

The Significance of Deep Disagreements on Justice, Values, and Morals for Political Epistemology

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Abstract. Political epistemology asks whether there is knowledge about values, the good, the just, and the morally right that could be applied to political issues. Debates on such questions go back to the ancient Greeks. While Protagoras claims that no moral facts and no moral knowledge exist, both Socrates and Plato strive to overcome Protagoras's skeptical claims. After reconstructing their debate, this article argues, in the tradition of Protagoras, that there is no ultimate moral knowledge to ethically orientate political decisions. The main argument against the existence of a mind-independent and objective moral reality about which moral knowledge could be achieved is based on the existence of myriad widespread deep disagreements on values, justice, morality, and ethics, which are resistant to rational solution. The arguments presented against ethical realism and cognitivism in section II are mainly based on Max Weber's and Isaiah Berlin's views that deep disagreements on values, morality, and ethics exist. The arguments set out against these positions in section III rest on deep philosophical disagreements on social and political justice, which are a characteristic feature of the history of political thought.

Keywords: moral facts, moral knowledge, ethical realism, cognitivism, relativism, skepticism, meta-ethics.

I. DEEP DISAGREEMENTS ON THE CENTRAL PROBLEMS OF POLITICAL EPISTEMOLOGY:

THE HISTORICAL BEGINNINGS

Political epistemology is the theory of knowledge applied to political issues. Its questions focus on the area where the disciplines of epistemology and political philosophy intersect.² The central question political epistemology asks is whether there is any knowledge that can ethically orientate political decisions. Political decisions are usually based on some kind of knowledge. When a government deals with another state, it attempts to collect, e.g., knowledge about its interests, its power to enforce them, and the people who govern. When legislators draft a new law, they seek to acquire knowledge

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2] Political epistemology is not limited to research on the intersection of epistemology and political philosophy. The discipline comprises also research on the intersection of epistemology and political theory or political science and is open to collaboration with scholars from related fields; cf. Edenberg and Hannon 2021; Hannon and de Ridder 2021.

about all areas affected and the social and political consequences. However, such kind of knowledge does not allow governments or legislators to answer the question whether a policy is morally right or whether a law is just. The most fundamental question political epistemology asks is whether knowledge exists about values, the good, the just, and the morally right.

Debates on such questions go back to the ancient Greeks and in particular to Protagoras, Socrates, and his student Plato. The famous sophist Protagoras of Abdera, who should be interpreted as the founder of ancient Greek political philosophy³, was twenty years older than Socrates. Informed about the variation in customs and moral codes from one culture to another by the historian Herodotus, Protagoras defended the view that in moral and legal matters there are no universal truths. According to Protagoras's argument, if moral truths and an objective or universally valid morality existed, we could expect considerable agreement on moral beliefs. However, we can observe a lot of diversity in moral views and substantial disagreement on what is right and wrong. Therefore, no moral truths and no objective or universally valid morality exist. In the contemporary debate, this argument against the existence of moral truths and an objective or universally valid morality is called the *argument from moral disagreement* or the *argument from relativity* (cf. Gowans 2000, 3-4, 15-18; Ladd 1985 1-3; Mackie 1977, 37; Tersman 2006, xii-xiii).

Despite Protagoras's rejection of any universal truths in moral and legal matters, he argues that some moral beliefs or views about the good and just are more beneficial or useful than others (Plato, *Theaetetus*⁴ 166d-167d, 172a-b, 177d-e). Public debates and deliberations about what is good, just, and beneficial for the political community are a characteristic feature of democracy. In the myth the sophist presents in Plato's dialogue *Protagoras*, he has Zeus distribute "justice" (*dikē*) and "respect" (*aidos*) to *all* citizens. Because all citizens have a sense of justice and display respect for others, they all are political beings. Because they all possess such political virtues, the Athenians allow them all to participate in the political life of the *polis*. For Protagoras, politics is not a matter of knowledgeable experts but of *all* citizens (Plato, *Protagoras* 322c-323a). This is an important reason why Protagoras has been interpreted as a defender of (Athenian) democracy (Giorgini 2019, 107-114; Giorgini 2016, 10, 25; Ottmann 2001a, 221-22; Ottmann 2001b, 11-12).⁵

3] Several scholars regard Socrates as the founder of political philosophy (Ottmann 2001, 243-44; Strauss and Cropsey 1987, 4-5). However, the "human turn" of philosophical thought to epistemological, ethical, and political issues occurred as early as Protagoras.

4] Henceforth referred to as "*Tht.*". This dialogue, and Plato's *Protagoras*, are our main sources for Protagoras's philosophy.

5] There are more reasons to interpret Protagoras as a democratic political thinker. He was a friend of Pericles, the leading statesmen of Athenian democracy. Pericles asked Protagoras to draft the laws of Thurii, a *polis* newly founded between 446 and 443 BC in the South of Italy (*Diogenes Laertius* IX 50). Because Thurii was a "colony" (*apoikia*) of Athens, in all likelihood it had a democratic constitution.

