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methodology of political theory**

Thomas Schramme

Working Paper Nr. 2017-25

<http://bedarfsgerechtigkeit.hsu-hh.de/dropbox/wp/2017-25.pdf>

Date: 2017-04



**FOR
2104**

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(April 2017; final version published in: Baderin, A., Busen, A., Schramme, T. et al.
Contemp Polit Theory (2017). <https://doi.org/10.1057/s41296-017-0136-9>

Mill and Miller: Some thoughts on the methodology of political theory

In this brief essay, I want to discuss David Miller's methodology of political philosophy by way of relating it to ideas of another renowned philosopher, John Stuart Mill. I believe both thinkers share a common purpose, which is to build a more realistic and contextualised political philosophy. They achieve this through including empirical evidence about the normative beliefs of real people in their methodology. I will agree with Mill and Miller that normative theory can and indeed should be based on empirical evidence about 'what the people think'. However, I will point out a potential problem when allowing "external checks", as I will call them, to such normative beliefs. External checks are indeed needed for correcting distorted normative beliefs when using them for theoretical purposes of devising a normative theory. But checks might also be used to exclude unwanted substantive normative beliefs. I believe that this could undermine the very methodology of "what the people think". We should include what the people really think, not what we as theorists like people to think.

I would like to be as clear as possible about the philosophical problems and options here, as I will pursue a contentious line of thought. First, it should be obvious that people are themselves not always clear about what they think, especially as regards complex normative issues. In these cases, philosophers might not be able, for pragmatic reasons, to use the suggested methodology. More importantly, philosophers might also want to query what it is that the people *really* think. I understand this notion to pose a methodological problem of the social sciences. Alternatively, someone might like to introduce a normative requirement into the philosophical model, for instance by saying that what people really think has to be authentic, rational, morally valid, or something the like. However, the more we idealise our model towards what the people *should* think, the more we lose grip of our starting-point. The quarrel, which is also visible in the pages of this special issue, is similar to debates about different theories in ethics, more objectivist models versus more subjectivist (or mind-dependent) models. I will commit to the latter model without any further argument. I would only like to stress that an objectivist model undermines the very idea of the methodology under scrutiny here. It misses its point, because it does not require reference to what the people think.

In his essay *Utilitarianism*, John Stuart Mill introduces a test that is supposed to decide between higher and lower pleasures (Mill, 1861: 211). If all or nearly all people who are acquainted with two pleasures prefer one over the other, then this is the higher, or more valuable, pleasure of the two. Brushing over several issues here, we might be allowed to say that Mill in effect introduces an empirical test for determining what is good or valuable. He grounds values on facts; facts about the evaluative or normative beliefs of real people. Mill himself uses the test only for a very restricted range of normative matters, namely those that concern basic elements of human happiness. But we can use his idea as a springboard for more general methodological remarks on the use of normative beliefs in the construction of a theory of justice.

The philosophical debate that followed in the aftermath of Mill's considerations mirrors the debate regarding the use of empirical evidence about normative beliefs of "the people", or more specifically about justice beliefs, for generating normative principles. Many philosophers believe it is simply a nonsensical idea to use evidence about what people prefer or value to establish (aspects of) normative theories. This is because these philosophers believe that what people find valuable is quite distinct from what is *really* valuable.¹ Obviously, a lot hinges on whether the two aspects – what people find valuable and what is valuable – can actually be separated. Once we undermine the belief in a reality of values or of a correct conception of justice, independent of people's evaluations, Mill's methodology looks much less dubious.² I will hence pursue the idea of granting findings about what the people think a constitutive role in normative theory, especially in political philosophy (see also Schramme, 2008).

¹ Adam Swift, for instance, claims: "If we're thinking about what justice means – *really* means, not 'means in contemporary debate' – then it is a mistake to give public opinion any deeper or more constitutive role." (Swift, 1993, p. 19 (his emphasis)) Swift agrees with Jerry Cohen here, who similarly, and repeatedly, refers to the "*correct* principles of justice" (e.g. Cohen, 2000, 131; Cohen, 2011, p. 227).

² Cohen himself states that the theory of justice he believes to be *correct*, i.e. egalitarianism, cannot claim to be more justified than contenders. "(...) I hold the egalitarian views that were instilled in me (...) even though I *know* that I hold them *because* they were instilled in me, and that less radical views with no less good epistemic credentials might have been instilled in me" (Cohen 2000, p. 11 (his emphases)). A lot hinges on the phrase "no less good epistemic credentials". If Cohen believes that there can be a correct theory of justice and maintains, at the same time, that even the correct theory does not bear any better epistemic credentials, then he seems to subscribe to a straightforward Platonist theory, where the truth of a normative idea is wholly independent of our epistemic access to it.

