EDITORIAL

Moral Conflict and Political Obligation in (Highly) Non-ideal Conditions

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Moral conflict is an unavoidable feature of political life. And moral conflicts arise for a number of diverse reasons and in a variety of social and political contexts. We may be required to do incompatible things by different moral values, or by different conceptions of the same value, or by the values of different cultural forms and social structures (Gray 2013 [1996]). But in each case, we have reason to ϕ, we have reason not to ϕ, we can do either, but, crucially, we cannot do both (Williams 1965; Sinnott-Armstrong 1985). We are caught on the horns of a dilemma, as some decision or choice is required between incompatible and perhaps incommensurable reasons for action. This special issue explores the moral conflicts that arise concerning our political obligations in (highly) non-ideal conditions. It is widely accepted that political obligation provides a reason for action, but also that, under certain circumstances, it may be outweighed by other, competing considerations (Walzer 1970; Smith 1973; Horton 2010). Different political obligations can come into conflict, as can happen, for example, when we are expected to support or obey existing institutions but also to help bring about just institutions (Walzer 1970). Also, our political obligations may clash with some other, competing moral demand, such as the loyalty we owe to members of our social group, or the fidelity we owe to loved ones, or what our conscience dictates (Shklar 1993; Clayton and Stevens 2014). And there are also conflicts between what is thought of as political obligations in very different cultures or regimes, which can leave us caught between the incompatible demands of, for example, liberal, illiberal, non-democratic, and tyrannical polities (Rawls 1993; Williams 2005).

This special issue takes up the debate on moral conflict and political obligation, and directs it towards a number of issues that are currently of particular importance. Firstly, while it is generally agreed that we may be faced with moral conflicts, there remains considerable controversy concerning the significance, both theoretical and

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practical, of any such experience. This is evident from the very different answers given to a number of key questions: Are moral conflicts real? How are we to resolve moral conflicts? Are we at least occasionally required to make a groundless decision to respond to a moral conflict? If so, can some options be still considered better or more reasonable than others? And does the experience of moral conflict indicate a limit point for moral and political theory? Also, when we look at the kinds of answers given to these questions (see Foot 2002 [1995]; Galston 1999; Tessman 2015), we see an immensely important distinction, namely between value pluralist and value monist approaches. Value monists need not assume that there is only one value to consider, and nor need they be opposed to toleration of diversity. However, value monists do claim to have identified the general rule for resolving moral conflicts, and this is the case in the arguments of Mill (1985 [1859]), Rawls (1971), Hare (1978), and Shklar in her mature work (1984). In contrast, value pluralists, like Berlin (2004 [1958]), the early Shklar (1964), Nagel (1979 [1977]), Hampshire (1978), and Williams (1981 [1979]), maintain that theoretical reflection cannot identify such a general rule, and so moral conflicts are 'real' in the sense that, even when we act on one of the moral claims, the opposing claim is not eliminated. It should be stressed that the issue upon which this distinction is made is a meta-ethical one and not one concerning first-order moral commitments. Hence, those who embrace and champion plurality at the level of first order moral commitments, nonetheless may take a value monist position concerning how moral conflicts are to be resolved: for example, while Mill has a normative commitment to toleration of diverse experiments in living, he also maintains that the principle of utility (and by extension the harm principle) is the general rule for resolving moral conflicts: utility is, he says, the 'ultimate appeal on all ethical issues' (1985 [1859], p. 70).

Previous debates on this topic have centred on what implications a value pluralist approach to moral conflict has for the legitimacy of liberalism; and in particular the question of whether value pluralism requires commitment to liberalism, and if so, whether it is the liberalism of toleration, of autonomy, or of negative freedom (Gray 2013 [1996]; Crowder 2004; Galston 2005). While the papers in this special issue continue to engage with the question of the legitimacy of liberalism, they also address the theme of moral conflict and political obligation in light of current debates concerning the limitations of political theory, in particular the mode of political theorising that has been developed by Rawls and those influenced by his *A Theory of Justice*, and this question is addressed in not only liberal but also illiberal, tyrannical, and totalitarian contexts. Recent publications address the issue of moral conflict as one among a number of related phenomena, as can be seen in analyses of non-ideal institutions and motivations, sceptical critiques of formal and utopian models of justice, and realist arguments about the importance of power and conflict (Williams 2005; Galston 2010; Wolff 2011; Forrester 2012; Rossi and Sleat 2014; Gaus 2016; Hall and Sleat 2017; Tillyris 2017; Yack 2017; Tigard 2019). This special issue takes up the examination of moral conflict and political obligation in precisely the non-ideal situations that have been the focus of so much recent debate. Moreover, it examines moral conflict arising in a variety of non-ideal situations, drawing attention to the important and yet oft-neglected fact that some non-ideal situations are less ideal than others and that equally non-ideal situations might differ