In the principal clause of his philosophy, Protagoras claims that “man is the measure (*metron*) of all things (*chrēmata*): of the things which are, that they are, and of the things which are not, that they are not” (*Tht.* 152a, trans. Levett, rev. Burnyeat). Because of this clause, Protagoras is usually “considered the first official voice of relativism” (Baghrmian and Coliva 2020, 27).⁶ According to Plato’s interpretation of the clause, all truths are relative to perceiving individuals (*Tht.* 152a). There is not the *one* truth, but as many truths as there are perceiving individuals. Individual human beings are the measure of what is true. Applied to the field of morality, law, and politics, Protagoras’s epistemological relativism means that no such thing as “the just and unjust” has “by nature (*physei*) any being (*ousia*) of its own” (*Tht.* 172b, trans. Levett, rev. Burnyeat). In this statement from Plato’s *Theaetetus*, Protagoras denies the existence of mind-independent moral facts and an objective moral reality. In the language of contemporary meta-ethics, he was an “anti-realist”⁷. Protagoras holds that “whatever any community (*polis*) decides to be just and unjust, and establishes as such, actually is what is just and right for that community and for as long as it remains so established” (*Tht.* 177d, trans. Levett, rev. Burnyeat). According to Protagoras’s ethical and legal relativism, everything which is just and legal is valid only for one *polis* and relative to its particular morality and laws. Just as there is no objective and universally valid truth, there is no objective or universally valid law and conception of justice. Rather, what is just and legal depends on the decisions of a particular political community. This is why Protagoras has been interpreted as a “political conventionalist” and “legal positivist” (Giorgini 2019, 112).

For Protagoras, legislation always aims at what the whole community holds to be its good and its advantage, “A community always makes such laws as are most useful to it” (*Tht.* 177d, trans. Levett, rev. Burnyeat). As already mentioned, this implies public debates and deliberations about questions of justice and about what is good and beneficial for the political community.⁸ Protagoras view that some moral beliefs

6] Baghrmian and Coliva explain, “It is difficult to know what variety of relativism, if any, Protagoras was defending, but Plato seems to be attributing alethic relativism – to the effect that claims to truth should be relativized to a framework or perspective – to Protagoras” (2020, 27; cf. 1-2). Giorgini attributes “epistemological relativism” to Protagoras (2019, 112). Ziglioli conceptualizes Protagoras’s relativism as “perceptual relativism” and “ethical relativism” (2007, 15-16). On p. 15, Ziglioli 2007 explains, “perceptual relativism is shown to be an epistemological doctrine that entails a kind of ontological indeterminacy, according to which nothing is if not in relation to somebody”. For arguments for the thesis that “Protagoras’ position cannot be defined as relativistic”, see Eustacchi 2016, 34.

7] In contemporary meta-ethics, “moral realism” or “ethical realism” is the position that claims that moral facts, an objective moral reality or objective moral values exist in mind-independent ways (Miller 2013, 5; Rüter 2015, 93-123. Tersman equates the “realist” view on ethics with the “objectivist” view. Both views claim “that moral issues are issues over matters of fact, issues that allow for objectively and uniquely true answers” (2006, xi-xii).

8] From Protagoras’s claim that no universal truths in moral and legal matters exist seems to follow that he rejects the views that an objective public good exists and that there can be a contradiction between this good and the utility of laws. For good reasons, the sophist Thrasymachus argues in Book I of Plato’s

or views about the good and just are more beneficial or useful than others implies that he rejects an “absolute relativism” that claims “de gustibus disputandum non est”.⁹ For him, the sophist is able to persuade the citizens of a *polis* to establish the most useful or beneficial laws and conceptions of justice. Protagoras has been interpreted as an “ethical pragmatist” and “ethical consequentialist” who holds that the better moral beliefs and laws are those which work better and “have better practical results or consequences” (Giorgini 2019, 112).¹⁰

A main motivation of Socrates’s and Plato’s philosophical endeavors is to overcome Protagoras’s skeptical claims that no moral facts and no moral knowledge applicable to political issues exist.¹¹ For these two Athenian philosophers, Protagoras’s view has a major shortcoming: because of the lack of objective and universal standards, he cannot provide sufficient ethical orientation for political decisions and can only partially overcome moral and legal disagreements, which are disagreements about which actions and laws are right or wrong. To be sure, despite Protagoras’s denial of moral knowledge, he is able to suggest a practical criterion to resolve disagreements. This criterion focuses on the results and consequences of actions and laws, and in particular, on whether these are more or less beneficial or useful. Nevertheless, such standards do not satisfy Socrates and Plato. Despite the scholarly disagreement on the question of how to distinguish the historical from the Platonic Socrates, it is rather certain that the historical Socrates, often regarded as the founder of a “scientific ethics”, defended a view that is usually called “ethical intellectualism”.¹² Essentially, this view claims that virtue is knowledge. This means that a person who has true knowledge of the good will be able to implement this knowledge in her or his actions without getting sidetracked by appetites, passions, inclinations, and the strivings to obtain pleasure and to avoid pain. In contrast to Protagoras, Socrates claims that philosophically accessible moral knowledge exists, which is able to ethically orientate personal and political decisions. This claim is equal to an affirmative answer to the most fundamental question of political epistemology.

