

Introduction

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Since its revival in the 1970s, political philosophy has been a vibrant field in philosophy, one that intersects with political theory (in political science), jurisprudence, normative economics, and just war theory. The Oxford Studies in Political Philosophy series aims to publish some of the best contemporary work in political philosophy and these closely related subfields. The chapters in this volume have been grouped into three topical areas: ideal theory, the moral assessment of states, and issues in social relations.

Part I examines ideal theory, which is roughly normative (e.g. moral) theory that addresses normative assessment under idealized conditions. For simplicity, we focus on justice. Rawls (1999, 2001), for example, holds that full justice is based on the idealizing assumptions that (1) individuals fully comply with the normative demands (strict compliance), and (2) external circumstances (e.g. material wealth, social relations) are favorable to securing/realizing justice.¹ An important question is how ideal justice is related to practical justice, which makes assessments relative to people's actual choice dispositions and their actual social and material circumstances.

A related issue is that justice can be understood as deontic assessment (what is permitted by justice) or as axiological assessment (e.g. what states of affairs are *at least as just* as others). Practical deontic assessment evaluates what is permitted by justice, relative to what is feasible in the actual choice situation, whereas practical axiological assessment ranks states of affairs relative to that choice situation. Ideal deontic assessment evaluates what is permitted by justice relative to idealized choice situations, whereas ideal axiological assessments rank states of affairs relative to the idealized choice situations.

¹ For insightful discussion of ideal theory, see Stemplowska and Swift (2012).

Amartya Sen (2006, 2011) has argued that ideal justice, which he implicitly understands as ideal deontic justice, is practically irrelevant. If ideal deontic justice is feasible, then it will be the most just feasible option. If it is not feasible, then it is not relevant for choice. Those seeking justice need to know what the most just feasible options are, but they don't need to know what is ideally just. Moreover, we can add that ideal axiological justice is also practically irrelevant, since it too does not take the current circumstances (and history) into account.

In his chapter within Part I, entitled "Just and Juster," David Estlund argues against Sen that there is an important role for threshold (i.e. deontic) concepts of justice which cannot be filled by the comparative axiological relation of at-least-as-just. Even if comparative assessments of justice are sufficient for making choices, the generation of adequate comparative assessments, he argues, seems to require threshold (deontic) assessments.

Part II of this volume addresses the moral assessment of states. This can be understood in many ways. First, there is the object of assessment: the basic constitution, particular laws, state practices, or particular state actions. For simplicity, let us just refer to the state. Second, there are different kinds of moral assessment (and here I'll focus on deontic assessment). One is whether a given state is morally permissible (ideally or practically). A second is whether the state is just. Unfortunately, "justice" is understood in different ways by different authors: moral permissibility, interpersonal permissibility (which leaves out impersonal wrongs), enforceable duties, fairness (a particular moral concern, typically desert-based), etc. So the content of such claims always needs to be clarified. A third kind of moral assessment is whether the state is legitimate in the sense that others (member or outsiders) are not permitted to forcibly interfere with the state's actions (etc.). This may be because its actions are permissible or just, or because they are not sufficiently impermissible or unjust to justify forcible interference. Unfortunately, "legitimacy" is also understood in different ways by different authors (e.g. as permissible or just use of force to enforce directives). So, here too, clarification is always needed when the term is used.

A fourth kind of moral assessment is whether the state has political authority in the sense that it has a moral power, by issuing dictates, to create at least *pro tanto* moral duties on the part of its members to comply with those dictates. One can hold that a state is permissible and perfectly just without holding that it has any political authority.

Related to all of the above is a state's right to rule, which can be understood as consisting of some combination of the above four assessments. The

strongest form of a right to rule is that the state is permissible, just, legitimate, and has political authority. Obviously, weaker forms are possible.