from each other in important respects. Specifically, it focuses on the moral conflicts arising in situations where polities have a very weak or non-existent claim to legitimacy, such as tyrannical and totalitarian regimes; situations where the norms and institutions differ markedly from those of liberal democracy, as in illiberal regimes; but also, situations where, even though regimes do come close to the requirements of legitimacy, as set down by liberal political theory, nonetheless, moral conflict persists, as in cases of perceived social injustice and also unequal access to mainstream institutions.

This special issue addresses three interrelated themes. The first concerns how moral conflicts are to be resolved. Value monists profess to a universally compelling solution in moral debate, or, as Rawls says, 'finality', a rational ordering of potentially conflicting claims (Rawls 1971, p. 135). When there is a moral conflict, the general rule for its resolution also eliminates whichever moral claim is not to be acted upon (Hare 1978; Sinnott-Armstrong 1985; Foot 2002 [1995]). In sharp contrast, for value pluralists, we have not identified the general rule for resolving moral conflicts, and so in situations of conflict we are left with regret at the moral item not acted upon (Nagel 1979 [1977]; Raz 1986; Williams 1978). This is a debate about meta-ethical issues: both *how* moral conflicts can be resolved and *whether* moral conflicts can always be resolved. However, it also has relevance for normative debates, in particular debates about what we owe to ourselves and to others in situations of moral conflict: that is, what is the right thing to do when whatever we do we do something wrong?

The second theme is the experience of moral conflict in highly non-ideal contexts, whether illiberal democracies, tyrannies, or totalitarian regimes. One approach to this question owes much to Rousseau's *The Social Contract* in particular, which is that despotism cancels our political obligations. For example, in her mature work Shklar concludes that no one should be condemned for betraying their friends in a tyrannical regime, where all that can be demanded of its victims is a self-regarding pride (Shklar 1984). This is similar to Rawls's argument that we owe political obligations (or natural duties, in his terminology) only to just regimes (1971). However, there is another school of thought, according to which the subjects of even an unjust and authoritarian polity may be obligated towards that regime (Simmons 1979). Obligation is one reason for action, and may be in conflict with other reasons for action, as is the case, for example, when our obligation to an unjust regime conflicts with the demands of justice.

A final theme concerns the moral conflicts arising out of clashes between divergent cultural forms and social structures. In his later work, Rawls (1993) comes to accept that, given the plurality of cultures, we must not insist upon adherence to liberal commitments in non-liberal societies, in particular in what he terms 'decent hierarchical societies'. We are thus left with a three-fold taxonomy of liberal, decent hierarchical, and illegitimate regimes. Those wishing to challenge Rawls's position are left with a significant task. One approach is to uncover the real-world situations in which conflicts regarding obligations arise, even in regimes that come close to meeting the requirements for legitimacy as set down in Rawls's political theory (see Walzer 1970). A yet further approach is to reject the value monist basis for Rawls's taxonomy of regime types. The challenge is to do so without descending into mere

relativism (see Gray 2013 [1996]). One possibility is to both acknowledge such diversity and yet strive to guarantee normative critique of local norms and practices.

In engaging with these questions, this special issue advances our understanding of both the moral conflicts that arise concerning our political obligations but also the role of political theory in their resolution. The contributors ask whether value monism presumes too much on behalf of political theory, in particular when claiming both that we have identified the general rule for resolving moral conflicts and, as a result, that we are in principle freed from moral conflicts in some highly non-ideal contexts. But this leaves those who reject monism themselves with a set of related challenges. If we eschew the theoretical optimism of value monism, we must at the same time avoid sinking into undue pessimism or mere relativism. And if we go beyond value monism, we must nonetheless work to retain and sustain the critical dimension of political theory.

In the first of our papers, Bernard Yack sets out the crucial distinction between the meta-ethical question of how moral conflicts can be resolved and the normative question of how we ought to resolve conflicts. He uses E. M. Forster's novel *Howards End* to help articulate what he describes as a 'moral pluralist' approach to the latter, normative, question. Moral pluralism represents a way of responding to the moral conflicts we encounter in our lives. The tragic view of moral conflict, epitomised by Sophocles' *Antigone* and endorsed by most theories of value pluralism, tells us that we must choose between conflicting moral commitments and reconcile ourselves to the moral regrets that inevitably follow from moral choice. Yack's moral pluralist view, in contrast, suggests that we should seek means, however imperfect, of satisfying conflicting moral commitments and minimising cause for moral regret. Yack derives this argument from the words and actions of Forster's heroine in *Howards End*, Margaret Schlegel.

