

Social and Political Philosophy

<http://www.bled-conference.si>

XVIth Bled Philosophical Conference

June 3rd – June 6th 2008

Bled, Hotel Kompas

Slovenian Society for Analytic Philosophy and Philosophy of Science
Društvo za analitično filozofijo in filozofijo znanosti

▪ GENERAL INFORMATION

Philosophical conferences at Bled (Slovenia) were initiated, on the suggestion by John Biro, in 1993 at first as a continuation of the IUC - Dubrovnik postgraduate course in philosophy but they gradually started a life of their own, with the help, first of Eugene Mills and then Mylan Engel Jr. The first week of June is traditionally reserved for a conference dedicated to various topics in the field of analytical philosophy. *Social and Political Philosophy* is the sixteenth Bled Philosophical Conference. All events take place in Hotel Kompas (Triglav conference hall), Cankarjeva 2, Bled.

The 2008 conference is organized by a team consisting of *Alastair Norcross* of the University of Colorado at Boulder, *Matjaž Potrč* of the University of Ljubljana, *Nenad Mišćević* and *Danilo Šuster* of the University of Maribor. The conference is included in the program of the activities of the Slovenian Society for Analytic Philosophy. A special issue of *Acta Analytica* (<http://rcum.uni-mb.si/~actaana/>) will publish (selected and refereed) papers from the conference.

▪ FINANCIAL SUPPORT

Slovenian Research Agency, Slovenian Society for Analytic Philosophy

PROGRAM

Tuesday, June 3rd

- 9:00 Welcoming Remarks
- 9:10-10:30 Smiljana Gartner, "Toleration as a Political Virtue"
- 10:40-12:00 Matjaž Potrč, "Challenging Moral Particularism"
- 12:00-2:00 Lunch
- 2:00-3:20 Vojko Strahovnik, "De-Flattening the Moral Landscape"
- 3:40-5:00 Elvio Baccharini, "Liberal Nationalism"

Wednesday, June 4th

- 9:00-10:20 Friderik Klampfer, "The Principle of Non-Combatant Immunity – Some Doubts Concerning the Relation Between its Ground and Scope"
- 10:30-11:50 Igor Primoratz, "The Bombing of German Cities in World War II: The Moral Issue"
- 11:50-1:30 Lunch
- 1:30-2:50 Jules Coleman, "Legality and Legal Content: Some Preliminaries"
- 3:00-4:20 Neven Petrović, "Equality of Opportunity and Personal Identity"
- 4:30-5:50 Andrei Stavila, "Does Political Neutrality Require Epistemic Abstinence?"

Thursday, June 5th

- 9:00-10:20 Hanoch Sheinman, "The Practice Reason Account of (What) Promises (Are)"
- 10:40-12:00 Mark van Roojen, "Some Advantages of One Sort of Argument for the Maximin Principle"
- 12:00-2:00 Lunch
- 2:00-3:20 Eric Chwang, "Freedom from Autonomy"
- 3:40-5:00 Luc Bovens, "A Plea for Apologies"

Conference Dinner (time and location to be announced)!

Friday, June 6th

- 9:00-10:20 Boran Berčić, “Some Thoughts About The Social Contract Theory of Morals”
- 10:40-12:00 Snježana Prijić-Samaržija, “Trusting experts”
- 12:00-2:00 Lunch
- 2:00-3:20 Tom Christiano, “Towards a Conception of Fairness in International Negotiation”
- 3:40-5:00 Alastair Norcross, “The Road to Hell”
- 5:00 *Closing Remarks*

Abstracts

Elvio Baccharini // University of Rijeka, Croatia

Liberal Nationalism

I discuss the question about whether liberalism must take in account national belonging as a particularly relevant form of cultural belonging in issues about basic rights and primary goods. The critical target of the proposals I discuss is represented by the form of liberalism frequently defined as difference-blind liberalism. This is a form of liberalism that, in the discussions about basic rights and primary goods, ignores differences between citizens as related to cultural belonging. Citizens are considered only on the ground of some of their abstract and common features (for example, in the case of John Rawls, these are the two moral powers, i.e. rationality and reasonableness).

