Normative Frameworks: Governing under Constraint

Goals of this lecture

Important constraints on ability to govern toward a vision of the good while living together peacefully

► Fundamental disagreement

► Governance constraints

Explore ideas from *realist* theory about how to govern with a normative vision under such constraints

Outline

Fundamental Disagreement

Governance Constraints

Governing under Constraint
Pragmatic Liberalism
Pluralist Communitarianism
Paretian Utilitarianism

Take Aways

The Problem of Fundamental Disagreement

Reasonable people can fundamentally disagree

Different visions of the good

Same vision of the good, differing interpretations—for instance, two liberals might disagree on:

▶ the line between public and private

▶ how to balance two competing rights

▶ how to set policy in the public domain

LIVING TOGETHER IN PEACE DESPITE DISAGREEMENT

Any normatively endorseable governance system has to allow people to live together peacefully

One possible solution is very small communities of like-minded people

Absent this, we need ways of addresssing fundamental disagreement

Outline

Fundamental Disagreement

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Take Aways

Four Constraints

Information and expertise

Abuse of power

Legitimacy and solidarity

Existential threats

Information and Expertise

Policymakers need access to information and expertise

Sometimes the information is dispersed in the population
- ▶ What are the utilitarian effects of a policy?
- ▶ What are the most valued communal traditions?

Sometimes the information resides with technocratic experts who have their own values and preferences

In both cases it can be difficult for decision makers to extract the information they need
- ▶ Topic of week 8!

EXTRACTING INFORMATION FROM EXPERTS

When polls said only about half of all Americans would take a vaccine, I was saying herd immunity would take 70 to 75 percent. Then, when newer surveys said 60 percent or more would take it, I thought, 'I can nudge this up a bit,' so I went to 80, 85.

Anthony Fauci

Abuse of Power

Those with power to govern will use some of that power to pursue their own interests or vision

- ▶ Electoral accountability of leaders

- ▶ Weeks 8–9 and AP 2

Tyranny of persistent majorities

- ▶ Protected rights

- ▶ Anti-majoritarian institutions such as guaranteed representation, super-majoritarianism, courts, checks and balances, federalism

- ▶ More in AP 2

Legitimacy and Solidarity

Successful governance is only possible when most people follow the law for intrinsic reasons

Need citizens to view laws (even if they disagree) as legitimate

- ▶ Participatory democracy

- ▶ Robust deliberative institutions

Need citizens to feel solidarity with one another, willing to sacrifice for society

- ▶ Patriotism, nationalism, and the limits of cosmopolitanism

EXISTENTIAL THREATS

Must be able to respond effectively to existential threats

Sufficiently empowered
- ▶ Private sphere can't be too expansive

Sufficiently capable
- ▶ Limits on checks and balances

Sufficiently few separate polities

Outline

Normative Theory and Social Science

Political philosophy...is normative at least in the sense that first-order moral and political disagreement with the author can relevantly motivate disagreement with his philosophy, and impure in the sense that materials from non-philosophical sources—an involvement with history or the social sciences, for instance— are likely to play a more than illustrative part in the argument.
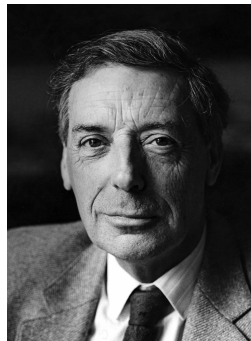
Bernard Williams

Three Approaches to Navigating Fundamental Disagreement

Pragmatic Liberalism

Pluralistic Communitarianism

Paretian Utilitarianism
- ▶ next lecture

Pragmatic Liberalism

Liberal form of government

- ▶ Robust private sphere

- ▶ Toleration for those with whom we disagree

Not justified by an appeal to freedom, autonomy, or natural rights as a vision of the good

Justified as way to live together despite fundamental disagreement

This idea informs some Enlightenment liberal thinking

- ▶ Reaction to Wars of Religion

Pragmatic Liberalism: Abuse of Power

Robust private rights institutionalize some protection against abuse of power by government and majority

Complementary with democratic accountability

Liberal toleration also meant to reduce risk of abusive majorities

The private sphere is vulnerable and has to be guarded by the collective efforts of citizens

Pragmatic Liberalism: Legitimacy and Solidarity

Need procedurally legitimate method for political contestation

- ▶ Delineating the private sphere

- ▶ How to govern the public sphere

Need to cultivate both tolerance and sense of shared responsibility for protecting the private sphere

- ▶ Worry about collective action problems (week 4)

Legitimacy and tolerance complementary to democracy

Pragmatic Liberalism: Existential Threats

Restrictions on capacity and authority are inherent in liberalism

May be less effective at responding to existential threats than systems that are less deferential to individual rights

What is Pluralist Communitarianism

Similar to pragmatic liberalism, but basic unit is community or group, not individual

Delineate a domain of group rights outside the reach of public policy

- ▶ Within this domain groups are free to govern themselves

- ▶ Broadly pluralistic attitude across groups

- ▶ Allows for substantial illiberalism *within* groups

Ottoman Millet System

The Ottomans allowed [Muslims, Christians, and Jews] not only the freedom to practise their religion, but a more general freedom to govern themselves... This system was generally humane, tolerant of group differences, and remarkably stable. But it was not a liberal society, for it did not recognize any principle of individual freedom of conscience... there was little or no scope for individual dissent within each religious community, and little or no freedom to change one's faith.

–Will Kymlicka

Similarities with Pragmatic Liberalism

Pluralism offers a similar solution to fundamental disagreement as liberal toleration

Requires similar types of legitimacy and solidarity

- ▶ Gray areas about public domain

- ▶ Need to cultivate pluralist attitude

Differences from Pragmatic Liberalism

New dimension of disagreement

► Which groups are recognized and can this change?

Better suited to some sort of corporatism (representation at group level), rather than representative democracy

Strong intermediate groups might pose a more profound threat of abuse of power

Differences in ability to respond to existential threats

Paretian Utilitarianism

Next time, in a separate slide deck

Outline

Take Aways

There are important constraints on our ability to govern toward the good while living together in peace

► Fundamental disagreement

► Governance constraints

Governing under constraint will involve imperfections and compromise

Where we are going

One more attempt at governing under constraint

Paretian Utilitarianism

What happened to Distributive Justice?