



Report on : A Special Issue Proposal 'Real European Political Philosophy'

Bert van den Brink, Simon Rippon, Tom Theuns & Miklos Zala

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About ETHOS

ETHOS - Towards a European Theory Of Justice and fairness, is a European Commission Horizon 2020 research project that seeks to provide building blocks for the development of an empirically informed European theory of justice and fairness. The project seeks to do so by:

- a) refining and deepening the knowledge on the European foundations of justice - both historically based and contemporary envisaged;
- b) enhancing awareness of mechanisms that impede the realisation of justice ideals as they are lived in contemporary Europe;
- c) advancing the understanding of the process of drawing and re-drawing of the boundaries of justice (fault lines); and
- d) providing guidance to politicians, policy makers, advocacies and other stakeholders on how to design and implement policies to reserve inequalities and prevent injustice.

ETHOS does not merely understand justice as an abstract moral ideal, that is universal and worth striving for. Rather, it is understood as a re-enacted and re-constructed "lived" experience. The experience is embedded in firm legal, political, moral, social, economic and cultural institutions that are geared to giving members of society what is their due.

In the ETHOS project, justice is studied as an interdependent relationship between the ideal of justice, and its real manifestation – as set in the highly complex institutions of modern European societies. The relationship between the normative and practical, the formal and informal, is acknowledged and critically assessed through a multi-disciplinary approach.

To enhance the formulation of an empirically-based theory of justice and fairness, ETHOS will explore the normative (ideal) underpinnings of justice and its practical realisation in four heuristically defined domains of justice - social justice, economic justice, political justice, and civil and symbolic justice. These domains are revealed in several spheres:

- a) philosophical and political tradition,
- b) legal framework,
- c) daily (bureaucratic) practice,
- d) current public debates, and
- e) the accounts of the vulnerable populations in six European countries (the Netherlands, the UK, Hungary, Austria, Portugal and Turkey).

The question of drawing boundaries and redrawing the fault-lines of justice permeates the entire investigation.

Alongside Utrecht University in the Netherlands who coordinate the project, five further research institutions cooperate. They are based in Austria (European Training and Research Centre for Human Rights and Democracy), Hungary (Central European University), Portugal (Centre for Social Studies), Turkey (Boğaziçi University), and the UK (University of Bristol). The research project lasts from January 2017 to December 2019

Special Issue Proposal

Real European Political Philosophy

Editors: Bert van den Brink, Simon Rippon, and Miklos Zala

What contribution can political philosophers make to current political debates related to issues of justice, specifically in Europe and in relation to Europe's role in the world? Can political philosophy help guide the decisions of the voters and policymakers who must together address Europe's contemporary problems; for example of migration, of democratic decline, or of economic and status inequality and vulnerability? One might reasonably ask whether the ideal and abstract theories of justice that have dominated political philosophy are at all capable of addressing such empirically complex challenges. There is furthermore a tension – perhaps a growing one – between the theories of justice influential in political philosophy and the beliefs of lay people about justice. This raises the question of whether political philosophers should concern themselves with public opinion, and if so, in what way.

As collaborators in the three-year, inter-disciplinary, ETHOS (Towards a European Theory of Justice and Fairness) research project, funded by the European Commission's Horizon 2020 program, the editors of the proposed special issue have sought to find ways political philosophy can address Europe's political challenges. From the outset, the goal of ETHOS has been to provide building blocks for a European theory of justice that is normatively sound, reflective of European values, and responsive to empirical data about citizens' views on justice and experiences of injustice. The inter-disciplinary and empirical nature of the ETHOS project, as well the focus on a "European" theory of justice, raises deep philosophical questions about the proper role of empirical data in reasoning about justice, and about how a theory of justice might be tailored for a European context. In this special issue, we share some of what we have learned about these issues, in the belief that there is much to learn not only with respect to engagement with contemporary European problems, but also for engaged political philosophy in different places and different political contexts. Rather than artificially constructing a univocal outlook, however, the volume is intended to showcase a range of views and different approaches political philosophers can take to these matters.

The articles for the volume, the majority of which were presented as talks at two ETHOS-sponsored workshops, are written with an academic audience (primarily professional philosophers and students) rather than the general public in mind. Therefore, their policy and public impact is intended to be largely indirect (by influencing how philosophers think and teach) rather than direct. We intend to publish the volume as a special issue in a highly regarded, peer-reviewed political philosophy journal, therefore final acceptance of papers will be subject to individual peer-review as well as acceptance of the special issue proposal. Following the European Commission's mandate for open access, we will ensure at least green open access to the post refereeing pre-print version of manuscripts, within 12 months of publication.

