

CONSTRUCTING A POLITICAL TELEOLOGY

DaN McKee

This was never published but formed the backbone of thinking within the argument which would find its way into AUTHENTIC DEMOCRACY. I believe I entered it into some postgraduate essay competition around 2006/7?

Much has been written on political constructivism in the nearly four decades since John Rawls first published his paradigm-shifting work, *A Theory of Justice*, in 1971¹. In that book, Rawls made a vital attempt to save normative political theory from the enlightened epistemological changes of the late twentieth-century that threatened to undermine it; recognizing that if normative political philosophy was to be taken seriously in contemporary times, it could no longer base its argumentative foundations in outdated, unjustified and disputable metaphysical assumptions, but must instead attempt to construct its justificatory basis from well supported, non-controversial origins, comprehensible to all to whom the argument might apply. Whereas once it had been possible to assert, say, God's will as the source of one's stated political claims; knowledge of another world of perfect ethical *forms* as the root of moral understanding; or a transcendental and value-laden conception of an abstracted self, as the core to all social considerations; in the modern world, Rawls showed us that such esoteric roads

¹ J. Rawls, *A Theory of Justice: Revised Edition* (Oxford: Oxford University Press, 2000)

were, happily yet frustratingly, no longer available to us. With modern minds not so easily swayed by unproven assertions and unverified articles of faith, it simply took the easy rejection of a theory's dubious metaphysical underpinnings, for its entire position to be dismissed. Whilst in many ways this was a wonderful sign of human progress and intellectual evolution, with the majority of thinkers growing ever further away from old superstitions towards a new rational future; what it also meant was that the entire epistemological basis for ethical and political understanding, hitherto accepted, had been lost; and a new way of justifying our normative political claims had to be found.

Rawls' success or failure at actually achieving the grand task he set for himself was, of course, judged differently by different people. Whilst many applauded the work, a wealth of literature has been produced criticizing it, or adding to it in ways that the original was seen to be lacking. To name just two familiar examples of such criticism; the libertarian thinker Robert Nozick presented an alternatively constructed theory of just *entitlement* in response to Rawls' liberal constructivist conclusions on distributive justice², whilst communitarian thinker Michael Sandel not only called into question Rawls' claim to have constructed his theory on metaphysically neutral grounds, but the very idea that such neutrality was desirable; arguing instead that the Rawlsian conception of the self utilized in *A Theory of Justice*, was such an abstraction from what really constituted the individual, that it undermined some of its own conclusions.³

² R. Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974)

³ M. Sandel, *Liberalism and the Limits of Justice* 2nd Edition (Cambridge: Cambridge University Press, 1998)

There was a wealth of other, equally strong, responses to Rawls, and to go into them all here would be a tangent from which we may never recover⁴; but whilst many criticisms were made as to the end-result of Rawls' own particular constructivist project on justice (including those criticisms made by Rawls himself in his subsequent works on *Political Liberalism* and *The Law of Peoples*⁵) what remained a point of agreement for most, was the need to find new, non-metaphysical, foundations for political and moral discourse. 'Political philosophers now must either work within Rawls' theory or explain why not'⁶, stated Nozick, and although many heated disputes grew, or revitalized themselves, thanks to Rawls' writing,⁷ perhaps Rawls' enduring legacy was not the specific blue-print of the well-ordered society that he had intended to leave behind, but rather that these disputes have been articulated, for the most-part, without appeal to abstract metaphysics to support their spectrum of clashing causes, instead framing their debates largely along the constructivist grounds he argued for; the finest expression of which arguably came from Onora O'Neill in her 1996 book *Towards Justice and Virtue*, which attempted, quite compellingly, to bridge the gap between the competing factions of universalists and particularists in purely constructivist terms.⁸

⁴ Some (but by no means *all*) key names to consider alongside Nozick and Sandel, for-or-against Rawls, would be Ronald Dworkin, Susan Moller Okin, Brian Barry, Alasdair MacIntyre, Michael Walzer, Norman Daniels, Amartya Sen, G. A. Cohen, David Miller, T. M. Scanlon, Thomas Nagel, H. L. A. Hart, Jurgen Habermas, and Joel Feinberg.

⁵ See J. Rawls, *Political Liberalism* (New York: Columbia University Press, 1996) and J. Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 2000)

⁶ R. Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974), p. 183.

⁷ To name a small, and by no means comprehensive, list of significant debates: communitarianism versus cosmopolitanism/liberalism versus republicanism/the primacy of right versus the primacy of good/contractarian versus non-contractarian/justice versus virtue, etc

⁸ O. O'Neill, *Towards Justice and Virtue: A Constructive Account of Practical Reasoning* (Cambridge: Cambridge University Press, 1996)

Although Rawls's work, and the response to Rawls' work, is an impressive, thorough, and ongoing discourse in political theory though, there is sometimes a danger when deeply involved in a captivating conversation, that one gets so wrapped up in the framework of the particular debate that they are engaged in, that they forget that there might also be other ways of talking about the subject at hand, or even entirely different and equally worthwhile conversations to be having instead. When in the middle of a compelling exchange, the allure of responding to someone's previous comments on a contentious and divisive subject, and articulating your objection or agreement within the terms of reference of that ongoing discussion, often makes it easy to forget that there are equally valid alternative debates to be had, and I worry that such a thing has happened in political philosophy since Rawls first proffered his theory of justice to us nearly forty years ago.

