The Public Role of Ethics & Public Policy

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I.   Introduction

How should we undertake scholarly work about the kinds of policies that the state morally ought to enact? There is strikingly little attention to questions of methodology in books and courses that carry the familiar label of "ethics and public policy" (EPP). But there is enormous attention to questions of methodology in the discipline of which ethics and public policy is undoubtedly a central part: political philosophy. In recent years, political philosophers have lavished attention on the nature of "ideal" and "non-ideal" theory (Stemplowska 2008, Valentini 2009 and 2012, Hamlin and Stemplowska 2012, Herzog 2012; Stemplowska and Swift 2012); on whether their theories should be "realistic", and if so, in what sense (Honig 1993, Williams 2005, Geuss 2009, Galston 2010; Horton 2010; Rossi and Sleat 2014); on whether the principles they design should be sensitive to facts about human psychology and society (Cohen 2003; Miller 2008); on the role of public opinion in political theory (Baderin 2015); and whether to think of political philosophy as simply contributing to the accumulated body of human knowledge—akin to theoretical mathematics—or whether to think of political philosophy's as practical, as aiming to help real people solve real problems that they have (Swift 2008).

Here I aim to bring some of these recent methodological debates in political philosophy to bear on the question of how to undertake work on EPP. My thesis is that we should regard EPP as a special subfield of political philosophy, marked by a particular methodological commitment: to assist citizens and policymakers in their actual deliberations about public policy. EPP can assist the task of public deliberation on public policy in many ways, but I will discuss two. First, it can help to craft the normative menu of various policy options, and the arguments that underlie them, from which both policymakers and ordinary citizens can choose. To design a menu of this kind, scholars of EPP must not view themselves simply as defending the views that they take to be correct. Rather, they must see themselves as mapping out the logical space in a given policy debate—identifying a variety of positions one might hold and the arguments for holding them, often by rationally reconstructing positions commonly defended by citizens in the public sphere. In this way, EPP aspires to increase the intelligence of public debate. Second, EPP can bolster public deliberation about public policy by helping citizens to bypass needless disagreements—namely, by revealing why those who hold different underlying commitments can nevertheless converge to find policy agreement. The task of this chapter is to elaborate this vision for EPP and defend its importance.

To suggest that EPP ought to have a certain methodological commitment is not to make a conceptual claim about the meaning of the phrase "ethics and public policy". Nor is it to make a sociological claim about what all scholars who do EPP necessarily take themselves to be doing. Rather, it is to make a normative claim about the value of having a subfield of political philosophy that has this particular task. Still, one reason why EPP is to a suitable candidate to play this distinctive role is because of how it is

largely already understood. It is an intriguing question why so many books and syllabi insist on using the label of "ethics and public policy", rather than, say, "applied political philosophy". The label is fashionable, I suspect, because of the intimation that, in reading or studying EPP, one is not aspiring merely to study ethics, but to *do* something with the ethical principles at one arrives: help real people solve the policy challenges they face. I offer a proposed characterization of this otherwise mysterious subfield that is faithful to its burgeoning identity—the identity that has led so many students and scholars alike to be attracted to classes and books bearing its label.

II.   Why Should EPP Have a Public Role?

Why think that EPP should have some kind of public mission?[1] There are several arguments that would all arrive at this claim or one like it, and not all of them are successful. Consider, first, the argument that *all* of political philosophy ought to have some kind of practical role. This is sometimes discussed in the context of a debate about whether political philosophy is "epistemological" or instead "practical" (Rawls 1980, pp. 518-19; Swift 2008, pp. 366-68). To suppose that political philosophy is epistemological is simply to say that its task is to discover and document truths, akin to academic disciplines like theoretical mathematics but simply with different content. To suppose that political philosophy is practical, in contrast, is instead to suppose that its task is to help people make actual decisions.

