Justice, Democracy, and the Role of Political Philosophy

Abstract
In this paper, I argue that de Shalit’s claim that there is a tension between a commitment to democracy and methodological approaches in political philosophy that do not take the views of members of the public as inputs to theorizing is mistaken. I also argue that adopting the method of ‘public reflective equilibrium’ that de Shalit recommends would undercut important roles that political philosophy should play in both our thinking about and our pursuit of justice.

Keywords political philosophy; justice; democracy; public engagement

1.
In ‘Political Philosophy and What People Think’, Avner de Shalit [2020] claims that there is a tension between the commitment to democracy that is widely shared among political philosophers and prevailing methodological approaches in political philosophy that do not involve taking what members of the public think about the questions being addressed as inputs to philosophical theorizing. He argues that political philosophers ought to adopt a methodological approach that involves engaging extensively with members of the public and their views. The particular method that he describes and defends, which he calls ‘public reflective equilibrium’ [2020: XX], requires that political philosophers take both the public’s intuitions and its theories as inputs to their theorizing. The aim of work in political philosophy, for those who employ this method, is, at least roughly, to bring the intuitions and theories of the public at large into equilibrium by subjecting both to critical scrutiny, and revising them, as necessary, in order to arrive at an internally consistent view that can, on reflection, be accepted (presumably by both the philosopher and members of the public).\(^1\)

\(^1\) The version of reflective equilibrium endorsed by de Shalit is structurally similar to the version introduced by John Rawls [1999: 18-19, 42-6]. The central difference is that de Shalit’s approach requires beginning from the intuitions...
I have two central aims in this paper. The first, which I will pursue in section 2, is to argue that there is no genuine tension between a commitment to democracy and methodological approaches in political philosophy that do not take the views of members of the public as inputs to theorizing. The second, which I will purse in section 3, is to argue that if political philosophers were to adopt de Shalit’s method of public reflective equilibrium in all of their theorizing, this would undercut at least two important roles that political philosophy both can and should play in our thinking about and pursuit of justice.

2.

It is puzzling, de Shalit claims, that so many political philosophers who are proponents of democracy do not seriously engage with the views of members of the public in their philosophical work. He suggests that a commitment to democracy entails a commitment to ‘consulting the public’, and that there is reason to expect that those who endorse this commitment would ‘consider (in a profound sense) what people think when they research and write’ [2020: XX]. Though he does not spell out the argument here in much detail, the central thought seems to be that if one holds (as proponents of democracy do) that, at least to a significant extent, what members of the public think ought to determine, for example, which policies are enacted by the governments to which they are subject, then there is at least some pressure on one to also accept that the answers to political philosophical questions, such as questions about what justice requires, depend, at least to a significant extent, on what members of the public think about those questions.

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and theories of the public at large, rather than from the philosopher’s own intuitions and theoretical commitments [de Shalit 2020: XX].
It is unclear, however, why we might think that a commitment to the view that we ought to have democratic political institutions, and that therefore what members of the public think should play a major role in determining which policies are adopted by their governments, implies anything at all about the extent to which what members of the public think determines the content of, for example, requirements of justice. After all, there does not, at least initially, appear to be anything inconsistent about accepting all of the following three claims:

(1) What justice requires, both fundamentally and as a matter of policy in the actual world, in no way depends on what anyone believes.

(2) Citizens ought, in good faith, to attempt to vote for the policies required by justice (and for candidates who support such policies).

(3) The policies that citizens in fact vote for (perhaps indirectly, via voting for certain candidates over others) ought to be adopted.\(^2\)

In addition, each of these claims is, it seems to me, quite plausible. I take it that anyone who ought to be counted as committed to democracy will accept some version of (3), since a commitment to settling policy questions via a process in which all citizens are able to participate by registering their preferences (whether directly for particular policies or for candidates who are, once elected, empowered to play a direct role in the policy-making process) would seem to lie at the core of a commitment to democracy.

