

Peter Wedekind
The Meritocratic Promise of Classical Liberalism

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Peter Wedekind

The Meritocratic Promise of Classical Liberalism

Restoring Equality of Opportunity
in the Age of Market Triumphalism

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Dedication

This modest contribution to the compelling arena of political thought is the result of an illuminating journey through European and U.S. American academia. And since a journey without proper companionship could be nothing but an exercise in solitude, I wish to express my gratitude to a handful of truly outstanding individuals. Most importantly, I am grateful to Dr. Janusz Salamon who served as the best possible supervisor any student could ever hope for. Academic excellence, reliability, and professionalism shape his character just as much as his remarkable goodwill, empathy, and consideration. I would neither have begun my journey as a PhD candidate, nor finished it without Janusz's support and his ability to turn obstacles into opportunities. I also owe gratitude to Dr. Petros Sekeris who was kind enough to host me during a research stay in France and to share his economic insights on my topic. Furthermore, I wish to thank Dr. Stephen Simon as well as Dr. Orfeo Fioretos for introducing me to the U.S. American academic landscape and for granting me the opportunity to experience a vastly different scholastic perspective in the New World. Your remarkable encouragement and the enlightening conversations about philosophy, jurisprudence, and political economy are highly appreciated. I also want to express my gratitude to Dr. Hans Rainer Sepp who always served as a most benevolent guide, and who was kind enough as to grant this work a spot in his edited book series. Further credit is due to Malte Kayßer – a colleague and a very good friend, I am proud to say. His assistance and encouragement – both academically, and on a personal level – cannot be overemphasized. Finally, I am most grateful to my mother Carola, my father Jochen, and my sister Annie. Thank you for always having my back during this turbulent phase of my life and for constantly bugging me in the best possible way.

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1 Introduction

This book discusses a problem at the intersection between politics, economics, sociology, and philosophical principles: After National Socialism was eliminated in the mid-20th century and the USSR stood at the brink of disintegration, Francis Fukuyama (1989, 1–5) famously concluded that liberal democracies were witnessing the final form of human government at the endpoint of mankind’s ideological evolution. While this claim ironically inverted Karl Marx’s anticipation of a historical development towards a communist utopia, the core reasons for liberalism’s dominant appearance seemed to be its alleged ideological supremacy and the lack of alternative systems (Fukuyama 1989, 1–5). This situation has changed substantially in the last three decades.

In opposition to Fukuyama’s confident (and now revised) claim from 1989, Western societies have rapidly become subject to overwhelming critiques: The population strata are segregated by skyrocketing economic inequalities; access to educational opportunities depends on financial means, rather than talent and dedication; and the prominent liberal ideal of equality seems fictional. On a global stage, China’s economic boom, as well as the reemergence of authoritarian tendencies in some European countries and beyond, arouse the suspicion that the everlasting unchallenged hegemony of Western liberal democracies is no longer self-evident. Furthermore, some scholars, for example Michael Blake (2001, 257–60), point out that certain fundamental liberal convictions are only scarcely compatible with political facts such as the concept of state borders. On top of that, liberal democracies do not consistently adhere to their own principles on a global scale: A substantial amount of Western wealth can arguably be traced back to post-colonial and neocolonial entanglements, asymmetrical trade, and dubious deals with authoritarian nations – for example, the recent attempts to keep refugees at bay. The aspiration to promote liberty as well as the demand for equal concern, respect, and distributive justice is often arbitrarily limited to certain territories or nations, calling into question liberalism’s contemporary value both in domestic affairs, as well as in an increasingly globalized framework (Blake 2001, 257–60). The perception that in the name of liberalism not enough will be done to address these critical problems has led a growing number of political scientists to conclude that liberalism has failed and the ‘liberal world order’ will eventually perish. This book, however, is motivated

by the conviction that liberal democracy is based on principles worth preserving (such as safeguards against the severe excesses of state power) and that some of its most prominent flaws can be addressed without undermining liberal values and discarding the political system altogether.

