

## **What normative facts should political theory be about?**

### **Philosophy of science meets political liberalism**

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#### **Abstract**

Different sciences deal with different facts: they have different ontologies. Similarly, we may ask whether different normative theories are about different normative facts. In particular, does political theory address the same normative facts as moral theory or different ones? By developing an analogy with the sciences, we argue that the normative facts of political theory belong to a higher—more coarse-grained—ontological level than those of moral theory. Normative political facts are “multiply realizable” by moral facts: competing facts at the moral level can underpin the same facts at the political one. Consequently, some normative questions on which there may be a fact of the matter in morality are indeterminate at the political level, contrary to conventional moral realism. This way of thinking about the ontologies of moral and political theory offers a novel explication of Rawls’s idea that, in public reasoning, we should abstract away from the truth of comprehensive moral doctrines. We contrast our distinction between facts at different levels with the more familiar distinction between admissible and inadmissible evidence and discuss some implications for the practice of political theory.

#### **1. Introduction**

We are familiar with the idea that different theories in the sciences deal with different classes of facts: they have different ontologies. For example, fundamental physics deals with facts about particles, fields, and forces; biology deals with facts about cells, organisms, and ecosystems; and social-scientific theories deal with facts about people and broader social phenomena. The ontologies of these different sciences are related, but not identical. Similarly, we may ask whether different *normative* theories, specifically moral and political theories, are associated with different classes of facts. Do moral and political theories address the same normative facts, or do they have different ontologies?

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Of course, normative theories do not deal with empirical or positive facts, like the sciences, but with normative ones: facts about what is permissible, impermissible, right, wrong, desirable, undesirable, and so on. We understand normative facts broadly, to include both “deontic” facts (facts about what is obligatory or permissible) and “evaluative” facts (facts about what is good, bad, desirable, etc.). Reference to such facts need not be metaphysically suspicious. On most interpretations—setting aside some strong anti-realist ones—normative theories are intended to capture certain normative facts. This leaves open whether those facts are independently given, natural or non-natural, humanly constructed, and if so how, universal or relative to some standpoint, and so on.

So, do moral and political theories deal with the same normative facts, or do their ontologies differ? Here are two common answers:<sup>1</sup>

- *The domain view*: Political and moral theories deal with the same normative facts. They just address different questions in light of them: moral theories focus on individual behaviour, political theories on institutional design and social organization. In other words, political theories explore what morality implies for political questions: for instance, what forms of social organization would be recommended by utilitarianism, prioritarianism, Kantianism, and so on.<sup>2</sup>
- *The core-value view*: Political and moral theories deal with different normative facts, in light of their different core values. Moral theories focus on facts about what is right, just, and good. Political theories focus on facts about legitimacy, order, and stability. Political realists, in the tradition of Bernard Williams, arguably hold this view.<sup>3</sup>

Our aim is to defend a third, principled way of distinguishing between the ontologies of moral and political theories:

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<sup>1</sup> For discussion, see Charles Larmore, “What Is Political Philosophy?,” *Journal of Moral Philosophy* 10, 3 (2013): 276–306.

<sup>2</sup> Arguably, the works of G.A. Cohen and Robert Nozick fall into this category, as well as political theory practiced from a broadly utilitarian perspective. See G. A. Cohen, *Rescuing Justice and Equality* (Cambridge, MA: Harvard University Press, 2008); Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974).

<sup>3</sup> Bernard Williams, *In the Beginning Was the Deed: Realism and Moralism in Political Argument* (Princeton, N.J.: Princeton University Press, 2005); for discussion, see Enzo Rossi and Matt Sleat, “Realism in Normative Political Theory,” *Philosophy Compass* 9, 10 (2014): 689–701.

- *The levels view*: Political and moral theories deal with different normative facts, which belong to different ontological levels. The normative facts of political theory belong to a higher—more coarse-grained—ontological level than those of moral theory. Normative political facts are multiply realizable by moral facts, so that competing facts at the moral level can underpin the same facts at the political one. Consequently: *some normative questions on which tend to assume the existence of facts at the moral level are indeterminate at the political level*. Normative political ontology is thinner than moral ontology.

Our development of the levels view builds on a hitherto overlooked analogy with the sciences. We argue that—despite obvious interpretational differences—the relationship between the moral level and the political one is structurally similar to the relationship between a lower level and a higher level in the empirical sciences.

Although our analysis draws on this philosophy-of-science background, the picture we propose fits well with liberal political theory. The suggestion that political theories are associated with a thin ontology of normative facts echoes John Rawls’s idea—expressed in *Political Liberalism*—that, at the political level, we should abstract away from the truth of comprehensive moral doctrines.<sup>4</sup> However, there is much disagreement among political theorists on how to understand this idea. We make no claims about whether our proposal is faithful to Rawls’s own view—our aim is not exegesis—but we suggest that it offers a plausible explication of the ontology of political liberalism and of the demarcation between comprehensive and political morality. A key implication is that full-blown moral realism—the view that all normative questions have determinate “true”/“false” answers—is not defensible *at the political level*. Only a thinner set of normative questions—those located at the political level—have determinate answers at that level.

In Section 2, we introduce a general framework for thinking about levels. In Sections 3 and 4, we bring this framework to bear on the relationship between the ontologies of moral and political theory, and contrast our distinction between facts at different levels with the more familiar distinction between admissible and inadmissible evidence. In Sections 5 to 7, we showcase the virtues of the levels view, discuss some implications for the practice of political theory, and conclude.

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<sup>4</sup> John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996).

## 2. The framework of levels

We begin with some background on how the empirical sciences depict the world. In this section, we set aside anything related to moral and political theory, to which we will return in the next one.<sup>5</sup>

### 2.1. Scientific explanation and levels of description

It is fairly widely accepted that, from a scientific perspective, the world is fundamentally governed by physical laws, and that all events, entities, and properties are ultimately the result of underlying physical processes.<sup>6</sup> At the same time, it is also widely accepted that fundamental physics by itself is insufficient for explaining and making sense of the world. While fundamental physics can explain some basic features of the world, such as the behaviour of elementary particles, forces, and fields, it cannot adequately explain—let alone predict—many other, “higher-level” phenomena. Special sciences such as biology, psychology, and the social sciences would get overwhelmed with extraneous details and a combinatorial explosion if they tried to explain the phenomena in their domains in microphysical terms.<sup>7</sup> Even chemical explanations need to abstract away from microphysical details. To explain chemical, biological, psychological, and social phenomena, we must employ *higher-level descriptions*, which set aside the fundamental physical underpinnings of the phenomena in question.

Higher-level descriptions are *more coarse-grained* than lower-level descriptions: a variety of different lower-level configurations can each realize or instantiate the same higher-level phenomenon. This is a by-product of the method of abstraction. For example, different sets of micro-states of the individual water molecules in a water tank can each realize the same macro-state of liquid water at a particular temperature. A temperature of 80 degrees Celsius can be realized by an astronomical number of different micro-

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<sup>5</sup> This section draws on Christian List, “Levels: Descriptive, Explanatory, and Ontological,” available at: <http://personal.lse.ac.uk/LIST/pdf-files/LevelsRevised.pdf>

<sup>6</sup> This is the thesis of *physicalism*. See, e.g., Daniel Stoljar, *Physicalism* (London: Routledge, 2010). Dualists, of course, reject this thesis. We need not commit ourselves to physicalism here. Our aim is merely to describe some philosophy-of-science background for the sake of developing some analogies.

