FROGS' LEGS, SHARED ENDS and THE RATIONALITY OF POLITICS

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Politics asks "What is to be done?" and proposes a profusion of answers. Philosophy, when set to contend with politics, asks "when can one sensibly say that something, or for that matter anything, is to be done?"[1] That answers to this question are neither wholly formal, logical and semantic, nor wholly empirical and technological, but both, and more than either, is, I think, plain enough. Isaiah Berlin's grand sweep through our *Geistesgeschichte* is a salutary reminder that this was not always plain to all; that political theory is a discipline in its own right; and that it feeds on both rationality and morality.[2] In a recent essay, Vincent Descombes argues that some currents of modern philosophy have concocted poor dishes from such rich ingredients.[3] Thin gruel does not take them far: "justificationist" philosophy (*Begründungsphilosophie*) reduces politics to a problem of individual morality,[4] while the "decisionist", who will not willingly concede either rationality or morality to his political ends, leaves *partis pris,* commitments to whim and sheer accident.[5] If political philosophy had real content, Descombes claims that it could prove to any rational person that, say, being a Nazi is the same kind of gross

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[1] On this loose definition, ethics, social choice theory, welfare economics, jurisprudence, and bits of game theory will all, at one time or another, turn out to be vital parts of political philosophy. I adopt the definition advisedly, to produce this broad result.

[2] Isaiah Berlin, "La théorie politique existe-t-elle?" *Revue Française de Science Politique* 11, 1961, reproduced in Isaiah Berlin, *Concepts and Categories* (London: The Hogarth Press, 1978).

[3] Vincent Descombes, "Philosophie du jugement politique", *La Pensée Politique* (Paris, Vol. 2).

[4] Descombes, p. 156.

[5] Descombes, p. 138.

mistake as to hold that $2 + 2 = 5$. But this it patently fails to prove.[6] However, these and other intricate arguments of his seem to support no identifiable proposition about what reason does, could do, or ought to do in politics.

Ars politica

Much as one may sympathize with Descombes' critique of justificationism as redundant, existentialism as absurd, and much of modern political philosophy as talk in a talking shop, he seems to put forward no recognizable thesis about the rationality or otherwise of collective agendas in general. It is not clear how he would have us use reason to judge and rank-order political alternatives. His Aristotelian call for an "architectonic" *ars politica,* taking account of the "structure of human activities" that have their due place in the *cité*[7] is discouragingly obscure. We are asked to respect the intrinsic purposes and orderly interdependence of men's social functions — a call all would no doubt agree to heed. What, however, if we do heed it? Supposedly, we are then committed to treat literally everything as political in one aspect, and also as non-political in another.[8] An example is needed to make this puzzle intelligible. It is not for politics to tell the doctor who is well and who is ill (nor how ill, needing how much medical attention), but it is for politics to say how many doctors there should be.[9] Yet, this cannot be right. Politics cannot with impunity decide the number of doctors (unless by "decide" we lamely mean "respond to medical needs") without also "deciding"the number of patients, and how ill they are. If doctors are to have enough patients and patients enough doctors, either both decisions must be collective (doctors and patients matched by the same *fiat* or the same political bargain), or both must be individual (the match between them emerging from the usual supply-demand adjustment processes). One of these solutions might be thought dictatorial, the other "anti-social",[10] but at least

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[6] Descombes, p. 138.

[7] Descombes, p. 154.

[8] Descombes, pp. 152-154.

[9] Descombes, pp. 152-154.

[10] Note that neither solution need be wholly pure: their logic admits an alien element. In the "dictatorial" solution, the rich may buy themselves more medical care than is allocated by the dictator. In the "emergent" (market) solution, the charitable rich may buy (and the uncharitable made to buy) more

both provide for balance and order. A hybrid of the two is internally inconsistent, generating disorder and deficit, and no "structure-based" *ars politica* can make it fit the intrinsic purpose and content of human activities in the *cité* or anywhere else.

La plus belle fille ...