We take a two-part approach: the articles in the first part of the volume address general methodological questions about how political philosophy can be applicable in the real world, and how it could or should be responsive to empirical data about the public's value judgments and experiences. This new work furthers long-running debates in political philosophy and cognate fields about methodology, ideal and non-ideal theory, and the significance of public opinion. The articles in the second part engage in real world political philosophy; taking up selected political problems that face Europe today and reasoning about them philosophically. Our intention is for the two parts of the volume to firmly complement each other: abstract methodological reflections alone would risk appearing dry and incomplete for those interested in justice in the real world, whereas engaged political philosophy in the absence of methodological reflections would risk appearing partial and narrow.

Part I: Methodology

The methodological part of the work will focus on two main issues. The first is what happens to political philosophy when you move away from ideal theorizing about justice, and take into account some of the complex empirical realities of the real world. The concept of non-ideal theory is familiar to political philosophers. But what exactly is non-ideal or “real world” political philosophy and how should it be pursued? Is it somehow secondary to and dependent on ideal theory, or can we set aside ideal theory as otiose for all practical purposes? These essays seek to clarify and contribute to existing debates on these issues

Confirmed papers:

- Bert van den Brink, Simon Rippon, and Miklos Zala, “Theorizing (In)Justice in Europe (Introduction)”

To contain an overview of the contents of the special issue and some lessons learned from our participation in the ETHOS project.

- Simon Rippon and Miklos Zala, “The Importance of Ideal and Non-Ideal Theory”

Many critics of ideal theory argue that it does not provide useful guidance for what to do in the real world here and now. These critics may endorse a non-ideal theoretic approach, starting from observations of actual empirical circumstances and injustices and normatively examining potential improvements. In this paper, we agree with these critics that there is no serious case to be made for failing to engage in non-ideal theory, since we want political theory to help solve the very practical problem of what to do; a problem that ideal theory cannot directly address. This means that political philosophy can and must engage with the empirical social sciences, and with various normative problems that simply disappear at the level of (completely) ideal theory. But this is not to negate the importance of ideal theory. Many doubts about ideal theory arise from misunderstandings of what it is and what it is for. Applying, or aiming at realizing the principles of, an ideal theory here and now may well be inadvisable, but ideal theory is not designed as a procedure for deciding what to do here and now. Pointing out that something is bad at doing what it may be misused to do is not a legitimate criticism of it. We argue, moreover, that non-ideal theorizing implicitly appeals to at least an inchoate conception of the good, a conception that ideal theory can be used to refine and clarify. This is because ideal theory is not best understood simply as a description of a perfect utopia, but rather as a system of principles and/or values together with reasons for accepting them. The grasp of such a theory does not give us a mere picture of the perfect, but rather a deeper understanding of the good. Since this in turn may yield a clearer understanding of what makes real-world alternatives better or worse, it turns out that ideal theory can after all be useful.

- Oana Crusmac, “Feminist Political Theory and Non-Ideal Theory as its Methodology”

The growing critiques in political philosophy against ideal theory can be grouped in two main clusters: (1) critics that point out the unfeasibility of ideal theory and suggest embracing a more realist or fact-sensitive turn in political philosophy (e.g. Miller 2008; Farrelly 2007; Sangiovanni 2008; Sen 2006; 2009), and (2) feminists (Anderson 2009; Jaggard 2009; 2015; Schwartzman 2006b; 2009), critical race theorists (Mills 2005; 2015), theorists closer to the method of critical theory (Forst 2017), as well as self-assumed relational egalitarians (Wolff 2015a).

While both clusters of critiques embrace non-ideal theory as an alternative, there seems to be little consensus on establishing what non-ideal theory exactly is. In this paper I argue that we can distinguish between two main forms of non-ideal theory: transitional (or Rawlsian) non-ideal theory and independent non-ideal theory. Moreover, I argue that feminist political theory falls in two categories: first, it is part of the relational paradigm of justice and, second, endorses independent non-ideal theory as its methodology. My argument reinforces Wolff’s (2015a) observation that we encounter a cross-cutting issue in contemporary political theory: on the one hand, theories that belong to distributive paradigm are also the ones employing an idealized account of a perfectly just society and, on the other hand, theories that belong to the “relational picture of justice” are also the ones who follow a non-ideal methodology, and are focused on real world, existing forms of injustice.