The argument suggested by de Shalit appears to imply that those who accept some version of (3) face pressure to reject (1). We might think (though de Shalit does not explicitly

\(^2\) At least many proponents of democracy would endorse only a suitably qualified version of this claim that allowed for exceptions in cases in which, for example, enacting the policies voted for would constitute, or result in, especially severe injustices. This is because at least certain severe injustices would be an affront to the very values that are thought to ground the requirement to adopt democratic institutions, for example the free and equal status of citizens [Rawls 1993].
suggest this line of argument) that (1) and (3) are incompatible in virtue of the fact that they have
the potential to yield conflicting verdicts about which policies ought to be adopted. (1) states that
there are policies that are required by justice, regardless of whether anyone believes them to be
so required. And the fact that policies are required by justice plausibly implies that they ought to
be adopted. But (3) implies that those policies ought not be adopted if citizens vote for different
policies. Since it cannot be the case that particular policies both ought and ought not be adopted,
we might think that we cannot accept both (1) and (3), and that therefore those who are
committed to democracy, and therefore committed to some version of (3), must reject (1).

If this argument were correct, then we might also think that it would involve a kind of
conceptual confusion to claim, as those who accept both (1) and (3) must, that there can be
circumstances in which unjust policies ought to be adopted. Specifically, we might think that,
necessarily, the policies that ought to be adopted are those that are required by justice, so that
anyone who accepts (3) must also accept that there is nothing more to what justice requires, with
respect to policy, than the adoption of the policies that citizens vote for.\(^3\) Being committed to
democracy would, then, commit one to accepting that what people believe contributes to
determining what justice requires. And this would imply that approaches to questions in political
philosophy that do not take what members of the public think about those questions as inputs to
theorizing are fundamentally mistaken.

The argument that leads to this conclusion should, however, be rejected. This is because
the implications of (1) and (3) regarding which policies ought to be adopted are not actually
inconsistent. Those who accept both (1) and (3) are best understood as holding that the fact that
the policies required by justice ought to be adopted is partially explained by the fact that, as (2)

\(^3\) Once again, this conclusion might be constrained by a requirement to refrain from enacting policies that are clearly
in conflict with the values that ground the requirement to adopt democratic institutions.
claims, citizens ought to do their best to vote for those policies. (1), then, has implications for
which policies ought to be adopted, in part because it also has implications for how citizens
ought to vote. Holding that particular policies ought to be adopted in the sense that, first, citizens
ought to vote for them, and then governments ought to enact them, is not inconsistent with
holding that if citizens do not in fact vote as they ought to, then governments ought to enact the
policies that they in fact vote for.

In the leadup to an election, it makes sense to ask how citizens ought to vote, and
therefore it makes sense to ask which policies ought to be adopted, where the answer to this
question has implications for how citizens ought to vote. This question about which policies
ought to be adopted, for which (1) has implications, is simply a different question from one that
we can ask only after an election has taken place, namely which policies ought to be adopted
given how citizens have actually voted. (3) implies a particular kind of answer to this latter
question, but since it is a different question from the one for which (1) has implications, the fact
that the answers might differ does not imply that (1) and (3) are incompatible.

3.

Proponents of (1) – (3) can, plausibly, take one potential aim of work in political philosophy to
be trying to persuade citizens to vote in ways that are better from the perspective of justice than
they otherwise might have. Those who adopt de Shalit’s methodological approach can, as he
claims, take this as one of their aims as well [2020: XX]. What the pursuit of this aim could look
like, however, would be quite a bit more constrained for those following de Shalit’s approach.
Because of this, there are roles that political philosophy of the kind that de Shalit criticizes can
play that would be undercut, to a fairly significant extent, if political philosophers were to adopt his approach.

The method of public reflective equilibrium that de Shalit advocates requires political philosophers to begin from ‘the prevailing intuitions and theories’ [2020: XX] about the questions that they seek to address. Their distinctively philosophical work consists, on this approach, in recognizing inconsistencies within the theories, and/or between the theories and the intuitions, and refining the theories (and perhaps suggesting giving up some of the intuitions) in order to arrive at an internally consistent overall view that best represents the public’s commitments.

Clearly, political philosophers who adopt this method will often be in a position to suggest to members of the public that they rethink some of their beliefs about, for example, what justice requires, and perhaps adjust their future voting behavior accordingly. But because they must begin from prevailing intuitions and theories, the extent to which they will be in a position to recommend that members of the public with fairly mainstream views rethink their commitments will necessarily be rather limited. They can point out internal inconsistencies, and highlight what appear to be the most plausible ways of resolving those inconsistencies. A political philosopher, might, for example, suggest to certain members of the public that a widely accepted theoretical commitment that they themselves endorse implies that justice requires supporting a policy that they and many others are intuitively inclined to oppose, and argue that the theoretical commitment is plausible enough that it would be better to abandon the intuition that the policy is unjust.