Much of the old confusion we deplore in political theory, and much of the fresh confusion we spread when trying to get rid of what has been spread, springs from false notions of what rationality is and what it does. Rather like the proverbial loveliest girl who can only give what she has, rationality cannot be pushed to give the meta-rational. If it is pushed, it must disappoint the pusher. It is the miscasting of it in wrong roles, rather than rationality itself, that Oakeshott really blames in his classic indictment.[11] His main charge, however, is directed at cognitive presumption, at baseless and naive claims of knowledge, understanding and foresight, in short, at the temptation to overrate the "technology" of employing reason in politics.[12] Quite apart from the technological obstacle, which I shall leave on one side, however, there is a non-empirical conundrum which, though equally well know, is often lost sight of.

At its lowest, rationality is an attribute of such thought and speech as conforms to the conventions of logic and grammar; thus, most people would call self-contradictory statements *non sequitur* deductions, and intransitive rank-orderings irrational. More ambitiously, rationality is also a condition of the validity of the hypothetical imperatives of the form "if you want the end E, you must do, possess, employ, sacrifice the set of means m". The

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medical attention for the poor than the latter could afford. These kinds of intrusions are impurities in an otherwise consistent system. That the number and gravity of illnesses should be decided by doctors in one forum, the number of doctors in another, would be systemic inconsistency.

[11] M. Oakeshott, *Rationalism in Politics* (London: Methuen and Co., 1962).

[12] Karl Popper believed that the risk of doing so could be greatly reduced, and the technology itself developed and confirmed, by "piecemeal social engineering"(Popper, 1961 III.21, 1962, II.). By piecemeal, he did *not* mean small scale ("...we have put no limits to the scope of the piecemeal approach", 1961, p. 68.). Piecemeal, for him, was not the opposite of large scale, but of utopian or holistic. Like the proof of the pudding, the test of holistic engineering was that "...it turns out to be impossible" (ibid.). Piecemeal, then, is what is possible and works, and we shall know that our social engineering was piecemeal when we see that it has worked.

specification of *m* is the task of practical inference. If *m* gets *E*, a necessary condition of rationality is satisfied; if *m* gets us *E* more efficiently than any other available *m'*, a sufficient condition is satisfied. But was it rational to want *E* to start with?

Note in passing that while some "value" is an attribute of some end, often the end is so strongly characterized by an associated value that the two words can be used interchangeably; sometimes we "pursue a value" no less than we "seek an end", when we employ some means. "An equal distribution" is an end; it carries the value of "equality".

By positing the rationality of ends or values *(Wertrationalität)* as well as of the means, or instrumental rationality *(Zweckrationalität),* Max Weber has lent authority to the bad habit of ascribing rationality to ends (or their values). That this form of "justificationism" or "foundationism" is impossible is, by now, a commonplace: for what enables us to say that *E* is rational is that we have at least one good reason to seek it; this reason functions as a further end *E'*, with respect to which *E* is a ("rational") means; its rationality or otherwise is a function of its instrumental role in achieving the further end *E'*. If the latter is rational, it is because it achieves *E''*. Thus, we construct a regress *E*, *E'*, *E''*, etc. Each member of it is justified as rational by backward induction from the last member that anchors the regress. The last member, of course, is by definition a final end that escapes backward induction; nothing is left over that would permit us to say that it is rational or not. The generalized attempt to say it presupposes an infinite regress.

Any finite regress of ends is *ended* by a final *end* or value, about which it is futile to ask to what else it leads, what comes after it, for what reason we pursue it. If the question were not futile, the end would not be final, non-instrumental. Since not every reason can have a further reason, the scope of rationality in choosing actions is strictly limited.

A set of practical inferences, forming a regress, has a very revealing common feature with a Gödelian formula for a logistic calculus: no matter how all-embracing is the set of sentences it represents, by Gödel's theorem it must always contain at least one "undecideable" sentence that cannot be proven within *that* system of logistic calculus. By making the system more all-embracing, we can prove the sentence only to find that the larger system now contains another undecideable sentence that cannot be proved within *that*

system, and so on *ad infinitum.* No Gödelian system can out-Gödel itself.[13] The analogy between the final end and the undecideable sentence is not perfect, but it does not need to be to illuminate our point.