Whilst I agree wholeheartedly that a constructivist account of ethics is necessary here in the twenty-first century if we want to make compelling normative claims, and that simple appeals to unvindicated metaphysics no longer satisfy as a convincing theoretical foundation for solid arguments; I hope to show in the following article, that the full ramifications of this within political theory have not been completely addressed. Whilst much attention has been paid to constructing the theoretical blueprints for just institutions, procedural republics, public philosophies, well-ordered states, and many other aspects of acceptable politics over the past forty years, both domestically and internationally; it seems to me that few contemporary writers, possibly Nozick aside, have recognized that the existence of the political state *itself* requires a compelling

ethical argument to justify it. Whilst many have taken the state to be an unqualified given, and then concentrated on the ethical requirements they imagine to be essential *within* that state in an attempt to find new constructivist ways of justifying those requirements; it seems that contemporary political theory has often ignored the fact that the ethical justification for the state, and the social and economic institutions through which it is manifest, must *themselves* first be rationally constructed if they are to be reasonably accepted.

Whilst it is no doubt important to ensure that the structures of political power we have in place are organized along just or virtuous grounds, however construed, and to make sure that our political institutions are ordered in a particularly endorsed way; we cannot cogently make any such claims about how states *ought* to be *properly* organized until we have first a clearly defined concept of *political teleology*: a vindicated account of what the *purpose* of politics must necessarily be for it to be an ethically justified venture.

We must never lose sight of the fact that systems and structures of political power are not natural phenomena, but are in fact *artificially created human constructs that affect the lives of all those living within them*; and as such must be submitted to the same ethical evaluation and demand for accountability as the results of any other consciously chosen human action. For the creation of a political system to be legitimate, as an endeavour which extensively affects the lives of all who live within it there must be a coherent and compelling *ethical justification* for its existence, and that ethical justification must necessarily take the form of a teleological account of both endorsed

goals of human life, and the purpose of politics as a specifically-designed means to achieving those goals. Without such political teleology, there can be no compelling reason for these artificial constructions of political and economic power erected synthetically by human societies over their unfettered natural life, to be considered legitimate.

Despite speculative accounts made by philosophers throughout history of the probable dangers and inconveniences of a pre-political state of nature⁹; there is no *a priori* reason that human societies have granted political power to certain persons or institutions rather than opt to live an unfettered existence of autonomous self-rule: it is a *choice* that has to have been made to live one way, rather than another. This is not to posit any unvindicated capacities for self-governance to human individuals, or unsubstantiated claims about the primacy of autonomy over a dependence on external authorities; it is simply to say that until a specific *moral* decision has been made that certain dangers or inconveniences found in pre-political life, are to be considered ‘bad’ and that a ‘better’ alternative which got rid of such dangers and inconveniences would be considered ‘good’, there can be no sound reason for people to have chosen to erect a synthetic politics around their lives instead of choosing to continue living naturally and undisturbed amongst the dangers and inconveniences they considered to be neither good nor bad; there would be no clear motivation for the change.

⁹ See T. Hobbes (J. C. A. Gaskin, ed), *Leviathan* (Oxford: Oxford University Press, 1998); J. Locke, *Second Treatise of Government* (Indianapolis: Hackett Publishing, 1980); J. J. Rousseau, (M. Cranston, trans), *A Discourse on Inequality* (London: Penguin, 1984); and J. J. Rousseau, (C. Betts, trans), *The Social Contract* (Oxford: Oxford University Press, 1999), for classic examples; and R. Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974) for a contemporary take on Locke’s state of nature argument.

Similarly, as thinkers in opposition to traditional social contract theories have been showing since Hume, even if we concede that such a choice was made by some societies at some point in history, or even was *thrust upon* them by historical circumstance and conquest, there is no reason that a state of affairs decided upon *once upon a time*, must be enduringly maintained in perpetuity; unless through either some form of continuing and definite consent (which again requires reasoned *choice*), or through unexamined complacency.

Although, perhaps, our ancestors may have once agreed, for whatever reasons, to create and accept external structures of political power over their society; there is no reason to believe that such historical agreements can seriously bind future generations who find themselves arbitrarily inheriting such conditions of life. As such, unless consented to again and again, the structures in place can be changed or rejected if the will to do so is there. Indeed, this is why the accepted form of political power *has* changed and been rejected repeatedly throughout human history, as the demands of a citizenry of what they expect their politics to provide has evolved through time.

When born into a particular framework of political power, or at least once old enough to rationally make choices for ourselves, we have no *prima facie* obligation towards that power other than through our chosen continued acquiescence; an acquiescence *chosen*, either consciously or unconsciously, freely or through manipulation, along some rational grounds because, on some level, we must consider such structures to be legitimate to willingly give them our assent. And where existing structures of political power are neither consented to nor rejected, but merely hanging on to past justifications that have

not yet been examined by current citizens, then the status of their legitimacy is volatile and tenuous, and as soon as piercing questions about their legitimacy do arise, they will then ultimately have to justify themselves anew, and on the basis of their given justification find themselves either willingly re-consented to, or, finally, rejected.