And yet, we must admit that many opponents of liberalism, for example, critics in the footsteps of Marx and Foucault, rightly point to the myriad of shortcomings and serious problems to be found in Western democracies, concluding that they must be symptoms of the *fundamental inadequacy* of the liberal framework. Liberal principles – so they frequently claim – are the *origin*, rather than the *cure* of the aforementioned pathologies and injustices many societies have generated. Although I fully agree with such critics on the gravity and urgency of the problems, I argue that these issues are not a sign of something *fatally* flawed with liberalism per se but, instead, they are problems that can be solved using the resources of liberalism itself. The question of how (economic) injustice and the undesirable consequences of neoliberalization in an era of market triumphalism can be addressed without abandoning the core values of Western democracies clearly exceeds the realms of a purely descriptive analysis. Instead, it calls for an evaluative, normative, and prescriptive methodology. Correspondingly, this work employs a form of analytical philosophy that starts with normative arguments, rigorously scrutinizes their logical consistency, and allows for the conclusions to be applied to real-world scenarios.

With this broad introduction to the controversial ecosystem of liberal doctrines, flaws, and challenges in mind, we can narrow down the crucial cornerstones of the narrative employed in this book as follows: I claim that it is possible to justify a certain set of egalitarian policies from within classical liberal thought. The nature and scope of these policies are crucially determined by *the requirements of a genuine meritocracy*. Put differently: This endeavor is concerned with an interpretation of classical liberal doctrines that stresses meritocracy's *central role* as a system of distribution and principle of justice in liberal democracies. Correspondingly, it proposes binding policies which promote an 'even playing' field that is justified and limited by the meritocratic conception. These policies partially align with the welfare state goals frequently advocated by, say, social welfarists, egalitarians, or communitarians and include, for example, free (higher) education.

The crucial links of the argument can be summarized as follows: After laying out the definitions of the relevant terminology in 3.1 and 3.2, we start with the claim that despite its flaws, classical liberalism (and by extension:

liberal democracy) can be regarded as a valuable ideology (or political system, respectively). This interim conclusion is justified by contrasting the substantial imperfections both in Western liberal states, and in the fundamental principles of liberal thought themselves (see 3.4), with an emphasis on the ‘doctrine of freedom’ as a crucial *safeguard*. Both liberalism’s role as a bulwark against totalitarian horrors that history has provided no shortage of examples for, and its ability to serve as an antidote to autonomy undermining legitimizations for state coercion (that is, for example, paternalism) is discussed in chapter 4. If we, then, embrace classical liberalism, we are very likely to accept meritocracy as the most relevant principle of distributive justice, too. As advocates of meritocracy, we are convinced that talent and effort should decide the outcome of ‘the race of life’, metaphorically speaking. And for this to happen, we need an ‘even playing field’, that is, a framework that is not ‘rigged’ in favor of the powerful, rich, and privileged but instead allows merit to ‘rise’. To put it differently: Genuine meritocracy requires genuine equality of opportunity.

We must emphasize that this argument follows an ‘imperfect’ or ‘non-ideal’ methodological approach, which means that the goal is to promote *relative improvements* rather than to articulate an *ideal*, such as bringing about *perfect equality of opportunity*. Making, for example, college education ‘free’ is certainly a feasible improvement aligning with the ‘*more equality of opportunity*’ approach, whereas, as we will see, eugenics, genetic engineering, or the abolishment of the family are atrocious results of a doctrine of equal opportunity put ad absurdum. If we accept this line of reasoning, the argument justifies egalitarian policies that improve equality of opportunity (in opposition to outcome-based egalitarianism) and, in turn, promote a more ‘genuine’ meritocracy. Such a conclusion then implies that classical liberalism is indeed endowed with the tools to address some of the most prominent flaws and subjects of criticism in Western liberal democracies. And this is where the *core* argument of this book technically ends. It is a conclusion that says little about the *outcome* a genuine meritocracy may then bring about – unless the outcome, in turn, significantly undermines the equality of opportunity of, for example, the next generation. We may rightly claim that this is already a substantial improvement and a, perhaps not *revolutionary* yet *meaningful*, result: Achieving a more meritocratic meritocracy allows us to justify substantial political changes that push back against a, let’s call it, plutocracy of the rich and privileged with hereditary features. This is a substantially different conclusion compared to the arrangements that mod-

ern libertarians arguing in the tradition of classical liberalism typically advocate. And yet, justifying (and having) a genuine meritocracy does not further specify what happens after ‘the race is over’.