The alternative position that I discuss in this paper is represented by liberal nationalism. According to this position, individuals and their primary goods represent the core of considerations of justice, but it is not possible to ignore cultural belonging (more precisely, national belonging) when speaking about primary goods and basic rights of individuals. I discuss various strategies of liberal nationalists. As first, I discuss Kymlicka's proposal, where cultural belonging is affirmed as a precondition for autonomy. In my reply, I try to show that this is not a sufficient basis for a special role of national belonging in the attribution of basic rights because even if cultural belonging is needed for practicing autonomy, it is not required a specific cultural belonging. An individual can have the proper context of choice for exercising autonomy not necessarily through the survival of her original cultural belonging. Frequently, assimilation and integration can be better solutions.

A different possible source of value of national belonging is represented by the emotional ties that individuals have with their original national community, as well as by the goods related to a sense of belonging and recognition. These may frequently be a valid ground for normative claims of members of minority communities because of being related to the social grounds of respect and self-respect of members of the political community. However, we can not universalize the statement. For some individuals other forms of belonging are more important. There may be situations where a policy of support for cultural minorities may be particularly difficult. It may also be the case that members of national minorities are ready to be assimilated or integrated (although there are also opposite cases).

The conclusion of my paper is that the space for support of cultural belonging is limited and contextual. More extended and strict recognition and affirmation of rights of cultural belonging must be attributed in the situations where it is particularly difficult to implement assimilation or integration. More extended and strict recognition and affirmation of rights of cultural belonging may be attributed in the situations where this does not conflict with the respect of other basic rights and primary goods (for example, when it does not require weighty expenses that render difficult to organize relevant public policies as education or health support policies). However, in every case, in order to respond to the demands of respecting the primary good of social bases of respect and self-respect, there must be public recognition of members of minority cultural communities and an explanation of the limits of public support given to them based on good public reasons in each particular situation.

Boran Berčić // University of Rijeka, Croatia,

Some Thoughts About The Social Contract Theory of Morals

Proponents of the social contract theory of morality often claim that social contract is tacit or implicit. However, the question is what does it exactly mean? In my opinion, we should understand it in the sense that social contract theory is true of individuals a, b, c, ... and norm Φ iff:

- (1) a, b, c, ... behave according to Φ ,
- (2) each one of them does so because he/she believes that each one of them will be better off if all of them behave according to Φ ,
- (3) each one of them expects others will behave according to Φ for the same reason.

When these three conditions are satisfied, we have to say that a, b, c, ... behave as if they agreed to do Φ (in the relevant sense), even if no explicit deal has been made. This definition is useful for several further purposes; it enables us to (a) delineate morality - moral norms are exactly those norms which satisfy these conditions; (b) define prejudices as norms which are falsely believed to make us better off, that is, falsely believed to satisfy condition (2); (c) define moral erosion as a process of weakening conditions (1) and (3), often in spite of true belief that we would be better off if we all accept Φ , (d) testing the truth of the social contract theory; if all of our basic moral intuitions (or at least great majority) satisfy these conditions, we should regard it as a true theory.

Luc Bovens // London School of Economics, UK
A Plea for Apologies

P.G. Wodehouse writes, "It is a good rule in life never to apologise. The right sort of people do not want apologies, and the wrong sort take a mean advantage of them." One might respond that there are indeed too many apologies, both in private and public life, but too few genuine apologies. There are various reasons why an apology may not qualify as a genuine apology. I will argue that there is a cognitive, an affective, a conative and an attitudinal component to a genuine apology. As to the cognitive component, the offending party may seem to be unaware of its wrongdoing. As to the affective component, an apology may express little remorse or sympathy for the suffering caused and may be motivated more by opportunism. As to the conative component, the offending party may not display a willingness to change her ways. As to the attitudinal component, we expect an apology to be accompanied by an attitude of humility. In discussing these components, I will also touch on the following questions. When are apologies due? What is the link between apologising and making amends? Does apologising come with some kind of commitment to moral renewal? What is the nature of this strange ritual of offering and accepting apologies? And is there some truth to the claim that the right kind of people do not need apologies?

Thomas Christiano // University of Arizona, USA
Towards a Conception of Fairness in International Negotiation

In this paper I develop some basic principles of fairness in international negotiation. The point of this is to try to give an account of institutional legitimacy in the international realm on a morally cosmopolitan basis but in the absence of a global system of democracy. A number of considerations motivate this approach. One, it is important to devise an account of the moral legitimacy of international institutions and law that gives individuals and states reasons to go along with them even when they disagree with them. And, two it is important, I

will argue, to do this in a way that accords with the principles that underpin democracy in the domestic political arena. Three, the state in its current form is still the main driver in the international system and will not be displaced from this role in the medium term future. This central role of the state may be reconcilable with a strong moral cosmopolitanism if we conceive of the state ideally as a representative of its peoples and ask what fair negotiations among these states requires. Four, the absence of fairness in international negotiation is one of the principal criticisms of the international system made by those who are among the worst off, for example in the WTO. It is important to get to the bottom of this kind of criticism. In the light of these observations, it is striking that there is now no developed theory of fairness in the relations among states. This paper begins the process of developing a conception of fairness in the international system.