<sup>7</sup> See, e.g., Hilary Putnam, “Psychological predicates,” pp. 37–48 in W. H. Capitan and D. D. Merrill (eds.), *Art, Mind, and Religion* (Pittsburgh: University of Pittsburgh Press, 1967); Jerry Fodor, “Special Sciences (or: The Disunity of Science as a Working Hypothesis),” *Synthese* 28, 2 (1974): 97–115; David Owens, “Levels of Explanation,” *Mind* 98, 389 (1989): 59–79; Christian List and Kai Spiekermann, “Methodological Individualism and Holism in Political Science: A Reconciliation,” *American Political Science Review* 107, 4 (2013): 629–643.

configurations of molecules. We say that the higher-level phenomenon (here: water at 80 degrees Celsius) is *multiply realizable* at the lower level.<sup>8</sup>

If we want to explain how a steam engine works, for example, the macro-states of the water are much more relevant than the micro-states. It matters that water turns into steam when heated and that the pressure is such-and-such, but we need not describe the micro-states of all the billions of water molecules involved.<sup>9</sup> A specification of those micro-states is not only unnecessary for an adequate explanation of the steam engine, but even distracting. Good scientific methodology mandates that we explain the phenomena in question in the simplest possible way. Often, higher-level explanations are simpler than lower-level ones, as the case of the steam engine illustrates.

In fact, higher-level explanations are not only simpler than lower-level ones, but they also pick up regularities that cannot be found at the lower level. It is a striking fact about the world that it displays regularities at more than one level. There are not only micro-physical regularities, but also regularities at various macroscopic levels, which are robust to changes in their lower-level realizations.<sup>10</sup> For instance, the way in which the price of a good depends on the supply and demand is independent of the detailed physical nature of the good, the structure of the economy, and the currency in question. The laws of supply and demand apply irrespective of whether the economy is a traditional agricultural economy and money takes the form of gold or whether it is an advanced industrial economy in which money is electronic and virtual. Those same laws apply even in informal prison economies where cigarettes play the role of cash.<sup>11</sup>

## 2.2. From levels of description to ontological levels

The point we have made so far is a simple but important one about scientific explanation: we employ different levels of description for different explanatory purposes, where higher-level descriptions are more coarse-grained than lower-level ones. At first sight, one might think that this is “merely” an *epistemological* point: our cognitive limitations as human beings, such as our limited knowledge and limited computational capacities, lead

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<sup>8</sup> See, e.g., Putnam, “Psychological predicates,” and Fodor, “Special Sciences.”

<sup>9</sup> See, e.g., Frank Jackson and Philip Pettit, “Program Explanation: A General Perspective,” *Analysis* 50, 2 (1990): 107–117.

<sup>10</sup> See, e.g., Daniel Dennett, “Real Patterns,” *Journal of Philosophy* 88, 1 (1991): 27–51; Christian List and Peter Menzies, “Non-reductive physicalism and the limits of the exclusion principle,” *Journal of Philosophy* CVI, 9 (2009): 475–502.

<sup>11</sup> See, e.g., R. A. Radford, “The Economic Organisation of a P.O.W. Camp,” *Economica* (New Series) 12, 48 (1945): 189–201.

us to focus on macroscopic data and to ignore microscopic details when we explain certain phenomena.

However, it is coherent and plausible to interpret the different levels of description in science as markers of different *ontological* levels.<sup>12</sup> The idea can be summarized as follows. We can think of each level of description as a particular language or conceptual scheme that we can use for thinking and speaking about the world. Different levels give us different concepts and categories, which carve up the world in different ways. Each level of description thus allows us to refer to a specific class of facts: the *facts at that level*. At a biological level of description, for instance, we refer to facts about organisms and ecosystems, but not to facts about the underlying quantum-mechanical processes. The latter can be described only using the resources of fundamental physics, and so they belong to a lower level. At a macroeconomic level of description, we refer to facts about macroeconomic properties, such as inflation, unemployment, and growth, but not to facts about the detailed psychological processes in the minds of individual market participants. The latter can be described only using the resources of microeconomics or psychology, and so they belong to a lower level.

It might be objected that although we talk about macro-level facts—e.g., biological, medical, chemical, and social facts—these are just ways of speaking and do not entail any ontological commitments. The only “real reality” is to be found at the most fundamental, microphysical level. This, the objector might continue, is what we should conclude if we subscribe to Occam’s Razor principle—the principle that tells us not to multiply entities unnecessarily.

This is a tempting objection, but we think it is unsuccessful, for two reasons. First, Occam’s Razor principle only says that we should not make ontological commitments when these are explanatorily unnecessary. But as we noted earlier, positing facts at the higher level *is* necessary for explanatory purposes. Most macroscopic phenomena cannot be explained without referring to higher-level facts. So, Occam’s Razor principle does not speak against higher-level ontological commitments. Furthermore, the burden of proof falls on the objector. The existence of higher-level facts is part of our ordinary understanding of reality. We talk about chemical compounds, plants, organisms, books, money, companies, and entire economies and states, and we think of them as real objects, about which we can establish facts. Denying the existence of these facts flies in the face of

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<sup>12</sup> See List, “Levels.”

common sense, even if they fall outside the domain of fundamental physics. The objector would need to explain how we can make sense of the macroscopic world without recognizing such higher-level facts. Appealing to them seems indispensable in practice.

### 2.3. Possible worlds at different levels

Each level of description corresponds to a particular way of specifying the set of possible worlds. By a *possible world*, we generally mean a full specification of the way the world might be: the totality of facts. Once we recognize that facts can be associated with different levels, it follows that possible worlds can also be specified at different levels. A *possible world at a particular level* is a full specification of the facts *at that level*. So, a physical-level world is a full specification of the physical-level facts; a chemical-level world is a full specification of the chemical-level facts; a biological-level world is a full specification of the biological facts; and so on.

Higher-level worlds are more coarse-grained than lower-level worlds, in that they specify a thinner set of facts. Each higher-level world corresponds to an entire equivalence class of lower-level worlds: its possible lower-level realizers. For instance, each chemical-level world corresponds to the equivalence class of all physical-level worlds that could realize it and that are, therefore, equivalent with respect to chemical properties. Similarly, each world at the macroeconomic level corresponds to the equivalence class of all the microeconomic worlds that may realize it and that are therefore macroeconomically equivalent. The relationship between lower-level worlds and higher-level worlds is one of *supervenience with multiple realizability*: there exists a many-to-one correspondence between lower-level worlds and higher-level worlds.<sup>13</sup>

In relation to semantics, we can think of a possible world at a particular level as determining the truth-values (“true”, “false”) of all sentences or statements at that level; so, a lower-level world determines the truth-values of all lower-level sentences or statements, while a higher-level world determines the truth-values of all higher-level sentences or statements. Since higher-level worlds are more coarse-grained than lower-level worlds, the truth-values of many lower-level sentences or statements are left open by higher-level worlds. At the higher level, there is *no fact of the matter* about those lower-level sentences or statements: they are *indeterminate* at that level. For example, a possible world at the level of statistical mechanics determines the truth-values of sentences about

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<sup>13</sup> If  $\Omega$  and  $\Omega'$  are the sets of all possible worlds at the lower and higher levels, respectively, then each world in  $\Omega'$  corresponds to the equivalence class of worlds in  $\Omega$  that could realize it.

the temperature and other aggregate states of a liquid, but not of sentences about the micro-configurations of the underlying molecules. A world at the level of macro-economics determines the truth-values of sentences about inflation and unemployment, but not of sentences about the activities of each individual market participant.

