

LIBERALISM AND SOCIAL JUSTICE



THE *SH*POLITICS QUESTION
TO POLITICAL REALISM AND
PRACTICE-DEPENDENT THEORY

BY

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Introduction

Political Realist theorists reject Political Moralism. In particular they reject approaches to political theory establishing a certain “priority of the moral over the political” (Williams 2005, 2), and suggest to theorize around justice or legitimacy by starting from within the realm of politics, in an effort to give greater autonomy to distinctively political thought.¹ In a similar vein, Practice-

* The author wishes to thank two anonymous reviewers for their brilliant suggestions on a previous draft.

¹ See, in particular, Williams 2005, 8: “We reject Political Moralism, which claims the priority of the moral over the political. This is to reject the basic relation of morality to politics as being that represented either by the enactment model or by the structural model. It does not deny that there can be local applications of

Dependent theorists reject practice-independent theorizing with respect to justice. In particular, they reject approaches to political theory which are insensitive to institutions and social practices of a particular order to which our normative theorizing is meant to apply. In fact, they regard institutional and cultural aspects to play a major role in shaping “the content, scope, and justification of a conception of justice” (Sangiovanni, 2008, 138).

Political Realist and Practice-Dependent (from now on PRPD) theorists posit emphasis on widely diverse sets of political facts as major sources of normativity in their theorizing, or rank them differently in shaping their accounts of justice or legitimacy. In this respect, Rossi (2019, 643) provides a useful taxonomy that allows us to distinguish types of realism according to the nature of facts and constitutive features of politics that PRPD theorists take at the core of their theorizing.² Particularly, Rossi highlights three main political facts, or constitutive features of politics – existing cultural and political institutions, facts about how to provide political order and facts about power relations and belief formation – that define three distinct PRPD approaches – respectively, ordorealism, practice-dependence and radical realism. However, in spite of these differences, PRPD theorists seem to share a core commitment to an inherently political “political theorizing”.³ In fact, all those traditions stress that requirements of justice or legitimacy ought to be shaped by anchoring our theorizing to the realm of politics and to its constitutive features. PRPD ways of theorizing are often presented in sharp contrast to ‘moralist’ or

moral ideas in politics, and these may take, on a limited scale, an enactment or a structural form.” See also Geuss 2008; Jubb 2015; Hall 2015; Newey 2010; Philp 2007; Rossi 2012; Rossi and Sleat 2014; Sleat 2012, 2016a, 2016b; Waldron 2013).

² On a more in-depth analysis about what counts as a constitutive feature of politics see, in particular, Burelli 2019.

³ See, in particular, Waldron (2016).

‘practice-independent’ approaches, which are said to take as main sources of normativity for their theorizing moral values that lack anchorage to the constitutive features of political orders and, thus, to consider principles of justice or requirements of legitimacy to be ultimately fact-independent (Cohen 2003).

In this article, I reconstruct the rejection of Political Moralism and Practice-Independent (from now on PMPI) theorizing as motivated by two main connected worries. First, PRPD theorists suggest that PMPI’s reliance on moral values that lack anchorage to the constitutive features of a given political order posits an epistemological concern. In particular, PRPD theorists claim that a theory of justice or legitimacy that takes as major sources of normativity moral values that find no counterpart in the constitutive features of a political order would fail to meaningfully apply to that particular order, as it would omit or misconstrue its constitutive features (Sleat 2016a). Second, PRPD theorists suggest that PMPI’s reliance on moral values that lack anchorage to the constitutive features of a political order also posits a meta-ethical problem. In particular, theories of justice or legitimacy grounded in moral values that find no counterpart in the constitutive features of politics may fail to motivate those who do not internalize such values to comply with their requirements (Rossi and Sleat 2014). In this respect, PMPI approaches would come at the cost of ‘arbitrariness’ from the perspective of the agent who fails to internalize such values.⁴

PRPD theorists seem to offer a strikingly elegant solution to these worries, as they suggest that by maintaining our fidelity to the constitutive features of politics, thus responding to the

⁴ The usage of arbitrariness is borrowed from Enoch (2006) in addressing objections to meta-ethical realism.

epistemological worry, we are able to develop theories of justice or legitimacy that successfully overcome the meta-ethical worry.⁵ The underlying thought is that, if a common interpretative understanding of the constitutive features of a particular order can obtain, and if we are able to extract from it a unique set of normative requirements of justice or legitimacy, our theorizing would cease to be arbitrary, thus responding to the meta-ethical worry.

One crucial challenge that PRPD theories face consists in securing a common interpretative understanding of the constitutive features of politics and a common account of the normative requirements that can be singled out from such constitutive features. In fact, people may disagree on what counts as a constitutive feature of a political order, or on how to rank the relevance of different features, or on what sorts of requirements ought to be extracted.

This sort of conceptual disagreement would bring the meta-ethical worry back into the picture. In fact, if one is able to show that multiple sound interpretative understandings of the constitutive features of a political order are compossible, and that they give rise to incompatible accounts of justice or legitimacy, one would have also shown that PRPD approaches, although able to overcome the epistemological worry, by virtue of defining a set of theories that are consistent with the constitutive features of politics, cannot overcome the worry about arbitrariness, for people may still single out diverse and possibly incompatible normative requirements. If this line of critique is successful, PRPD proponents would be in need to show that such a conceptual disagreement is different in kind, and somehow less burdensome, than moral disagreement.