Republic that the citizens who hold political power generally use this power to pass laws that are useful for them and not for the whole community (338d-339a). In the light of Thrasymachus’s political realism, Protagoras’s claim that a “community always makes such laws as are most useful to it” turns out to be an unwarranted generalization and an unconvincing idealistic view. It is neither the political community as a whole that legislates nor do laws always aim at the public good.

9] Protagoras’s rejection of an “absolute relativism” leads to the question whether it would not be more appropriate to call him a “moral skeptic” instead of an “ethical or moral relativist”; for the term “moral skeptic”, see Mackie 1977, 16-18.

10] Similarly, Protagoras has been interpreted as a representative of a “Utilitarian ethics” (Zehnpfennig 2001, 176).

11] For good reasons, Protagoras has been understood as “Plato’s Subtlest Enemy” (Ziglioli 2007). In line with Ziglioli, Giorgini claims, “Plato struggled all his life with Protagoras’s thought” (2019, 115).

12] For this judgment and for Socrates’s intellectualist predecessors, see Wundt 2019, 1-2; cf. Erler 2007, 433-34; Bonazzi, Forcignanò and Ulacco 2019.

In his dialogues, Plato continues Socrates's research on the relation of moral knowledge to ethical or political decisions. Plato's view on this relation is most clearly expressed in his *Republic*. According to his theory of forms, everything good and just possesses these qualities because it participates in the forms of the good and the just. The good in itself and the other forms constitute an "intelligible region" (*noëtos topos*) that exists separate from the human mind and the world human beings perceive with their senses (*Republic* VI 509d). A long theoretical education allows the *logistikon* of the philosopher and its "intelligence" (*nous*) to access this intelligible region. The *logistikon* and its intelligence are not only able to behold the good in itself and the other forms but are kindred to them (*Republic* VI 490b, X 611e). In the language of contemporary meta-ethics, Plato was an "ethical realist" and "cognitivist" who holds the good to be a moral fact or an objective moral reality about which moral knowledge can be achieved. This knowledge is not only capable of ethically orientating political decisions. The political philosopher is also able to discern a "divine paradigm" (*theion paradeigma*) of the just and good political order in the intelligible region (*Republic* V 472b-473b, VI 500c-501b, VII 517c). According to Plato's famous statement, this divine paradigm cannot be politically realized unless "the philosophers rule as kings or those now called kings and chiefs genuinely and adequately philosophize, and political power and philosophy coincide in the same place" (*Republic* V 473c-d, trans. Bloom).

Protagoras and the two Athenian philosophers vigorously disagree on the basic problem of political epistemology, whether there is any knowledge that can ethically orientate political decisions. A better comprehension of this disagreement is not only significant for a better understanding of the discipline, but of philosophical reasoning in general. In contemporary philosophical language, the disagreement between Plato and Protagoras is a dispute between an ethical realist and an anti-realist. It is further a dispute between a philosopher who believes in the possibility of moral knowledge (about the good and justice), and one who does not. Such disagreements are at the center of contemporary meta-ethical arguments. As the ongoing debate suggests, the discussants are far from overcoming their dissent and from reaching a consensus. This prompts the conclusion that such disagreements are *deep disagreements*. Deep disagreements are disagreements in good faith that cannot be resolved through the use of reasons and arguments (Fogelin 2005, 8, 11).¹³ According to Robert J. Fogelin, deep disagreements are resistant to rational solution because of a clash of "underlying principles" or "framework propositions" (Fogelin 2005, 8-9).¹⁴ Fogelin's foundationalist

13] Fogelin's definition of deep disagreements could be complemented by the condition that such disagreements are only deep if they do not depend on disagreements on descriptive facts.

14] For a distinction between shallow and deep epistemic disagreements and a sophisticated analysis of the latter, see Lynch 2010, 262-77. Fogelin's article sparked controversies on deep and peer disagreements. For a summary of the debates, see Siegel 2013. For some of the literature on the epistemology of disagreement, see Siegel 2013 and Machuca 2013. Since 2013, several new books on the epistemology of disagreement have appeared.

approach allows for an explanation of the deep disagreement between Protagoras and the two Athenians on the existence of moral knowledge. The reason is that their respective epistemological and political thought is indeed based on “underlying principles” that clash.

Protagoras’s political thought rests on his skepticism, relativism, and on his agnosticism. His clause that man is the measure of all things was the opening passage of his work *Alêtheia* (*Truth*). Similarly, the principal clause of Protagoras’s philosophy of religion was placed at the beginning of his treatise *On the Gods*:

Concerning the gods I cannot know whether they exist or not [nor what form (*idea*) they might have], for many are the obstacles that prevent our knowledge: the obscurity of the subject and the brevity of human life (*DK* 80B4, my trans.).