Eric Chwang // University of Colorado at Boulder, USA
Freedom from Autonomy

In this paper I argue that freedom is a better candidate than autonomy for being the foundation of liberalism. Liberalism is the theory that insists that our moral obligations are to be cashed out in terms of rights which aren't grounded in consequentialist considerations; freedom is being able to do what you want; and autonomy is freedom when applied to rational or deliberative creatures. I argue that autonomy is an elitist ideal, because it excludes, for example, children and non-human animals from the domain of liberalism. Invoking infringement on freedom as a moral explanation of an act's wrongness is more useful and generally applicable than invoking autonomy, and autonomy-based moral explanations are at best particularly salient special cases of freedom-based moral explanations.

Jules L. Coleman // Yale Law School, USA
Legality and Legal Content: Some Preliminaries

This is an essay on the relationship of law to legality and of both ultimately to morality. Much of the essay is devoted to clearing the brush so that a path to future inquiry can emerge. In order to make headway, however, we will need from time to time revisit some familiar turf— more often than not to explain my resistance to conventional wisdom.

Smiljana Gartner // University of Maribor, Slovenia
Toleration as a Political Virtue

Due to the politics of the globalisation of the economy one of the consequences are increasing migration, integration and assimilation. Diverse communities and changing social patterns put values and virtues in the central of nowadays deliberation where political philosophy is not an exception. One of the important virtue which enable political practice in such communities is 'tolerance'. Thus for any analysis of the motives and reasons for toleration, the relevant contexts need to be taken into account and we have to be very precautious with the interpretation of the concept itself. In the paper I want to introduce the basic concept of toleration and to look at the William's position on division the concept of tolerance to tolerance as a practice and as a virtue. I will argue the following: (i) tolerance should not be confused with what is entailed by skepticism, relativism or indifferentism. Not even as tolerance as a practice; (ii) permissiveness should not be understood as a central quality of

tolerance, for permissiveness may be employed to express a view of not caring; (iii) even if tolerance as a virtue works differently as all the others virtues I claim that applying the model of moral particularism we could still talk about tolerance as a virtue and (iv) we cannot have tolerance as a practice without tolerance as a virtue.

Friderik Klampfer // University of Maribor, Slovenia

The Principle Of Non-Combatant Immunity – Some Doubts Concerning The Relation Between Its Ground And Scope

The idea that in times of war civilians, or non-combatants, are entitled to full protection against direct military attacks, while at the same time soldiers, or combatants, on both warring sides are all equally legitimate targets of such attacks, has been a cornerstone of *jus in bello* for many centuries.

The above principle of discriminative warfare, or civilian immunity, has recently attracted sharp criticism, however. Two main lines of objections have been raised against it which, despite coming from opposite directions, both challenge its traditionally conceived scope and normative force. While some critics (McMahan) find the principle too permissive and argue for the inclusion, in the class of illegitimate targets of military attacks, of those actively engaged in fighting for a just cause, others (Walzer) find it too restrictive in that it prohibits deliberate targeting of non-combatants even in the situation of the so-called supreme emergency, when resort to such tactics is necessary for averting a grave moral catastrophe from befalling one's political community.

The aim of the paper is to assess the plausibility of the aforementioned objections. In order to determine its proper scope and normative force, I re-examine the grounds of the principle of civilian immunity. Traditionally, the principle has been derived from the prohibition on deliberate harm to innocent others. As a consequence, its scope heavily depended on the meaning given to 'innocence'. I consider, and eventually reject, several candidates for a morally non-arbitrary feature that could bestow almost absolute moral protection to a subclass of human beings, including the idea of a liability to attack, where this is defined either in terms of one's causal contribution to, and/or moral responsibility for, the wrong that the given just war is set to amend. I conclude with a pessimistic note on the subject, finding it impossible to reconcile the demand for a firm grounding of the principle with the demand for its appropriate, i.e. intuitively plausible and practically determinable, scope, and discuss the need to revise our traditionally unfavourable verdict on pacifism in the light of this.