With this philosophy-of-science background in place, we return to the topic of moral and political ontology.

### 3. The levels view about political and moral ontology

The framework of levels allows us to clarify the relationship between the ontologies of moral and political theory. Political theory, we suggest, can be associated with a different level of description and a different body of normative facts than moral theory. Specifically, moral theory operates at a more fine-grained level than political theory. This means, in particular, that the ontology of, and the truth-conditions for, political theories are thinner than those of moral theories.

This insight is arguably implicit in Rawls's *Political Liberalism*. We will therefore develop the levels view by reference to Rawls's work, though, as noted, our aim is not exegetical. Recall the following basic claims of *Political Liberalism*:<sup>14</sup>

- *The negative claim*: At the political level, we should *not* take a stand on the core concerns of comprehensive moral and religious doctrines—for instance, what a person is, what makes something valuable, what fundamentally explains the rightness or wrongness of an action.
- *The positive claim*: Normative political questions, especially about how to organize the basic structure of society, should be answered by reference to *freestanding political principles*, namely principles that do not presuppose the truth of any particular comprehensive moral doctrine.
- *The “overlapping consensus” claim*: The answers to normative political questions—including the freestanding political principles—should be compatible with a multiplicity of comprehensive moral doctrines and supported by an “overlapping consensus” among them.

These claims can be explicated through the framework of levels. We will employ the idea of “possible worlds at different levels”, but understand “worlds” not (or not primarily) as

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<sup>14</sup> Rawls, *Political Liberalism*, Lecture I.



specifications of positive facts, but as specifications of normative facts. In particular, we will define a *possible world* as a specification of the totality of normative facts, as posited by some normative theory. Under this definition, different normative theories disagree about which possible world is actual: which encodes the “true” or “correct” set of normative facts. By positing different rightness or wrongness facts, for example, utilitarian and Kantian theories give us different accounts of what those normative facts are, thereby depicting a different possible world as actual. The *levels view* asserts the following claims:

- The set of possible worlds at the political level is more coarse-grained than the set of possible worlds at the moral level. A normative political theory specifies a thinner set of normative facts than a comprehensive moral doctrine.
- Normative political questions should be answered at the political level, not the moral one. By implication, there are questions addressed by comprehensive moral doctrines on which there is *no political fact of the matter*, hence no “normative political truth”. Those questions are indeterminate at the political level.
- Any “normative political truth” may be compatible with a variety of “moral truths”. Political-level truths can, in this sense, be “multiply realized” at the comprehensive moral level. By implication, the proponents of competing moral doctrines, who may consider mutually incompatible moral-level worlds to be actual, can still agree on the same political-level world.

Certain political principles may be supported by a variety of comprehensive moral doctrines. Utilitarians, Kantians, and Scanlonian contractualists, for instance, may agree on the same set of political principles for governing the basic structure of society, even if they offer competing comprehensive moral foundations for those principles. At the political level, there is a fact of the matter about which *political* principles are the correct ones—for instance, about which liberties and entitlements citizens should have—but there is no fact of the matter about what the correct comprehensive foundations for those principles are, such as whether utilitarianism, Kantianism, or some other moral doctrine is true. This is analogous to our earlier point that, *at the macro-physical level*, there is a fact of the matter about whether water in a kettle is boiling, but no fact about the precise micro-states of all the underlying water molecules. Similarly, there is no political-level fact about whether human beings are created in the image of God, about whether one ought to confess in order to go to Heaven, and about whether one ought to follow the

Categorical Imperative in one's personal life. Those questions are settled only at the comprehensive moral level.

How to define the set of political-level worlds and which such world is the "correct" one—in the sense of specifying the normative political facts correctly—are further questions, which must be discussed separately. Our focus up to this point has been on the *architecture* of the levels view. We have explained how one can *structurally* draw the distinction between moral facts and normative political facts in a framework of levels.

#### **4. Inadmissible facts versus inadmissible evidence**

One might think that the idea of treating certain issues as indeterminate at the political level is similar to the familiar idea that certain evidence is not admitted in the courtroom, such as evidence that was acquired in a procedurally incorrect way. The legal rules of evidence may exclude such evidence from consideration even if, privately, a rational agent would consider it epistemically relevant; that is, the evidence could lead to an opinion change in a rational agent who had access to it. The problem with such evidence is not its epistemic irrelevance, but its legal inadmissibility.

Perhaps, then, what the levels view suggests is that political theorizing is analogous to the activity of legal reasoning in the courtroom, namely governed by certain rules of evidence, which specify which evidence is admissible and which is not. Albeit tempting, this is the wrong way to think about the levels view. We must distinguish between two theses:

- the thesis that certain kinds of evidence are inadmissible in certain contexts;
- the thesis that at a particular level of description we can only invoke facts at the relevant level and not facts at other levels, especially lower-level facts.

The first thesis characterizes legal reasoning in the courtroom.<sup>15</sup> But it is the second that characterizes political theorizing, according to the levels view. Note that the first thesis is *epistemic*: its sole concern is the question of which evidence we may use in certain contexts. The second is *ontic*: it is concerned with the facts of the matter we may posit.<sup>16</sup>

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<sup>15</sup> Cf. Rawls, *Political Liberalism*, 221.

<sup>16</sup> For discussion of a more epistemic view, see David Estlund, "The Truth in Political Liberalism," in *Truth and Democracy*, ed. Jeremy Elkins and Andrew Norris (Philadelphia: University of Pennsylvania Press, 2012), 251–71, 271.

Deeming some evidence inadmissible—for instance, evidence gained through a forced confession—is not the same as refraining from positing a relevant fact of the matter. In a criminal trial, we certainly assume that there are facts about who did it, how and when they did it, who may have helped them, what their motives were, and so on. For this reason, we seek to establish those facts on the basis of the best evidence we have. Sometimes we cannot reliably know all the facts, or there may be restrictions on the evidence we may use, such as when some evidence was gathered in an inadmissible way. But the existence of the facts themselves is not in question.

By contrast, *at the political level*, the reason why we should refrain from considering, for instance, religious testimony is not merely that such evidence is inadmissible—while we may still assume that there are religious facts, albeit ones we may not conclusively know. Rather, our reason for not considering religious testimony is that, *at the political level*, we cannot assume the existence of religious facts in the first place. Similarly, we should not assume the truth of atheism for political purposes. At the political level, we should not take a stand on this issue at all: we should treat the issue as indeterminate. At the comprehensive moral level, we *can* assume that there is a fact of the matter on it. Moral theories can in principle have religious or metaphysical commitments. But the comprehensive moral level is not the level at which political theorizing should be conducted, according to the levels view.

