



## What is “philosophy and public policy”?

P & PP is about questions of value and method pertinent to decisions, instruments and institutions that govern cooperation.

1 P & PP

2 Method

3 Dirty hands

4 Compromises

### **A. Political Ethics** *(cf. Ethics)*

- The ethics of actors in pursuit of power within democratic institutions.

### **B. Normative Policy Analysis** *(cf. Philosophy of the Social Sciences)*

- The morality and rationality of evaluating policy alternatives.

### **C. Applied Political Philosophy** *(cf. Political Philosophy)*

- Unlike Political Philosophy: Not only “What is a good society?” > But “What is a good society and how do we get there given where we are?”
- Unlike Applied Ethics: No focus on individual dilemmas but concern for structures, institutions and problems of collective action.



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## **Why is it important?**

### **From philosophy to public policy**

To make good public policy presupposes understanding of:

- Moral values (Democracy, Justice, Freedom, Rights, etc.)
- Principles for institutions (Transparency, Accountability, etc.)
- Principles for individuals (Good politicians?)
- Design of instruments, decisions (Good policies?)
- Political structures, institutions and their workings

### **From public policy to philosophy**

Public policy contributes to philosophical theory by (i) giving rise to new issues, (ii) offer ground for testing theories, (iii) offering instruments, ...



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### **Why is it difficult?**

1. Philosophical argument versus democratic decisions:  
Respecting versus aiming to change beliefs?
2. The fact of pluralism and disagreement:  
Other standards of reasonability and acceptability?
3. Thinking to disagree versus deciding to act:  
How to reconcile different rationales?
4. The real world is messy and complicated:  
How to bring systematic reasoning to bear?
5. Public policy is not a sphere of pure reason but of interest:  
High principle vs. low strategy?

Remedies:                      Different questions (value, state, individual)  
   Different modes (realist, transformative)



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## **The challenge of the 'subjectivist/relativist' sceptic**

Ethics is just:

- (i) about feelings/attitudes,
- (ii) conventional, and
- (iii) there is no rational way of solving disagreement.

## **Quick response to the sceptic**

Consider: Should there be an inheritance tax?

- Your feelings won't help answer that question.
- Knowing what most people think won't help answer that question.
- Disagreement is different from disagreement about red vs. white wine.

*Of course, the proof of the pudding is in the eating: What is the method?*



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## **The 'amoralist' sceptic**

### **The sceptical theses (as advanced by ruthless politician)**

- There is nothing that I morally ought to do.
- My power and interests matter. Other people's interests don't.

### **Instrumentalist modification**

Ethical standards are ok as long as compliance promotes my power, etc.

### **Response strategy**

Advocates of amoralist scepticism face a dilemma:

- If they are really amoral all the way down, they become psychopaths and their life does not offer an attractive and human alternative.
- If they are responsive to some interests of some others morality has a hold on them and can be expanded.



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## **The 'separationist/realist' sceptic**

### **Central claim**

Moral requirements may have a place in some domains of human activity but not in politics. Morality and politics are strictly separate.

### **First response**

Why should there be such a strict separation (friend/enemy)? What is special about politics that grants moral exemption? You owe an argument!

### **Second response**

There are many cases that put pressure on the separationist's claim:

- Extreme: WW2, My Lai, Ruanda, etc.
- Less extreme: Tax justice, capital punishment, etc.



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## **Conceptual analysis**

One aim of philosophy is to get clear about the basic concepts used when arguing about what ought to happen in politics & public policy.

Example from a different area of philosophy:

Knowledge as 'justified true belief' and so-called Gettier cases.

Normative context: The example of liberty/freedom.

Concept vs. conception.



## **Reflective equilibrium**

Reflective equilibrium is the method by which moral philosophers test their claims and develop their theories. (*Scanlon: The only one!*)

Stage 1: Begin with judgments that you cannot help having across a wide range of cases, e.g. that killing is wrong.

Stage 2: Look for principles that explain these judgements, they reason on different levels of abstractness.