It is tempting to resist the epistemological approach by way of terminological fiat, or what H.L.A. Hart would have called a "definitional stop" (1968). We can simply

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[1] After preparing this section, I discovered the instructive analysis of Swift 2008. Many of the points I make here align with his own earlier intervention; I indicate those points accordingly.

stipulate that political philosophy *just is* practical in its very nature, and so any account of it that *fails* to provide guidance for actors in the real-world is accordingly defective. Thus when G.A. Cohen writes that justice might "not [be] something that the state, or, indeed, any other agent, is in a position to deliver" (2004, p. 18) and that the political philosophy often "makes no practical difference" to what we ought to do in the real world (2003, p. 243), he is simply guilty of a considerable category mistake (cf. Swift 2008, p. 367). The epistemological conception, this rebuttal goes, simply isn't a conception of political philosophy at all, and thus would surely be an unsuitable interpretation of the point and purpose of EPP.

But this is not the route I counsel. For starters, there is reason to question the tenability of the distinction at hand. Suppose we take political philosophy to have the so-called epistemological task of discovering truths. Even so, the truths that political philosophers aim to discover are typically *normative* truths about what citizens and their officials ought to do (Swift 2008, pp. 367-368). They are truths about *practical reason*. So it is not clear what the distinction is supposed to be. Even if some work describes normative truths that are not immediately applicable to anyone—say, because they concern how people should act in conditions that may arise in the future but have not yet arisen—such work is still practical insofar as it identifies normative truths that bear on what agents in those conditions ought to do. The fact that we don't find ourselves in the circumstances to which the normative claims apply makes no difference to their status as normative claims. Consider normative principles about permissible conduct in warfare, as a matter of *jus in bello*.[2] There is a sense in which such principles

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[2] For discussion of war, see Colonomos (_____) in this volume.

are not practical for me, since I do not find myself in conditions to which they apply (I am not presently engaged in wartime hostilities). But this makes them no less normative. And even if no one in the human race were in such a situation presently, because there were no current wars, it would be puzzling to think that this fact alone means that such claims would suddenly become reclassified as "epistemological" rather than "practical", and so (on the view we are entertaining) would no longer be part of political philosophy.

The real divide between those who urge a more "epistemological" orientation to the discipline, and those who insist that political philosophy be "practical", is not conceptual or metaethical at all. As Swift astutely notes, it is normative: it is about the kind of work that political theorists *should* spend their time on (2008, p. 368). Should theorists spend time addressing vexed moral choices that real people are actually confronting in the world today, or should they spend their time addressing different normative questions? One argument for the former might go as follows: perhaps political philosophers are *morally required* to pursue work that helps people solve the problems they face. This, then, is a second argument for why EPP should have a public role: because it is part of political philosophy, and all political philosophers have moral duties to do work that is practical.

But this argument, too, is limited. Even if we regard political philosophers as under a duty to help advance justice, they hold this duty *qua* citizens, not *qua* political philosophers. As citizens, there are a multitude of ways in which one can discharge one's moral duty to improve the justice of one's own society.[3] So long as political philosophers

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[3] I take it that the duty to help improve the justice of one's own society is entailed by the natural duty of justice.

are discharging their duty in other ways, outside of the strict confines of their day-job, why should we insist that they undertake work of a particular character, even when they are not intellectually interested in it?

Even if political philosophers are not necessarily required to do work that helps real citizens advance justice, there would still be considerable value in such work. The value of such work just is the value of helping advance the cause of political morality (whatever its demands might be). Insofar as political philosophy with such an aim has value, there is, at the very least, moral reason to make room for it. Moreover, it seems clear that many political philosophers *do* choose to discharge their duties of justice through their work; they genuinely aspire to help improve the justice of their society through the theory that they do. And presumably many of them think this precisely because they accept the idea of a division of labour in the pursuit of greater justice (Swift and White 2008, p. 50), and believe that as political philosophers they are best suited to contribute to justice most successfully through their philosophical work.[4]