By analogy, consider whether religious testimony should be considered in medicine. Imagine a patient asking a doctor whether to pray in order to attain salvation. Presumably, the doctor would say that this question is outside the domain of medicine: there is no medical fact on this matter. It is not that there is a medical fact, but the relevant evidence is inadmissible. If that were the case, the medical profession should approach the issue as an instance of decision-making under uncertainty. It might then be appropriate for doctors to try to give the best advice under the uncertainty, for instance by invoking Pascal's wager argument. If God exists, praying might lead to salvation, not praying to a worse outcome; and if God does not exist, praying would not be much of a sacrifice anyway; so perhaps praying is all-things-considered advisable. But doctors do not give this advice. In fact, we would be suspicious of any medical professional who engaged in such reasoning. What this suggests is this. On our (and doctors') views about the proper practice of medicine, there is no medical fact about religious matters, simpliciter. That is why religious testimony is not relevant to medicine. By contrast, there are facts about religious matters in theology, and religious testimony is relevant to theological

investigations. Analogously, the levels view implies that, when we engage in normative argumentation at the political level, we must not presuppose that there is a fact of the matter about the existence of God and other comprehensive moral questions.

In sum, the distinction between admissible and inadmissible facts, as drawn by the levels view, is different from the distinction between admissible and inadmissible evidence, as familiar from the courtroom.

## 5. Why should we accept the levels view?

So far, we have introduced the levels view and have used it to distinguish between the ontologies of moral and political theory, focusing on Rawls's *Political Liberalism* as an illustration. We now offer some arguments in support of the levels view. To do so, we suggest three desiderata that a good account of political ontology should meet.

1. *Consistency with the aim of political theorizing*: Political theory should answer the question of how to live together under circumstances of pluralism.
2. *Consistency with the core liberal conviction that "you can't push people around in the name of what you think is right"*:<sup>17</sup> Public decisions, which may be informed by political theory, should not be based on reasonably contested moral or religious views, even if one believes them to be correct.
3. *Consistency with Occam's Razor principle*: In any domain of inquiry, one should not posit more, nor fewer, facts than necessary to account for the relevant evidence.

We argue that the levels view meets all three desiderata. Of course, the desiderata are not uncontroversial. For instance, supporters of G.A.-Cohen-style, fact-free political theorizing are likely to reject Desideratum 1, which presupposes a more "practical" understanding of the aim of political theorizing.<sup>18</sup> Desideratum 2 may be rejected by those who find liberal principles unconvincing and also by those who defend respect for persons' liberties on comprehensive—e.g., autonomy-promoting—grounds.<sup>19</sup> Desideratum 3 should be fairly uncontroversial. The less readers are convinced by our desiderata, the less they will be convinced by the levels view. Still, the desiderata are sufficiently widely

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<sup>17</sup> Christine Korsgaard, "Realism and Constructivism in Twentieth-Century Moral Philosophy," in *The Constitution of Agency: Essays on Practical Reason and Moral Psychology* (New York: Oxford University Press, 2008), 302–26, 318, our emphasis.

<sup>18</sup> Cohen, *Rescuing Justice and Equality*.

<sup>19</sup> E.g., Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986). For discussion, see Martha C. Nussbaum, "Perfectionist Liberalism and Political Liberalism," *Philosophy & Public Affairs* 39,1(2011): 3–45.

accepted to make our exploration worthwhile. Moreover, even the acceptance of one or two of the desiderata would lend significant support to the levels view.

### *5.1. Consistency with the aim of political theory*

As Rawls himself noted, in a pluralistic society, stable and peaceful cooperation is hardly possible if disagreeing parties insist on imposing their comprehensive views on one another.<sup>20</sup> The levels view, by prescribing political agnosticism regarding comprehensive moral doctrines, rules out the legitimacy of such imposition from the start.

In response, one might suggest that peace and stability could be obtained through autocracy, thereby suppressing pluralism. However, this option is not only morally reprehensible—certainly from a liberal perspective—but also pragmatically dubious. The costs involved in suppressing pluralism would be extremely high, and it is not clear how successful or sustainable such suppression could be, even setting aside its immorality. We thus think that taking seriously the aim of political theory in contemporary societies—if this is understood as “practical”—supports the levels view.

### *5.2. Consistency with core liberal convictions*

The levels view best accommodates the conviction that one ought not to impose one’s reasonably contested views on others. To develop this point, let us say more about the nature of moral disagreement. In moral discourse, we ask questions such as the following:

- How ought we to act, or not to act?
- Why ought we to act in that way?

Answers to the first question typically take the form of verdicts about permissibility and obligation. Answers to the second typically refer to the underlying values or reasons. Philosophers, and people in general, notoriously disagree on both questions. These disagreements are largely intractable: there is no publically accepted procedure for resolving them, even in principle.<sup>21</sup> For some people, the answer to moral questions lies in religion, for others it lies in intuition, for still others it lies in rational deliberation, and so on. None of the people in question are obviously mistaken or irrational. They are responsive to evidence on empirical matters, and their thinking is coherent. Furthermore,

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<sup>20</sup> Rawls, *Political Liberalism*, 140–4.

<sup>21</sup> E.g., Jeremy Waldron, “Moral Truth and Judicial Review,” *American Journal of Jurisprudence* 43, 1 (1998): 75-97.

despite their moral disagreements, their views may all be compatible with basic liberal principles. As Rawls puts it, they may all qualify as “reasonable”, in a moralized sense of the term; we say more about this idea in Section 6.<sup>22</sup>

In the face of intractable moral disagreements, liberals typically acknowledge that they may not unilaterally impose their contested views on others, for instance through state coercion.<sup>23</sup> Such imposition would be contrary to the core liberal commitment to respect for persons as free and equal agents.<sup>24</sup> In Martha Nussbaum’s words, “it is especially violative of persons to impose a scheme of value upon them”.<sup>25</sup> The levels view captures this tenet of liberalism. At the political level, we recognize only a thin domain of normative facts and corresponding truths: those that are acceptable from the perspective of all reasonable comprehensive views. By contrast, we do *not* assume the existence of facts about comprehensive moral matters, such as matters of interpersonal morality, religion, and other metaphysical foundations.

Faced with these claims, critics may raise an objection familiar from the discussion of *Political Liberalism*. Is it not irrational or even schizophrenic to accept that in the political realm one should not appeal to the truth of comprehensive doctrines, due to intractable disagreement, and yet to continue to hold on to those doctrines privately?<sup>26</sup> Consider, for example, a liberal Catholic anti-abortionist. Would it not be absurd for her to believe that, at the moral level, there is a fact about whether abortion involves killing a moral person and also to believe that, at the political level, there is no such fact?

As Norman Daniels puts the concern: “Can people say to themselves, ‘Although I have fundamental values and beliefs that bear on this issue of behavior, I will refrain from raising them and consider only the reasons permitted by public reason?’ Is this moral

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<sup>22</sup> For discussion of ambiguities in Rawls’s notion of reasonableness, see Nussbaum, “Perfectionist Liberalism and Political Liberalism,” Sec. IV.

<sup>23</sup> Exceptions may be those liberals who view liberalism as a comprehensive moral doctrine, e.g., perfectionistic liberals.

<sup>24</sup> For emphasis on the “respect” principle, see Charles Larmore, “The Moral Basis of Political Liberalism,” *The Journal of Philosophy* 96, 12 (1999): 599–625.

<sup>25</sup> Nussbaum, “Perfectionist Liberalism and Political Liberalism,” 20.