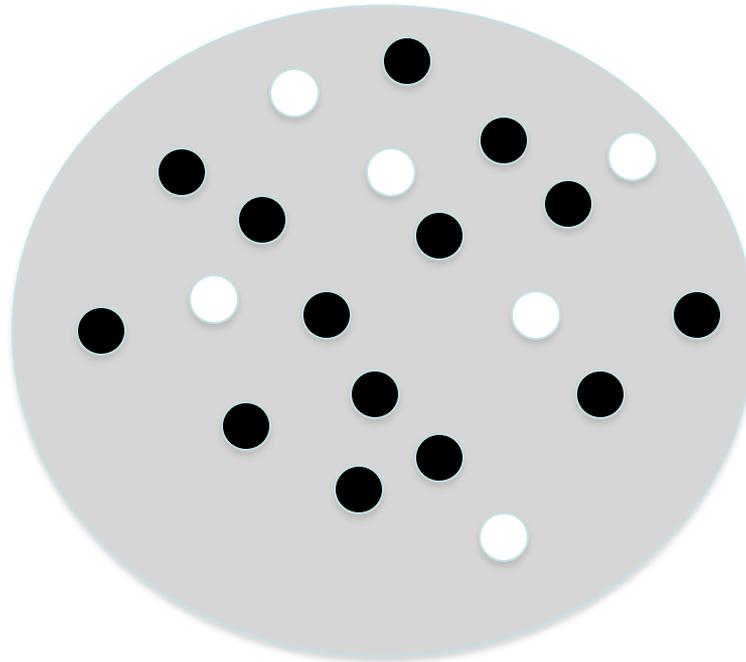
Stage 3: Try to achieve equilibrium between beliefs and principles, such that they mutually support each other.

Stage 4: Rely on principles to find answers to questions where we are uncertain about what the correct belief is.

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**The starting point: Particular judgments**

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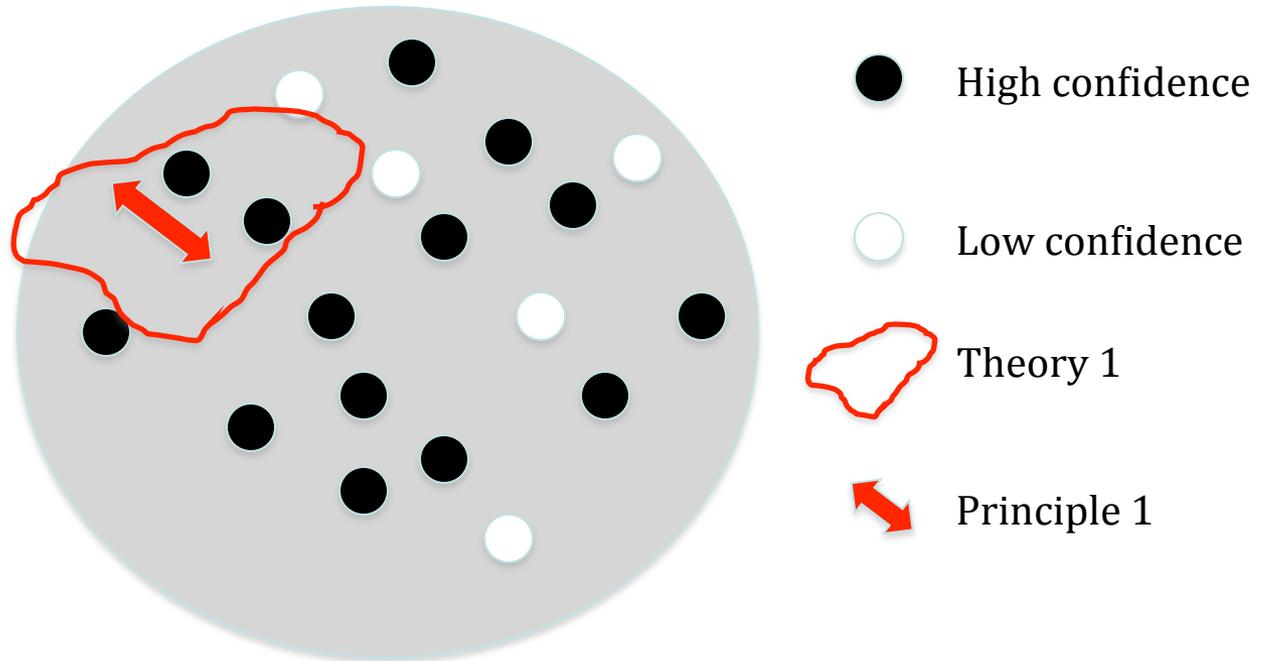