It is in this modest spirit that I aim to explore what the public role of EPP might be. Insofar as we have reason to think that *part* of political philosophy should be oriented to helping citizens solve the problems they face, we have reason to theorize this part of our discipline in greater detail. My suggestion is that EPP already serves this role as a part of the field that focuses explicitly on concrete policy problems and what the just solutions to them are. In saddling EPP with this special role, I stress that we need not be committed to the implausible claim that *all* of political philosophy ought

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[4] It seems plausible that if *no one* were undertaking political philosophy with a practical aim, it would not be so easy for political philosophers to let themselves off the hook. We might be able to say that political philosophers are collectively under a duty to ensure that this vital public good was provided. So long as enough political theorists are providing it, others are free to do otherwise.

to play this role. Instead I shall argue that, among the rightful plurality of things going on in contemporary political theory, there is considerable value in preserving a certain subfield with a certain distinctive methodological cast of the sort I will defend.

III. Civic Usefulness

What, exactly, does it mean for work in political philosophy (and EPP in particular) to play a public role? What I have in mind is normative theory that exhibits a certain virtue, what I will call *usefulness*. Normative theory is *useful,* I submit, when consumers of the theory would be better positioned to reason about what they morally ought to do in virtue of having consumed it. Clearly different sorts of normative theory can be useful in all manner of ways. Work in interpersonal ethics on love or on promising, for example, may well be useful in helping one to navigate—or at least understand—one's personal relationships. The potential value of the subfield of EPP must be something more specific, what I will call *civic usefulness*. Theoretical work on ethics and public policy is useful in this sense, I submit, when citizens are better positioned to reason about the policy choices they face in virtue of having been exposed to that work. In other words, EPP is useful if and when it supports the activity of reasoned civic deliberation about public policy. In a slogan, the aim of EPP is *the deliberative empowerment of citizens* (including policymakers).

This proposal rests on the idea that there is enormous value in citizens' intelligent reflection about the ethics of public policy, alone and with others. Some of this value is intrinsic: by engaging in such reflection and deliberation, citizens develop their moral capacities, and they express respect for the status of others by taking the interests of others seriously. But the primary value is the instrumental value of enabling

critical thinking about public policy, given that such thinking increases the likelihood that citizens will actually identify and be moved to enact just policies. It supports such activity by equipping citizens with concepts, distinctions, theories, and arguments. In so doing, it gives them a language through which to discuss politics.[5] Note that we can affirm such instrumental value even while leaving completely open what it is that justice requires. EPP is not valuable because it simply can help us realize some antecedently specified account of justice's demands; it is valuable precisely because of its role as an ongoing, critical inquiry into what those demands might be.

The defining methodological feature of EPP, I propose, is its aspiration to civic usefulness. Those who take themselves to be doing EPP should have in mind the conscientious civic consumer of their work. They should take themselves to help the consumer reason better about the policies they should oppose and support, and why. Note that while EPP has the aim of assisting citizens and policymakers with their deliberations, they will not necessarily succeed. The aim is reflective empowerment, i.e., empowering people with arguments and distinctions with which to engage in reflection more successfully (cf. Swift and White 2008).[6] But the citizens who consume the theory are themselves autonomous moral agents, who are morally responsible for forming their own views on what justice requires on any number of policy concerns. While we may expose them to reflection that increases the likelihood that they will reflect conscientiously on public policy, it guarantees nothing. The benchmark for success is

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[5] For the idea of political philosophy giving citizens a language through which to deliberate about policy, see Pettit 1999, p. 130.
[6] I view this idea as similar to the notion of a "democratic underlabourer" discussed and endorsed in Swift's and White's analysis of the relationship between political theory and real politics.

that we better position citizens to reason better about the ethics of public policy, not that they actually reason better.