<sup>26</sup> Eamonn Callan, *Creating Citizens* (New York: Oxford University Press, 1997), chap. 2; for further discussion, see Norman Daniels, “Reflective Equilibrium and Justice as Political,” in *Justice and Justification*, Cambridge Studies in Philosophy and Public Policy (Cambridge: Cambridge University Press, 1996), 144–76; David Enoch, “Political Philosophy and Epistemology: The Case of Public Reason,” in *Oxford Studies in Political Philosophy*, ed. David Sobel, Peter Vallentyne, and Steven Wall, vol. 3 (New York: Oxford University Press, forthcoming); Richard Arneson, “Rejecting the order of public reason,” *Philosophical Studies* 170 (2014): 537–544.

double bookkeeping a kind of multiple moral personality disorder?”<sup>27</sup> For those who share this worry, it might be tempting to offer one of the following suggestions, each of which is an alternative to the levels view.<sup>28</sup>

- *Moral uncertainty*: Given intractable disagreement, we should all be uncertain about our views.<sup>29</sup> The problems of political theory then require that we apply moral decision-making under uncertainty, instead of accepting the seemingly schizophrenic view that there are different normative facts at different levels.
- *Judgement suspension*: Given intractable disagreement, the rational thing to do is to suspend judgement.<sup>30</sup> If we suspend judgement, we are no longer disagreeing. Hence the problem of disagreement disappears, and with it, the associated schizophrenia of assuming different sets of normative facts at different levels.<sup>31</sup>

In the following two subsections, we respond to each suggestion in turn.

#### 5.2.1. Moral uncertainty?

What about treating intractable disagreement as an indicator of moral uncertainty? It would then seem appropriate to answer all normative questions about politics by applying our best theory of decision-making under uncertainty. On this picture, we may be uncertain about whether utilitarianism, prioritarianism, Kantianism, or some other moral theory is true, and so we may need to hedge our bets in deciding which political arrangements to recommend. Yet, it is assumed, *there is a fact of the matter* about the true moral theory. The limitations in political theory are then *epistemic, not ontic*, and we can uphold full-blown moral realism, even in politics.

We think that this proposal is not viable. First, it is not clear that our established theories of decision-making under uncertainty can easily apply to moral matters, where the

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<sup>27</sup> Daniels, “Reflective Equilibrium and Justice as Political,” 152. Daniels is unpersuaded by this critique.

<sup>28</sup> We thank Victor Tadros for discussion of this. For criticisms of the epistemic reading of *Political Liberalism*, see Enoch, “Political Philosophy and Epistemology.”

<sup>29</sup> Cf. Brian Barry’s claim that “no conception of the good can justifiably be held with a degree of certainty that warrants its imposition on those who reject it”. See his *Justice as Impartiality* (New York: Oxford University Press, 1995), 169.

<sup>30</sup> See the discussion in R. J. Leland and Han van Wietmarschen, “Reasonableness, Intellectual Modesty, and Reciprocity in Political Justification,” *Ethics* 122, 4 (2012): 721–47, 745, and Enoch, “Political Philosophy and Epistemology.”

<sup>31</sup> For a discussion of these sceptical objections, see Jonathan Quong, *Liberalism without Perfection* (New York: Oxford University Press, 2011), chap. 8.

uncertainty is not about empirical facts, but about the requirements of morality. To apply those theories, we would have to accomplish at least three things:

- come up with an agreed specification of the set of possible worlds at the moral level; these would have to include one world in which utilitarianism is true, one in which Kantianism is true, one in which each religious view is true, and so on;
- assign subjective probabilities to these possible worlds, such as 0.25 to the utilitarian world, 0.25 to the Kantian world, and so on, while making sure these numbers are meaningful; and
- assign numerical utilities to the consequences of all possible choices (such as actions, policies, or institutional designs) in each possible world, where those utilities capture the moral value of each choice under the “true” moral theory in that world, while permitting comparability across different moral theories; for instance, if lying is worse in a Kantian world than in a utilitarian one, then lying might correspond to a utility of -100 in the Kantian world and only to a utility -50 in the utilitarian one.

We suspect that, contrary to what some recent literature on moral uncertainty suggests, these three tasks pose insurmountable challenges.<sup>32</sup> Of course, one could stipulatively postulate a utilitarian world, a Kantian world, a contractualist world, and so on, then assign some subjective probabilities to these worlds, and ask how good or bad, in numerical utility terms, various outcomes would be in each of them. This would seem to enable us to calculate the expected utility of various possible choices against the background of our moral uncertainty.<sup>33</sup> However, whether this exercise is genuinely meaningful and whether it can be done in an agreeable way under conditions of pluralism are altogether different questions. The jury is still out on this.

Second, even if we set these difficulties aside, we are left with the problem that people intractably disagree about decision-making—moral or otherwise—under uncertainty. Should we be expected utility maximizers? Maxi-minimizers (who try to

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<sup>32</sup> See, e.g., Ted Lockhart, *Moral Uncertainty and Its Consequences* (New York: Oxford University Press, 2000).

<sup>33</sup> For a defence of an approach along these lines, see, e.g., William MacAskill, “Normative Uncertainty as a Voting Problem,” *Mind*, forthcoming. For a detailed treatment of the topic of moral uncertainty, see Stefan Riedener, “Maximising Expected Value Under Axiological Uncertainty: An Axiomatic Approach,” DPhil thesis, University of Oxford (2015).



achieve the best possible worst-case consequences)? Risk-weighted expected utility maximizers?<sup>34</sup> And if so, what should our risk attitude be? Or should we adopt an altogether different decision procedure? In fact, people intractably disagree about the very question of whether the appropriate response to disagreement among competent thinkers is decreasing one's degree of belief in one's comprehensive moral view.<sup>35</sup>

In sum, adopting a framework of decision-making under uncertainty and selecting a particular decision procedure within that framework reproduce the same problems we identified in connection with identifying the correct substantive answers to normative questions. The moment we settle for a certain procedure for making decisions under moral uncertainty, we impose that procedure on others who reasonably disagree with it, contrary to what we called the “core liberal commitment”. The moral-uncertainty response to the problem of intractable disagreement is therefore theoretically dubious and morally unappealing, at least from the liberal perspective with which we have started.<sup>36</sup>

### 5.2.2. Suspending judgement?

Let us turn to the second response to the “schizophrenia” worry, namely that, in the face of intractable disagreement, the rational response is to suspend judgement altogether. The problem of disagreement would then disappear: we would hold no views on any contested issues.

This suggestion is at odds with our moral phenomenology. It implies that virtually everyone is irrational in a pluralistic society. Given intractable disagreement about moral matters, we ought to suspend judgement, thereby abandoning most if not all of our moral commitments. But this is not what most people—including apparently very rational ones—do. A view that leads us to regard those we ordinarily consider rational as completely irrational is one of which we should be suspicious.

The levels view tells us that we should suspend judgement *only* at the political level, by assuming a thinner set of normative facts at that level. This is faithful to our moral experience. As liberal-democratic citizens we accept that we shouldn't impose our

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<sup>34</sup> See, e.g., Lara Buchak, *Risk and Rationality* (Oxford: Oxford University Press, 2014).

<sup>35</sup> Cf. the literature on peer-disagreement. For an overview see Alvin Goldman and Thomas Blanchard, “Social Epistemology,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Summer 2015, 2015, 3.4, <http://plato.stanford.edu/archives/sum2015/entries/epistemology-social/>.