● High confidence

○ Low confidence

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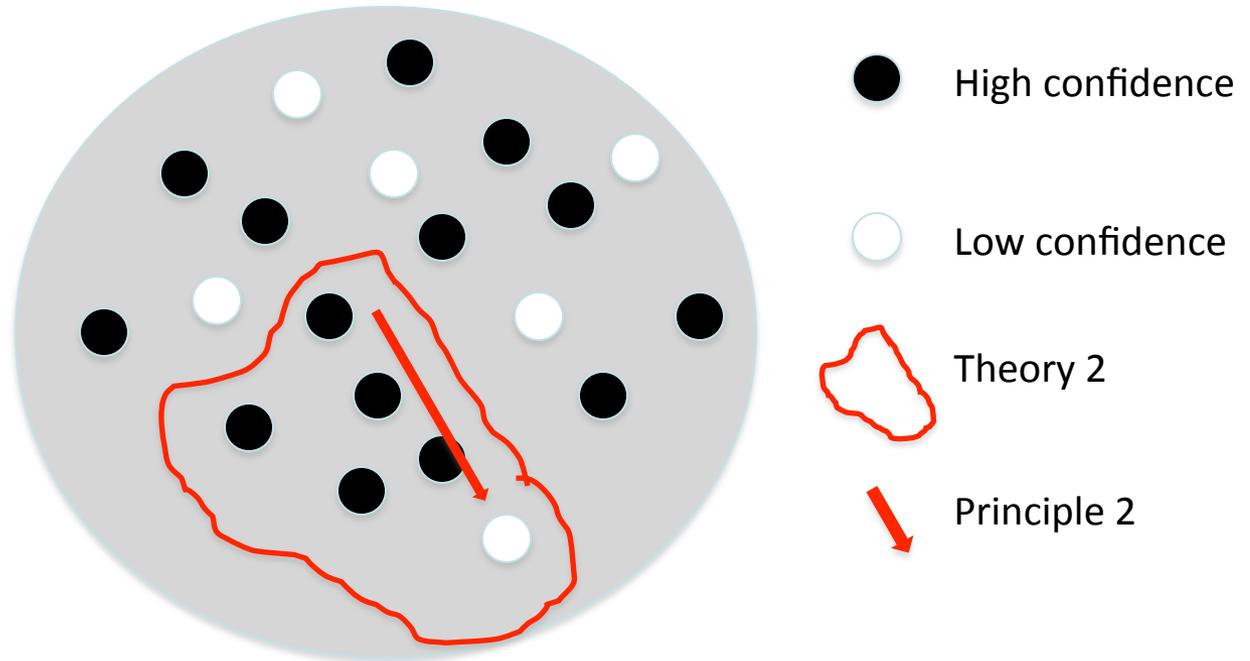
### Stages 2 & 3: Principles achieve equilibrium between various ●



Case: Patients, trolleys and permissible killings

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Stage 4: Principles turn ○ into ●



Case: It is wrong to kill unless in self-defence > Permissibility of killing in war



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## **The use of hypothetical cases**

Sitting in a giant fridge, do you have to share the jumper woven of your own hair with the bald guy sitting next to you? (Otsuka)

Standing at the bottom of a well, may you use your laser gun to vaporize the person who is hurdling towards you? (Nozick)

Does it matter morally whether a child is run over by you in a steamroller or by your friend in a wheat harvest? (Hare)

Is it morally problematic if Wilt Chamberlain becomes better off than everyone else? (Nozick)



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### **In defense of hypothetical cases**

- Analogue to experiments in natural sciences
- Isolate normatively relevant features

### **Against hypothetical cases**

- Gratuitous: Do not add anything.
- Too stripped down to be of any guidance.
- Ignores interaction between principles and values.
- Does not tell us anything about how to deal with trade-offs.

*What is to be said for and against relying on real world cases?*

*What is the alternative to relying on cases?*



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## Arguments

Good arguments are at least valid and sound.

An argument is **valid** if and only if there is no possible world in which the premises are true and the conclusion is false. The conclusion is entailed by, or follows from the premises.

An argument is **sound** if and only if it is valid and all its premises are true.

**Valid** but also **sound** ?

- (P1) The state must not violate the autonomy of its citizens.
- (P2) To nudge is to violate the autonomy of the nudged.
- (∴) The state must not nudge its citizens.