Equality of opportunity can certainly lead to highly unequal outcomes. A further elaboration of this ‘problem’ (if we define it as a problem, which is not self-evident) exceeds the debate that will be employed in *this* work, and every subsequent thought should be regarded as a prospect for future discussions. And we *could* well be satisfied with this conclusion. We might argue that the outcome – as unequal as it may be – is ‘just’ as long as everyone indeed had his or her *fair shot* entailed by equality of opportunity. We could be willing to accept that having ‘winners’ living in excessive wealth and having ‘losers’ living in crushing poverty is morally permissible *if* the distribution is a result of their *merit*, that is, talent combined with effort, rather than the result of a ‘rigged race’ where the outcomes are already partially determined before the starting pistol has been fired (which is certainly the case today).

However, if we do not feel comfortable with such an outcome we could (a) further explore if classical liberalism might also have something to say about the outcome after the race has ended. Or we could (b) adopt an ‘academic humility’ and look for inspiration in other disciplines to find solutions for the remaining ‘undesirable’ features of meritocracy. It is perfectly reasonable to claim that, on the one hand, a certain principle of justice is the best one we have and that we should, correspondingly, adopt it as a leading paradigm, but that it is, on the other hand, still *imperfect* and may need a helping hand from other doctrines here and there. A side note on Harry Frankfurt’s sufficiency approach will illustrate this strategy: We can indeed endorse the idea of a race that is to be won by those who do best, and, correspondingly, follow the conviction that redistribution is, generally, only justified to *bring about the underlining equality of starting conditions*. But this does not necessarily imply that we cannot have sympathy for the ‘losers’ and talk about further redistributions in terms of outcome to make sure that they still have enough – even if their ‘failure’ is truly their own fault. We can well follow Adrian Wooldridge’s conviction that ‘more and wiser’ meritocracy urges us to remoralize merit by relearning humility and a renewed sense of public duty.

With this introductory explanation of this book’s narrative in mind, it is important to clarify one distinction early on: The next chapters unite a comprehensive and *critical evaluation* of the current status of Western democracies with a classical liberal quest for *solutions*. These two elements maneuver

in different dimensions: For the critique to be meaningful, it must *exceed* the arena of classical liberalism. It includes the positions and claims frequently advanced by social welfarists, communitarians, virtue ethicists, and scholars in the footsteps of Marx and Foucault. Those critical voices are raised in various places throughout the work, however, especially in the chapters 3.1 and 5.1. Furthermore, the implicit claim is *not* that all classical liberals would, without any doubt, acknowledge this myriad of critiques as genuine problems that we should see ourselves compelled to solve. Yet, if my argument is convincing, it denotes that as classical liberals, we *ought to recognize* a substantial quantity of those controversial outcomes brought about by *neoliberalism* as problematic. This brings us to the dimension of solutions.

In opposition to the assessment of the critiques liberal democracies find themselves confronted with, the solution (that is, a genuine meritocracy built on adequate equality of opportunity, which, in turn, justifies certain ‘egalitarian welfare state policies’) claims to stay *within the confines of classical liberal doctrines*. This is indeed the whole point of this book: I declare liberal principles to be valuable and worth preserving; therefore, the quest is to figure out to what extent improvements to the current system can be *justified* without leaving the ideological turf of classical liberalism (which also serves as a building block for its *limitations*). As already pointed out, and as discussed in detail in 5.2.3, with Frankfurt’s sufficiency approach, one potential solution is scrutinized which *transcends* pure liberal reasoning; however, this departure is clearly declared as a fix that *exceeds the imperatives* entailed by the argument advanced in this work. Finally, this approach does not guarantee that the proposed solutions will fully satisfy critics of the current neoliberal hegemony such as Michael Sandel or David Harvey. What I wish to accomplish is to take their criticism seriously and to show that by following this book’s argument, we can at least get ‘so far’ in solving them while still preserving what is valuable about classical liberal thought. But – and this becomes clear in the subsequent methodology section and in various other places – perfection is not the goal.