<sup>36</sup> For comprehensive reservations on epistemic versions of political liberalism, see Enoch, “Political Philosophy and Epistemology.”

convictions on others in the face of intractable moral disagreement, but as private individuals we hold on to our contested convictions and shape our lives around them.<sup>37</sup>

Consider again the example of a liberal Catholic who holds the following beliefs: (i) at the comprehensive moral level, there is a fact about whether abortion involves killing a moral person, and (ii) at the political level, there is no such fact. Are these beliefs really in tension? Recall our earlier observation that, in medicine, there is no fact of the matter about whether one should pray for salvation, while there may be such a fact in morality or religion. This claim is unlikely to elicit any charges of schizophrenia. Now imagine you went to a judge or a government official—i.e., someone responsible for making public decisions—and asked them: “Does abortion involve killing a moral person?” Presumably, they would respond: “I am the wrong person to answer this question in my capacity as a public official. At most, I can say something about *legal* personhood. The law is silent about *moral* personhood; there is no *legal* fact of the matter about it.”

This hypothetical dialogue puts pressure on the claim that there is something incoherent in holding that there are different facts at the moral and political levels. The burden of proof is on the objector to tell us why the official’s response is incoherent, when it seems obviously correct. And if this response is not incoherent, then neither is the liberal Catholic’s belief that while there is a fact about moral personhood at the comprehensive moral level, there is no such fact at the political one, which is similar to the level at which state officials and judges operate.

Reservations about our argument are likely to be motivated by the temptation to collapse moral and political levels, or to suggest that the latter should “mirror” the former. This, however, is a substantive view about the structure of normative ontology, and one that suggests that normative ontology is “flatter”—less “multi-levelled”—than we have argued. Appeal to this substantive view, which is distinct from the levels view, is no response to our claim that the levels view is free from incoherence or schizophrenia.

### *5.3. Ontological parsimony and the levels view*

The levels view also has the advantage of being more in line with Occam’s Razor principle than its comprehensive rivals. Let us explain. Given the prominence of moral realism, philosophers often assume that some comprehensive moral theory must be true. While it is widely accepted that we do not conclusively know which moral theory is true, the

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<sup>37</sup> Stephen Macedo, “Liberal Civic Education and Religious Fundamentalism: The Case of God V. John Rawls?,” *Ethics* 105, 3 (1995): 468–96, 474.

existence of a fact of the matter is seldom put into question by moral philosophers—at least outside anti-realist circles. However, the assumption that there is a fact of the matter, which we must “merely” discover, is a demanding one, and it is far from obvious that this assumption should be the default, especially when it comes to politics.

In science, but also in philosophical ontology in Occam’s tradition, the leading methodological principle is that we should not posit more features of reality—i.e., more facts, entities, or properties—than needed in order to account for the *relevant evidence* concerning the *matter of interest*. Suppose we are interested in the ontology of physics. Electromagnetic fields, for instance, were not part of the original Newtonian ontology of the world. Maxwell’s electrodynamics, however, showed that we need to invoke them as new unobservable features of the world in order to make sense of certain observable phenomena. For this reason, we now accept their reality. By contrast, the ether was an ingredient of reality postulated at some point, but it turned out to be explanatorily dispensable, and so we no longer believe that it exists.

What do these reflections imply for the normative domain? Let us start with comprehensive moral questions. It may well be true that *if* we are interested in explaining what makes an action right or wrong (our matter of interest) *and* we take our personal comprehensive moral judgements as our “data points” (the relevant evidence), *then* an indispensability argument might be given for realism about certain normative facts. Specifically, it might be that, without positing a rich normative ontology, we would not be able to account for our normative “data” about comprehensive moral questions in an adequate manner. A rich ontology of moral facts might offer the best explanation of our personal moral landscape.

But even if this correctly characterizes the methodology of moral theorizing, the matters of interest and relevant evidence are different in political theory. First, the matters of interest will now concern social organization, as opposed to the rightness and wrongness of private conduct, the meaning of life, or the existence of God. Second, while treating one’s personal judgements as relevant evidence *may* be defensible in matters of personal morality, it appears problematic once we turn to matters of public concern. Regarding public matters, “relevant evidence” should be publically ascertained. This implies that contested personal normative judgements won’t count as relevant data points in political theorizing. And so, those judgements will also fail to constitute data points whose explanation makes a richer normative ontology indispensable.

These observations suggest that, at a political level, the kind of rich moral ontology that full-blown moral realists accept is hard to defend. At best, we might be able to defend a less demanding form of normative realism, restricted to a thinner ontology of normative facts: facts concerning matters of social organization on which the evidence is publically ascertained. These are precisely the facts on which we can establish an “overlapping consensus” in Rawls’s terminology.

So, the question to ask is not “why should we accept that our political ontology is thin”, but “why not”? The burden of proof should fall on those who wish to posit more facts in order to address a given set of normative questions, not on those who wish to posit fewer facts, especially when the evidence for those facts is intractably contested.

#### *5.4. An analogy*

Suppose the politics department of a university is hiring a new assistant professor in political theory. The department is split between analytic theorists and post-structuralists, who have competing comprehensive views about what counts as good scholarship. The decision about whom to hire is of great public significance in the department: everyone has to live with it. Consider the following, rather different ways of conducting the hire.

*Procedure 1:* Colleagues deliberate about whom to hire, each appealing to their own comprehensive views about excellence in research. The discussion turns nasty. Through the arguments they offer for and against hiring various candidates, faculty members end up making accusations at each other. The analytic theorists accuse their colleagues of sloppiness, charlatanism, and ideological pontificating. The post-structuralists lament their colleagues’ parochialism, sophistry, and narrow-mindedness. No consensus is found. The top candidate for each side is deemed unappointable by the other. Resigned to the need to fill the position, the department votes. The analytic side narrowly wins. A new hire is imposed on the department for reasons many of its members find deeply objectionable.

*Procedure 2:* In deliberating about whom to hire, colleagues with different comprehensive views look for common ground. Aware of their differences, they proceed by arguing from shared premises, abstracting away from their partisan views: the analytic theorists set aside the criterion of formal analysis, the post-structuralists set aside the importance of deconstruction, and so on. They focus on what they have in common. For example, they all agree that publishing in some generally recognized journals is an achievement (though they disagree about more specialist venues). They all agree that

positive student evaluations are prima facie evidence of good teaching. They all agree that it would be desirable to hire someone who can teach the history of political thought. The deliberation proceeds in a civil manner. Colleagues fail to reach consensus on how candidates should be ranked, but they agree about some of them being in principle appointable. The issue is put to a vote, and again—let’s suppose—an analytically oriented candidate is chosen. To be sure, the post-structuralist group is disappointed, but not completely alienated. They can see some public reasons in support of the decision, and feel that they have been treated respectfully by their colleagues.

Intuitively, we hope readers will agree, Procedure 2 is superior to Procedure 1. We will comment on why that is in a moment. First, we would like to look at the ontological presuppositions of Procedure 2. Importantly, it is not the case that, *for the hiring process*, participants assume that there is a comprehensive truth about the right approach to political theory, but are uncertain about what that truth is: is it in line with post-structuralism or with analytic methodology? If that were the case, the department would follow some procedure for decision-making under uncertainty. For instance, colleagues would assign certain probabilities to the correctness of the different methodological approaches and decide on that basis. But this is not what they do.