A necessary conception of political teleology is unavoidably presupposed by any claim to legitimacy in politics because the creation of any political power, as a life-affecting intentional human act, necessarily presupposes some sort of teleological ethics. Although each differently devised system of politics might find the source and form of their particular justification located in a diverse mixture of reasoning, be it constructivist, theological, communitarian, or *whatever*; what is necessarily true of *all* justificatory arguments for *all* kinds of politics, is that there is an inescapable underlying *ethical* argument behind them that is essential to their coherency. Of course, this is only true of those structures of political power genuinely seeking the claim of legitimacy and, recognizing the need to validate their artificial character, seeking to provide a justification for their existence. Those political endeavours which explicitly and unashamedly make *no* claims to legitimacy and seek *no* justification for their existence other than through the self-evidence of their coercive powers of violent brute force or tyrannical enslavement of a populous, have no interest in the consent of those over whom they assert power, and as such cannot possibly base their legitimacy on an underlying ethical argument, because there are no claims of legitimacy being made in the first place that require such a base.

This though, should come as no cost to my overall argument. Indeed, it serves only to support it further as evidence that legitimate politics necessarily presupposes fulfilment of a political teleology: we can determine *illegitimate* politics *precisely* because they are self-serving set-ups which fail to fulfil the legitimating *ethical purpose* which distinguishes justified politics.

As soon as we begin to ask questions about deliberate social organization and about *consciously interfering with unfettered human existence to establish some sort of artificially created formal order within it*, we are essentially asking how *best* to organize society out of all conceivable options available, and once such a question is asked, it can only be made sense of if put in contrast with a consideration of the contrasting ways in which it would be conceivably *worse* to organize society; immediately giving us a traditional ethical dichotomy between good and bad, right and wrong, etc, and thus a set of seemingly *justified* political preferences set against their unjustified alternatives. This conception cannot be made sensible then, unless made in syndicate with a correlative theory of the human goals within the society being considered, combined with a theory of politics as a specifically purpose-driven enterprise, designed and legitimated solely with the aim of facilitating those goals.

Although there is much valid meta-ethical debate in moral philosophy attempting to locate the normative source of any ethical claims – including claims about normatively endorsed human goals and interests – even going as far in some cases as to reject the very idea that moral terms are meaningful at all; I believe that practical political philosophy necessarily circumvents such debate, because it unavoidably takes place

only in circumstances in which the conclusions of certain meta-ethical disputes have already been pragmatically decided upon, and in which a presupposition of meaningful ethics is necessarily manifest.

Politics, unless we are simply to dismiss the project entirely, throw our hands up in the air, and assume that whichever way groups of people randomly find themselves organized is *de facto* legitimate – be it the freest anarchic system to the most repressive fascist state – is an inescapably ethical business. To sanely speak of a political system's 'legitimacy'; of a 'fair' way of distributing essential commodities; of a 'just' war theory; or of rational conceptions of political 'obligation' – to name but a few common areas of political philosophy – there must be, without fail, underlying one's considerations, a political teleology: a particular ethical theory of human goals and interests, and how they can be communally achieved through certain political institutions designed for that specific purpose. Without an idea of both the goals of human individuals and the goals of the societies in which they gather, alongside a particular *value judgement* that achieving those goals is in some way *better* than not achieving them, indeed, that the people in question *ought* to be able to achieve those goals; then the politics constructed is rendered meaningless.

Whilst meta-ethical discussion is theoretically interesting and philosophically illuminating; in the practical business of real-life politics such questions have already been set aside and some normative conclusion or another necessarily reached. We can neither promote nor critique a social order without first having some conception (justified or unjustified) of what we believe the purpose of politics should be; which in

turn must stem from an ethically teleological conception of what we believe the purpose of human life to be, and what limitations and obstacles we feel might be encountered en route to fulfilling that purpose, which can be mitigated or removed by the creation of a certain kind of politics, or intensified and exacerbated by the creation of another. We either assume that people can fulfil all of their needs and interests *without* artificially generating a formal politics to help them, and that life within *any* randomly generated system of social organization is equally justified; or we decide that it is not, and that some sort of purposive system of social organization must be established in order to enable people to fulfil their otherwise frustrated goals and interests. Indeed, even if we chose to ignore ethics and adopt this above scenario of taking a non-critical, come-what-may, stance towards politics, we could do so only if *still* steeped in certain ethical assumptions about the goals and purpose of human beings and the aims of politics; not least of which would be assumptions that allow us to see no moral difference or ethical preference between the brutality of, say, a violent dictatorship, and the peaceful liberty of an authentically democratic community; or between social conditions that leave the majority of people starving in abject poverty, and alternative conditions which afford fair access to all for the necessary goods of their survival.