Alastair Norcross // The University of Colorado at Boulder, USA

The Road to Hell

My concern in this paper is a distinction most commonly associated with the Doctrine of the Double Effect (DDE). My concern is not with the origins or the interpretation of DDE. Rather, it is simply with the thesis that a particular distinction is morally relevant: the distinction between bringing about an intended bad effect as a means to a good effect and bringing about a foreseen but unintended bad effect in the course of bringing about a good effect. Following Jonathan Bennett, I call this *the means principle*. I argue that the means principle, when employed in moral reasoning about such issues as euthanasia or acceptable conduct in wartime, leads to morally repulsive conclusions, and thus should be rejected. I

also argue that it is far from clear whether an analog of the means principle that applies to character is plausible.

Neven Petrović // University of Rijeka, Croatia
Equality of Opportunity and Personal Identity

One of the central theses of egalitarian liberals, in the domain of distributive justice, is that the talented persons should not be allowed to keep their entire market-income even if it flows solely from their greater abilities. This claim is usually supported by one of the several arguments, or some mixture of them, but in the present paper I want to concentrate on the version which invokes equality of opportunity as the starting point. Namely, it is assumed that every human being should enjoy equal starting point in the life-race, but that this is not secured insofar some have greater natural talents than others. Therefore, egalitarians hold, results that arise from such an unfair situation are unjust and should be corrected by redistributive taxation. I want to criticise the argument by hoping to show that it either presupposes an untenable view about identity of persons or that it is as valid as alternative reasoning which, building on the same basis, presumes that nothing is wrong with the inequality of talents and its market-results.

Matjaž Potrč // University of Ljubljana, Slovenia
Challenging Moral Particularism

Intuitionist particularism is traced back to its two sources. There is the generalist pluralist coming together of several reasons in a situation where intuition is needed for a judgment to get formed. And there is the unique pattern of the overall situation offering itself as supporting strict particularism. Intuitionist particularism provides a form of generalist particularism joining both of these sources. Particularist pluralist generalism builds upon the distinction between basic and derived reasons, which is designed to counter the flattening of the moral landscape argument against strict particularism. The structure of the moral landscape is then provided by basic reasons. One problem with such a picture is with efficacy of basic reasons in the overall situation. Gestalt examples vividly show that there cannot be any direct presence of basic reasons in the judgment supporting the overall situation. And once as a basic reason is pointed out in the overall situation we have to do with a different pattern.

Snježana Prijić – Samaržija // University of Rijeka, Croatia
Trusting Experts

Should we blindly trust experts? Or, can we trust moral and epistemic authorities with more credulity than other people? Trust, as it is understood in this paper, is a doxastic attitude which has to be an object of epistemological evaluation and not a matter of credulity without evidence (evidentialism). However, even if we do not have the epistemic right to trust other people without evidence, giving credulity to moral and epistemic authorities can be considered to be even desirable and responsible epistemic behaviour (anti-reductivism about expert's testimony). The main aim of my paper is to analyze whether experts have such a distinctive testimonial status in society, or whether an expert's testimony requires considerable epistemic deference (expertism). I will try to argue that no matter how reliable a speaker is, this cannot in itself make it rationally acceptable for a hearer to accept their report. However, I admit that standing policy about an expert's trustworthiness, and the social climate

concerning experts, which includes sophisticated social constraints in terms of the possibility that experts have deceived us systematically, makes a scenario of deceit and incompetence seem far less probable. Consequently, I will conclude that evidential standards in favour of expert's testimony are less demanded and that they are attainable for ordinary hearers.

Igor Primoratz // University of Melbourne, Australia
The Bombing of German Cities in World War II: The Moral Issue

More than sixty years after the end of World War II, the bombing of German cities by the Allies remains one of the most controversial issues of the war. One strand of the debate approaches the subject in purely strategic terms. Another focuses on the morality of the bombing. In this paper, I discuss the latter issue. I look into the main ways in which the bombing campaign might be morally defended, assuming that civilian immunity is a binding moral rule: (1) as retaliation or reprisal; (2) as a violation of jus in bello permitted and indeed enjoined by a "supreme emergency"; (3) as a means justified by the aim it was to achieve. I argue that all these attempts at justification fail. The bombing of German cities was an unmitigated atrocity. In terms of the spirit if not the letter of international law at the time, it was a war crime of immense proportions that deeply compromised "the good war". Viewed historically, it was a crucial stage in a process of ever more comprehensive and systematic victimization of enemy civilians as a supplement to, or even substitute for, fighting enemy soldiers.