Instead, they refrain from assuming the existence of a fact of the matter about whether post-structuralism or analytic theorizing is better. *At the level of the department*, they bracket off certain questions and assume a thinner class of facts about what constitutes good scholarship—facts that lie at the overlap between their different partisan views. Doing so does not prevent them from holding on to their comprehensive views in their own circles. At a deeper level, they each continue to believe that one way of doing research is superior to the other. But they acknowledge that comprehensive facts about research methodology cannot be assumed at the level of their pluralistic department. Procedure 2, then, presupposes an ontological structure akin to the levels view.

Now why does Procedure 2 seem superior to Procedure 1? Several answers come to mind, which are analogous to the ones we have offered in the political case. First, Procedure 2 is likely to be conducive to the good functioning of a department, by ensuring peace and stability. Procedure 1, by contrast, may lead to conflict and disaffection. Second, Procedure 2 shows respect towards both sides of the debate, who reasonably disagree with each other. Of course, what counts as “reasonable” is often far from clear-cut; more on this below. Still, each side can see that the other consists of rational individuals acting in good faith. And each side can see the wrong involved in imposing a

view on others based on reasons that those others consider deeply disagreeable. Third, given that the question “Whom should we hire?” can be answered independently of “deep facts” about research methodology, and given how contested that methodology is, Occam’s Razor principle suggests that we should not posit more facts about that matter than strictly necessary for departmental purposes. Procedure 2 does exactly that.

## 6. Some implications

We have argued that political theorizing should operate at a more coarse-grained level than moral theorizing, associated with a thinner ontology of normative facts. We now discuss two questions on which we have been silent so far. First, how should we determine the “political truth”, that is, which normative facts should we posit at the political level? And second, what would the proposed approach imply for the role of the political theorist?

### 6.1. How to determine the “political truth”<sup>38</sup>

On the levels view, what counts as “the political truth” depends on the society in question and its degree of reasonable pluralism. To develop this point, we must say more about the difficult notion of “reasonableness”. For present purposes, we adopt the following simple definition. A comprehensive moral view is *reasonable* if it is (i) not falsified by incontestable evidence and (ii) compatible with basic liberal requirements, including the prohibition on coercing others in the name of contested comprehensive doctrines.<sup>39</sup> *Reasonable pluralism*, then, is the presence of different reasonable views in a given society. According to our definition, a variety of moral views can count as reasonable, including many familiar examples: utilitarianism, prioritarianism, various forms of egalitarianism, Kantianism, Aristotelian virtue ethics, and so on. Likewise, many (tolerant) religious views will qualify as reasonable.

What we have given is a definition scheme. For example, we may use stricter or weaker standards of (i) the absence of falsification by incontestable evidence and of (ii) compatibility with basic liberal requirements. Our aim here is not to argue for a

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<sup>38</sup> As should be clear, on the levels view, political theory need not dispense with the notion of truth (something that sets it apart from Rawls’s original version of political liberalism). Our perspective is therefore cognitivist. That said, the levels view remains agnostic about complex meta-ethical questions about the nature of the moral truth. Cf. the discussions in Joshua Cohen, “Truth and Public Reason,” *Philosophy & Public Affairs* 37, 1 (2009): 2–42; Quong, *Liberalism without Perfection*, chap. 8; Estlund, “The Truth in Political Liberalism.”

<sup>39</sup> Our characterization thus contains both a “thin” epistemic element and a “thin” moral one.

particular specification of (i) and (ii), but to make a *structural* point: whatever the criterion of reasonableness is, different degrees of reasonable pluralism will give rise to different specifications of the normative facts at the political level.

Crucially, the political-level facts should be “multiply realizable” at the comprehensive moral level, i.e., supportable from the perspective of different competing reasonable moral views. The more such views we wish to accommodate, the thinner the resulting political-level facts will be. Ideally, we will be looking for what Rawls calls an “overlapping consensus” on political matters.<sup>40</sup> “Political truths” should lie in the intersection of the “moral truths” according to the different reasonable moral views present in the society in question.<sup>41</sup> Proponents of different such views should each be able to endorse the agreed political principles from their own perspective: they may have their own comprehensive reasons for endorsing them, but they will still converge on the principles themselves.

In line with these observations, there is not just one political level, but several, corresponding to different political domains. The political level associated with a nation state may admit a richer (“thicker”) specification of the normative facts than the political level associated with the international arena. Indeed, some settings, particularly the international one, may exhibit forms of pluralism that transcend the reasonable or that will qualify as “reasonable” only after significantly weakening the standards of reasonableness; such settings pose challenges for political liberalism.<sup>42</sup> For example, the principles of justice that are likely to be supported by an overlapping consensus within the United Nations will be dramatically thinner than those that will be supported by an overlapping consensus within a nation state.<sup>43</sup>

Ideally, the political-level facts should include facts about which procedures should be used for making collective decisions in the relevant domain when some issues need to be resolved on which there is no overlapping consensus. For instance, there is unlikely to be an overlapping consensus on many policy issues such as the precise tax rate,

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<sup>40</sup> Rawls, *Political Liberalism*, Lecture IV.

<sup>41</sup> This structure is also reminiscent of “supervaluationist” semantics for predicates which have competing admissible precisifications.

<sup>42</sup> This is a familiar point from John Rawls, *The Law of Peoples: With “The Idea of Public Reason Revisited”* (Cambridge, MA: Harvard University Press, 1999).

<sup>43</sup> Even within a given setting, such as a nation state, we may specify the political-level facts in thicker or thinner ways, depending on whether we are discussing constitutional arrangements, which should remain stable in the long term, or whether we are dealing with ordinary politics, where political commitments may be richer than at the constitutional level but more variable.

and yet a binding decision may still be needed. In such a case, we would like to attain an overlapping consensus at least on the legitimacy of the decision procedure itself.

### 6.2. *The role of the political theorist*

On the levels view, the political theorist should formulate his or her arguments for a particular audience, namely everyone in the political domain. Political theory should not rely on the truth of claims that are reasonably contested within the society in question. This suggestion is familiar from the literature on political liberalism. Jonathan Quong, for example, argues that “[w]hen we go beyond the limits of the political, and try to provide the deep metaethical or epistemic foundations for political values and their priority, we are no longer engaged in political philosophy suitable for a well-ordered liberal society”.<sup>44</sup> In our terms, when we appeal to facts at a lower, more fine-grained moral level, we are no longer doing political theory “proper”, but moral theory applied to political questions.

But what exactly does normative *political* theorizing involve? It involves seeking the truth *at the political level*. The levels view thus presupposes a cognitivist political meta-ethics: it refers to normative *truths* at the political level. Yet those truths must be found in the overlap between different reasonable comprehensive doctrines. This places constraints on the kinds of arguments political theorists may put forward. As Rawls already suggested in *Political Liberalism*, political theorists must reason more like Supreme Court Justices, answering political questions not by marshaling their deep moral convictions, but by appeal to a restricted set of political-level facts.<sup>45</sup> Justices, of course, must rely on a certain body of law, and their judgments must be based on the most compelling interpretation of that law.

Political theorists are not legal experts or judges. For them, identifying truths at the political level cannot be a matter of interpreting statutes, but it must be a matter of interpreting the *public culture* of the relevant society—another idea familiar from Rawls. Political theory, on this picture, needs to rely more heavily on empirical or sociological analysis, with the aim of interpreting the political-moral facts in the given society. This renders political theorizing more similar to the kind of interpretive exercise proposed by thinkers such as Michael Walzer.<sup>46</sup> Perhaps surprisingly, then, a truly liberal approach

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<sup>44</sup> Quong, *Liberalism without Perfection*, 242.