⁵ This specific proposal is particularly spelled out in Sleat (2016a).

In this article, though, I elaborate on a challenge that comes after one successfully responds to the problem posed by conceptual disagreement. In particular, I shall attempt to show that, even granting that a unique shared understanding of the constitutive features of a given political order can be secured, and that a unique set of normative requirements can be singled out from it, one may still fail to form reasons to comply with such normative requirements.

The same problem has been hinted by Maynard and Worsnip (2018) in their systematic analysis on the possibility of a political normativity that is distinct from moral normativity. The underlying claim is that theories of justice or legitimacy, grounded in a shared understanding of the constitutive features of a political order, do not automatically equip us with reasons to comply with their normative requirements. In fact, one may plausibly agree on what the constitutive features of a political order are, and on which requirements ought to be singled out from them, and yet be unwilling to comply with them.

In this respect, following up on Maynard and Worsnip (2018), I subject to systematic scrutiny a scenario in which conceptual disagreement has been resolved. Assume, indeed, that we form a shared and epistemologically sound understanding of the constitutive features of a particular order; assume further that we acknowledge that such an interpretative understanding calls for a unique set of normative requirements: why should we comply with them? In fact, one may ask, why should we engage with the enterprise of politics at all? Why shouldn't we rather look for more attractive enterprises, whose constitutive features call for different sets of normative requirements? Why not *shpolitics*? The *shpolitics* question, originally known as the *shmagency* question, developed by David Enoch (2006, 2010) with reference to constitutivist theories about agency, demands PRPD theorists to provide reasons for why

one should engage with the enterprise of politics, in an effort to respond to the meta-ethical worry.

In fact, failure to provide such reasons would make one's engagement with the enterprise of politics dependent on agents' motivations. As such, theories of justice or legitimacy, grounded in a shared understanding of the constitutive features of politics, far from successfully overcoming the meta-ethical worry, would bring arbitrariness back into the picture. For if politics is optional, the normativity of its requirements is contingent on our motivation to engage with it.

However, it seems that, in order to provide such reasons, theorists must resort to values that are external to the enterprise of politics. For any attempt to extract reasons to engage with the practice of politics from the constitutive features of politics would ultimately fail to respond to the *shpolitics* question.

Such a solution, however, seems to be ruled out by PRPD approaches, which suggest that our theorizing about justice or legitimacy should start from within the enterprise of politics itself.

In this article, I outline two plausible strategies to respond to the *shpolitics* question. The first strategy consists in showing that politics is *inescapable*, in that we cannot but engage with it. As such, any attempt to forfeit on its normative requirements would be misplaced.⁶ The second strategy consists in giving up on full-blown normativity and limit the normative reach of one's theorizing to those who are already motivated to engage with the enterprise of politics.⁷ Both proposals, I attempt to show, face substantive challenges. A viable strategy for PRPD approaches, I will suggest,

⁶ Such a strategy insists on a form of Aristotelian Political Naturalism and seems consistent with the approach undertaken by Rossi (2010).

⁷ Such a strategy is consistent with Geuss' skepticism on the sharp distinction between descriptive and normative. See Geuss 2008.

is to accept that reasons for engaging with the enterprise of politics must lie outside the political domain, while insisting on the relevance that the constitutive features of politics ought to play in singling out normative requirements of justice or legitimacy.

I

Fidelity to Politics and Arbitrariness

PRPD theorists claim that the political sphere does not lend itself to be straightforwardly regulated by the moral sphere.⁸ This is for two main reasons: first, because people widely disagree about what morality demands; second, because the political domain is separate from the moral sphere, and, as such, it poses its own normative demands which are distinct from the demands of morality.⁹ These two main rationales for rejecting the priority of the moral over the political could be aptly framed in terms of

⁸ See, in particular, Philp 2007, 34: “The integrity of the good life in which ethics and politics are effortlessly linked seems a utopian aspiration [...] Political virtue is not only not rooted in the good life, it is in its nature exposed to demands that may compromise some of our most cherished commitments.” See, also, Rossi 2013, 559: “Realist political philosophy cannot be a branch of applied ethics. Rather, it tries to carve out some space for action-guiding political theory within an analysis of the actual meaning and purpose of politics in a given context. This is to say that it proceeds from an empirical informed analysis of a society's political culture, and, on that basis, tries to produce the most appropriate political prescriptions, which may well not be those that are morally optimal *sub specie aeternitatis*. In fact, most realists would deny that we can determine what would count as morally optimal without a prior understanding and interpretation of the relevant political context.”

⁹ As a matter of clarification, PRPD theorists do not dismiss the fact that the political sphere posits moral demands. However, they suggest that such demands are distinctively political (Sleat 2016a). In this respect, political morality would constitute a definite subset of the realm of morality.

worries that PRPD approaches share toward PMPI accounts of justice or legitimacy. In particular, on the one hand, there is a worry concerning the arbitrariness of accounts of justice or legitimacy that are straightforwardly grounded in moral values or principles that lack anchorage to the political domain. In fact, given the existence of ineradicable and ubiquitous disagreement about the demands of morality, one may worry that PMPI accounts of justice or legitimacy would fail in motivating those who do not internalize the moral values from which one starts to theorize.¹⁰

In order to illustrate such a worry, imagine that Bob grasps the relevance of the value of free and equal moral personhood, and extracts a set of normative requirements of justice or legitimacy from it. Betty, however, believes that Bob's choice to start from the value of free and equal personhood is ultimately arbitrary as she fails to grasp its relevance. In fact, she would rather start from the moral ideal of self-ownership, from which she extracts a different set of normative requirements. The arbitrariness that is implied in picking their moral premises makes them unable to converge on a shared basis for their theorizing, and, as a result, their accounts of justice or legitimacy fail in being fully intelligible to one another.