Human beings are able to verify whether the gods exist neither through their senses nor their reason. The impossibility of achieving objective knowledge and truth about the gods can also be derived from Protagoras’s claim that man is the measure of all things. From Protagoras’s skepticism and relativism follows that his political thought does not acknowledge any objective or universally valid conception of justice and the good. From his agnosticism ensues that he does not recognize anything divine that might be able to orientate political decisions. The human mind and moral, legal, and political actions cannot rely on objective values or any divine or higher standard. Since human beings have no access to any higher authority, they depend exclusively on human judgments and standards such as human benefit, utility, and practical consequences (Giorgini 2019, 107-109). From the perspective of Protagoras’s skepticism, relativism, and agnosticism, it seems plausible to reject the existence of any objective moral reality or mind-independent moral facts. Even if such phenomena existed, human beings have no means of accessing them.

In contrast to Protagoras’s political philosophy, Plato’s political thought rests on his religious and theological convictions. As previously mentioned, he takes the well-ordered city to be a “divine paradigm” (*theion paradeigma*) that should be imitated as much as possible. Plato often states that the forms are divine. In a famous passage, he characterizes the form of the good in a way that clearly suggests that he holds it to be the supreme deity: “the good isn’t being but is still beyond being, exceeding it in dignity and power” (*Republic* VI 509b, trans. Bloom).¹⁵ In the *Laws*, Plato does not unequivocally refer to his theory of forms. Nevertheless, he makes the “underlying principle” of his political thought explicit. Countering Protagoras’s claim that man is the measure of all things, he emphasizes: “In our view it is God who is preeminently the ‘measure of all things’, much more so than any ‘man’, as they say” (*Laws* IV 716c; trans. Saunders).

[15] For the equation of the deity with the form of the good, see Zeller 2006, 139. For several arguments for the claim that Plato is the founder of political theology, see Ottmann 2017.

Of course, agnosticism does not conclusively rule out the possibility that an objective moral reality or mind-independent moral facts exist. Skepticism and relativism have many different forms and are controversial and much-discussed views still today.¹⁶ Nevertheless, such “underlying principles” clearly suggest an anti-realist view. If no recourse to a divine reality or a higher standard is possible, the existence of an objective moral reality or of mind-independent moral facts seems unlikely. Another reason for this is that no plausible explanation of the origin of such peculiar phenomena can be given.¹⁷ If there are no moral facts and no objective moral reality, there is no moral knowledge that could ethically orientate political decisions; nothing exists on which such knowledge could be based, or to which it could refer. By contrast, Plato’s philosophical theology can explain the existence of an objective moral reality. If the cosmos exists as a divine order that contains “reason” (*nous*), and if human “intelligence” (*nous*) is kindred to this order and able to perceive it, true philosophers are capable of achieving moral knowledge about the mind-independent forms of the good and just. However, Plato has serious difficulties to rationally defend both his philosophical theology and his theory of forms, which are the “underlying principles” of his ethical realism and cognitivism. Of course, these positions can also be defended without recourse to a philosophical theology or Plato’s theory of forms.

In the next two sections, this article argues in the tradition of Protagoras that no ultimate moral knowledge exists that is able to ethically orientate political decisions. The main argument is based on the existence of myriad widespread deep disagreements on values, justice, morality, and ethics, which are resistant to rational solution. The reality of these disagreements is a strong argument against the existence of a mind-independent and objective moral reality about which moral knowledge could be achieved.¹⁸ The arguments presented against ethical realism and cognitivism in section II are mainly based on Max Weber’s and Isaiah Berlin’s views that deep disagreements on values, morality, and ethics exist. The arguments set out against these positions in section III rest on deep philosophical disagreements on social and political justice, which are a characteristic feature of the history of political thought.

16] For the many different forms of skepticism and the debate, see Machuca and Reed 2018. For the many different forms of relativism and the debate, see Baghrarian and Coliva 2020.

17] Cf. Mackie’s well-known *argument from queerness*: If objective values existed, they would not only “be entities or qualities or relations of a very strange sort”, but it would also be very difficult to explain how we could access them (Mackie 1977, 38).

18] This article mainly focuses on the ontological questions whether moral facts and an objective moral reality exist. The important epistemological question of what doxastic attitude one should adopt concerning disagreements on what policy is the best or right to implement will be addressed in a further article. This question revolves around the problem whether in the face of such political disputes one should retain or revise one’s belief or whether one should suspend judgment.

II. THE ARGUMENT AGAINST ETHICAL REALISM FROM DEEP DISAGREEMENTS ON VALUES, MORALITY, AND ETHICS: MAX WEBER AND ISAIAH BERLIN

The world of today is not only a world characterized by moral disagreements and value conflicts, but a world that is well aware of such disagreements and conflicts. People disagree on essentials such as religion, values, politics, and the good life, and on specific moral issues such as abortion, euthanasia, gay marriage, affirmative action, taxation, and human cloning. Influenced by Nietzsche's thoughts on the struggle between opposing values¹⁹, Max Weber developed his own theory of value conflict. Weber claims that modernity is characterized by an irresolvable pluralism and struggle of values and ideals (Weber 1949, 17-18). The political struggle between politicians and parties is part of this bigger and more fundamental fight. One main aim of politics is to fight out this battle of antinomic values and ideals. Weber's understanding of politics follows the realist tradition that rejects "ideal theory", considers only pure factuality, and holds power to be the central category in politics. Politics means "striving for a share of power or for influence on the distribution of power, whether it be between states or between the groups of people contained within a single state" (Weber 1994a, 310). Weber states that "all politics is essentially struggle" (Weber 1994b, 219). In this struggle, every citizen and politician has to choose which value or ideal he or she holds to be "God" and which one the "Devil" (Weber 1949, 17-18).