How can EPP live up to the goal of assisting citizens' moral reflections on public policy? For starters, political philosophers who teach EPP should view themselves as engaged in a process of civic empowerment. The aim should not simply be to prepare students for the particular essays and exams they must complete on the particular course in question; it should be to help make them reflective citizens (*pace* Fish 2008). Furthermore, insofar as political philosophers engage the public by writing op-eds, appearing on television or radio as pundits, and giving public talks, they ought to take their task not merely to be that of advancing the normative views they take to be correct (though they are certainly free to do so); it should be to help listeners or viewers think more reflectively about the topic under consideration, by supplying them with the relevant concepts, arguments, and distinctions to think about a given policy debate more deeply.

Of course, these *ad hoc* engagements are bound to be less impactful than engagement with students in the classroom, which remains political philosophers' most obvious site of influence. The most important reforms that political philosophers can help achieve are institutional, helping to create spaces for serious civic reflection.[7] It is a serious problem that the vast preponderance of students make it through secondary school and university without ever taking a class that forces them to engage in serious normative reflection about public life; until this is remedied, and some kind of political theory becomes a compulsory element of all citizens' democratic education, the

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[7] I thank Andrei Poama for stressing the significance of institutions here. See Waldron 2012.

influence of political philosophers on the public is bound to be minimal. What that democratic education ought to involve, of course, is another matter (see Gutmann 1987, Callan 1997, Levinson 1999, and Steiner in this volume (   ).

Political philosophers spend the vast preponderance of their time, of course, writing articles and books, which have the least direct influence on the public of all that they do. Even if the greatest ideas developed in philosophical journals bubble up to influence the public consciousness over time, this is typically a long process, and most of us stand very little hope of ever having such a long-term influence. This poses a problem for those of us who believe that at least part of political philosophy should be dedicated to helping real citizens confront their real challenges. If we are to aspire to greater engagement, we need to take seriously the way in which books and articles are presently written. The fantasy, I think, is a world in which the non-fiction books that educated laypersons read, and that top the bestsellers' lists of major newspapers, are not simply concerned with history or politics or current events or pop science. We should aspire to a world in which ordinary people read and think about political philosophy, too. And the very first step in the long road toward creating that intellectual culture is to make our work *intelligible*.

Roughly, for work in EPP to be intelligible to a consumer of the work, *the consumer needs to be able to follow the argument and understand why the author takes it to make sense*. This is simultaneously demanding and modest. It is demanding because it requires the political philosopher to explain her terms in clear language with minimal jargon, outline the various positions in the debate to which her argument is contribution, and so on. Where a piece of work contributes to an ongoing debate among scholars, the work must bring readers up to speed with the debate; articles on EPP,

unlike some other areas of political philosophy, must not become a vehicle for a discussion group among some small number of scholars who simply have each other in mind when they write. To fulfil EPP's public charter, the work must be written such that an educated layperson who made a reasonable effort at understanding the work would understand it. At the same time, this approach is modest because it does not require that the reader endorse the author's position. The reader simply needs to be able to understand what the position is, so he can then make up his own mind about it.

The insistence that work in EPP be intelligible is distinct from the suggestion that work in EPP be dumbed down, or shorn of its sophistication. To be sure, it may well be objectionable, at least presumptively, to defend basic terms of cooperation or principles of justice that are highly sophisticated (Bertram 1997). But even if we endorse such a view, it could not plausibly apply to reasoning about specific public policies, which can often require a sophisticated combination of normative and empirical premises.[8] If the moral truth on some policy question turns out to the complicated—if our best understanding of the moral and empirical facts lead us to believe that a particular claim is true—the fact that it will take extraordinary care and effort to explain that truth properly (and that some people will need to rely on expert testimony to accept the relevant empirical premises) is simply our fate. Writing to an audience of fellow political philosophers is difficult. Writing to a general audience of citizens, or a specialised audience of policymakers without philosophical training, is even harder. Those who aspire to do EPP, on the view I am proposing, need to get better at it, myself included.

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[8] Note that Bertram (2007) fully accepts this.

