations that should be enjoyed in a legitimate democracy.

Iris Young confronts these issues in Chapter 20 with reference to the “politics of difference,” a phrase that she prefers strongly to the “politics of identity.” Identities are, she thinks, always contestable in that the particular contours of our gender, ethnic, or racial identities, and the particular interests that attach to them, are not fixed quantities or settled matters. In her essay, she contrasts two ways of responding to struggles by social groups of the sort we are discussing, which she calls the “structural inequality approach” and the “societal culture approach.” The latter is most associated with those liberal philosophers such as Will Kymlicka, Joseph Raz, and several others, who have attempted to explain the injustice of group oppression without forsaking the fundamentals of the liberal commitment to individual rights based on autonomy and equality. The crucial step in this type of argument, though, is the claim that the groups in question (upon whose behalf the critiques of liberal justice are made) form a homogeneous cultural unit that its members see as giving meaning to their life pursuits. But Young argues that such an approach, while valuable in some ways, cannot give a plausible account of the injustice experienced, for example, by women, racial minorities, and the disabled. This last group, for instance, is victimized not simply by a lack of a resource, such as a skill, but a lack of accommodation or fit between their abilities and the physical environment that is considered normal for the rest of the population. In addition, women suffer inequality because of a gender-specific division of labor that does more than deny opportunities but defines acceptable social roles that relegate women into constraining and stereotypical social categories.

The structural inequality approach, on the other hand, documents how groups interact along social axes that can be characterized by hierarchy and differential privilege in areas of the division of labor, social decision-making power, and the establishment and maintenance of dominant norms of behavior, appearance, dress, and so on. This way of analyzing the injustice of group-based social experience need not rest on problematic assumptions of homogeneity or essentialism about identity groups, something the societal cultures view trips over. Young argues further that calls for a revised conception of justice to take full account of the politics of difference have been often misunderstood because it has been assumed that such conceptions share the traditional liberal view that questions of justice only apply to the formal, coercive institutions of the state. She claims that many aspects of civil society that underlay oppressive social conditions enforce dominant norms less formally (though sometimes quite coercively), and these patterns of behavior and relations must
also be the subject matter of political critique and philosophy. This marks a profound
departure from traditional (liberal) political philosophy that began with the question
of what justified legitimate state power and rarely looked beyond the operations of
what Rawls calls the institutions of the basic structure.

**International Issues**

**Cosmopolitanism**

Contemporary political philosophy until recently has focused largely on individual
political societies and their evaluation. John Rawls explicitly limited his theory of
justice to consideration of the justice of an individual political society understood
as a closed system which people enter into by birth and exit by death alone. This
focus on the individual state as the unit of concern for ideas of justice is common
to political philosophy since Plato and Aristotle. In part it has been supported by the
two main traditions of thought on international relations: realism and natural law
theory. Realism, first articulated (though not necessarily endorsed) by Thucydides in
ancient Greece asserts that the world of states constitutes a kind of violent anarchy
in which moral norms do not hold between states even while they do hold within
states. The principles of justice obtain only among relations between persons within
states. The second view articulated most clearly in the scholastic and Protestant
natural law theories of Francisco de Vitoria and Hugo Grotius asserts that the international system is a society of societies. On this view there are independent political societies that owe each other duties of non-interference, duties flowing from voluntary agreements and duties of aid in times of profound crisis such as attack by other states. The principles of just war and of global justice more generally are modeled on the principles that apply to domestic political societies. This view gives pride of place to domestic political societies in the development of international norms and theorizes about international society on the basis of analogies with domestic political societies.

Still, cosmopolitanism is not an entirely new doctrine in political philosophy. The stoic philosophers invoked the idea of a citizen of the world. But political reflection in defense of the idea of world government was given an early articulation by Dante Alighieri. Another more modest defense of global political institutions was given by Immanuel Kant, though he defended not world government but a federation of the states of the world. And much socialist and Marxist thought conceives of workers as part of an international movement for the establishment socialism.

The modern era has called the prominence of the state in political theory into
question because of the myriad relations that citizens of one society hold with those
of other societies. The massive expansion of international trade, finance, communica-
tions, transportation and migration of peoples and the increasing awareness of
public evils such as pollution and global warming coupled with the rise of interna-
tional institutions that have significant political power tie persons in all parts of the
globe with each other. These facts make salient questions of distributive justice on
a global scale and questions about the legitimacy of global political institutions as
well as about moral norms of a global reach more generally.
One question of particular interest to contemporary political theorists is the question of the proper scope of principles of distributive justice.Cosmopolitans with respect to distributive justice such as Simon Caney (Chapter 21) have argued that the proper scope of principles of distributive justice is a global one. The principles of equality of opportunity ought to apply to everyone in the world so that a child born in Malawi ought to have the same valuable opportunities as a child born in Sweden. This is a striking and ambitious claim that seems to imply more or less immediately that the world is profoundly unjust. The fundamental argument for this thesis is that the political society one is born into is something for which one cannot be held responsible. So one person's life should not go worse than another's on the basis of the fact that one was born in one political society and another in a different political society. The reader will see the similarity of structure in this argument to the basic arguments for egalitarianism. Caney defends this argument against a number of recent objections from a number of quarters.