The worry about arbitrariness is two-fold: first, there is a non-ideal concern expressed by the fact that those who internalize different moral values would not *actually* comply with the normative requirements one lays out; second, there is a meta-

¹⁰ See, in particular, Rossi and Sleat 2014, 691: "We need politics in part precisely because of the ubiquity of moral disagreements about what we collectively should do, the ends to which political power should be put, and the moral principles and values that should underpin and regulate our shared political association. As such, politics cannot be a domain that is straightforwardly regulated by morality."

ethical concern according to which those who internalize different moral values would *fail to form reasons* to comply with one's theory of justice. PRPD theorists, I suggest, are mostly concerned with the meta-ethical objection, and claim that we need politics precisely because of the inevitable arbitrariness taking place within the moral domain, giving rise to unsolvable disagreement in laying out our accounts of justice or legitimacy.¹¹

On the other hand, the rationale underpinning the separateness of the moral and the political domain, can be framed as an epistemological worry about the fidelity to the enterprise of politics. In particular, one might suggest that, since the political and the moral sphere constitute two distinct domains, normative theories of politics grounded in values which lie outside the political sphere, or which find no counterpart in the constitutive features of politics, would fail to apply to actual political orders, as they would fail in being theories of politics at all.¹²

¹¹ On moral disagreement as positing a meta-ethical puzzle, see Rossi 2013, 560, where he claims that realists observe that the function of politics is precisely to overcome our disagreement about ethics.”

¹² Sleat, I believe, offers the best characterization of the epistemological worry: “Politics is a practice characterized by disagreement, authority, and legitimate coercion. It may be characterized by much else besides, but these are at least some of the characteristics of the human practice or activity that political theories seek to be about, and the context in which political values are asserted, claimed, debated, critiqued, and so on. Being constitutive of politics, political values must take them as fixed features of the political domain. This means that for a value to be a value for politics it must be fully consistent with their presence. It cannot be incompatible with the general conditions such that a belief about a value is inconsistent with any particular constitutive feature of politics (for example, political freedom is the absence of political authority), nor, as an assumption built into the understanding of the value itself, can it depend upon the general conditions being overcome for their realization in practice. In such cases the value would not be a value for the political domain but for a

Sleat has an analogy that may be of help in clarifying the epistemological worry:

Imagine a scenario in which a precocious young scientist claims to have discovered that all previous theories of how and why hydrogen (in its most common isotopic form) reacts the way that it does with other elements are incorrect, and that she, during her doctoral research, has developed a better theory. When she published her research, however, it turns out that the theory only works if we assume that hydrogen has two protons, two neutrons, and two electrons. What would the right response to her theory be given we know that in reality hydrogen has only one proton, no neutrons, and a single electron? The theory might have the virtue of being internally coherent on its own terms, free from any contradictions, awed reasoning, or inconsistencies. But even if that were true we would nevertheless insist that it is still a bad theory, though bad in the very special sense that it is not a theory of hydrogen because of what we know to be true of the composition of hydrogen atoms: it fails to qualify as a theory of hydrogen at all (Sleat 2016a, 265-266).

Although Sleat's analogy concerns an alternative and descriptive domain, we could frame the epistemological worry also in normative and political terms. In fact, suppose, once again, that Betty lays out a set of normative requirements grounded in the moral ideal of self-ownership, which, we assume, finds no counterpart in the constitutive features of the particular political order to which her theory is meant to apply. PRPD theorists would aptly object that such a theory, by virtue of neglecting the

world in which politics or the need for politics is absent (which is, whatever else we might think about the attractiveness of such a world, not our own). It would not be a value suitable for the activity of politics" (Sleat 2016a, 258).

constitutive features of politics, fails to qualify as a sound political theory as it starts from premises that omit or misconstrue the main object of her investigation.¹³ Betty's theory, in other words, is based on moral values that are not anchored to the constitutive features of the political order she analyzes and to which her theory is meant to apply.

Surely, Betty, along with theorists developing PMPI accounts of justice or legitimacy, would plausibly respond that PRPD's concerns are ultimately misplaced. In fact, one may suggest that moral values or principles, on which one grounds accounts of justice or legitimacy, are not arbitrary, in that their normative relevance is not contingent on the constitutive features of a community. In this regard, the fact that certain moral values lack consistency with the constitutive features of a political order does not undermine the normative standing of the moral value. Yet, whether one accepts PMPI's plausible response to PRPD's worry, one should not underestimate the appeal of what PRPD approaches promise to deliver, which is to lay out accounts of justice or legitimacy that would be able to respond to the moral disagreement that is ubiquitous within pluralistic societies. In fact, if one accepts that the moral and the political domain are separate, and that our theorizing around justice or legitimacy is ultimately bound to start from an accurate investigation of the constitutive features of actual political orders, we are offered with a shared basis for our theorizing, which rules out the sort of arbitrariness that is implied in starting from moral premises over which we profoundly disagree. As such, the normative requirements we single out from a shared understanding would also overcome the meta-ethical

¹³ In this regard, it is worth looking at Jubb 2015, 680, where the author claims that the value of equality could be plausibly internalized by realist accounts of legitimacy precisely because its normative standing is not arbitrary but rather derived from "widely experienced and understood harms of status."

worry, for everyone would find such requirements intelligible, by virtue of stemming from shared premises.