Intelligibility is a necessary condition of civic usefulness; a work of theory cannot be useful to citizens' deliberations about the policies they should support or oppose unless they can understand what the work is saying.[9] No doubt a fully worked-out account would offer a more complete specification of what the standard of the "educated layperson" actually involves. Such an account would be nothing less than a normative vision of the educated citizen. But what I have said here is enough to set the stage for the actual issue: how can work in EPP help citizens reason about the policies they should support or oppose? There are many ways; I'll canvass two of the most important.

IV.   Building the Menu

One way in which EPP can support the task of reasoned public deliberation is by helping to craft the menu of policy options from which citizens can choose. Of course, any article or book in EPP is bound to include the author's own view of what position in a policy debate is most defensible. But we do a disservice to our readers if we simply cut to the chase and defend the view we take to be right. It is important that we map out the logical space of positions on a given debate, showing the diversity of options from which to choose, outlining the attractions of each view and identifying the objections that afflict each.

When scholars of EPP write on a particular policy debate, they need to decide which positions in the debate to include. How should this process proceed? The natural answer is that they should include the most important contenders in the debate. What

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[9] See the related claim by Swift and White 2008, p. 69, that "at least some of us engage in the project of translation".

are the important positions? For starters, there are the positions that what we can call *reasonable contenders* in the debate. Here we can appeal to a familiar philosophical idea: the idea of reasonable disagreement.

What is it for a disagreement to be reasonable? In his treatment of reasonable disagreement, Christopher McMahon writes: "[T]he position taken by a party to a disagreement is reasonable if and only if it is or could be the product of competent reasoning." He continues: "Reasoning is competent when it is carried out in awareness of all the relevant considerations, the cognitive capacities exercised in extracting conclusions from the relevant considerations are appropriate, and these capacities are functioning properly" (2009, p. 8).

On this view, reasonable disagreement obtains on an issue when there are good arguments on both (or many) sides. As Rawls notes in his discussion of the burdens of judgement, people who "share a common human reason" and hold "similar powers of thought and judgment"—who are all equipped to "draw inferences, weigh evidence, and balance competing considerations" and have access to the same evidence—arrive at different answers to the question they are jointly asking (p. 55).

How should one decide what the reasonable contenders in a debate are? Clearly it is a matter of normative judgment. There is no way to settle the matter in advance; we need to inspect each debate in question to ascertain what the reasonable contenders in that debate are. Consider, for just a moment, the debate on pornography. We might think that pornography ought to be banned because it subordinates women (MacKinnon 1987, 1995). We might also think that pornography ought to be banned because it increases the likelihood that those exposed to pornography will engage criminal violence against women (Langton 1993, Scoccia 1996). Against positions like

these is the familiar view that bans on pornography are simply incompatible with the right to freedom of expression (Dworkin 1981). I take it to be wholly obvious that these are reasonable views in the debate, worthy of being studied and argued about.

Reasonable contenders in a debate ought to be included, or at least recognized as important candidate views, in a work of EPP that engages that debate. But that does not mean they are the only views that ought to be included. For example, the view that pornography should be banned because it encourages people to believe that sex outside of marriage is morally acceptable, is not, I believe, a reasonable position in the debate. Nor do I think that the mere fact that pornography is offensive, generating psychological distress in those who are irked by the mere fact of its existence, and ought to be banned for this reason, is a reasonable position in the debate (cf. Devlin 1968). Of course, these are my views, and others may well disagree about what the reasonable contenders in this debate are—that is fine. My point is simply that there are bound to be some views in a debate that a scholar of EPP does not regard as reasonable. Because they are unreasonable, it is tempting to suppose that they should not be taken especially seriously in work on EPP. However, that would be a mistake.