Without a political teleology, it is impossible to coherently justify politics. As a result, I believe it is fair to say that *all* systems of political power, whatever their specific form, nature or *ostensibly stated* justification, if they are to be considered legitimate, are ultimately conceived and accepted through an implicit and necessary ethical argument

which is the same in every case, albeit one that is differently cashed out and uniquely interpreted by each specific system built under its auspices. At its fundamental core, that argument is this: that political power X is perceived to be *legitimate* only because it makes things 'better' for 'people' than they would be without it. In other words, through an ethical social contract argument which suggests that the title of legitimacy can only be bestowed to an established political system when it, in some form, holds a reciprocity between itself and the citizens over whom it is erected; that such power is not absolute and unaccountable, but limited and conditional, there to serve a certain purpose – that of making things 'better' for 'people' than they would be without it – and if it fails to authentically fulfil this teleological role, then its legitimacy is no longer justified.

The reason that the words 'better' and 'people' are qualified with quotation-marks, is because, as we shall soon see, it is upon the respective definitions of these two words that the validity of each individual interpretation of this necessary underlying ethical argument turns; for it is upon these two words that a fuller picture of legitimate political teleology can be reasonably constructed. But before we look any further into this matter, I still feel that some more work needs to be done to convince some people that this underlying ethical argument is, as I claim it to be, found beneath *all* justificatory claims attempting to legitimate political power. Whilst the traditionally conceived democratic state seems quite clearly to conform to such principles (a near-universally enfranchised citizenry [the 'people'] clearly telling their government what policies would be 'better' for them, and the government having a subsequent duty to carry out those

policies), it is hard to see the same notion at work under, say, a totalitarian regime or fundamentalist dictatorship which also seeks legitimacy. There have also been many famous arguments made for the construction of political power on completely *non-ethical* grounds, from Hobbes's original contract argument growing out of a specifically *amoral* state of nature, to the work of Rawls himself, and the liberal tradition which followed him; which is largely dedicated towards political *neutrality* and ensuring that the state promotes no *one* particular comprehensive conception of the good over any other.

I shall deal with the latter objection first and immediately point out that the idea of a necessary political teleology does not preclude the idea of a neutral state. As communitarian critics of Rawls have pointed out time and again, the belief in the importance of a neutral state is *itself* a non-neutral, ethically particular position;¹⁰ the belief in the necessity of an ethically neutral state being ultimately based in a distinct teleological argument suggesting that the only way the state can successfully achieve its required goals, and its citizens theirs, is for political power to be ethically impartial to the competing comprehensive claims of its people. So long as one can reasonably construct a compelling ethical account of political teleology whose well-supported definitions of who counted as 'people' and what, therefore, would make life 'better' for them, convincingly necessitated state neutrality; there would not only be no reason to rule out such neutrality, but, indeed, neutrality would be demanded by our more comprehensive teleological position.

¹⁰ For example: M. Sandel, *Democracy's Discontents* (Cambridge: Belknap Press, 1998)

Hobbes too, I believe, and arguments like Hobbes' which confuse ethics with legality, not only *can* have his argument incorporated into a model of political teleology, but *must* do so if his theory is to have any real force to it. Although arguing for the legitimacy of political power from an ostensibly 'amoral' account of pre-political humanity grounded in the claim that ethics cannot exist for people 'till they know a law that forbids them: which till laws be made they cannot know';¹¹ this position of Hobbes' is implicitly undermined by his wider Leviathan project. Whatever reasons one might proffer for wanting to leave behind the violent war of all against all that Hobbes suggests would exist without a strong political power in place to control people's naturally competing desires, as I stated earlier, they can only ultimately be cogent if based around some formation of the following claim: that the war of all against all is *bad* and prevents us from achieving important goals of value, and a society without it, which enabled us to better achieve those goals would be *good*, hence a normative judgment, hence ethics, and an ethics which necessarily must exist *prior* to the Leviathan's establishment in order to catalyse action towards its creation; a creation clearly aimed, despite Hobbes' possible protestations, at making life 'better' for 'people' than they would be without it.

Indeed, Hobbes himself, whilst fully denying the existence of morality in his state of nature, still found it necessary to appeal to *laws* of nature, described not as a moral guide but as an amoral 'precept, or general rule, found out by reason, by which man is forbidden to do, that, which is destructive of his life, or taketh away the means of

¹¹ T. Hobbes (J. C. A. Gaskin, ed), *Leviathan* (Oxford: Oxford University Press, 1998), p. 84.

preserving the same; and to omit, that, by which he thinketh it may be best preserved'.¹² To me, this just seems like linguistic smoke and mirrors, proclaiming that X doesn't exist simply because you have renamed it Y. Even Hobbes' most enthusiastic supporters seem stuck having to explain this apparent contradiction with similarly problematic tactics. Michael Oakeshott for instance, in his seminal introduction to *Leviathan*, whilst describing the pre-political felicity-seeking Hobbesian agent as someone in whose 'thoughts and actions he is answerable to none but himself', must also concede that 'in the pursuit of felicity certain habits of mind and action will be found to be specially serviceable, and these are called Virtues. Other habits will hinder the pursuit, and these are called Defects'.¹³ Yet Oakeshott, in his exegesis of Hobbes' position, not only denies that these Virtues and Defects are moral terms, but also denies that the war of all against all can be thought of as either 'good' or 'bad'; it is just an obstacle to guaranteeing felicity and thus ending it is simply the most prudent means to ensure that individual felicity can be achieved. Seeking felicity, of course, is denied the status of being a teleological *goal* for people; it is simply dismissed as a brute, amoral fact of the human condition: we breathe, we eat, we seek felicity, etc. Indeed, to ascribe some sort of morality or ethics to any pre-political thoughts, according to Oakeshott, is 'fruitless until they are transformed from mere theorems into maxims of human conduct and from maxims into laws'.¹⁴ The reason for this is because

¹² *ibid.*, p. 86.