Suppose, indeed, that we gather around a table in order to define a set of normative requirements that a particular political order is supposed to meet. Instead of resorting to moral values that that find no counterpart in the political order to which these requirements are meant to apply, and over which we inevitably disagree, we attempt to form a common and accurate interpretative understanding of the constitutive features of the specific political order, which would serve as a shared basis for our theorizing. Such a strategy would allegedly solve the worry about arbitrariness by responding to the epistemological worry.

In fact, once we accept that the main sources of normativity of political theorizing lie in certain constitutive features of politics, we rule out much of the arbitrariness implied in picking moral premises that are detached from such constitutive features.

In order to show how such an approach could be plausibly made to work, let us consider Sangiovanni's careful illustration of the procedure entailed by practice-dependent accounts:

Consider the higher level moral principle that all human beings should be treated with equal, ultimate, and general moral concern (let us call it principle P). Must an institutionalist deny this to be the case? It may seem that he must, since P has global scope, applying to persons as such and independently of institutions. This would, however, be a mistake. The institutionalist can (a) affirm P, but argue that the reasons for endorsing first principles of justice for which P is a premise (call them J1, J2, ..., Jn) cannot be derived from P alone, and (b) claim that those further reasons must (in part) derive from an interpretive understanding of the institutional contexts to which Jn is intended to apply (C1, C2, ..., Cn). Though the practice-independent theorist need not deny (a) – first principles of justice can be derived

from P in conjunction with other higher-level moral values – he does deny (b). For him, there is no independent layer of first principles Jn: there is only P, principles that can be directly derived from P and other higher-level moral values (P*), and different contextual applications of P* to Cn.

The above quoted passage helps us in highlighting how PRPD approaches may overcome the two worries. In fact, by confining the premises of political theorizing to values or principles that can be validated through an interpretative understanding of the institutional context, PRPD theorists allegedly form a shared basis for their theorizing. Such a shared basis, in turn, rules out much arbitrariness concerning the premises of political theorizing. In fact, the interpretative understanding of the institutional context rules out values or principles that do not find political counterparts. Moreover, Sangiovanni helps us in clarifying that PRPD approaches, may not rule out moral values qua moral. In fact, what matters is that these values we take as a starting point for our theorizing are consistent with the constitutive features of the political order to which our theory is supposed to apply. As such, whether they are purely political or also belong to the moral domain should not concern us. In fact, provided that such values are consistent with the constitutive features of politics, their moral origin should not bring back arbitrariness into the picture.¹⁴

¹⁴ This clarifies that moral values can be political values as well. On this particular aspect see also Sleat 2016a.

II

The *Shpolitics* Question

In spite of a wide variety of objections advanced against PRPD approaches,¹⁵ critics have largely neglected one of the main obvious challenges that PRPD face, which consists in securing a shared interpretative understanding of the constitutive features of politics, and in extracting a unique set of requirements of justice or legitimacy from it.

In fact, these enterprises may give rise to conceptual disagreement at various levels. First, one might worry that a common account of the constitutive features of a certain political order is somewhat chimeric, as we may disagree on what counts as a constitutive feature. For instance, one may suggest that people's beliefs about justice or legitimacy, by virtue of being subject to a process of continuous change, should not count in laying out our shared basis for singling out normative requirements of justice or legitimacy, whereas practices and institutions, by virtue of being more stable, should be taken into account. On the contrary, one might suggest that practices and institutions are more stable by

¹⁵ PRPD approaches are subject to a wide range of criticisms, mostly of two main kinds: on the one hand, they are accused of resorting to pre-political moral values or principles in laying out their accounts of justice or legitimacy (Erman and Möller 2013, Larmore 2013); on the other, it is argued that if pre-political moral values are taken out of the picture, PRPD approaches are bound to accept accounts of justice or legitimacy that are consistent with despicable practices (Erman and Möller 2015). These critiques, I suggest, are rather unpromising. In fact, even if we could show that PRPD accounts of justice or legitimacy, so far formulated, resorted to pre-political moral values, we would not have shown that such an enterprise is, indeed, impossible. On the other hand, to claim that PRPD approaches are bound to cope with accounts of justice or legitimacy that are consistent with despicable practices, does not really constitute an objection. Surely, it may be a hard price to pay, but that is exactly what PRPD approaches amount to.

virtue of path-dependence. As such they do not necessarily tell us anything substantive about shared values underpinning them. Second, we may disagree on how to rank the relevance of such constitutive features. For instance, one may suggest that practices, social institutions and beliefs about justice should all count but to different extents. Third, we might disagree on which values are consistent with our shared understanding of the constitutive features of a given political order, and last, but not least, we could disagree on which requirements ought to be extracted.

All these instances of conceptual disagreement could prove fatal to PRPD approaches, for if we could show that different, though epistemologically sound, interpretative understandings of the constitutive features of a certain political order can be offered, or that different and incompatible values are consistent with it, or that incompatible sets of normative requirements can be extracted from shared values, we would have failed in overcoming the worry about arbitrariness.