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4 It is an interesting question what de Shalit’s method implies about how political philosophers ought to engage with members of the public who hold views that are outside of the mainstream, and in particular how they ought to engage with people whose non-mainstream views they are, at least to some extent, inclined to share. I cannot, however, discuss this issue here.
This is not an unimportant kind of argument for a political philosopher to make. It is, of course, important to recognize inconsistencies in prevailing views, and to think about how best to resolve them within the type of overall outlook in which they tend to arise. In addition, arguments of this kind are surely more likely to change some people’s voting behavior in the short term than arguments made employing the approaches to political philosophy that de Shalit criticizes. Furthermore, it might, at least in practice, be easier to convince members of the public that one is engaging with them in the kind of open-minded way that de Shalit rightly advocates if one begins from both intuitions and theories that they are inclined to share.\(^5\)

There is, then, clearly an important place within political philosophy for the kind of work that de Shalit advocates. In addition, in my view his encouragement to political philosophers to engage with members of the public more than many typically do should be welcomed. It seems to me, however, that much of potential value would also be lost if political philosophers limited themselves to working within de Shalit’s method.

First, political philosophers who do not take the public’s intuitions and theories as inputs to their theorizing can offer for public consideration normative critiques of prevailing ways of thinking about justice and widely accepted modes of social, economic, and cultural organization that run much deeper than those that can be offered by those employing de Shalit’s method.\(^6\) If done well, this kind of work can help to foster a different and, it seems to me, potentially important kind of critical reflection about prevailing beliefs and values, and thereby can contribute to efforts to bring about more radical changes than are likely to be recommended by those employing de Shalit’s method.

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\(^5\) I am not, however, convinced that it is actually more difficult to engage open-mindedly if one adopts a methodological approach of the kind that de Shalit criticizes.

\(^6\) A point at least similar to this is noted by de Shalit [2020: XX, fn. 13], but he does not discuss it.
Second, political philosophers who do not take the public’s commitments as inputs to theorizing can develop and offer debunking explanations of the widespread acceptance of policies and practices that we might think are unjust. Again, if done well, this kind of work can promote a deeper kind of critical reflection about the acceptability of prevailing arrangements than de Shalit’s method is likely to, and can contribute to efforts to bring about significant changes.

These potential roles for political philosophy are especially important in deeply unjust societies in which many members of the public are generally supportive of at least some of the particularly consequential prevailing arrangements. Since many societies, including many of those in which political philosophers doing work of the kind that de Shalit criticizes live, plausibly fit this description, it seems to me that there is a lot of potential value in work in political philosophy that more radically challenges prevailing views.

Of course, in order for work in political philosophy to effectively play the roles that I have identified with respect to our pursuit of justice (as opposed to merely playing the related roles with respect to thinking about justice within academic philosophy), political philosophers would have to both engage with the public and do so in ways that will stimulate the necessary kind of reflection (which could then lead to action). It is far from clear that many political philosophers are actually capable of doing this well. It is, however, equally unclear that they are capable of effectively engaging with and influencing the public in the ways that de Shalit’s approach suggests they should.

There is no doubt that there is something appealing about de Shalit’s suggested approach to public engagement, and therefore about the approach to political philosophy that would facilitate that way of engaging. The potential for political philosophers to have an impact on real
world politics is easier to see than it is for work of the kind that de Shalit criticizes. The influence that this kind of work can have is generally going to be even more uncertain, and more difficult to see even where it does exist. It will occur, when it does, on a much longer time scale than the influence that de Shalit envisions for work done within his method.

It seems to me, however, that, especially given the depth of injustice in our societies, and in the world more generally, there are important roles for approaches to political philosophy that do not begin from prevailing public commitments. The greater uncertainty of its potential impact does not necessarily make it any less practically significant, if the potential impact is sufficiently large. Furthermore, pursuing this type of work does not require political philosophers to engage any less with members of the public than those pursuing work within de Shalit’s method (though the form of engagement is likely to differ somewhat). It also, as I argued in the previous section, does not require any compromise of the commitment to democracy.

References