- Bert Van den Brink, “Ideal theory and Political Perspectivism”

Since political practices in liberal-democratic societies are full of different and conflicting political perspectives, which are guided by their own and sometimes conflicting ideals, it is unlikely that through philosophical reflection on these perspectives, we will arrive at just one ideal theory of political cooperation. I ask whether this means that we can do without ideal theory in political philosophy. I argue that we cannot, and that even a perspectival approach to political theory cannot do without ideal-theoretical approaches. I discuss politically liberal, deliberatively democratic, and more agnostic approaches to democracy.

The second methodological issue is how theorizing about justice should be informed by public opinion, especially by the opinions that people may have about justice and by their experiences, including experiences of injustice. The new papers in this section, while taking very different approaches, each argue that there is a pressing need for political philosophers accustomed to armchair reflection to seriously engage with work in empirical social science as well.

Confirmed papers:

- Simon Rippon and Miklos Zala, “Public Opinions and Political Philosophy”

In this paper, we disagree both with the “cultural relativist” view that the demands of justice are relative to the beliefs and practices that are generally accepted in a given society, and with those political philosophers who think, or who very often at least seem to assume, that it is appropriate to develop our normative theories of justice without paying much heed to the views of the ordinary folk. We think that political philosophers need to pay close attention to empirical information about what folk think, and what they experience. More specifically, we think that theorists of justice ought to pay attention not just to what “the public” (as perhaps an imagined, more-or-less homogenous mass) think, but rather to what particular groups of people think and experience. That’s why the title of this paper includes an unusual plural: public opinions rather than public opinion. In this paper, we thus explore the link between, on the one hand, empirical information about what citizens think and experience, and on the other, normative political theory. And we aim to show that political philosophers should take account of empirical information about public opinions. In particular, we argue that political philosophy should take account of empirical information about the opinions and experiences of minority and vulnerable groups. Furthermore, we argue that paying appropriate attention to the opinions of these groups leaves us with both a political and a philosophical challenge.

- Alice Baderin, “Two Models of Opinion-Sensitive Political Philosophy”

How should we draw on evidence about what people actually think in theorizing about how the political world ought to be? This paper identifies, and evaluates, two contrasting models of the role of public opinion in normative political philosophy. On the first model, we study the ‘public as political philosophers’: investigating popular normative attitudes and looking for gaps between public opinion and philosophical opinion. This approach, which I term the ‘congruence model’, is dominant in recent empirically-informed work on social justice. The paper argues that this way of integrating public opinion data into political philosophy faces a number of significant challenges. I go on to defend an alternative approach, on which we use evidence about public attitudes to interrogate the speculative social psychology that sometimes underpins normative theorizing about politics. Drawing on examples from two recent interdisciplinary projects, I argue that this approach can deliver important philosophical payoffs, whilst avoiding the pitfalls of the congruence model.

Part II: Engagement

The engagement part of the volume collects new work in empirically-informed normative political theorizing on European issues, specifically related to migration and to democratic decline. It will be of interest to anyone with an interest in these issues of justice in Europe. It also demonstrates how political philosophy can speak to topical political issues by focusing on concerns that animate contemporary European political debates.

Confirmed papers:

- Philippe van Parijs, “Just Migration”

For the left in rich societies, there is no more cruel dilemma that the tension between maximal generosity towards the weakest among the insiders and maximal hospitality towards the many outsiders who are keen, indeed sometimes desperate, to immigrate. When endeavouring to determine what immigration policy our country or the European Union should adopt, we should not deny or hide or minimize this dilemma. Nor should we yield to whatever democratic majorities happen to demand. We need a clear conception of what a just world would be like and a pragmatic, no-nonsense, opportunistic approach to the measures that could take us closer to it in the messy world we live in.

- Eszter Kollar, “What We Owe to Temporary Labour Migrants” [agreed in principle, TBC]

Beliefs about justice and labour immigration in Europe raise the important normative questions of “social dumping” and “welfare tourism”. Migrant advocacy groups, instead, have focused on problems of discrimination/exploitation and demand equal treatment. I argue that the normative assessment of these grievances has a blind spot, and that the joint demand of social and global justice raises a difficult trilemma in the context of temporary labour (im)migration. Three normative criteria are particularly relevant for fairly adjudicating the claims of all affected.

1) Equal treatment: Migrant workers must be treated as equals, having the same rights, obligations, and status as native workers, eventually put on the path to citizenship. The political philosophy of temporary labour migration has dominantly focused on this first desideratum. The problem is that this solution leads to accepting less migrant workers with more rights, and raises a concern with reduced opportunities and resources for those excluded.