¹³ M. Oakeshott, *Hobbes on Civil Association* (Indianapolis: Liberty Fund, 1975), pp. 34-35.

¹⁴ *ibid.*, p. 39.

ad hoc formal relationships of mutual agreement between assignable persons are evanescent; remotely they may reflect generally accepted theorems about rational conduct, but as rules they are the products of specific and temporary agreements between the persons concerned. And further, they are always liable to be undermined by the substantial relationship of competitive hostility.

There are many inbuilt biases and assumptions about human nature within such a statement, none of which, I would argue, have been definitively demonstrated outside of speculative conjecture, and so are not permitted within a compelling constructivist argument. Without vindicating their claims, the sum of the argument is ultimately this: for a variety of gut feelings, proven or unproven, Hobbes and Oakeshott *just do not trust* that people are capable of maintaining moral agreement unless it is enforced by formal law.

Whilst the ability, or lack thereof, of human beings to agree on certain non-codified and informal rules of conduct is clearly up for debate; even if we *do* agree with Oakeshott's pessimistic Hobbesian view of human nature, I would still argue that the idea that ethics can only exist once a theorem of human conduct has been turned into a formal law, is incoherent. Only if we acknowledge that the pre-law theorem must have *itself* some moral power on which to base the law made to enforce it, can the normative force of such a law make sense. If we refuse to acknowledge this, as Hobbes and Oakeshott do, then far from being the source or formalization of ethics, law becomes a completely arbitrary set of randomly chosen maxims about how, it has been capriciously decided, political institutions have haphazardly deemed they think we ought to live;

which is a far cry from any sound definition of ethics recognizable to most people who use that term.

There must be a *reason* that we choose peace over war, a *reason* that we would rather live under the authority of the Leviathan and not under our own volatile autonomy, and a *reason* that we turn some theorems of human conduct into formal laws and reject others completely, and those reasons are necessarily ethical *before* the Leviathan establishes the peace we have asked for and *before* certain behaviours are legally endorsed; for it is their explicitly ethical nature – the idea that something *ought* to be and its opposite *ought not* to be – which is the impetus for taking one action over another; for creating that specific law or constructing those specific political institutions, and not another.

As soon as we say that we wish to actively change an uncorrupted and natural state of affairs and create an alternative which we believe to be ‘better’ (be it better for ourselves, our friends, our family, our community, or *whoever* we determine as considerable ‘people’ in our equation), we are intractably engaged in an ethical act ineluctably steeped in some sort of normative perception of human and political teleology. We see a certain state of affairs as being detrimental to the normatively endorsed goals and interests of a certain group of ‘people’, and decide that a certain institutional framework of politics ought to be brought in to serve a certain purpose: to change that state of affairs into one more conducive for fulfilling the endorsed goals and interests of those people. To redescribe such decisions as merely being ‘prudent’ or ‘pragmatic’ and deny that ethics has anything to do with it, is to feign ignorance of the

complete justificatory story as to why certain choices are more prudent and pragmatic than others: yes it is prudent, but *why* is such prudence recommended; yes it is pragmatic; but for practically achieving *what*? When we say that it is merely 'prudent' to try and prevent ourselves or others from death and suffering, or 'pragmatic' in order to ensure certain desired ends are met for a group of people; we are ineluctably stating strong ethical opinions: we think unnecessary death or preventable suffering is *wrong*; we think we *ought* to be able to achieve certain things which we believe to be *good*; and we think that a politics *ought* to be created with a strict ethical *purpose*: to mitigate that which we believe to be wrong and help us to achieve those things we believe to be good. In other words: to make life 'better' for 'people' than they would be without it.

However redescribed the rationale may be, and however questionable the ultimate conclusions of a particular state's interpretation of who they are counting as 'people' and what they presume will make life 'better' for such people, the justificatory argument remains the same: political power X is legitimated *only* because it will make things 'better' for 'people' than they would be without it.