Liberalism is a broad topic. Correspondingly, it is inevitable that not every important thought can be captured and not every crucial author can be adequately discussed. Furthermore, liberalism (and its evolution) manifests itself in very different dimensions: A political economist may be inclined to specifically scrutinize the *economic* side of classical liberalism, drawing on the fundamental work of Adam Smith, Joseph Schumpeter, and John Maynard Keynes, and contrasting it with the critical voices of Karl Polanyi

and Dani Rodrik, say. And while this book indeed grapples with the economic side of liberalism – especially within the critique of modern neoliberalism and marketization in 3.1 and 5.1 – and, correspondingly, *does* address authors such as Adam Smith, Joseph Stiglitz, and Branko Milanovich, it still maneuvers predominantly in political theory and philosophy. Therefore, John Stuart Mill, John Locke, John Rawls, and Immanuel Kant rank among the reference points of most fundamental importance. The work also draws on more recent philosophers and theorists in the tradition of Western liberal political thought and jurisprudence, such as Richard Arneson, Isaiah Berlin, Gerald Dworkin, Ronald Dworkin, Joel Feinberg, Harry Frankfurt, and Alan Wertheimer. Regarding the 20th century interpretations of (neo-)liberal doctrine, the thoughts of Francis Fukuyama, Friedrich August von Hayek, and Ludwig von Mises are introduced while Sarah Conly, Michel Foucault, David Harvey, Thomas Lemke, Jo Littler, Michael Sandel, and James Sterba provide important insights focusing on the downsides of neoliberalism, marketization, meritocracy, and the increasingly plutocratic Western framework. While David Miller and Daniel McDermott provide a compelling methodological foundation for this philosophical endeavor, Adrian Wooldridge’s (2021) recent *The Aristocracy of Talent* deserves particular recognition as one of the most crucial reference points for the discussion and defense of meritocracy in part II of this book.

Finally, despite the plausibility of other meritocratically-motivated state policies in pursuit of greater equality of opportunity, this work focuses specifically on the expansion of publicly-funded higher education, since colleges and universities are frequently described as ‘the great equalizers’ (see 6.1) with the capacity to disrupt the intergenerational reproduction of hereditary socio-economic advantages and, instead, enable social mobility. Furthermore, universities in recent decades have served as institutions in which the ‘marketization’ trend can be clearly observed (which, as an extension of neoliberal rhetoric, is critically discussed in 5.1). Thus, the crux of this book lies in the following claim: classical liberalism, as the foundation of liberal democracies which safeguard against *excessive* state interventionism, can – and should – be preserved in the hope that its contemporary flaws be addressed, and substantial reform achieved *from within*. With this layout in mind, let us begin the quest at hand.

2 Methodology: Analytical Political Philosophy for Earthlings

An adequate methodological framework is the backbone of any meaningful treatise or research question in political theory and beyond. With this book's ambitions, goals, arguments, and conclusions in mind, a suitable foundation must meet a specific set of quality criteria. These criteria are, in turn, determined by the fact that this dissertation project is not concerned with a grand endeavor in metaphysics or a quest for universal truths about morality. Instead, this work shows concern for real-world phenomena that frequently give rise to controversial modern political debates on both sides of the Atlantic. It depends on a methodological foundation which stresses context dependence and feasibility conditions in societies that broadly fall under the umbrella of 'Western liberal nations'. Finally, there is a certain pragmatism to this book's primary subjects of interest: With the focus on marketization, meritocracy, and equality of opportunity in modern 21st century liberal democracies, we do not debate an entirely new, unexplored, or revolutionary terrain. The clear goal is to bring about *improvements* while explicitly trying to *preserve* a substantial quantity of the fundamental ideological building blocks of the classical liberal tradition. Correspondingly, it is not about promoting a cosmic blueprint for the ultimate society or to advance an *ideal theory*, broadly speaking. Instead, the real concerns of real people at this moment in time demand an approach that operates on the imperatives of a *non-ideal theory*, which is clearly destined to be *imperfect* yet still has the capacity to justify meaningful improvements – despite perfection not being the ultimate goal. The methodological foundation subsequently explained serves this end.