Weber's answer to the central question of political epistemology is unequivocally negative: no moral knowledge exists that is able to ethically orientate a politician's decisions and actions in the struggle of values and ideals. In this context, Weber emphasizes "the 'limits' of ethics" (Weber 1949, 15). Both the social sciences and ethics suffer from argumentative limits concerning a rational or scientific grounding of values and conceptions of justice. Both are unable to scientifically answer the questions of how to act and how to live. Scientific reason is unable to determine which of two or more conflicting goals or values is more desirable or worth choosing. Weber addresses these limits in a crucial statement that also refers to his "decisionism",

Even such simple questions as the extent to which an end should sanction unavoidable means, or the extent to which undesired repercussions [*Nebenerfolge*] should be taken into consideration, or how conflicts between several concretely conflicting ends are to be arbitrated [*schlichten*], are entirely matters of choice or compromise. There is no (rational or empirical) scientific procedure of any kind whatsoever which can provide us with a decision here (Weber 1949, 18-19).

Weber's central claim is that there "is no (rational or empirical) scientific procedure of any kind whatsoever" that could arbitrate between values or resolve moral disagreements and value conflicts. His point about the argumentative limits of ethics and the social sciences is not that the different parties in moral disagreements and value

19] For the influence of Nietzsche's views regarding value conflict on Weber, see Knoll 2019, 117-23.

conflicts are unable to defend their views with reasons and arguments. Rather, Weber claims that such disagreements and conflicts cannot be definitely and conclusively argued out.²⁰ For Weber, an *ultimate* rational grounding of values, norms, or ideals is impossible.

Similarly to Weber, Isaiah Berlin reflects on value pluralism. Despite his view that values are objective, Berlin holds that they clash frequently. Values are human ends that differ in “some profound, irreconcilable way” and are “not combinable in any final synthesis” (Berlin 1997, 8). According to Berlin, “values can clash” or “be incompatible between cultures, or groups in the same culture, or between you and me”; also values “may easily clash within the breast of a single individual” (Berlin 1997, 10). Berlin exemplifies value conflicts with someone who believes in always telling the truth and someone who believes that this “can sometimes be too painful and too destructive” (Berlin 1997, 10). Berlin’s example illustrates a more profound and general conflict between two main approaches to morality and ethics, i.e. between a deontological and a consequentialist approach. A deontological ethics claims that certain actions are always right or wrong in certain situations, no matter what the consequences are.²¹ A consequentialist ethics, on the contrary, holds that the judgment about the moral rightness or wrongness of an action depends exclusively on the quality of its foreseeable consequences. These two approaches to ethics are irreconcilably opposed to each other.²² They do not allow for consensus or compromise. Rather, they require a choice about whether actions or consequences are the appropriate domain of ethical assessment. Weber conceptualizes the deep disagreement between these two approaches to ethics as a conflict between an “ethics of responsibility” (*Verantwortungsethik*) and an “ethics of conviction” (*Gesinnungsethik*) (Weber 1994a, 357-369; cf. Knoll 2019).

Berlin further illustrates value conflicts with the collision of liberty and equality, two major human values and goals. When different individuals exercise their liberty, it usually leads to inequality among them. The accomplishment of equality, by contrast, frequently demands the restraint of liberty; e.g., liberty needs “to be curtailed in order to make room for social welfare” (Berlin 1997, 10-11). The clash between equality and liberty is one of the key conflicts pertaining to the political sphere. In contemporary political philosophy, this conflict is represented by the deep disagreement between the theories of Rawls and Nozick, which is addressed in section III.

20] Weber repeatedly talks about the “Unaustragbarkeit” of such conflicts (Weber 1949, 11, 16); cf. Knoll 2019.

21] For example, for a deontological ethics such as Kant’s lying or stealing are wrong actions in all situations; cf. Broad 1930, 206.

22] A deontological ethics, defended most famously by Immanuel Kant, goes back to the Hebrew-Christian ethic. The term “consequentialism” became established in the wake of G.E.M. Anscombe’s article “Modern Moral Philosophy”, which was published in 1958. The term was first coined in this paper (Anscombe 1958, 7-11). For Anscombe, a consequentialist ethics is “quite incompatible with the Hebrew-Christian ethic” (1958, 8).

According to Berlin, value conflicts are an essential feature of the human condition. In such conflicts “we are doomed to choose, and every choice may entail an irreparable loss” (Berlin 1997, 11). The “normal human situation” is that “ends equally ultimate, equally sacred” and “entire systems of value” do “come into collision without possibility of rational arbitration” (Berlin 2013, 94; cf. 94-99). On the basis of his views on value pluralism and collisions of values, Berlin rejects the utopian political notion of a perfect state as an unrealistic ideal and dangerous political goal; “the search for perfection does seem to me a recipe for bloodshed” (Berlin 1997, 12-13, 15).