Even a political ideology as seemingly far away from making things 'better' for 'people' in most people's minds as you can possibly get, like Nazism for example, ultimately traded on such an argument, albeit one whose interpretation of who counted as 'people' (only Aryan Germans) and what, therefore, would be 'better' for them (mass extermination of Jews and other non-Aryans), was questionable, to say the least. As Erich Fromm observed in 1942, after reading *Mein Kampf*:

Usually Hitler tries to rationalize and justify his wish for power. The main justifications are the following: his domination of other peoples is *for their own good* and *for the good of the culture of the world*; the wish for power is rooted in the eternal laws of nature and he recognizes and follows only these laws; he himself acts under the command of a higher power – God, Fate, History, Nature; his attempts for domination are *only a defence against attempts of others to dominate him and the German people*. He wants *only peace and freedom*. (emphasis added)¹⁵

The same thing can be said of a religiously fundamentalist claim to political power. Whilst one might question how a regime such as, say, that of the Taliban, which committed heinous atrocities towards women and non-Muslim ‘infidels’ could be said to be trading on a justificatory argument that they are making things ‘better’ for ‘people’ than they would be without them; once we recognize the underlying teleological interpretation at work in their cashing out of the claim (one which recognizes only certain kinds of fundamentalist Muslim as ‘people’ and the purpose of politics being to turn as many people as possible into that exact kind of Muslim, thus including them within the scope of ‘people’ and so making things ‘better’ for them) then, although clearly problematically construed, it is clear that the attempted justification remains the same.

What these examples have shown then, is that the underlying argument is universal, whereas the *cashed out conclusions* of that argument are not. For an artificial construct

¹⁵E. Fromm, *The Fear of Freedom* (London: Routledge Classics, 2003), p. 195.

of political power to be erected by people over and above their previously unfettered existence *legitimately*, an argument must be made, unavoidably utilizing both a teleological theory of the valuable goals of human life, and a teleological idea that it is politics' purpose to help its citizens achieve those goals. However, such a vague and unformed argument can allow for a variety of controversial interpretations about who counts as 'people' and what, therefore, would be 'better' for them, and there seems something terribly wrong about an allegedly *ethical* argument, which at the same time as it can be used to legitimate, say, a traditional democratic structure, can also seem to work as a justificatory argument for Nazi fascism or oppressive ideological fundamentalism. Without a more objective account of political teleology and a clearer and compelling argument about who ought to count as the 'people' for whom politics is to make things 'better', there is nothing by which to assess each power's unique interpretation on which their particular legitimacy is grounded. Unable to do this, the underlying ethical argument on its own is not only toothless, but is capable of allowing cruel and dangerous regimes to establish themselves, under misleading mantles of perceived legitimacy.

But this is where the post-Rawlsian turn in political philosophy can be significantly applied and ethical constructivism successfully utilized. We are not left simply with a hollow and ineffectual moral truism by saying that a legitimate structure of political power must be one which makes things 'better' for 'people' than they would be without it, when that truism is combined with the tools of constructivism. By unpacking what could reasonably be sustained as a credible definition of 'people' and from that what,

therefore, could be plausibly considered to make life 'better' for those people, we can construct a clear and compelling *objective* account of political teleology which becomes a valuable evaluative device with which to analyse and assess the ostensible claims to legitimacy of all political structures intractably required to trade on this ethical justificatory argument.

Unable to utilize any unvindicated premises, disputable metaphysics, or prejudiced assertions of faith within a plausible ethical proof, constructivist philosophy sets up a suitable framework for ascertaining an authoritative account of what can be reasonably and rationally accepted as a suitable interpretation of both who should count as 'people' in the underlying political teleology and what, therefore, we can realistically say about 'people' so defined, would make life objectively 'better' for them.

Once the appropriate scope of *political* teleology has been determined and the question of who ought to be counted as 'people' has been answered, we will immediately be better equipped to deal with question of content for *human* teleology: by identifying who our 'people' to be considered are, we can look at what we objectively know to be true of those people and their goals and interests, in order to establish what an adequate political structure designed to help them achieve those goals and interests ought to ensure.

Essentially it will be a process of, what Rawls would call, 'reflective equilibrium'¹⁶; an analysis and critique of our intuitions about who ought to count as 'people' logically leading to a conception of what would make life 'better' for such people, which, in turn,

¹⁶ J. Rawls, *A Theory of Justice: Revised Edition* (Oxford: Oxford University Press, 2000), pp. 18-19.

should help confirm or re-shape our initial definition of ‘people’ owing to the in-built reflective logic of the whole process. For example, if the reasoning by which we conclude that X is ‘better’ for person Y is also applicable to persons *not* included within our original definition of ‘people’, then we must either rethink our interpretation of who is to count as ‘people’ and bring it into line with the rationale for our explanation of why X is desirable, or reject the endorsement of X’s desirability.

Whilst the latter half of such a project will be a grand undertaking indeed and way beyond the scope of this small essay, the first half of its equation is a much simpler task thanks in large part to the work of Onora O’Neill. Refraining from using any unvindicated premises in our argument, or from smuggling in any unproven metaphysical assumptions about the world, it seems logical to begin our search for a reasonable constructivist account of who we must include in a definition of ‘people’ with a suitable default position; and here, O’Neill has noted that ‘three rather abstract and deeply interconnected aspects of the countless specific assumptions which structure all activity are particularly relevant for fixing the appropriate scope of ethical consideration.’¹⁷ Condensed to the three keywords – *‘plurality, connection, and finitude’*, these three irrefutable assumptions about our practical reasoning in everyday human life are *‘that there are others (seen as separate from the agent); that those others are nevertheless connected to the agent (either or both can act on the other); and that those others have limited but determinable powers.’*¹⁸

¹⁷ O. O’Neill, *Towards Justice and Virtue: A Constructive Account of Practical Reasoning* (Cambridge: Cambridge University Press, 1996), pp. 100-101.