As the name indicates, the foundation applied in this work is a combination of the methodological insights originating from Daniel McDermott's (2008) *Analytical political philosophy* and David Miller's (2008) *Political philosophy for Earthlings*. The normative and prescriptive approach utilized in this project falls under the umbrella of political philosophy and political theory. After having considered various methods and strategies in political theory, it became evident that the methodological tools suggested by these two influential contemporary political theorists form a synthesis perfectly aligning with the orientation and scope of this book. The arguments discussed in the following chapters do not hold context-independently. Instead,

(and as Aristotle already famously proclaimed in his *Nicomachean Ethics*) it is the nature of the specific subject of inquiry that determines the level of ‘certainty’ available, and in dealing with particular cases, “the agents themselves must in each case consider what is appropriate to the occasion” (Aristotle 2009, 3-12, 24-27). The work at hand is predominantly concerned with problems that have their origin within liberal principles. Correspondingly, the synthesis of McDermott’s and Miller’s approaches is a perfect fit because it has the capacity to be utilized for a debate about political phenomena that can be said to be internal to the liberal discourse. Accordingly, certain axiological intuitions liberals typically subscribe to can be taken for granted, and competing philosophical methods which might be called for when, for example, adjudicating between various political ideologies or theories can be discarded.

In essence, the framework is a suitable choice because it fulfills at least three crucial roles: (1) It defines the general approach and ambition of this book (that is, a contribution to the discipline of *political philosophy/theory* – a *non-ideal type of theory* that does not seek to engage in a cosmic quest for the ultimate foundation of morality, but to promote *context-specific suggestions*). (2) It provides a set of criteria that allows for the quality and analytical soundness of normative arguments to be evaluated. This prospect deserves attention given that political philosophy is in the business of analyzing ‘oughts’ – an endeavor complicated by the fact that there is substantial disagreement about the question of whether ‘moral truths’ even exist and whether they can be compared in any meaningful way (McDermott 2008, 11–15). (3) It defines the societal frame (that is, Western liberal democracies) in which the theory can be applied and therefore limits its scope by stressing the context-dependency of the arguments provided.

Those three purposes are reflected in the methodology’s name, and its fragments can be molded into three simple questions as follows: (1) How can we define ‘political philosophy’? (2) What makes it ‘analytical’? (3) What brings it ‘down to earth’? These questions are successively answered in this chapter based on a conglomerate of McDermott’s and Miller’s deliberations.

McDermott (2008, 25) eventually concludes that political philosophy “is concerned with identifying the moral grounds of legitimate state action, all of which, ultimately, is based upon coercion” – a compelling exercise in moral philosophy. In this vision, political philosophers are dedicated to evaluating whether a certain action is legitimate and justified – ‘justified’ in a sense that we can rightly claim “some standard has been met, that in light of

the available evidence the conclusion that we ought to act is warranted” (McDermott 2008, 26). The idea that a philosopher (or anybody else) is capable of producing ‘warranted conclusions’ within a normative discipline is not self-evident. Correspondingly, it is useful to follow McDermott’s *full* arguments bottom up in order to recognize how political philosophy is indeed concerned with concepts like ‘intuitions’ or ‘moral facts’; however, this does not preclude it from incorporating the same level of clarity and logic we frequently encounter in the sciences.