Although Weber and Berlin did not use the term “deep disagreements”, both scholars claimed decades before Fogelin that there is no possibility to rationally arbitrate between ideals or to rationally resolve value conflicts. While Weber and Berlin focus on deep disagreements on values and ideals, Fogelin examines deep disagreements on moral issues such as abortion and affirmative action (2015, 8-10). Despite Berlin’s view that values are objective, he denies the existence of moral knowledge that could help to choose between conflicting values, e.g., between liberty and equality.²³ Weber denies the existence of any given or predefined “hierarchical ordering of values” (Weber 1949, 19). Deep and irresolvable disagreements on values, morality, and approaches to ethics are a strong argument against the existence of an objective moral reality that could ethically orientate political decisions. If a mind-independent order of values existed, it would be likely that after thousands of years of philosophical research, some moral knowledge about them had been discovered. However, as the contemporary debate shows, we are far from any agreement on such kind of knowledge that would allow us to solve value conflicts and moral disagreements.

III. THE ARGUMENT AGAINST ETHICAL REALISM FROM DEEP DISAGREEMENTS ON JUSTICE

Since ancient Greek thought, many philosophers have argued that justice is our central moral, social, and political virtue. Plato argues that true philosophers are able to acquire knowledge about justice; Protagoras denies this. In the contemporary debate, Rawls developed a theory of “justice as fairness” that is able to ethically orientate political decisions.²⁴ Rawls explains his ideal theory approach to political justice: “We are in the

23] For a recent study on Isaiah Berlin, Stuart Hampshire, and Bernard Williams’s shared political realism and “shared skepticism about the power of philosophical ethics”, see Hall 2020, 5. On p. 27, Hall criticizes that many commentators deny or overlook that Berlin rejects “the idea that moral values or ends exist in some mind-independent sense. [...] I suspect that this is because they have been led astray by Berlin’s insistence that his value pluralism is consistent with a belief in the objectivity of morality”. However, Berlin’s denial of the existence of moral knowledge appears to contradict his claim that values are objective. If there is no moral knowledge, how could it be possible to show or prove that values are objective?

24] In 1971, Rawls explains about his conception of justice as fairness that it “constitutes the most appropriate moral basis for a democratic society” (Rawls 1999, Preface, xix). In his later works, Rawls insists

way of describing an ideal arrangement, comparison with which defines a standard for judging actual institutions, and indicates what must be maintained to justify departures from it" (Rawls 1999, § 36, 199). Despite Rawls's conviction that his ideal theory is able to ethically orientate political decisions, he does not claim that his conception of justice as fairness is true: "I do not claim for the principles of justice proposed that they are necessary truths or derivable from such truths" (Rawls 1999, § 4, 19). In 1985, Rawls again declared that he "should like to avoid" "claims to universal truth" for his conception of justice as fairness (223). In his *Theory of Justice* he makes the more modest claim that in a fair "initial situation" a rational agreement on his conception of justice can be achieved (1999, § 2, 11).²⁵ This agreement should enable a society to cope with disagreements over the good by establishing a just political framework that allows opposing conceptions of a good life to coexist. In *Political Liberalism*, Rawls claims that in a pluralist society with opposing comprehensive religious, philosophical, and moral doctrines an "overlapping consensus" on a political conception of justice can be reached (Rawls 2005, IV §§ 1-8, 133-72; cf. Mason 1993, 9-12). A rational agreement or an "overlapping consensus" on social or political justice is, however, not a realistic goal.

As early as 1917, Max Weber argued in a compelling passage that there are not only irreconcilable conceptions of the good, but also of the just. He illustrates "the 'limits' of ethics" by referring to deep disagreements on social and political justice,

The implications of the postulate of 'justice' cannot be decided unambiguously by any ethic. Whether one, for example – as would correspond most closely with the views expressed by Schmoller – owes much to those who achieve much or whether one should demand much from those who accomplish much; whether one should, e. g., in the name of justice [...] accord great opportunities to those with eminent talents or whether on the contrary (like Babeuf) one should attempt to equalize the injustice of the unequal distribution of mental capacities through the rigorous provision that talented persons, whose talent gives them prestige, must not utilize their better opportunities for their own benefit – these questions cannot be definitely answered [*dürfte aus "ethischen Prämissen" unausragbar sein*]. The ethical problem in most social-political issues is, however, of this type (Weber 1949, 15-16).

In the literature, this passage has been discussed under the name of "Weber's 'Babeuf' antinomy" (Turner and Factor 1984, 35). However, in the dense and complex passage, Weber shows that it is a general feature of modernity that there are irreconcilable conceptions of social and political justice. Weber refers not only to

on the distinction "between moral and political philosophy" and emphasizes that he defends a "strictly political conception of justice". Such a conception is "limited to the domain of the political" and "expresses political values" (Rawls 2005, xv, 450; cf. 439). Nevertheless, Rawls still understands political philosophy as applied moral philosophy, and justice claims as moral or ethical claims. He explains, "Political conceptions of justice are themselves intrinsically moral ideas" and are "kind of normative values" (Rawls 2005, 484).