<sup>45</sup> Rawls, *Political Liberalism*, 231 ff. For discussion, see also Jeremy Waldron, “Public Reason and ‘Justification’ in the Courtroom,” *Journal of Law, Philosophy and Culture* 1, 1 (2007): 107–34.

<sup>46</sup> Michael Walzer, *Interpretation and Social Criticism* (Cambridge, MA: Harvard University Press, 1987). See also the so-called “practice-dependent” approach, as discussed in Andrea Sangiovanni, “Justice and the



requires that we re-orient political theory towards the kind of interpretive, sociologically informed methodology associated with “communitarian” approaches.

Many political theorists will balk at this suggestion. This reaction may, in part, be due to the prospect of no longer having unconstrained freedom to invoke the rich methodology of moral theory, ranging from appeals to contested philosophical premises and following an argument “wherever it takes us” to the use of far-fetched, sometimes outlandish thought experiments and other intuition pumps. Political theory according to the levels view is a more soberly disciplined activity.

However, might one not insist, with Jeremy Waldron, that “it ought to be someone’s job to figure out whether [for example] torture is objectively wrong in all circumstances and why”? And might one not agree with Waldron that “[i]t is hard to see that this is not a task for political philosophers”? “[I]f it is not their task, whose is it?”<sup>47</sup>

We agree that it ought to be someone’s job to reflect on these matters, but *if* what explains the wrongness of torture is a comprehensive moral fact, *then* the levels view suggests that it is the job of the moral (not the political) theorist to investigate it. However, there may well be a political-level truth concerning the wrongness of torture, which can be underwritten by a variety of different comprehensive moral truths. The political theorist would have to investigate the (im)permissibility of torture from that political perspective, not the comprehensive moral one.

Two further concerns may be put forward. The first is that doing political theory in line with the levels view involves a status-quo bias. The second is that refusing to engage with deeply contested comprehensive doctrines is disrespectful towards politically engaged citizens who fight for justice in the name of those doctrines.

The first worry—that the levels view is status-quo biased—echoes a complaint that liberals often raised against communitarians in the 1980s and 1990s. To defend the levels view, we begin by noting that a bias towards the status quo need not be bad: it depends on what the status quo is. As we have argued, the levels view is meant to apply—like the later Rawls’s—to liberal-democratic societies. So, the relevant status quo should ideally be one that is acceptable by liberal standards. Of course, the objector will insist that if political

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Priority of Politics to Morality,” *Journal of Political Philosophy* 16, 2 (2008): 137–64. Note that this would not remove disagreement from political theorizing. Different theorists are likely to defend different interpretations of the relevant overlapping consensus, given that such consensus needs to be unearthed, and is far from transparent.

<sup>47</sup> Jeremy Waldron, “Isolating Public Reasons,” in *Rawls’s Political Liberalism*, ed. Thom Brooks and Martha C. Nussbaum (New York: Columbia University Press, 2015), 113–38, 124.

theory can only appeal to what “is already there” in a liberal public culture, resources will be limited for advocating progressive reform—for making a liberal society morally better. We find this worry misplaced, at least if one subscribes to what we called the “core liberal conviction”. It presupposes that invoking the truth of contested moral doctrines in political argument could lead to a better society. But justifying reforms by reference to contested views is tantamount to renouncing liberalism, at least on our understanding of it. A society that appeals to comprehensive moral doctrines in order to justify state coercion is one in which individuals are being pushed around in the name of partisan and contested views. This is not a truly liberal society, and thus hardly morally superior *from a liberal perspective*. That said, progressive reforms can be politically justified if the status quo exhibits inconsistencies or contains illiberal elements, for instance if some existing laws or policies tacitly presuppose contested moral doctrines. Moreover, progressive reforms can be justified if the overlapping consensus itself shifts.

The second objection, put forward by David Enoch, suggests that by refusing to engage with the substance of deep moral disagreements, the political theorist treats his or her fellow citizens in a disrespectful, patronizing manner. In Enoch’s words, focusing only on facts at the political level is equivalent to treating “some of the most deeply held beliefs of those engaged in the relevant disagreement as if they were mere preferences: For with mere preferences, arguably going second-order and impartial is precisely the way to go, and certainly engaging them in argument doesn’t make much sense”.<sup>48</sup> There is no fact of the matter about which preferences are right and which are wrong. Preferences are not cognitive attitudes; they are conative. Similarly, so the objection goes, suggesting that there is no fact of the matter about which comprehensive moral view is right fails to take seriously the proponents of such views.

We think that the levels view can be defended against this critique. The view does not deny the existence of facts about deep moral questions altogether. It simply asserts that those facts do not belong to the political level; they belong to a more fine-grained moral level. The levels view can therefore not be accused of treating fundamental moral commitments as if they were mere preferences. It is precisely because fundamental moral commitments matter so much that it would be disrespectful to impose them on others who reasonably disagree with them and to use them to justify public policy.

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<sup>48</sup> David Enoch, “Against Public Reason,” in *Oxford Studies in Political Philosophy*, ed. David Sobel, Peter Vallentyne, and Steven Wall, vol. 1 (New York: Oxford University Press, 2015), 112–42, 136.

## 7. Conclusion

We have suggested a way of demarcating the ontologies of moral and political theory, based on the “levels view” inspired by the philosophy of science. We have argued that this view is consistent with the aims of political theorizing in pluralistic societies, that it honours liberal convictions, and that it respects methodological principles of parsimony.

We conclude with some comments on the point and limits of our analysis. First, although we have framed the discussion around the distinction between moral and political theory, labels are not so important. Our interest is not in the question of what should be called “moral” or “political theory”, but in distinguishing between different levels of normative analysis. Which labels we attach to them is secondary. What matters is vindicating the claim that, when it comes to justifying coercive state policies and binding public decisions, we may appeal only to a restricted set of normative facts.

Second, our defence of the levels view may raise the question of how it relates to the “domain” and “core values” views, and whether it really competes with them. After all, the levels view also implies that political theories (i) are concerned with the domain of public decisions and (ii) deal with a distinctive set of normative facts. So, what is special about the levels view? The view is special insofar as it does not take features (i) and (ii) to be what *fundamentally* separates political from moral theory, as in the case of the domain and core-value views. Instead, it takes features (i) and (ii) to be mere *byproducts* of the more fundamental distinction between different levels of normative ontology.

Third, even those who are sympathetic to the levels view may be skeptical about its real-world applicability. In the real world—especially when the overlapping consensus is rather thin—we often run out of arguments if we do not appeal to comprehensive moral convictions.<sup>49</sup> This concern is legitimate, yet it does not invalidate the levels view. We have offered an ideal account of the facts to which we may appeal in normative political arguments. In the real world, we can at best approximate this ideal. We should appeal to as few comprehensive moral considerations as possible when we offer public justifications. In short, we should try to justify normative political claims in the spirit of the ideal, and the more a society departs from that ideal, the less liberal it will be. Nothing as neat and clear-cut as the ideal itself is likely to be realized in practice. But this does not invalidate the levels view as a regulative ideal.

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<sup>49</sup> See, e.g., David A. Reidy, “Rawls’s Wide View of Public Reason: Not Wide Enough,” *Res Publica* 6, 1 (2000): 49–72.