In fact, if multiple interpretative understanding are consistent with the constitutive features of a political order, arbitrariness takes place in the form of our choice among diverse interpretative understandings. If, on the other hand, we are able to secure a shared interpretative understanding but incompatible values are consistent with it, arbitrariness takes place in the form of our choice among diverse values from which we start our theorizing. If we are able to converge on similar values, but incompatible sets of normative requirements can be extracted from them, arbitrariness takes place in the form of our choice among diverse sets of normative requirements.

However, one may suggest that PRPD approaches, by virtue of responding the epistemological worry, already rule out much of the arbitrariness which is embedded in PMPI's reliance on moral values over whose normative relevance we substantively disagree.

In fact, if our disagreement is confined to diverse, though epistemologically sound, interpretative understandings of the constitutive features of a political order, or to the relevance of values that are consistent with our shared understanding of what politics is, or to which sets of normative requirements we should extract from our shared values, arbitrariness is very much reduced. In this regard, although PRPD approaches may not be able to rule out entirely our disagreement, they equip us with tools that are of the utmost importance if one cares about developing accounts of justice or legitimacy that robustly respond to the meta-ethical worry.

However, for the moment, I set the problem of conceptual disagreement on what politics is aside.¹⁶ In fact, I wish to suggest, there is a further challenge that PRPD approaches face, which does not rest on our failure in reaching a shared basis for laying out our accounts of justice or legitimacy. In fact, I assume that these difficulties could be somehow successfully overcome. The challenge that I wish to present consists in that our ability to form a shared understanding of the constitutive features of a political order, and to develop a unique theory of justice or legitimacy that is meant to apply to it, does not implicitly equip us with reasons to comply with such normative requirements.

Suppose, indeed, we form a shared understanding of the constitutive features of politics, and that we agree on how to rank their relevance, such that we are able to single out a unique theory of justice or legitimacy that is meant to apply to a given political order: have we really solved the worry about arbitrariness? My suggestion is that resolving our conceptual disagreement about what politics is and what it entails does not tell us anything substantive about what we should do. In fact, one may be willing

¹⁶ I will return to it in the final section.

to ask: why should those requirements matter? Why should I engage with politics in the first place? Why not *Shpolitics*?

The *shpolitics* question, originally known as the *shmagency* question, has been developed by David Enoch in relation to constitutivist theories about agency such as Korsgaard (2009), Rosati (2003) and Velleman (2009). In particular, Enoch's claim is that any attempt to extract meaningful normative requirements from what is constitutive of the enterprise of agency is bound to be only conditionally normative on our willingness to engage with that enterprise, unless we provide binding reasons for why we should engage with it in the first place. If we fail in providing these reasons, there is no way to respond to those who lack motivations for engaging with agency and rather prefer to be *shmagents*.

Classify my bodily movements and indeed me as you like. Perhaps I cannot be classified as an agent without aiming to constitute myself. But why should I be an agent? Perhaps I can't act without aiming at self-constitution, but why should I act? If your reasoning works, this just shows that I don't care about agency and action. I am perfectly happy being a *shmagent* – a nonagent who is very similar to agents but who lacks the aim (constitutive of agency but not of *shmagency*) of self-constitution. I am perfectly happy performing *shmactions*-nonaction events that are very similar to actions but that lack the aim (constitutive of actions but not of *shmactions*) of self-constitution. (Enoch 2006, 176).

The challenge posed by the *shmagency* question, I suggest, can be aptly extended to PRPD approaches, as they could be plausibly regarded as constitutivist theories about politics. In fact, their aim is to lay out requirements of justice or legitimacy from the constitutive features of political orders. The basic idea, indeed, is that we do not need to resort to pre-political moral values in laying

out our theories of justice or legitimacy, as a shared understanding of the constitutive features of politics would already provide enough basis for our theorizing. Moreover, by ruling out moral values that do not find actual political counterparts, we also rule out moral disagreement that would be stemming from our reliance on such values.

However, the challenge highlighted by the *shpolitics* question consists in that even a unanimous agreement on what politics is and what it entails does not equip us with reasons for engaging with the enterprise of politics. For we may reach a consensus on what a certain enterprise is and what it entails without necessarily being willing to engage with it. For instance, I may agree on what the game of football is, and on how its constitutive aims point to the appropriateness of its current set of rules, without necessarily being willing to engage with it. In fact, why should I pick football over tennis? Or why should I not give up on sports? If we fail in providing reasons for why one should engage with a certain enterprise, its rules or requirements would ultimately be contingently normative on our willingness to engage with it.

However, reasons for engaging with a particular enterprise cannot come from within the enterprise itself, for its constitutive features or aims are silent with respect to why we should engage with it in the first place. For instance, we may agree on that the constitutive aims of football embody a desire to unveil players' physical and technical potential in an effort to entertain the public, yet this would not provide binding reasons for why we should play or watch football games. In the same way, we may agree on that the constitutive aim of politics is to respond to Williams' first political question, which is that of "securing of order, protection, safety, trust, and the conditions of cooperation" (Williams 2005, 3), and yet, we may be motivated to engage with other kinds of enterprises that embody different constitutive aims, or that employ

different devices in order to respond to the first political question. Perhaps, the enterprise of *shpolitics* would offer answers to the first political question which one would find more appealing; or, perhaps, we are not that persuaded by the urgency or the relevance of Williams' first political question.