In the chapter entitled “Political Rule and Its Discontents,” Niko Kolodny briefly considers various potentially problematic features of the state and then focuses on the imposition of deterrents for violations of state directives. The most serious problem, he argues, is that such imposition violates a deontological constraint on using force even to achieve a greater good. He argues that there is no relevant moral difference, at least for sufficiently democratic states, between imposing deterrents for the violation of natural prohibitions (e.g. natural moral rights) and imposing deterrents for the violation of state directives. Thus, if, as many believe, the former are just, then so too are the latter. The crucial question, of course, is whether the two are morally equivalent.

In her chapter, “Consent and Political Legitimacy,” Amanda Greene addresses the topic of the legitimacy of a state in the sense of having “the appropriate standing to exercise power over its subjects.” She argues that both the contractualist view (based on hypothetical consent) and the voluntarist view (based on actual consent) involve unacceptable idealizations. She then develops and defends the sovereignty conception, according to which a regime is legitimate insofar as it achieves actual quality consent to rule. Quality consent obtains when a subject consents to her state on the basis of a judgment of governance success, provided that the judgment does not conflict with the government’s minimal aim, i.e. basic security for all subjects. She argues that a state comes to be legitimate by governing in such a way as to be widely recognized as doing so successfully by its subjects.

Anna Stilz, in her chapter “The Value of Self-Determination,” develops and defends an account of self-determination as necessary for full legitimacy and for being a morally ideal state. She argues that the value of collective self-determination is rooted in a fundamental interest in appropriately seeing oneself as a coauthor of the institutions that govern one’s own life. When citizens affirm their participation in a self-determining political group, they can relate to demands imposed by their coercive institutions as self-imposed, and not a problematic restriction of their political freedom. She further argues that, for a subgroup to have a right to self-determination, it must show (a) that their aims are consistent with basic justice, (b) that they do not involve the unjustifiable coercion of others, and (c) that a feasible institutional alternative is available that would secure greater collective self-determination for them at reasonable cost.

In the chapter “Domination and the Rule of Law,” Assaf Sharon argues that contemporary republicanism is mistaken in its claim that the rule of

law is compatible with individual liberty (and non-domination), because it is non-arbitrary. He considers three definitions of non-arbitrariness—in terms of consent, interests, and control—and argues that the rule of law does not satisfy any of them. Finally, he argues that the republican idea of eliminating discretionary power is not always desirable or essential to political freedom.

In Richard Arneson's chapter, "Elitism," he discusses political elitism, understood as the claim that those who know the political truths needed for correct (e.g. just) public policy choice, and they alone, are entitled to a share of political rule. He also discusses a weaker form that allows that all have a right to a share of political rule, but those with greater relevant knowledge have a right to a greater share. He argues against several purported justifications for elitism and argues that elitism might, under the right conditions, be justified by appeal to a (perhaps limited) moral duty to cooperate with others to promote the fulfillment of justice.

In the final chapter of Part II, "Is the Gendered Division of Labor a Problem of Distribution?," Gina Schouten addresses the legitimacy (roughly, the permissibility of using collective political power or force) of political interventions to change the gendered division of labor (e.g. of unpaid housework and childcare). Interventions such as work time regulation, subsidized dependent care provisions, and paid family leave initiatives are promising approaches, but they appear to violate a basic liberal requirement that exercises of political power be publicly defensible within the justificatory community of reasonable citizens. This in turn requires that the intervention must be neutral among the conceptions of the good that citizens may reasonably embrace. Although Schouten believes that gender egalitarian interventions can be so neutral and be legitimate, she argues against the view that they can be neutrally justified as necessary means to remedy unjust distributions.

Part III of this volume addresses issues with respect to social relations that, on some views, are relevant to the justice, legitimacy, authority, or moral attractiveness of a state. There is one chapter in this Part, and it addresses the development of trust (which is necessary for social cooperation). In "Terms of Trust," Daniel Attas analyzes the concept of trust and ways of promoting it or of undermining it. He argues that the promotion of empathy, fairness, and reciprocity can be an effective way of promoting trust. More generally, he argues that creating non-prudential (e.g. moral) reasons to reciprocate trust is typically more effective than merely creating prudential reasons (e.g. guarantees, incentives, and sanctions). Indeed, he argues that the latter can undermine trust.

Bibliography

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