¹⁸ *ibid.*

We must be aware that we never act within a vacuum. Other people clearly and undeniably exist and their existence, and our *connection* to that existence, always needs to be accounted for in an analysis of our actions. What we ultimately choose to do, or not to do, *will* affect others, just as what they ultimately choose to do, or not to do, *will* affect us; and thus *all others who will be affected by a particular action must be given equal and relevant moral consideration unless a significant reason can be given for rejecting their moral standing within those circumstances.*¹⁹ Considering that *all* people living within the remit of the proposed structure of a possible political power will be affected by its establishment and bound to its authority should it be legitimated, and that significant reasons must first be given for excluding *any* of these people from our moral concern, it seems therefore that the most sustainable default position with which to begin an enquiry into who ought to count as ‘people’ when establishing the legitimacy of political power, would be the assumption that *all* people who will be affected by it ought to be considered within our definition until we have found reasonable grounds, if any, for their rejection.

As self-evident as such a statement might seem, historically it has often been ignored. We have already considered Nazi Germany; a country where certain ethnic and social groups were brutally excluded from the definition of ‘people’ and thus not afforded moral consideration when being murdered in their millions to make things ‘better’ for those who *were* counted; and by the same token we have seen how religious

¹⁹ For instance; we are also connected to a plurality of small insects whose lives we endanger each time we walk around carelessly or drive our cars at high speeds, but there are many significant reasons offered for rejecting their moral standing in the majority of cases.

fundamentalists can exclude certain non-believers, or even in some cases, an entire *sex* of people, regardless of their religious affiliations, from their own theistically-inspired definition; but it is not just totalitarian dictatorships or repressive fundamentalists who can exclude so many from counting as politically or ethically important. Famously, the Constitution of the United States of America begins ‘we the people’, but as historian Charles Beard points out; four significant groups were not included within this definition of ‘people’: ‘slaves, indentured servants, women, men without property. And so the Constitution did not reflect the interests of those groups.’²⁰ Let us never forget also, how earlier in that country’s history, native Americans were also discounted as ‘people’ to be given due moral consideration, as those who were not massacred were herded into reservations and ousted from their homes to make room for the invading settlers searching for a ‘better’ life for their *own* ‘people’. And one need not look far into Britain’s colonial past to see similarly brutal denials of the moral standing of certain groups of people renounced as ignorant savages, or as Mark Curtis has termed them, ‘unpeople’²¹.

These are embarrassing truths of history, and all share the same commonality: certain affected groups and individuals were denied their status as ‘people’ worthy of moral consideration without significant reason to do so.

That is not to say that reasons weren’t *given*. Volumes of Nazi propaganda attempted to justify the mass extermination of non-Aryan Germans for the proclaimed good of an

²⁰ C. Beard, in H. Zinn, *A People’s History of the United States* (New York: Harper Collins, 1995), pp. 89-90.

²¹ M. Curtis, *Unpeople* (London: Vintage, 2004)

alleged 'master-race'; complex interpretations of weighty theological texts and intricate religious philosophies ground the bigotry and intolerance of Taliban officials; and, on both sides of the Atlantic, comforting explanations were drawn up as to why a certain group of 'unpeople' were more like animals than human beings, in order to salve the guilt of their genocide and oppression. But what the constructivist demand for only well-vindicated, non-controversial, and non-metaphysical foundations for moral argument shows us, is that all of these attempted justifications for exclusion are based on faulty or unproven premises: the moral distinction between Aryan and non-Aryan Germans is an, easily rejected, substanceless ideological fiction; the theological underpinnings of religious fundamentalism rely too heavily on faith in metaphysically dubious deities and the unsubstantiated allegations of debatable knowledge about that unconfirmed deity's will; and the refutation of perfectly capable human beings having capacities or competence there is every evidence that they possess, purely on pre-formed and prejudiced ethnic grounds, is without any other compelling or rational basis than a barely disguised, and highly indefensible, racism.

So can there be any legitimate reason to exclude affected persons from being included within our definition of the 'people' whose goals and interests are to be facilitated by legitimate political power? It seems hard to argue that there can. It is fairly obvious that attempts at arguing for the exclusion of people from equal moral consideration on the basis of gender or ethnicity have no clear source of argumentative strength. Besides being usually based on inaccurate accounts of illegitimately perceived differences in abilities between sexes or races, as Peter Singer has pointed out, 'there is no logically

compelling reason for assuming that a difference in ability between two people justifies any difference in the amount of consideration we give to their interests.’²² Superficial differences between people are merely an inconsequential red herring; no matter how outwardly dissimilar each individual might be within the multifaceted and diverse array of differentiated persons possibly affected by the creation of a synthetic politics over their life, beneath all of their divergences is a crucial and morally important commonality: that each person, as a sentient and self-aware finite and fragile biological entity, will hold *interests* of some kind that need to be considered. This is Singer’s principle of ‘equal consideration of interests’; the claim that we must ‘give equal weight in our moral deliberations to the like interests of all those affected by our actions’²³, and, although Singer’s position is made on a more utilitarian and not constructivist basis, as political teleology necessarily implies an interest-holding ‘people’; in tandem with O’Neill’s assumptions of plurality, connection and finitude, it seems yet another sound reason to maintain our definition of ‘people’ as one inclusive of all who are to be affected by the political power in question, regardless of their superficial differences.