Essentially, binding reasons for engaging with a certain enterprise cannot come from its constitutive features, but should rather come from outside the enterprise itself. For instance, one may suggest that securing the conditions for cooperation is morally binding, and show that politics would constitute the best means to achieve this end. As such, we would possess binding reasons for engaging with the enterprise of politics and comply with its requirements, singled out from our shared understanding of its constitutive features. However, such an enterprise would plausibly be ruled out by PRPD approaches, which would deem such a strategy as an instance of the enactment model, which is championed by PMPI theorizing.¹⁷ In fact, such a strategy would ultimately make our political theorizing around justice or legitimacy as ultimately dependent upon a pre-political ideal to which politics is meant to respond. As such, we would be somehow stuck with PMPI's claim according to which the political domain would ultimately constitute a sub-set of the moral sphere.

¹⁷ The model is that political theory formulates principles, concepts, ideals, and values; and politics (so far as it does what the theory wants) seeks to express these in political action, through persuasion, the use of power, and so forth (Williams 2005, 1).

III

The *Inescapability* Thesis

Among the responses that constitutivist theorists offer to the challenge posed by the *shmagency* question there is one that deserves particular attention as it may partially apply to PRPD accounts. Such a response is known as the *inescapability thesis* and, in its simpler formulation, claims that agency is inescapable, in that we cannot but engage with it. Ferrero 2009, indeed, argues that agency possesses two unique features that make it different from ordinary enterprises. First, agency is special in that all ordinary enterprises fall under its jurisdiction (e.g. love, friendship, politics, etc.), insofar as they all require agency for us to engage with them; second, agency is unique in that it is the only standpoint from which we can evaluate whether or not to engage with agency itself. In fact, it is claimed that even choosing to be a *shmagent* requires us to be agents in the first place.¹⁸

¹⁸ Here is the full quote from Ferrero 2009, 309: “Agency is special in two respects. First, agency is the enterprise with the largest jurisdiction. All ordinary enterprises fall under it. To engage in any ordinary enterprise is ipso facto to engage in the enterprise of agency. First, intentional transitions in and out of particular enterprises might not count as moves within those enterprises, but they are still instances of intentional agency, of bare intentional agency, so to say. Second, agency is the locus where we adjudicate the merits and demerits of participating in any ordinary enterprise. Reasoning whether to participate in a particular enterprise is often conducted outside of that enterprise, even while one is otherwise engaged in it. Practical reflection is a manifestation of full-edged intentional agency but it does not necessarily belong to any other specific enterprise. Once again, it might be an instance of bare intentional agency. In the limiting case, agency is the only enterprise that would still keep a subject busy if she were to attempt a “radical re-evaluation” of all of her engagements and at least temporarily suspend her participation in all ordinary enterprises.” Further

There are, I argue, three main ways in which PRPD may attempt to import arguments from the inescapability thesis. The first, which takes the form of an Aristotelian Political Naturalism, consists in claiming that, although many enterprises fall out of the political jurisdiction, politics is essential in securing the conditions for cooperation and coordination that are crucial to many ordinary enterprises, including human flourishing. Hence, politics could be seen as a hub-enterprise, in that it is often a pre-condition in order to engage with many other enterprises. As such we would have binding reasons to engage with it.¹⁹

There are, however, two main concerns with this strategy. First, as already suggested by Cross (2018), there might be alternative – non-political – viable options to secure the conditions for coordination and cooperation. For instance, one may follow theorists of the spontaneous order in claiming that repeated interactions, within non-political contexts, can make us converge on conventions and norms that would allow us to solve coordination and cooperation problems. Second, even granting to politics its role as a hub-enterprise and its best suited position in securing the conditions for cooperation and coordination, we may worry about the sources of normativity of PDPR theories. In fact,

developments of the inescapability thesis can be found in Ferrero (2018), Silverstein (2014) and Katsafanas (2013).

¹⁹ See, in particular, Rossi 2010, 507: “The very nature of the human condition, rather than the conclusion of a rational argument, necessitates political authority. In this way we no longer need a rational, ‘external’ justification for the need of authority, but the need for authority is still just as inescapable, so the rest of the Hobbesian position continues to hold. On this realist and naturalist reading Hobbesian authorization, then, affords an account of political normativity without reliance on pre-political ethical commitments. The normative work is done by what it means to have a form of political authority at all, and by the fact that we cannot escape the need for the exercise of political power.”

one may plausibly object that our reasons for engaging with practice of politics would then come from other enterprises, which are not necessarily internal to the political realm. For instance, if our binding reasons for engaging with the enterprise of politics come from the fact that it constitutes the only available means to develop meaningful human relationships, the normativity of our accounts of justice or legitimacy would ultimately depend upon the moral worthiness of developing meaningful relationships.²⁰

The second strategy would consist in claiming that PRPD accounts of justice or legitimacy are not supposed to make us reflect about whether we have reasons to engage with the practice of politics, but merely to adjudicate the legitimacy of already existing orders. This strategy has some intuitive advantages in that it seems to annihilate the problem of lacking reasons to engage with politics. In fact, one would assume that, by virtue of being already within a political scenario, we have implicitly sorted out the problem of motivations for engaging with politics, such that we can articulate our normative theories as if politics were in fact inescapable.