It should be stressed that Mill does not simply refer to facts in order to establish normative conclusions. He rather refers to facts about individual normative beliefs and their prevalence within a community. So he does not draw values from brute facts, but from evaluations of people. There is neither a jump from an 'is' to an 'ought' involved, nor a definition of normative terms, such as "desirable", by reference to non-normative terms, such as "desired".³ Desires, for Mill, are *evidence* that something is desirable.

Mill is also not guilty of another error, namely that of simply taking for granted the normative beliefs of people. He is adamant about excluding preferences based on distortive influences, such as extremely detrimental living conditions. The question of how to filter actual beliefs, as it were, so that they can be transferred into valid evidence for establishing normative ideals, is another big issue I cannot adequately deal with here. At least partly it poses a pragmatic problem for the actual performance of such tests, which has been dealt with to some extent, if perhaps not sufficiently, in the literature on social justice research (Swift, 1999; Liebig & Lengfeld, 2002), and also in philosophy (Elgin, 1996). But it also poses the problem of how to avoid bias towards certain substantive normative beliefs, as mentioned at the beginning of the essay. This problem will be my concern in the remainder.

To address the widespread objection of a mere conventionalism, criteria for assessing the validity of normative beliefs are required. These criteria can be formal, as suggested by Mill's attempt to exclude distortive influences on, say, the voluntariness or authenticity of preferences.⁴ External checks could also be substantive, i.e. concerned with the content of a choice.⁵ For instance, purely egoistic attitudes could be excluded from considerations regarding principles of justice. Now, it seems that only formal checks of beliefs would be preferable from the methodological point of view defended here. To determine the normative ideal in advance, before we actually find out what people think, would mean sliding back into an idealised account of theory construction. Checks are only needed to make sure that the empirical data, i.e. normative beliefs, are undistorted. Filters should not be

³ The latter would be a naturalistic fallacy, as conceived by Moore; the former would be a violation of Hume's law. Although these are often conflated, they are, strictly speaking, not the same.

⁴ I take it that formal constraints would include some facts, as well. For instance, if someone believes that we must not inflict pain on sentient beings, but also believes that, say, guinea pigs cannot experience harm, then this would be a formal error, according to my usage of the term.

⁵ 'External' is here used as shorthand for 'external to a subjective point of view'.

used to establish the alleged "correct" outcome of an empirical test of normative beliefs.

Yet there is a general problem regarding the methodology lurking here: Once we allow any filtering of normative beliefs in order to convert them into considered beliefs for theory construction, we might unwittingly introduce substantive checks, which undermine the very idea of starting from the basis of actual normative beliefs in the first place. I believe it is this problem of external checks – as I want to call it – that occupies David Miller in his account of "what the people think". It is indeed a thorny question whether formal checks can ever be enough for the construction of a plausible normative theory. Perhaps we cannot avoid substantive constraints, at least as far as the very basic elements of a normative theory are concerned, such as basic elements of happiness (Mill) or principles of justice (Miller).

Miller uses 'what the people think' to help establish three different principles of justice: distribution according to equality, according to desert, and according to need. He claims that these principles guide people in different contexts, which vary relative to different relationships that people have. The principle of equality is found in the context of nation states, desert in instrumental associations, and need in communities that are based on solidarity (Miller, 1999, p. 26ff.).

There is some ambiguity as to how those principles are derived. Either Miller wants to argue that relationships are the basis for principles of justice⁶ or that principles are derived from the normative beliefs of people in different contexts, i.e. in different relationships.⁷ This ambiguity might actually be desired, as it might well be both influences – lived relationships and justice beliefs – that determine normative principles. Indeed, I do believe the ambiguity is Miller's way of providing external checks on normative beliefs without dismissing them in favour of external criteria alone.⁸ He therefore wavers between grounding his normative principles in relationships themselves and normative beliefs about the adequate criteria of distribution in particular relationships or contexts. This is not a shortcoming of his

⁶ "My aim is to identify the *underlying* principles of justice that spring directly from the various modes of relationship (...)" (Miller, 1999, p. 26 (his emphasis))

⁷ "What grounds do we have for asserting these connections between principles of justice and modes of association? We may begin by looking empirically at the judgments and behaviour of people when they allocate resources in different contexts." (Miller, 1999, p. 34)

⁸ "Contextualists claim that there is a relationship of appropriateness between context and principle that is primitive in the sense that it cannot be explained by appeal to some more fundamental principle that applies universally." (Miller, 2002, p. 11)

methodology; it is, instead, an important ingredient, because Miller wants to allow for the normative beliefs of people to go wrong.