Hanoch Sheinman // Rice University, USA
The Practice Reason Account of (What) Promises (Are)

An account of what promises are must explain the difference between A's prediction that A will do X (or statement of intention to do X), on the one hand, and A's promise to do X, on the other. According to the influential Obligation Account of Promises, this key distinction cannot be explained unless we characterize a promise to do X in terms of a moral obligation to do X. I counter this by presenting the Practice Reason Account of Promises, which characterizes promises in terms of a practice reason to do X. Practice reasons are not moral reasons, still less moral obligations; they are self-regarding reasons consisting of pressure to conform to practice-based expectations. By explaining how promises can give practice reasons, I seek to explain the key distinction between promises and predictions (or statements of intention), the plausible conviction that promise-breaking tends to harm the promisee in particular, and the commonsense distinction between promises and threats.

Andrei Stavila // Central European University, Budapest, Hungary
Does political neutrality require epistemic abstinence?

The starting point of the thesis of liberal neutrality is the acknowledgment of the fact that individuals with divergent comprehensive worldviews hold different things as being "true". The task of the political philosopher is to offer a theory of justice for the whole society, but this seems a hard thing to do, in the context of these opposite worldviews.

Such a deadlock convinced some liberals to make two moves. *The first* move is to detach political philosophy from metaphysics: i.e., the task of the political philosopher is not to search for "the truth" of the views that inform political institutions, but to try to foster the

general consent of the governed. *The second* move is to postulate a two-level epistemology: the level of the individual life and that of the public life. According to this step, sometimes what is true for the realm of the individual cannot be considered as true for the public realm. The upshot of these two moves is to make a distinction between the existent worldviews, on the one hand, and the political system within which these worldviews can peacefully coexist, on the other.

Against this strategy, other liberals put forth at least one strong counterargument, according to which we cannot base our political institutions and governmental policies on the mere overlapping consensus of the governed – on the contrary, we have to base them on their *truth*. But if we accept this argument, then it seems that we are back at the beginning: we have to choose between divergent conceptions of what is “*the*” truth.

In this talk, I propose the following solution: we have to accept the fact that there is no “*the truth*” as such – but only multiple *truths*. If this is so, then in creating our basic institutions we have to choose true moral principles as their basis; but my point is that there is not only *one set* of true moral principles – but *many* sets. Among these many sets, we have to choose the one that can, at least in principle, command an overlapping consensus. The example of the state’s treatment of sexual minorities will show that sometimes political action might not be based only on its truth, but also on an overlapping consensus (about the way a human being should be treated). I call my proposal the “soft epistemic abstinence” theory. At the end of my talk, two possible counterarguments will be met and answered.

Vojko Strahovnik // University of Ljubljana, Slovenia

De-flattening the moral landscape

Moral particularism is facing a series of objections that range from theoretical concerns regarding its plausibility as a theory to practical concerns focusing on questions regarding consequences for an individual or for a community adopting such moral attitude. One of the most serious objections is so-called “flattening of the moral landscape” argument. Rejecting the invariability of moral reasons and moral generalities that could codify reasons, there remains no structure in particularistic morality that would shape it. How can particularism offer an explanation of the fact that features such as pain, suffering, honesty, justice, respect play a central role in morality? If any given fact could represent a reasons in a suitable context (e.g. the fact that an action was done on Sunday or that the agent wore orange shoelaces), then morality is starting to look capricious, unstructured and groundless. I will explore the nature of this objection and briefly consider various responses available to particularism. In particular, I will consider a model of defeasible generalities as put forward by Maggie Little and Mark Lance. I conclude that this model ultimately collapses into a model based on a distinction between basic and derived moral reasons.

Mark van Roojen // University of Nebraska Lincoln, USA

Some Advantages of One Sort of Argument for the Maximin Principle

This paper presupposes a certain non-consequentialist argument for Rawls's conclusion that we should distribute primary social goods so that the least representative share is as attractive as possible. The basic idea of that argument is that aiming for such distributions is justified as falling out of the prima facie duty not to harm. That argument is controversial but it will get only minimal direct defense in this paper. Rather I will argue that if we presuppose this rationale for a Rawlsian theory we are in a good position to rebut many standard and

seemingly forceful objections to the Rawlsian theory. The objections include the claim that the theory is too demanding, that it puts too much weight on the interests of the less well off, that it is insufficiently egalitarian and that it is unfair to the handicapped to use primary social goods as a measure.