The problem with such a strategy consists in that having already engaged with a given enterprise, or finding oneself already involved in it, does not prevent us from failing to form reasons to continue engaging with it at later stages. In fact, imagine Bob and I are going out for a drink. He, then, begins to tell me about his latest romance with Betty, and of how Betty left him without any motives. After five minutes I start to find his laments annoying and refuse to continue the conversation. Bob, then, claims that it is my duty to

²⁰ Cross 2018, 94, also suggests that such a strategy is based on an unwarranted assumption according to which individuals always seek to “pursue what is necessary to attain their ends.” If such an assumption does not hold, we cannot reliably claim that political institutions act as a hub-enterprise, as individuals may seek for alternative arrangements to politics in attaining their ends.

listen and help. After all, we have been friends for a long time. However, I reply that our existing friendship does not prevent me from forming reasons to stop being his friend. In fact, I now lack reasons to continue being his friend and I would rather become his *shfriend*. Conveniently enough, *shfriendship* entails going out for drinks, having fun, travelling, etc., but does not impose on us any duty to help in relation to one's romantic delusions. I have looked into what friendship with Bob is, agreed on what it entails, and I simply do not want to get involved anymore.

Bob's case may be easily framed in the terms of the *shpolitics* question. In fact, most of us are born or chose to live in political scenarios. As such, one may be tempted to point out that the problem of having reasons to engage with the practice of politics has been sorted out at the very outset. However, simply finding oneself in a political scenario or having had reasons to engage with the practice of politics in the first place does not prevent one from forming reasons to disengage with it or to engage with alternative and widely diverse enterprises at later stages.

Hence, the second strategy fails to show that politics is inescapable simply by virtue of having already engaged with it. In fact, one may always form reasons to engage with non-political enterprises or to endorse theories of justice or legitimacy based on moral premises that are not anchored to the constitutive features of politics.

The third strategy, on the other hand, suggests that any form of social organization is political. As such, all our communities are instances of political order and any theory of justice or legitimacy must be grounded in an accurate interpretative understanding of the constitutive features of each of them. In this regard, politics seems inescapable as citizens are not given any exit options. Citizens, indeed, can only move from one social organization to another but cannot really escape politics.

Although this strategy is successful in making politics inescapable, it cannot really solve the worry about arbitrariness by means of solving the epistemological worry.

In order to illustrate this, suppose that Bob carefully observes certain constitutive features of community *x* and concludes that the moral ideal of free and equal personhood is consistent with its institutions. Betty, on the other hand, observes the constitutive features of a widely different community *y*, which are consistent with the moral ideal of self-ownership. As a result, they lay out substantively different theories of justice or legitimacy. Both theories are grounded in accurate interpretative understanding of certain constitutive features of these communities and, therefore, may respectively apply to the communities in which such institutions are found.

However, what prevents citizens of *x* to form reasons to endorse requirements of justice or legitimacy that apply to *y*? After all, citizens of *x* may reasonably converge on shared interpretation of what the constitutive features of *x* are, agree on that such features entail certain requirements of justice or legitimacy, and yet be unwilling to continue being ruled by such requirements. In fact, they may find theories of justice or legitimacy grounded in the constitutive features of *y* much more appealing in a number of different ways.

The third strategy, thus, fails to show why citizens should be compelled to form reasons to endorse requirements of justice or legitimacy that are grounded in moral values consistent with the constitutive features of their community. In fact, although politics is inescapable, nothing prevents them from endorsing theories of justice or legitimacy that are grounded in constitutive features of other political orders that they find more appealing.

In some regards, the objections to the inescapability approach set out an impossibility theorem for PRPD normative theorizing. In fact, on the one hand, by restricting the meaning of politics we are able to reduce arbitrariness by virtue of delimiting the set of constitutive features of politics that can be picked to justify one's moral premises. However, at the same time, by restricting the meaning of politics, we also make conceptual room for the existence of nonpolitical orders, thus making individuals' engagement with politics, and the normative reach of requirements of justice or legitimacy, conditional on their motivations.

On the other hand, by stretching the meaning of politics, such that it encompasses all forms of social organization, we make politics inescapable insofar as individuals cannot but engage with it. However, at the same time, we bring back arbitrariness by virtue of enlarging the set of constitutive features of politics that can be picked to justify one's moral premises. In fact, individuals may cherry-pick constitutive features of other political orders in order to justify their moral premises.

As a consequence, PRPD theorists seem either forced to grant that the normativity of their theorizing is contingent on people's motivation to engage with politics, or to admit that the worry about arbitrariness cannot be solved by means of fact-sensitive accounts of justice or legitimacy, thus, stripping away what sets their proposal apart from PMPI theorizing.

IV

Justice and Legitimacy without Full-Blown Normativity

If the latter route seems not worth pursuing, the former looks somewhat similar to the one undertaken by authors such as Geuss

2008, who are skeptical of the descriptive/normative dichotomy.²¹ Perhaps, indeed, some PRPD proponents are not seeking to develop full-blown normative accounts of justice or legitimacy. Maybe, what they are up to is lay out some requirements aimed at people who already have independent reasons for engaging with politics and who continue to exhibit them. It does not really matter whether these reasons are grounded in moral values which are external and prior to the political realm, as long as these values are not provided by the theorist, as one cannot be accused of political moralism for letting people resort to moral values in order to evaluate whether or not to engage with a certain enterprise.