One such recent argument is proposed by Jon Mandle in Chapter 22. Mandle argues for the conclusion that principles of distributive justice apply particularly within the context of a political community and not to the world as a whole, at least as long as it is not a unified political community. The basic argument Mandle gives proceeds from a conception of justice that ties it to freedom in a distinctive way. Mandle argues that the foundation of justice is the principle that one may not subordinate the wills of others to one's own. He argues that in the case of individuals in the world, not related through political institutions, this requirement of non-subordination implies that one may not violate their basic human rights. If I enslave or kill another person or fail to help in providing them for their basic human needs in order to advance some arbitrary aim of my own, I am subordinating that person's will to my own. But beyond this, there is no requirement of distributive justice for people generally. For Mandle, the picture changes when we live under common political institutions that are coercive and expect compliance. In this case, he says, we do subordinate another's will to our own if we impose laws or institutions on him that cannot be justified to him. Only if the laws and institutions that expect him to comply can be justified to him can he be said not to be subordinated. Mandle thinks that it is in the context of this requirement of mutual justification of law and institutions that the requirements of democracy and then of distributive justice arise and not otherwise. So it is only within domestic political institutions that considerations of distributive justice have application. And so the international realm ought to be regulated by institutions that respect human rights but not distributive justice.

Human Rights

The great majority of contemporary political philosophers, cosmopolitan and non-cosmopolitan alike, agree on the central importance of human rights in the evaluation of the international order. Everyone owes respect for the human rights of every other person. There have been many disagreements, however, about how such rights ought to be defined and how they are grounded. Are they merely institutional protections of basic human interests conferred by international institutions, or do they have a basis in the natures of human beings? The latter answer is most clearly asserted by the tradition of natural law theory. But many modern theorists have chosen the
former reply. In addition, one of the most hotly debated questions among contemporary political thinkers concerns the content of these human rights. Some have argued that there are only negative human rights, which implies that human rights imply only negative duties of non-interference on others’ parts. Others think that in addition to negative human rights there are also positive human rights, or rights to the positive provision of goods to persons by others. These rights imply positive duties to aid others or to provide them with basic needs. This kind of approach finds some of its most formidable support in the fact that all the central human rights treaties and declarations include both positive and negative rights.

The idea that there are only negative human rights is partly supported by the contribution of Onora O’Neill in Chapter 23. She argues that rights must be correlated with duties. And she argues that negative rights are correlated with negative duties that are easily assignable to all human beings. So each person can make a claim against every other person in the world that that person not interfere or harm them. But, she argues that the situation of positive rights, such as a right to education, is not so easy to understand. Who must provide the education to the person in Malawi? Do we (citizens of the U.S.) have a duty to do this? O’Neill appears to think that this is implausible. Perhaps the state of Malawi has this duty. But in this case, the thought is, we are assigning a duty to an entity that is a contingent product of institutional arrangements. In the case of negative rights we have them against all persons and no institutional setting is required for determining what duties people have, but it appears that in the case of positive rights, the duties must be assigned by institutions and this will depend on a myriad contingencies making them special rights and not human rights. Hence it is not clear how there can be positive human rights.

James Nickel offers an account of human rights that is meant to support the thesis that there are positive human rights to economic and social goods (Chapter 24). His account of human rights is grounded in the idea that respect for human dignity implies the need to protect the fundamental interests of persons. These fundamental interests are in life, agency, and in avoiding cruel and degrading as well as severely unfair treatment. These ground certain fundamental moral claims on others. Nickel argues, then, that the provision of goods, education and health care are necessary to the satisfaction of these fundamental claims. Since human rights are grounded in the fundamental interests associated with human dignity, they can be thought of as universal human rights without the supposition that they entail universal and clear duties on the part of all persons. Indeed, Nickel claims that the primary addressee of human rights is the state in which a person lives and failing that the other states in the international community.

This concludes our overview of the dominant themes of the volume and, we think, of “mainstream” political philosophy as it is currently practiced in academic settings. Much has been omitted, of course, which would be of great interest to the student of political theory. Examples include the nature of political authority, the nature and value of political freedom, the justification of revolution, and other such topics. In addition, there are some of the most powerful challenges to mainstream (especially liberal) political philosophy from theorists outside of the analytic tradition, including critical theory (and the work of Jürgen Habermas), pragmatism (especially John Dewey), and post-modern theory. We might also mention that feminism, critical race theory, and post-colonial studies are not specifically included, though we hope that
the issues raised by attention to identity, democracy, and international justice discussed in the chapters here will permeate these specific trajectories of thought. Though we don’t pretend, of course, to have captured the several and multifaceted aspects of those approaches.

One final note: although this series is called “Debates in . . . ,” we have not held strictly to a debate format here. We think that the topics covered, which are themselves a selective sample of a broad field, do not admit easily of a “for” and “against” format of the sort the word “debate” connotes. We think of these pieces as overviews with distinct point of view, and we have paired the essays so that the points of view tend to be in tension. But all of these issues admit of far more than two sides, and arguments laid out here show common ground as well as disagreement. The purpose here is to provide a cross-section of some of the best thinking about particular topics and to suggest where some of the most trenchant fault lines between contrasting approaches to those topics can be found.