Because EPP aims to contribute to the actual moral reflection of real citizens, it must engage with citizens' current thinking on the debate in question. And the obvious truth of the matter is that many citizens hold views that we rightly find unreasonable. The two aforementioned views on pornography are among them. Because of their presence in the public culture, they are on the menu of policy positions that citizens are contemplating. For that reason, they need to be taken seriously: scholars of EPP have reason to say something about widely held views on the policy issue they're addressing, even if they take those views to be unreasonable. The mere fact that such views are

taken seriously by a sufficient number of democratic citizens means that philosophers should take them seriously.[10]

Specifically, *scholars of EPP should address commonly held but unreasonable positions so as to empower citizens to think critically about them.* Political philosophers should explain what, exactly, the best arguments for these unreasonable positions are, outlining the most important objections to these arguments. Of course, political philosophers should convey their judgement that these positions are, in fact, not worthy of being advanced as reasonable contenders in the policy debate. The right response to the judgement that these views are unreasonable is not to ignore them, but to engage them. To give another example: many people believe that retributivism is an unreasonable view in the debate over how to justify punishment, casting it as barbaric (Tadros 2011, p. 63). But given its prevalence in the public culture, we fail citizens who are retributivists, or who are tempted by the view, if we ignore that view. We ought to engage it and explain, exactly, what we take it to be wrong. The hope, of course, is that citizens in the grip of unreasonable views will abandon their position. They may also come to reflect on what grievances motivated them to embrace unreasonable positions in the first place, and determine what policies might redress those grievances in a just manner.[11]

Consider an objection to this position. There is a risk in setting out the best possible argument for an unreasonable position: namely, that it will give intellectual ammunition to unreasonable persons in political life who seek to trumpet that view. Indeed, some political philosophers have even gone so far as to suggest that political

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[10] See Badano and Nuti 2017 on the possibility of engaging those who hold unreasonable views.
[11] I thank Andrei Poama for raising this possibility.

philosophers ought sometimes to lie—to affirm simple falsehoods deliberately—rather than, by communicating a difficult and nuanced view, risk misleading citizens into forming mistaken beliefs about the demands of justice (cf. Jubb and Kurtulmas 2012). (Think, for example, of debates about torture.) However, it is simply an unavoidable risk that some people will misunderstand philosophical arguments. All we can do is to try to make them as clearly as possible. Barring exceptional circumstances, political philosophers should not fancy themselves politicians, strategizing about whether to refrain from making a certain argument, or whether to make a disingenuous argument, on the basis of a calculation that justice will somehow be advanced by doing so. They are not principally in the business of manipulating public opinion. They are not rhetoricians (cf. Sandel 225ff). Such thinking compromises the value of political philosophy, and misconceives the proper role of political philosophy in helping to bring about a just society. The distinctive value of EPP lies not in directly advancing just policies, but in equipping ordinary citizens and policymakers with the concepts, distinctions, and arguments so that they can reason about what justice policies are.

V.   Bypassing Disagreement

Mapping out the space of possible positions on an issue is one important way in which EPP can contribute to citizens' moral reflection on what to think. But figuring out what to think is only one stage of public deliberation about public policy. The next step involves the active deliberation among citizens, endeavouring to understand and evaluate each other's initial positions, change each others' minds, and ultimately find some mutually acceptable solution, even in the face of continuing disagreement. EPP

has an indispensable role at this stage in *facilitating agreement* on questions of public policy.

How might it do this? Much work in political philosophy suggests the following path: Begin by stipulating the correct overarching theory moral and political philosophy, such as utilitarianism or political liberalism or luck egalitarianism, and then show how some particular policy position follows from it. But notice that such a work of EPP will facilitate agreement on that policy position only among those who already endorse the overarching theory from which it begins. It is unlikely to succeed in facilitating any agreement beyond the strict confines of that audience.