To each, his own values

The solution seems evident enough: the regress must be cut short somewhere. If prolonging it is futile, the sooner it is cut short, the better. Yet something is amiss with this attractive conclusion. Some ends are good cutoff points, but at others basic moral conventions insist that we prolong the regress.

If the ends we want is frogs' legs, the rational means is to buy some, or perhaps to go to the restaurant where they do them properly. Whether it is rational to want frogs' legs at all is a silly question that provides silly answers: we want frogs' legs (*E*) because we like to eat them (*E'*), and we like to eat them because they taste good (*E''*). No harm is done by cutting off this chain of boring inferences early on, and little purpose would be served by proving that the taste for frogs' legs is a rational one. Ethically, there is nothing *prima facie* wrong with taste-relativism, that puts tastes beyond dispute.

The same can hardly be said about value-relativism. "To each, his own value" can be defended, and it is the attacks that beg ethical questions, as long as the values concerned, and the ends which carry them, are *divisible*, so that an individual can have his without another individual being obliged to share it, too. However, some values are indivisible, or holistic, and cannot be attained by anyone unless they are attained by everyone, regardless of who wants them and who does not. If I value equality, and seek by political means a less unequal distribution of wealth, status or privilege in my community, everybody must enjoy, or endure, a more equal distribution if I am to enjoy equality. Unlike frogs' legs that can but need not be shared, equality *must* be shared, and those who are made to share it involuntarily are morally entitled to a better reason than that, for me, equality is a final value.

If so, it is now incumbent upon me to build a regress. I may find instrumental reasons: equality is the efficient or perhaps the sole means to stable property relations, social peace and harmony,

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[13] J. R. Lucas, *The Freedom of the Will,* (Oxford: The Clarendon Press, 1970), pp. 524-526.

and these in turn are indispensable means to the good life that all sane persons must want. Or else, I could try moral arguments: it is shameful that some should have so much and others so little, and even coercion is justified to put an end to such mutual degradation.

Instrumental reasons are true or false, moral ones right or wrong. However, only instrumental reasons can be proper inferences. Only they can, subject to the availability of empirical evidence in favour of the inference, be *intersubjectively* compelling, so that anyone confronted with the same evidence must in good faith accept them as the means to agreed ends.

So far, so good. What is rational must be intersubjectively so. Let us therefore set a necessary condition of rational politics: if someone advances an end that is political in the precise sense that its achievements is more than his private affair, because it generates unwanted externalities for others, we have a moral claim to a demonstration of its rationality. This can, of course, only be done by backward induction from another, more nearly final, agreed end. Failing that, claims of rationality must be abandoned in favour of other claims, perhaps those of morality. Backward induction requires a cutoff point from which to start moving backward. Can political philosophy specify cutoff points that cannot, in good faith, be rejected? And can the specification work as a reliable filter, purifying political agendas, leaving high and dry all the presumptuous goals that cannot be intersubjectively defended?

The Aryan University

A Nazi Rector is recruiting a third-rate faculty, he suppresses unbiased research, selects students by racial criteria, and devalues the academic standing of his University. Descombes argues that since what a good Rector (or a good soldier, a good doctor, a good father) must do is defined by the intrinsic purpose of the rectorial function, a Nazi Rector is a contradiction in terms. The attempt to trick a Nazi, or for that matter (as he might have added), a socialist, into self-contradiction, the way Hilary Putnam suggests one could do, by making him explicate Nazism or socialism as instrumental ends, and provide *reasons* - reasons that are bound to lose themselves in incoherence and absurdity - *why* Jews should be persecuted or the "means of production" expropriated, must fail if the Nazi or socialist after a few feeble steps along a poorly constructed regress of instrumental ends, cuts off the intellectual torture, and seeks refuge in a non-rational final end. He can flatly

state that, for him, the purity and supremacy of the Aryan "race", or the end of exploitation, are final ends that it is neither necessary nor possible to derive from something else.