25] In the "Preface for the Revised Edition", Rawls hopes that "justice as fairness will seem reasonable and useful" (1999, xi).

Babeuf's view of distributive justice, but to several irreconcilable interpretations of "the postulate of 'justice,'" e.g. the conflict of the "performance principle" with what Rawls calls the "principle of redress" (Rawls 1999, § 17, 86).²⁶ Weber's main point is that the disagreement between these irreconcilable conceptions of justice "cannot be conclusively argued out based on 'ethical premises'" (*dürfte aus "ethischen Prämissen" unaustragbar sein*). In the last phrase of the passage, Weber makes clear that such "'limits' of ethics" apply to most "social-political issues".

Deep disagreements on justice are not only a modern phenomenon but were quite common in the ancient world. Plato's and Aristotle's writings contain central insights regarding conflicts about political justice. These conflicts are based on irreconcilable views of a just distribution of political offices and power. Concerning a just distribution of political power, Plato distinguishes between egalitarian and proportional justice. Egalitarian political justice is identical with democratic justice. It asks for "arithmetic" or "numeric" equality claiming that in the distribution of political power all male citizens should receive equal shares. In contrast, proportional justice asks for "geometric" or "proportional" equality claiming that it is just to allot equal shares only to equals, not to every citizen. The inequalities that politically matter for Plato and in proportion to which he wants to distribute political power are "education" (*paideia*) and "virtue" (*aretê*) (*Laws*, VI 757b-e). Aristotle unequivocally shares this meritocratic view (*Politics* III 13, 1283a25).²⁷

According to the political theory of merit Aristotle presents in the *Nicomachean Ethics*, proportional political justice is applied in four different conceptions of distributive justice. All of these conceptions are defended by different groups of citizens who all have distinct political convictions. The democrats favor "freedom" as the appropriate criterion of merit, the supporters of oligarchy "wealth", the aristocrats "virtue" (*arête*), and an unnamed fourth group "noble birth" (*Eth. Nic.* V 6, 1131a24-29). Therefore, Aristotle distinguishes between four different conceptions of distributive or political justice: the democratic, the oligarchic, the aristocratic, and an undesignated fourth conception. Each of these conceptions is linked with its corresponding political system and justifies its specific distribution of political power. To argue that every free-born male citizen should get an equal share in political power is identical with the defense of democracy. To advocate the distribution of political offices in proportion to wealth is the same as to support oligarchy. To argue that political power should be given only to virtuous citizens is identical with the defense of aristocracy.

In contrast to the *Nicomachean Ethics*, in the *Politics*, Aristotle opposes "numeric" or "arithmetic" (*arithmô*) equality, like Plato, to equality "according to merit" (*kat' axian*) (*Politics* V 1, 1301b29f.; VI 2, 1317b4; cf. Plato, *Laws*, 751d). This opposition equals to the fundamental antagonism and deep disagreement between arithmetic and

26] For Babeuf's view of distributive justice, see Fleischacker 2004, 55, 76, 160-61.

27] For Plato's and Aristotle's theories of political justice, see Knoll 2010 and Knoll 2016.

proportional equality and justice. Proportional justice and egalitarian justice are not only opposites but are in general logically irreconcilable. They mutually exclude each other and represent two competing and contradictory understandings of justice that are connected to different sets of rules. This means that they cannot both be applied to solve the same distribution problem without nullifying each other (cf. Herwig 1984, 97-99). Either justice is equality *only for equals* or (in an exclusive sense) *for all* (equals and unequals). The formal principle of proportional justice determines that *only equals* should get equal shares, while unequals should be allotted unequal shares. This formal principle is only in one case reconcilable with the formal principle of egalitarian justice that determines that *all* should get equal shares: in the case that everyone is equal. If there are unequal citizens in a distribution of political power, such as rich and poor, an oligarchic conception of proportional justice requires that unequal shares be allocated to them in proportion to their unequal wealth. For oligarchic justice, to distribute equal shares in such a case would be unjust. If there were virtuous and non-virtuous citizens who had claims in the same distribution, to distribute equal shares would also be unjust from the perspective of an aristocratic conception of justice. Aristocratic justice requires allotting unequal shares to citizens in proportion to their unequal virtue. However, if the most virtuous citizens were poor, such a distribution would be unjust from the perspective of oligarchic justice. From the perspective of democratic justice, however, a distribution of unequal shares is unjust. Democratic justice, which is egalitarian justice, requires allotting equal shares to every citizen, which can be achieved through a universal and equal suffrage. Census suffrage, which is based on oligarchic justice, is unjust from the prevailing modern perspective of egalitarian justice.

In the 19th century, while conflicts about political justice persisted, deep disagreements on social justice entered the stage. Karl Marx argues that the distribution of social wealth should be based exclusively on individual needs and thus be independent from unequal labor contributions to society (Marx 2009; cf. Knoll 2018, 33-39). Several contemporary political philosophers, such as Michael Walzer and David Miller, recognize the importance of the “needs principle” for just distributions of social benefits (Walzer 1983, 25-26, 64-94; Miller 2003, 203-229; cf. Rawls 1999, § 47, 268). However, from the perspective of the performance or merit principle, it is extremely unjust if persons who contribute more to society receive significantly less than those who contribute less. Nevertheless, in social distributions Marx does not acknowledge or approve the “bourgeois” performance principle at all. His own distributive principle is not only irreconcilable with the performance principle but nullifies it and even allows it to be reversed.