A more promising way in which EPP can facilitate agreement on questions of public policy disavows the aim of justifying public policies on the basis of a single, overarching view of moral and political philosophy. Scholars of EPP can instead argue for particular policies without presupposing the truth of any particular underlying theory. Just as Rawls argues that different comprehensive doctrines can nevertheless arrive at an overlapping consensus on fundamental liberal values (1993, pp. 133ff), scholars of EPP can show how citizens can together endorse particular policies despite disagreeing about why, exactly, those policies are justified

Cass Sunstein refers to this mode of reasoning as "incompletely theorized agreement" (1995). Incompletely theorized agreements (ITAs) can, he notes, come in many forms. We might agree on an abstract normative theory, but disagree about the mid-level principles to which the theory leads and thus its implications for particular cases. Or we might agree on mid-level principles, but disagree on both the abstract theory and the implications for particular cases. Sunstein defends a third sort of ITA,

which obtains when we disagree about the abstract theory and even the mid-level principles, agreeing instead only on the outcome.

Sunstein notes this version of ITA is "especially well suited to the institutional limits of the judiciary, which is composed in significant part of multimember bodies, consisting in turn of highly diverse people who must render many decisions, live together, avoid error to the extent possible, and show each other mutual respect" (Sunstein 1995, p. 1738). But these features do not merely characterize judicial bodies, which are the focus of Sunstein's discussion, which mainly concerns the decisions that judges reach in court cases. They characterize democratic legislatures, and indeed the public of citizens.

EPP can play the vital role of helping citizens uncover agreement despite holding radically different conceptions of justice. Just as Sunstein argues that judges can reach the same result in a legal case despite holding different philosophies of legal interpretation, citizens can reach the same result in a debate about public policy despite holding different views about the properties in virtue of which policies are just.

While this methodological strategy is seldom explicitly defended,[12] it is reasonably common in our discipline. Consider some examples. In his classic paper 'Aliens and Citizens' (1987), Joseph Carens defends open borders as the immigration policy entailed by egalitarianism, libertarianism, and utilitarianism. Which conception of justice is correct is immaterial: so long as the consumer of the argument is committed to one of the three, she ought to be committed to open borders. This is precisely the kind of incompletely theorized agreement that EPP has the potential to facilitate.

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[12] One instructive exception is the excellent article by Swift and White 2008, p. 53.

Focusing too much on foundational questions of political philosophy can distract us from identifying potential points of convergence.

Immigration policy is by no means the only area of EPP in which this model has succeeded. Consider the debate on the ethics of capital punishment. In his sweeping analysis of the subject, Matthew Kramer canvasses several different arguments for punishment—retribution, deterrence, communication, etc.—and argues that capital punishment cannot be justified on any of these views (2011). Thus we need not settle the vexed debate about which theory of punishment is correct before finding common ground on this particular policy dispute.

Of course, ITA has its limitations. Even if adherents to two rival conceptions of justice could agree on the rough thrust of a policy position, the precise contours of the positions favoured by each would surely differ. Consider the argument, advanced by Matthias Risse and Richard Zeckhauser, contending that both consequentialists and deontologists should endorse racial profiling under certain conditions (2004; cf. Lever 2005). Plainly the exact conditions are bound to be different between consequentialists and deontologists, given the starkly different underlying views. Still, there is merit even in this limited form of ITA. Even if consequentialists and deontologists cannot agree on the precise details of a particular policy, there will be enough agreement that the ordinary democratic processes of bargaining and compromise can kick in.[13] Even if all EPP can do in some cases is help to narrow the terrain of disagreement, this would itself be of considerable civic usefulness.

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[13] For a normative defence of compromise, see Gutmann and Thompson 2012.

Some might question why EPP scholars should bother spending their time searching for possible bases of agreement among citizens. Why not simply identify the overarching conception of justice one actually believes, and then defend its policy implications? To be sure, this more traditional form of normative political theory would also have value, by helping those citizens who agree with the philosopher's preferred conception of justice explore the implications of that conception. But EPP rightly has greater ambitions than that. The aim of public deliberation about public policy among citizens is not merely to enable *each individual*, one by one, to each arrive at her own view of what the perfectly just state's policies would be. It is enable them to *reason together* to deliberate about what they ought to do in the face of their deeper disagreements. One citizen who aims to abolish the death penalty may think this is morally required because of her own retributive convictions, which deem the death penalty a disproportionately harsh penalty, whereas another contends that execution is simply an ineffective deterrent and so cannot be justified, whereas yet another views execution as incompatible with the dictates of the communicative theory of punishment. But insofar as they all care about the realisation of justice, they all accordingly care about the abolition of the death penalty. If EPP can enable the formation of justice-minded coalitions, this is of significant value in a democracy.[14]