Descombes holds that what the Nazi or the socialist, with no proper place and no defined function in society, can claim, the Nazi Rector (or general, doctor, paterfamilias, etc.), with his tasks embedded in the "structure" of the *cité*, cannot claim. He will get caught in the self-contradiction implicit in any attempt at being both a good Rector and a good Nazi. But what exactly is this double attempt he is making? Why must it exclude tradeoffs, especially when it is the very "structure" of *his* ideal Nazi or socialist *cité* that calls for them? For it is no more incumbent upon a Rector, whether Nazi or not, to treat the intrinsic purposes of academic rectorship as his single categorical imperative, than it is for the general to win the battle at any cost, or for the father to always put his children first. Why cannot the Rector argue that educating and training dull Aryan or working-class boys and girls, rather than clever Jewish or bourgeois ones, and directing research into patriotic and socially salutary channels, may make for a lesser University, more modest advances in knowledge, but a better, "healthier", more just society? Is not this, in a minor key, the argument underlying the "positively discriminating" admissions policies of American universities today? I happen to find such positions repugnant, and believe that they soon prove to be slippery slopes, but I do not see how they can be intersubjectively rebutted.

The Refuge in the Common Good

Since only instrumental ends are open to the critical test of rationality by practical inference, the Nazi Rector and his ilk, that is all who use politics as the efficient means for imposing their values on others, will, when pressed to justify their ambition, climb along the rising regress of ever more distant ends, until they reach what is, like patriotism for Dr. Johnson's scoundrel, their ultimate refuge: the common good. It is tautologically the final end of politics; nothing else can or is needed to justify it. The content and drift of political philosophy depends to no small extent on whether it admits the concept of the common good, or rules it out as gobbledygook.

When trying to decide which it is to be, we are wrestling with what seems to me to be several distinct version of what the concept might be intended to mean. I could identify at least three; none of

these are rational or irrational. None, however, are totally impervious to the acid of analytical reasoning.

By the first concept, that could best be labeled mystical, the common good is not the good of all, nor anybody's in particular: it is genuinely non-derivative. It need neither be good *for*, nor desired *by*, any individual, past, present or future. Its goodness, independent as it is from anybody's prudential interest, "subjective " preference or right, is recognized directly, without reference to empirical evidence; it is found by cognitivist meta-ethics. The concept is liable to turn up in some religious or millenarian guise. A strongly held common faith, a shared millenarian vision, may inspire a unique (but hardly a *complete*) view of the common good. Cognitive efforts to arrive at moral truths are quite unlikely to do so in a world where men differ and their interests conflict. Any unique view they may produce is liable to be incomplete, partial, pronouncing only on the few non-conflictual features of alternative states of affairs.

My second version is communitarian. It postulates a good state of affairs that is good *for*, in the interest of, or desired by, some community, without this postulate having to be substantiated by reference to its members. It is not subject to any unanimity or even majority test.[14] Instead, it is arrived at by treating the community as an indivisible holistic entity, as if it had a unitary personality, disposing of the means possessed by its members, having its proper will and interests, and engaging in practical reasoning to fit means to ends rationally. This "as if" manner of defining the common good is, in fact, always somebody's reading of the community's putative mind. The reading will rely on the reader's privileged insight into the community's history, culture, and the future it can at least partly shape by its own will. Needless to say, no two readings of this kind need coincide.

The third possible concept is aggregative, a sum composed of individual components, and called the *sum* of the good of some polity's members, *hence* the common good. Since individual

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[14] Strictly, of course, unlike unanimity, a "majority test" tests not what the community does or does not deem good. At best, it only tests what a majority within it deem good. Moreover, as has been known since Condorcet, majority tests are liable to generate self-contradictory, incoherent results when used to order more than two alternatives as good, better, best — which is hardly apt to enhance our respect for the test.

members are in principle capable of saying, or otherwise revealing, what they consider good and better (both for themselves and, if they care, for others), they can provide some factual evidence to support the identification of a state of affairs as the common good. The evidence can ostensibly be made to go even further, and serve to establish rank-orderings of states of good, better, etc. for the polity, the *cité* "as a whole". Thus, the aggregative version has the singular distinction of claiming to describe, to find a fact. At least implicitly, it aspires to falsifiability.