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### **Things you hear in politics**

1. “If you cannot stand the heat get out of the kitchen”, “to make an omelette you need to break some eggs”, (...)
2. “I was just doing my job”, “I was just following orders”, (...)

### **The questions of political ethics**

1. Do political leaders face particular ethical challenges and what makes for a good politician?
2. Does being an actor in politics make a difference for what you may or ought to do? Is political morality different from ordinary morality?

### **Two sets of distinctions**

- Prohibition vs. permission vs. obligation.
- Excuse vs. justification.



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## **The dilemma or puzzle of dirty hands**

### **An intuitive grasp of the phenomenon**

To be successful in politics you have to get your hands dirty

It is impossible to govern innocently

Sometimes politicians have to do terrible things

### **Examples**

You cannot win the election without lying

You have to torture the terrorist to find the bomb

### **Questions**

- (1) Is there a genuine problem/dilemma of dirty hands?
- (2) Is it true that political leaders are subject to different requirements?
- (3) If yes, what exactly are these?
- (4) What is the right individual and institutional response to the problem?



## **The consequentialist perspective**

There is no real problem / dilemma of dirty hands.

### **Reasoning in a nutshell**

- Whether an action is right depends solely on its (expected) consequences.
- There is neither a dilemma nor a genuine phenomenon because either the politician does what brings about best overall consequences (and hence acts rightly) or he does not (and hence acts wrongly).

### **Problems for the consequentialist perspective**

- Independent objections, including:
  - Use as means, distributions, demandingness, etc.
- The phenomenology of getting hands dirty:
  - We feel guilt and seek excuses and justification
  - There remains a residue of wrong

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## **Thresholds and supreme emergencies**

### **The idea**

- There are extreme circumstances where so much is at stake that it is permissible to violate standards that ordinarily apply
- Right and constraints have to be observed up to a point.

### **Analogy from different domain of political philosophy**

Just war and supreme emergency

### **Difficulties**

What is the point where it gives in? A function of numbers?

Would that be specific to politicians or turn into general permission?

Could we explain cases where politicians face less than emergency?

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## **The role morality diagnosis**

Political ethics is different from individual ethics.

### **Role morality**

There are special role-related obligations and permissions, i.e., reasons that arise to achieve aims of role within practice.

### **Practice of politics and role of political leader**

The practice of politics (providing stability, legitimacy, etc.) and virtuous role within it (passion, responsibility) give rise to special permission and obligations.

### **Questions for the role morality account**

What accounts for difference & why special obligations/permissions?\*

Which should take priority in cases of conflict?

What exactly are the limits of political ethics?



## **Thinking systematically**

### **Case**

Jim and the villagers

### **Questions**

What is the right thing to do?

Does it make a difference whether Jim is politician/official?

What exactly would you be responsible for by (not) acting?

Is there a genuine dilemma?

How do you hope a political leader would react?

*Answering questions matters for figuring out the problem of dirty hands*

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## **The nature of compromise**

- Sacrifice of principled importance to improve over status quo.
- Different from consensus / common ground / agreement.
- Magnitude of sacrifice determined by will of other party.
- Political: Not just one off but embedded in relationships, etc.
- Spirit: a) Practical prudence (adapt principles) b) respect (opponent).

## **Different types of compromise**

- Substitution: 1 {A,B,C} / 2 {D,E,F} > compromise {x} (e.g. terminally ill)
- Intersection: 1 {A,B,C} / 2 {C,D,E} > compromise {C} (e.g. need & benefit)
- Conjunction: 1 {A, B} / 2 {-A, -B} > compromise {A, -B} (e.g. policy-comb)



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### **The promise of compromise**

- Politics as art of possible and compromise as using possibility.
- Important political virtue of democrats in light of disagreement.

### **The value and need of compromise**

- Only possible improvement over status quo (getting things done).
- Fosters respect which is vital to democracy.
- Contributes to stability and civil peace.

### **Difficulty and pre-conditions**

- Governing requires compromise, campaigning makes it difficult.
- What makes compromise possible? Mind-set, institutions, etc.



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## **The danger of compromise**

Even if only way to achieve good, you further the bad.

## **Two types of moral responsibility**

- Co-Principality: Wrong through committing and omitting.
- Indirect: Enabling / inducing / permitting wrong-doings of others.

## **Questions**

- Is regret appropriate even if on balance right thing was done?
- How to figure out whether or not to compromise?
- Anyone not to compromise with?