Allyn Fives takes up the question of what we owe to others in highly non-ideal contexts. Specifically, he asks, what do the victims of tyranny owe each other, and can they be condemned for betraying their friends? The question is addressed through a novel interpretation of Judith Shklar's political thought. Shklar is a widely acknowledged and significant influence on non-ideal theory and political realism. However, Fives maintains there is also a previously unnoticed transformation between her early and mature work, for although she remains a sceptic her approach to moral conflict changes from value pluralism to value monism. In addition, it is only in her mature work, as a monist, she believes tyranny cancels obligations of justice. Fives argues that Shklar's monism fails, and this in turn has important implications for political realism and non-ideal theory. While attention has been focused on developing a sceptical critique of ideal theory, this interpretation of Shklar's work illustrates that greater awareness is needed of the pitfalls of monist strands of scepticism.

Kei Hiruta focuses on moral conflict at the extreme end of the non-ideal spectrum, that is, in totalitarian societies exemplified by the Nazi and Stalinist regimes. He begins with Isaiah Berlin, who offers a highly influential value pluralist account of moral dilemmas arising in the totalitarian context. He then compares Berlin's ideas with those of Albert Camus on the one hand and of Hannah Arendt on the other hand. Like Berlin, Hiruta argues, the latter two thinkers were deeply concerned

with real-world moral dilemmas that confronted totalitarian subjects and, again like Berlin, they attempted to understand the sense of moral disorientation resulting from those experiences. Neither Camus nor Arendt, however, became a Berlinian value pluralist as a result. On the contrary, each thinker in his/her own way formed new ideas to account for the complexity of moral and political life in the twentieth century. Although Hiruta does not make first-order claims about the truth or falsity of value pluralism, he contends that the juxtaposition of Berlin with Arendt and Camus shows that some of the professed advantages of the value pluralist approach to moral conflict are exaggerated and require reconsideration.

Zoltán Gábor Szűcs turns to contemporary illiberal and/or non-democratic regimes, urging normative theorists to take seriously the political ethical challenges of living under those regimes. He aims to offer a normative theory of political obligations that does not simply vindicate or make excuses for illiberal and/or non-democratic regimes but that gives an account of genuine political obligations found in such regimes. And he does so based on the insights of philosophical anarchism, theories of associative obligations, and political realism. The primary ground of political obligation is membership, he argues, and membership is inseparably embedded into a rich context of moral reasons for action that includes general reasons; ad hoc reasons; regime-specific reasons applying to every subject; and regime-specific offices that attribute specific responsibilities to individuals and groups. The real challenge is to explain in what way this is the case for those who are members of illiberal and/or non-democratic regimes. Szűcs does not claim to offer a theoretically coherent moral justification for political obligations, but he proposes a theoretically coherent account of the varied sources and limitations of political obligations.

Robert Hughes tackles the issue of political authority and obligation from a different angle, focusing on the question of the duty to obey the law in flawed societies. He argues that we need public judicial authority to prevent objectionable power relationships that can result from disputes about private agreements, and this grounds a qualified moral duty to obey judicial decisions. The parties to a dispute are, he argues, morally required to comply with a judicial order in their dispute if all of the following conditions obtain: (1) the parties' dispute was in good faith, (2) the court's resolution of the dispute is more impartial than either party's own judgement, (3) the order does not call for violation of important natural duties or important artificial duties that the duty bearer incurred involuntarily, and (4) the primary aim of disobeying the court order would be to advance an ordinary, non-political project, not to call public attention to an injustice. Hughes's argument is that the moral duty to obey judicial decisions can survive significant departures from ideal fairness.

Finally, Katharina Kaufmann defends Judith Shklar's liberalism of fear as a theory suited to the challenge of protecting the individual in highly non-ideal contexts of conflict and injustice. Any liberal theory now must provide an answer to the following pressing challenge, Kaufmann says: the realists and non-ideal argument that mainstream liberalism is unable to address injustice and political conflict, and that, as a result, it subordinates political philosophy to moral theory (Williams 2005), and employs an idealising and abstract methodology (Mills 2005). The liberalism of fear, Kaufmann argues, replaces the idealising approach to political philosophy with a non-utopian methodology, which opens a negative perspective on what is to be

avoided in the political sphere, and how to detect and deal with injustice. Due to this standard, it is a liberal theory that is uniquely able to meet the realist and non-ideal challenge.

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