However, for aggregation, the components must be both commensurate (so that anyone can tell whether my good is greater, as great as, or lesser than yours), and their differences must be cardinally measurable (so that anyone can tell *by how much* my good is greater than yours). There is no basis for supposing either to be the case. The technical literature has heavily laboured the second of the two, although the first is both logically prior to it and morally far more fundamental. Yet unless both suppositions are made, that is unless comparisons are both interpersonal and cardinal, individuals' orderings cannot be added together to produce one complete common ("social") ordering. "Starting with Arrow's famous impossibility theorem, authors have formulated seemingly reasonable conditions that a preference aggregation procedure ought to satisfy, and then proved that the conditions are logically inconsistent."[15] No matter whether individuals order states of affairs by preference, prudential interest, or moral worth, the same comparability conditions apply throughout, and derivation of the common good by aggregations of individual orderings remains an impossible, or rather a nonsensical exercise. If a "social" ordering, putatively identifying the common good, is nonetheless produced, it is necessarily the product, not of arithmetic exploits, but of a set of value judgments concerning the relative weights deserved by individual orderings.

It is no use protesting that no such value judgments are in effect carried out, for whether they are explicit or implicit, they are entailed in the common ordering. Any political decision that, by invoking the common good, overrides the will and wishes of some to satisfy others, is the execution of a value judgment about individual wills

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[15] A. Hylland, "Subjective Interpersonal Comparison", in J. Elster and J. E. Roemer, eds., *Interpersonal Comparisons of Well-Being* (Cambridge: Cambridge University Press, 1991), p. 336.

and wishes. The more vulgar kinds of claims about the common good, of course, often masquerade as truth-claims. However, they cannot describe. They can only express preferences. They are unfalsifiable, forever bound to remain my say-so against your say-so.

Needless to say, value judgments as such are not disreputable. What is disreputable is to dress them up as findings of fact, for which evidence could in principle be found, or (as the classical utilitarians imagined) as the products of rational thought, deduced from self-evident propositions.[16] It is perfectly possible for me to share your value judgments, but it is never intersubjectively compelling for you to share mine, never a matter of straight practical inference, and never a bow to the rules of rationality. Only some partial orderings, capable of withstanding the Paretian test, get by without my say-so having to prevail over yours.

What is not to be done, nor said

What is left for political philosophy "rationally" to say about what is to be done? Very little, it would seem. Means are suitable subjects for rational examination, once the ends are given. But *political* ends are either means in disguise, and presuppose other tacit ends looming beyond them, or they collapse into the common good; yet all versions of the common good we can easily identify raise the suspicion that nothing can be said about them that could survive intersubjectively.

A good deal, however, is left to be said about what is *not* to be done, and said, and why. Nine parts of practical politics is the making of non-unanimous decisions by some, that hurt others. Do we really want such decisions imposed as rational means to ends that are ultimately neither rational nor irrational, and must be posited by brazen assertion, mystical communion with the good, or occult value-comparisons between persons? Pareto-optimal outcomes offer a minimal morally legitimate space for a minimal state, and no

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[16] The "diminishing marginal utility of income" was long treated as either self-evident, or requiring only minimal psychological assumptions supported by introspection. Interestingly, the maximin strategy rational individuals in the "original position" are predicted by the anti-utilitarian Rawls to adopt, presupposes the same kind of psychological disposition. It is tantamount to a "diminishing marginal importance of primary goods", over and above some minimum. Unsurprisingly, it generates the same kind of egalitarian norm, a social "ought" deduced from a psychological "is".

more. Surely, it tells something about the ontology of politics that logic, morality, or both lend themselves so much better to condemning political action than to defending its legitimacy.