To check beliefs against relationships is not, however, simply a formal check of beliefs, for example in terms of their voluntariness. If people believe it would be right to, say, allocate medical resources on the basis of desert, they would miss an adequate or fitting criterion, because the basis of healthcare is not to be found in a relationship based on voluntary association.⁹ The specific bonds between people that determine principles of justice do not allow for just any possible interpretation, because bonds come with normative boundaries and commitments.

Still, I would argue that Miller's methodology does not imply that there is only one adequate distributive principle per type of relationship. The nature of the relationship provides an external check of subjective beliefs about the best normative principle in this context, but it does not by itself determine these principles. It rather restricts the options by excluding unfitting principles of justice. If checks were more restrictive and would lead to one determinate answer, subjective beliefs of real people would actually be methodologically superfluous. Normative principles, in that case, would be the outcome of the right interpretation of relationships. I have argued that the nature of the relationship rather provides a range, but only a range, of adequate principles, which are selected according to what the people think.¹⁰

Miller's methodology is therefore not conventionalist, in contrast to what is sometimes asserted. He allows for external checks of normative beliefs, and hence does not simply take normative beliefs for granted when devising his theory. 'What the people think' is not fixed once and for all; and is it contestable through a debate about the nature and fittingness of relationships in particular contexts. Hence Miller even shows a way of including substantive external checks of subjective normative beliefs without undermining the methodology itself – in opposition to the idealizing methodology. In

⁹ "We can discover *systematic connections* between contexts and principles of justice, so that whenever we find a society that includes human relationships of type C, we can say that those relationships *ought* to be governed by principle P." (Miller, 2003, p. 350 (my emphases))

¹⁰ "We cannot hope to show that a mode of relationship *necessitates* the use of a certain principle of justice; but we can and must establish more than a merely empirical connection." (Miller, 1999, p. 34 (his emphasis)) To be sure, Miller does occasionally seem to give the nature of a relationship a stronger role: "Once the relationship is defined, we (as competent users of the concept of justice) know the criterion by which dues should be calculated, whether need, desert, equality, or something else." (Miller, 1999, p. 33) "(...) the claims that contextualists make about the contextual validity of principles of justice are themselves objective and universal in character" (Miller, 2002, p. 12). On these occasions, his claim sounds more like a one-particular-principle-per-type-of-relationship point of view.

his theory, checks are provided by the nature of particular relationships. The interpretation of the nature of different relationships in different contexts is a task for political theorists, if not only for them. This allows for a normative theory to be in conflict with actual normative beliefs and at the same time to claim superiority in normative terms. Still, it would need to be possible to eventually bring people to endorse those theoretical, external viewpoints, as they cannot be established as normatively superior on purely theoretical grounds. Hence there is a (non-vicious) circularity between subjective evaluations and theoretical considerations.¹¹

But how can we ever assess whether actual beliefs or some theoretical consideration are preferable on normative grounds? If people come to endorse the latter, for instance a particular interpretation of a relationship, then there is congruence between normative theory and what the people think; but if they have not, or not yet, endorsed them, on what grounds could a political theorist claim that people's normative beliefs are wrong and ought to be changed? This seems impossible, unless we introduce, yet again, an independent normative criterion, which then seems to amount to a claim about correct normative principles, and we would be back at the point where we departed from idealised and less realistic theories. As long as we stay within a (non-vicious) circle of to-and-fro between subjective beliefs and theoretical claims, I believe we cannot assume the normative superiority of any possible point within this circle. Real errors in normative beliefs, within the methodology put forward here, can only be formal errors, such as coerced attitudes; but there cannot be substantive normative errors. To be sure, this does not prevent normative theorists from criticising people's normative beliefs and trying to convince them otherwise. But I believe taking on this role of a public critic requires a change in purpose: from devising a normative theory that is in line with people's beliefs here and now to a proposal of what people might think, if they follow the political philosopher's suggestion. The latter is a proper task of political theory, but it needs to be distinguished from other tasks. In other words, methodological concerns should be determined by purposes. In this paper, I have defended a view, which I deem to be in

¹¹ "So, it is a condition for a theory's being valid that it should be possible for people to come to accept it and live according to its principles. Clearly, this is not the same as saying that they must accept it *now*. But unless one thinks that as far as ethics go people are blank slates on to which more or less anything can be inscribed, it does constrain the content of the theory. Putting the point more positively, what people now believe about justice tells us a good deal about what they could freely come to believe, especially if we assume that the society they will be living in has many features in common with our own." (Miller, 2003, p. 352 (his emphasis))

line with Miller's methodology, where 'what the people think' is the most significant ingredient when establishing normative principles for here and now.

Thomas Schramme
University of Liverpool, UK
t.schramme@liverpool.ac.uk

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