In this respect, PRPD theories might leave out of the picture those of us who are not willing to engage with politics, but this should not be worrisome given how many people already live and continuously choose to live within political associations. Although such an approach would not grant to politics the status of inescapable, it certainly seems to scale back the relevance of the *shpolitics* question. For one may, indeed, be tempted to argue that the *shpolitics* question relates mainly to meta-ethical concerns but does not really say anything interesting about the world we live in, insofar as nobody is really interested in *shpolitics*. In this regard, PRPD theorists may be happy to concede that the normativity of their theorizing is contingent on people's motivations to engage with politics, so long as the large part of the world population would find politics to be the only viable option for our social organizations.

This is, I believe, a plausible strategy for PRPD theorists to pursue but we should be careful in delimiting the relevance of the *shpolitics* question to abstract, and politically irrelevant, meta-ethical

²¹ On Geuss' skepticism on the descriptive/normative dichotomy see also Rossi 2010.

discourse. In fact, *shpolitics* defines the set of all possible and alternative enterprises to politics. This is to say that, although PRPD accounts could come up with a certain specific definition of politics from which to single out theories of justice or legitimacy, there is a large, possibly infinite, number of slightly/largely different enterprises, with their own constitutive features, from which to select slightly/largely different normative requirements.

Essentially, although many of us would be, broadly speaking, keen on engaging with politics, our accounts of politics and, consequently, the requirements of legitimacy that we extract from them, may diverge to different degrees. This particular fact brings us back to the problem of conceptual disagreement about what politics is and what it entails, which I have outlined previously.

In fact, if our understanding of what politics is and what it entails are substantively different, we cannot be sure that we will converge on similar requirements of justice or legitimacy, as individuals would pick widely different constitutive features of politics to justify their moral premises.

PRPD proponents may reply that any meaningful account of justice or legitimacy is to be based on the actual constitutive features of politics and that any attempt to theorize around the political by omitting or misconstruing its constitutive features would fail to respond to the epistemological worry, and, as such, undermine the relevance of our accounts of justice or legitimacy. Essentially, the PRPD response consists in delimiting the concept of politics, and its constitutive features, so as to reduce arbitrariness in cherry-picking moral values from which to extract our accounts of justice or legitimacy.

However, if we narrow down the concept of politics too much, we cannot be sure that the supposedly widespread motivation to engage with political forms of social organization will remain

unaffected. In fact, the more we narrow down the concept, the more we annihilate the people's motivation to engage with politics.

Essentially, the objection to accounts of justice or legitimacy without full-blown normativity consists in that such a strategy could plausibly overestimate the extent to which our willingness to engage with politics translates into a shared account of what politics, and its requirements, should be. In fact, when we give up on full-blown normativity, the simple fact of meeting the epistemological *desideratum* tells us very little about which enterprises we should be engaging with, as it only tells us which requirements apply to which enterprises. I take this to be the main claim behind Estlund's defence of utopian theorizing:

A lot of work is being done in this objection by a definition. A theory's subject matter is asserted to lie outside of politics unless it grants a substantial role to laws, police, criminal courts, and so on. Consider a theory that gave compelling arguments for the conclusion that a society could not be characterized by political justice, or authority, or legitimacy in conditions where there was a substantial role for laws, police, and courts. On the definition of politics in question, this would not be a political philosophy. But that is only because politics has been defined out from under it. Fine, let it not count as a political philosophy. This would leave entirely intact its claim to have the correct theory of justice, authority, and legitimacy. (Estlund 2014, 231).

Estlund, here, is happy to concede that what he is doing is not political philosophy. In fact, *shpolitical* philosophy could have better insights on what our social orders should look like.

Conclusion

The *shpolitics* question, I believe, does not undermine the relevance of PRPD approaches towards justice or legitimacy, as it does not annihilate, nor it reduces, the role that the constitutive features of political orders should play in shaping our accounts of justice or legitimacy. In fact, the *shpolitics* challenge tackles merely the possibility of extracting, from the constitutive features of politics, binding reasons to engage with it, but is silent with respect to how are we to single out our normative requirements.

In this regard, the two main *desiderata* emerging from PRPD theorizing should still remain valid, for if one cares about singling out theories of justice or legitimacy underpinning institutional arrangements that would allow us to respond to widespread moral disagreement, PRPD approaches have crucial insights that cannot be ignored.

A viable option, I suggest, would be to accept that reasons for engaging with the enterprise of politics lie outside the political realm, and to resort to the ideal of securing the conditions for peaceful cooperation among members of a given community and at a meta-community level, in order to provide binding reasons for taking the requirements of justice or legitimacy one singles out as normative. For if we take such an ideal as normatively binding, and we are able to show that politics, with its own requirements emerging from its constitutive features, is the best means to secure the condition for peaceful cooperation, our engagement with the enterprise of politics would cease to be conditionally normative.

Reasons for engaging with politics and complying with its requirements would then be stemming from the moral ideal of peaceful cooperation, thus undermining the independence of the political domain from the moral realm, but such a strategy would not reduce the political to the moral, nor it would assume that the

constitutive features of politics are silent with respect to our theorizing.

This approach, I suggest, would possess three main merits: first, the moral ideal of securing the conditions for peaceful cooperation would eliminate the normative contingency our accounts of justice or legitimacy; second, it would also serve as to establish the relevance of the constitutive features of politics in laying out the requirements that a political order must meet, thus responding to the epistemological worry; third, it would deliver accounts of justice or legitimacy that are very much keen on dealing with the problem of ubiquitous disagreement that is pervasive within pluralistic societies.

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