The task of finding common ground on policies despite disagreement on more foundational questions has especial significance in far-from-just societies, in which the project of replacing unjust policies with just ones is urgent. Gopal Sreenivasan engages

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[14] There seems to be considerable potential in the area of criminal justice. For the argument that no plausible penal theory could justify punishing "crimes of misery", see Mitchell 2012. For the argument that harsher punishment for hate crimes can be justified according to each of the main penal theories, see Wellman 2006.

in a form of ITA when arguing that all plausible conceptions of ideal justice should mandate a 1 per cent transfer of wealth from the richest countries in the world to the poorest countries (2007, 2012, p. 246). Sreenivasan's novel point is that we need not have agreement on perfect justice in order for us to agree that some change in policy is required in the non-ideal here and now (cf. Sen 2009). However, this insight is not simply restricted to non-ideal theory. Even in a reasonably just society, we need not have agreement on what the right conception of justice is in order to find common ground.

VI.   Objections

I have argued that we should respond to the anxiety about what, exactly, EPP is by insisting upon a certain identity for it that has a particular methodological commitment: to support public deliberation. Yet the idea that university lecturers and intellectuals ought to see their work as practically connected to the real world in this way has some substantial critics. I want to address those critics here.

In his book *Save the World on Your Own Time*, Stanley Fish excoriates the image of the professor-*cum*-activist, shaping students and readers into virtuous democratic citizens. He writes that "[t]he judgment of whether a policy is the right one for the country is not appropriate in the classroom" (p. 26). And later he notes: "The [ideal] exam question is not, 'If you were to find yourself in such and such a situation, what should you do?' The [ideal] exam question is, 'If you were to find yourself in such an such a situation, what would Plato, Hobbes, Rawls, and Kant tell you to do and what are the different assumptions and investments that would generate their different recommendations?'" (p. 103). He thus concludes: "Analyzing ethical issues is one thing;

deciding them is another, and only the first is an appropriate academic activity" (pp. 26-27).

For starters, Fish relies on a false dichotomy between analyzing the arguments for and against certain courses of action and making up one's mind on what arguments are best. Surely the analysis *just ought to be* the assessment of what view on a topic, if any, one ought to endorse as correct. And if the view is *normative,* it more or less follows automatically that you take it to be worthy of acting on in your decisions (though of course you may not). So Fish's distinction is unpersuasive. Likewise, surely a good answer to the exam question, "What would you do in such and such a situation?" would precisely *be* to work through what Rawls or Nozick would say in response and independently evaluate who is right.

Now perhaps Fish's point is simply that university faculty shouldn't be trying to mold their students, or readers of political philosophy generally, into blindly endorsing one particular view of politics. Daniel McDermott raises a variation of this worry outside the pedagogical context, when he writes that "[t]he political philosopher who sees himself as a man or the left or the right, and his challenge to be one of providing intellectual ammunition for his side, is no different from a creationist who sets out to get a Ph.D. in biology in order to better equip himself to defend the Bible against assaults by evolutionists" (2008, p. 25). But it is important to see that the argument I have offered is not vulnerable to these criticisms. The kind of EPP I am defending is does not aim to dupe people into dogmatically endorsing some sectarian view. It aims to be philosophy, not propaganda or ideology, and accordingly it strives to help students and readers see what's plausible and what's implausible about the different arguments on each side of a question, and to present the author's own provisional judgment about

what is most plausible as a candidate position, so that the reader can then decide for herself. There is an important place in political philosophy for work that actually tries to help real people solve the actual normative challenges they face. The only question that remains about such work is whether political philosophers are willing to do it.

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