Political philosophy is a discipline dealing with normative elements. Correspondingly, a political philosopher tries to determine what ought to be done in light of certain information and empirical facts about, for example, human behavior and political institutions (McDermott 2008, 11). Following this description, the discipline “is thus a branch, or subset, of moral philosophy” (McDermott 2008, 12). Such normative concern with morality leads political philosophers to start with intuitions – a readily available resource given that most “sane adults are in possession of a complex package of beliefs” (McDermott 2008, 12). And yet, political philosophy should not be mistaken with an ‘intuition-ology’ (McDermott 2008, 15). Intuitions are not to be confused with the *rules of morality* the scholar is eventually trying to derive based on the relevant information, but they serve as a starting point for a straightforward method: “start with what we think we know and use that as a basis to investigate what we don’t know” (McDermott 2008, 12). In this broad sense, the philosopher’s quest does not differ substantially from the approaches applied in the sciences: He encounters a problem (or simply something he does not understand yet), follows an assumption based on pre-existing knowledge and/or intuition, and eventually attempts to derive corresponding rules of nature or morality, respectively (McDermott 2008, 15–16).

To further elaborate on the political philosopher’s method – his claims, his approaches, and the alleged similarity to the sciences – it is helpful to briefly debate what a sceptic may object to: Scientists, be it biologists or physicists, can ground their claims in empirical facts that may be *discovered* or *reproduced*. Such facts do not care about the intuitions of the scientist conducting the experiment or doing the discovery. Doesn’t this mean that the sciences differ substantially from the endeavor of political philosophers who are concerned with *normative* issues, who, correspondingly, cannot generate anything that deserves to be called a ‘fact’, and certainly cannot even shield themselves from getting lost in metaphysical questions? The

following answer indicates that this juxtaposition is not necessarily accurate, and it briefly defines the, say, functional and pragmatic version of political philosophy applied in this book.

A political philosopher attempts to “identify the *content* of the rules of morality” which certainly sounds like a tremendous and uncontrollable project (McDermott 2008, 16). However, he can (and must) limit his own project in the very same way natural scientists do, and he is not destined to get lost in an eternal metaphysical limbus. Political philosophers may rightly adopt a ‘pragmatic’ stance and depend on a certain “division of labour” within their discipline (McDermott 2008, 15): Biologists can rightly feel comfortable about sharing a new discovery and proposing a corresponding new theory without allowing “worries about the origins of the universe to distract them from their projects” (McDermott 2008, 16). The same can be said about political philosophy: An attempt to discover rules of morality is “a project that can and should proceed without getting bogged down with worries about the nature and origins of those rules” (McDermott 2008, 16). Put differently: It is certainly feasible to have a meaningful debate about the rules of chess (and about how they potentially might be improved) without getting lost in a cosmic quest for a definition of what we could possibly mean when we refer to a ‘rule’ (McDermott 2008, 16). This short illustration is by no means intended to sound condescending. Schools of philosophy that explore and scrutinize the most fundamental concepts within disciplines typically associated with the humanities and social sciences certainly *do* contribute crucial insights to the theoretical discourse. And yet, the methodological approach applied here appeals to the aforementioned division of labor and takes certain assumptions and convictions for granted. With this argument in mind, it is a reasonable perception that a political philosopher has the capacity to come up with a set of justified and coherent normative rules without engaging in all-encompassing debates on the origins of morality, the nature of existence, or the limits of knowledge.

Similar examples can be introduced to illustrate how it is furthermore indeed possible to claim that the existence of moral facts can rightly be assumed. First, one may argue that the lines between political philosophy and the sciences are, again, blurred. Just as it is the case for moral facts, “truths of mathematics and logic, for example, cannot be empirically tested” (McDermott 2008, 18). However, second, one should add: nor “can the truths of etiquette and grammar” (McDermott 2008, 18). This argument illustrates how we can rightly engage in meaningful debate about rules and

truths within a normative terrain that indeed escapes an empirical grounding. We *do* attribute to ourselves the ability to distinguish a grammatically correct sentence from a grammatically incorrect sentence in the field of linguistics. Furthermore, we *do* assume the existence of rules of etiquette, (hopefully!) concluding that it would be inappropriate “to throw a drink in my host’s face at a dinner party” (McDermott 2008, 18). None of these rules have an empirical grounding that can be discovered by looking through a microscope and yet they ‘exist’, they are typically honored, and they can be scrutinized.