2) Global justice: A commitment to improving the conditions of the globally most vulnerable populations requires that we open borders to promote a better distribution of global wealth. But this solution raises several concerns about its implications for promoting justice within receiving societies. More open borders generate pressures on the local economy and on welfare services, and is thought to come at the expense of the most vulnerable native workers.

3) Domestic social justice requires that we improve the conditions of poor/precarious workers within receiving societies. Reasoning about the trade-off between the openness of a labour migration regime, i.e. the number of migrant workers that should be admitted, and the extensiveness of the package of rights that is owed to them should proceed in light of this trilemma. In the context of the EU where internal labour mobility between relatively well-off but unequal populations is governed by freedom of movement, while strong restrictions apply to global poor workers trying to cross external borders, this trilemma raises particularly difficult normative questions. I argue that in order to promote the equality of all persons worldwide and properly respond to the joint demands of social and global distributive justice, we need to abandon the first horn of the trilemma. Consistent with the equality of all, a more open labour migration regime coupled with highly qualified domain-specific rights differentiation between native and immigrant workers can be justified.

- Dimitrios Efthymiou, “EU Citizens Access to Welfare Rights: How (not) to Think about Unreasonable Burdens”

Defenders of current restrictions on EU nationals’ access to welfare rights in host member-states often invoke a principle of reciprocity among member-states to justify these policies. The argument here roughly is that duties of reciprocity characteristic of welfare rights are triggered by membership to a system of social cooperation. Newly arriving EU immigrants who look for work do not meet the relevant criteria of membership, the argument goes, because they have not yet contributed enough to qualify as members on grounds of reciprocity. Therefore, current restrictions on their access to welfare rights are justified. In this article, I challenge this argument by showing how restrictions on EU immigrants’ access to welfare rights are inconsistent with duties of international reciprocity. There are different variations of this challenge but my focus here will be on one that uses a veil of ignorance device to support this claim. What matters from a perspective concerned with international reciprocity, I will argue, is what kind of welfare policy EU member-states would choose if they were not to know whether they were net contributors or net beneficiaries to the relevant scheme of international cooperation made possible by the four freedoms. I argue that framing the requirement of reciprocity in this way, provides with a more comprehensive understanding of what should count as an “unreasonable burden” on the welfare systems of host member-states. The paper also examines alternative accounts of “unreasonable burdens” and shows when and how the current institutional structure of the EU could take steps to prevent member-states from gaming a comprehensive system of transnational social transfers.

- Janos Kis, “Democracy or Autocracy?”

Political regimes of the 20th century were relatively easy to categorize as either democracies or non-democratic autocracies. But recently more and more political regimes occupy a grey zone, some of their characteristics reminding of familiar instances of democracy, others making them appear as close relatives of traditional autocracies. I propose a novel, dynamic approach to classifying regimes as democratic or autocratic. Central to the dynamic approach is the idea of “autocratic breakthrough”, in which a political group that has taken power initiates a concentrated attack against the rule of law and media pluralism. The dynamic approach shows that Orban’s regime in Hungary could be classified as autocratic since at least 2012. I indicate some normative presuppositions of the democracy/autocracy classification and some normative implications of it.

- Tom Theuns, “Responding to European Illiberalism: EU Militant Democracy?”

This paper makes two main claims. First, Article 7 of the Treaty on European Union is largely in conflict with democratic legitimacy and ought ideally to be abandoned. Second, expulsion from the EU is a normatively more coherent political sanction for Member States in breach of democratic norms. Article 7 lays out the procedure for sanctioning EU member-states backsliding on fundamental values including democracy, human rights, equality and the rule of law. The ultimate sanction in this procedure is withdrawing a states’ voting rights in the European Council. This paper argues that the Article 7 is itself in conflict with the principle of democratic equality in undermining the principle whereby those subjected to a rule or policy ought to have a formally equal stake in authorizing that rule or policy. However, examining analogous arguments made in the context of justifications for policies of criminal disenfranchisement also gives rise to an argument cutting in the opposite direction: democratically backsliding Member States’ votes may otherwise ‘taint’ the democratic character of Council decision-making. This leads to a paradox whereby both sanctioning via removing a backsliding Member States’ right to vote in the Council and permitting that state to vote are both anti-democratic. The last part of the paper considers this paradox in light of the literature on militant democracy, which theorizes the justifiability of acting contrary to democratic values in order to preserve democracy in times of crisis. Yet, the paper concludes that the appropriate sanction in such extreme circumstances would be expulsion from the EU rather than disenfranchisement in the Council. However, expulsion ought to be kept only as a last result. The paper thus points towards the need to develop a range of lesser sanctions prior to this final step being taken.