Besides exclusion along prejudiced lines, I can think of only one other possible rationale for leaving some individuals out of our definition of ‘people’, and it isn’t very strong. An attempted argument might be made along paternalistic grounds: the interests of X ought not to be taken into account because X doesn’t know what their own interests are and so should have their interests chosen for them by someone who knows better; and I will reject this position immediately because, although denying the

²² P. Singer, *Practical Ethics*, 2nd Edition (Cambridge: Cambridge University Press), pp. 20-21.

²³ *ibid.*, p. 21.

particular individual in question the ability to articulate their own interests to be considered, it does *not deny that their interests ought to be considered*. Indeed, the crux of the paternalist position is that it is absolutely necessary that X's interests are taken into account, but that there is a belief that X cannot sufficiently understand what those interests are themselves and so they must be expressed *for them* by a third party guardian.

Regardless of the legitimacy of *paternalism itself* as an ethical position, as an argument for excluding some people from moral consideration, it cannot be successfully used.

With all of that said, I can therefore see no significant reasons to exclude the interests of *anyone affected* by a particular political system from any consideration determining the legitimate character of that system's political teleology. 'People', within the underlying ethical justificatory argument necessary for legitimating political power, must always mean *all* people; and not just all people within the domestic borders of a particular political state, but because of our inherent connectedness to a plurality of finitude others it must mean *all people whose otherwise undisturbed lives will be affected in any morally significant way by the political power in question*.

Such a definition, although only the beginning of the full evaluative process, already restores a few teeth to our underlying ethical argument, as immediately we can reject the legitimacy of any structure of political power which fails to include *all* people within their interpretation. Any political system which ignores or violates the interests of certain members of its affected community, either domestically or internationally, cannot, therefore, be ethically justified, and thus we can see that although our earlier

examples of Nazi and Taliban regimes clearly each attempted to trade on an interpretation of making life 'better' for 'people' in their bids for legitimacy, neither one of their interpretations were objectively acceptable because the definition of 'people' utilized in each argument was unduly exclusive, leaving their ultimate political teleology with a flawed and inadequate account of what making life 'better' must mean.

To give the underlying ethical argument for political legitimacy its full critical force, we must, of course, achieve the second, and much more contentious, part of our constructivist task and formulate from our newly-found definition of 'people' what making things 'better' for them might understandably mean. Although I will not attempt that task here as there is no doubt that it will take far more work than space allows to satisfactorily argue for its indubitably controversial conclusions, I will briefly suggest how one might proceed towards completing this final step towards a constructivist account of political teleology. As we now know that 'people' must mean *all* affected people, no matter what their superficial differences, we can therefore only reasonably extrapolate an objective and uncontroversial idea of what might be 'better' for such 'people' by looking at those people objectively and uncontroversially: through an analysis of only those concrete and empirically verifiable facts common to *all human beings*. Only by doing this, and stripping the radically disparate collection of arbitrarily individuated humanity within our universally inclusive definition down to their essential and shared *core* as members of the same species, can we begin to extrapolate commonly held needs and interests *universal to all*, from which we can begin to build a plausible teleological account of the most basic and *thinnest* set of logically realistic

goals to be reasonably attributed to human life; goals that must form the bare minimum of teleological requirements for a valid political power to uphold if it is seriously interested in fulfilling the ethical obligations which necessarily legitimate it.

As I have hopefully shown, the claim that political power will make life 'better' for 'people' than they would otherwise be without it is at the core of all attempted justifications for political power's existence; and this claim necessarily presupposes an ethical theory of political teleology. Just as with all other areas of philosophical enquiry here in the post-Rawlsian twenty-first century, we can no longer base our fundamental theoretical assumptions on unsubstantiated faith and unsupported foundational assertions. Until the process of 'reflective equilibrium' is completed, and a vindicated constructivist account of political teleology is able to fully explicate what ethical requirements a legitimate political power must meet if its existence is to be authentically justified as making life 'better' for 'people' than they would be without it, then we cannot say for certain whether or not any known system of political organization currently in existence is, or ever has been, objectively legitimate. It is possible that, once discovered, we may find out that we currently unwittingly live within a perfect ethical state, or, conversely, we could well discover that politics, as it has been traditionally construed, is in fact inherently *incapable* of fulfilling the teleological purpose for which it has been ostensibly designed and that new and radical forms of social organization must be designed if human societies are ever to achieve their teleological goals. Either way; it is only once we have achieved this key task of political constructivism and hold the coherently constructed evaluative tools with which to

assess and determine the objective ethical legitimacy of hitherto un-scrutinized structures of political power, that can we begin to meaningfully answer all other questions of political theory and practice that have consumed political philosophy since its inception.