Given that (a) political philosophy is a discipline that does not utilize methods entirely different from the sciences; (b) we can conclude that the existence of ‘truths’ can rightly be assumed, even in normative disciplines or areas that escape an empirical grounding; and (c) a philosopher can engage in moral discussions in a certain practical subfield without getting lost in metaphysical debates, there *is* a methodological foundation to be found which allows for suitable assumptions to be applied and for meaningful arguments to be derived from within the narratives relevant to this book. For such an endeavor to be successful, however, a political philosopher “requires the confidence to make assumptions, along with the wisdom to tell the good from the bad” (McDermott 2008, 17). This is where the *analytical* features of this method must be complemented.

Analytical philosophy is often seen in “contrast with other styles of philosophy, such as Continental and Eastern” (McDermott 2008, 11). Broadly speaking, the analytical enterprise is frequently associated with features such as “clarity, systematic rigour, narrowness of focus” and it is led by an “emphasis on the importance of reason” (McDermott 2008, 11). Although it can probably be described in numerous different ways, one may assume that analytical philosophy is a type of practical reasoning organizing ideas and allowing for normative theories to be engaged with in a clear and structured manner. Despite their normative character, such theories, in turn, can be systematically scrutinized given that they are composed of certain elements “such as principles, rules, goals, rights, and duties” which “serve to illuminate the connections and relationships between the oughts” (McDermott 2008, 13).

In conclusion, analytically political philosophy serves as a method that allows us to engage with normative theories in the subfields of moral philosophy. A common example that serves as a suitable illustration of how political philosophers grapple with normative theories is ‘consent theory’ “which

holds that state legitimacy is grounded in the consent of the governed” (McDermott 2008, 13). It starts with a widely shared intuition, namely that the voluntary consent of individuals justifies a transfer of rights (McDermott 2008, 13). The power of this theory (in its basic version) is derived from the fact that most people indeed *do* subscribe to this intuition and frequently apply the principle in their everyday lives. However, in an analytical fashion, its implications can be put to the test: In the case of justifications for state legislation (for example, tax collection), we find that far from all citizens have *explicitly* consented to being subjected to the state’s laws. Therefore, for consent theory to serve as a justification for rights-transfers and binding legislation via a state, it must be modified (McDermott 2008, 19). *Tacit* consent is one possible alternative. With tacit consent theory, the gap between the number of people who are governed by a certain state and the number of people who have *actually* consented to the necessary transfer of rights can be closed. This, however, is where we analytically put the power of consent theory as a justification for state legislation to the test: In its original form, it “drew its strength from its consistency with the larger pattern of oughts, all those other cases where a *voluntary* choice leads to a transfer of right” (McDermott 2008, 19). But the *revised* version casts the element of voluntarism aside, given that people now “‘consent’ even if they are unaware” (McDermott 2008, 19). Practical reasoning, therefore, leads us to conclude that there is something severely flawed about tacit consent theory since it undermines the importance of voluntary choice as a core principle: It is “thus not merely a minor inability to handle a troublesome case – it is that this version is inconsistent with the very principle that made consent theory plausible in the first place” (McDermott 2008, 19).

Analytical philosophy, correspondingly, serves as a method to systematically evaluate normative theories within a discipline that is concerned with moral truths and rules of morality, rather than scientific facts. It invites us to reason whether, perhaps, “coercion will only be justified if it is approved by a particular type of institution, using certain kinds of procedures (say, a majority vote), acting for particular types of reasons, and there are lots of other conditions we might wish to add” (McDermott 2008, 27). McDermott’s (2008, 27) concluding remarks are most suitable for a book that is (a) concerned with justifications for coercion and (b) maneuvers in the arena of liberal societies: “Liberal political philosophy is, to a large degree, a spelling out of those conditions: it is a project aimed at identifying the kinds of constraints that must be placed upon political institutions in order for their co-