A similar conflict and deep disagreement on social justice is at the center of contemporary political philosophy. Although the performance principle and meritocracy are still advocated by political philosophers today (Miller 2003, 177-202), most contemporary political theorists are endorsing egalitarian justice. Only three years after John Rawls published his egalitarian conception of social justice in 1971, the

libertarian Robert Nozick forcefully objected. Rawls's basic moral conviction is that inequalities of birth and natural endowments are undeserved and hence call for social redress or compensation (Rawls 1999, § 17, 86-93). Against this conviction, Nozick argues that even if people might not deserve their natural endowments, they still rightfully own them, have a justified claim to them, and are free to use them for their own benefit (1974, 225). Therefore, Nozick deeply disagrees with the amount of taxation and redistribution of income Rawls's conception of social justice requires. With a polemic statement, Nozick attempts to expose the injustice of Rawls's conception, which treats persons' natural endowments and abilities as means for other people's welfare: "Taxation of earnings from labor is on a par with forced labor. Some persons find this claim obviously true: taking the earnings of n hours labor is like taking n hours from the person; it is like forcing the person to work n hours for another's purpose" (1974, 169; cf. 168-69, 228). The deep disagreement between Rawls's and Nozick's views on social justice could be interpreted as a resumption of the deep disagreement between advocates of the performance or merit principle and Marx's views on social justice.

The preceding arguments that show that deep disagreements on social and political justice are a characteristic feature of the history of political thought are significant for both meta-ethics and political epistemology. The reason is that such disagreements, resistant to rational solution, provide a strong case against ethical realism and cognitivism. More than two thousand years of systematic philosophical research on justice has neither uncovered objective truths about the matter nor led to any agreement among scholars. Looking at it the other way round, deep disagreements among notions of social and political justice exist because there are no objective moral reality and no moral facts. There is nothing in the world to back up *one* of the conflicting philosophical views on justice. Neither is there a procedure using moral facts to solve moral disagreements and to show that one view is wrong and one is right (cf. Waldron 1999, 177-78). If the ethical realist, who like Plato claims that moral facts or objective moral values exist, were able to both cogently demonstrate that such an objective moral reality exists and to successfully communicate his knowledge about it, he could refute the anti-realist and moral skeptic. In this case, such a philosopher could solve moral disagreements and value conflicts by pointing to *the* moral truths and use them as standards to assess antagonistic views and values. However, until today no undeniable moral truths have been tracked down. The ethical realist has the burden of proof. She should be able to show the anti-realist and moral skeptic how such facts and values can be detected and accessed. If we were to accept the belief that objective values are somehow part of the structure of the world, we should be able to track or comprehend their nature and their place in this world. Likewise, someone who claims an empirical fact, say, the existence of centaurs, should be able to prove their existence to the skeptic who denies it. If the moral skeptic has to identify an objective moral reality with an inaccessible divine or metaphysical reality like the one Plato claims for the form of the good, she has good reasons to doubt its existence (cf. section I).

The *argument against ethical realism from deep disagreements on justice* rests on historical and actual disagreements among philosophers, researchers, and scholars, who represent the alleged vigor of human reasoning. Their disagreements are based on elaborate but opposing philosophical theories each of which are defended with carefully constructed arguments. According to an old-fashioned view, philosophy is committed to finding out the truth. However, after more than two thousand years of continuous philosophical disagreements on social and political justice, it is very likely that there exists no objective truth about justice. Considering the enormous amount of past philosophical efforts, there is no good reason to be optimistic that a consensus on justice could be reached in the future (Ribeiro 2011, 3-25, 18-21).

IV. CONCLUSION

The mere fact of continuous deep disagreements on justice, values, and morals does not, of course, conclusively rule out the possibility that an objective moral reality or moral knowledge exists. It is conceivable that some philosopher in the past discovered truths about such matters or will do so in the future. Nevertheless, the debate until now and the persistence of widespread deep disagreements on justice, values, and morals do not encourage hopes that political epistemologists will reach consensus or discover ultimate moral knowledge that could ethically orientate political decisions. Instead of searching for moral knowledge, political philosophers should rather focus on how to practically and ethically deal with such disagreements.

Deep disagreements on justice, values, and moral issues occur in particular in the political arena. Theoretical disagreements among citizens often turn into practical conflicts and lead to fights and violence. In such conflicts, opponents frequently degrade each other as unreasonable, ignorant, backward, prejudiced, vicious, and the like, which is often an oversimplification of the matter. The value conflict between the life of a fetus and the liberty of a woman can easily turn into a conflict between persons and may in extreme cases lead to violent actions by anti-abortion radicals. Since the early 2020s, during the Covid-19 pandemic, in many countries citizens disagreed with the restrictions of freedom and the lockdowns imposed by their governments. Protests against these measures led to violence and arrests. In the worst case, theoretical disagreements and practical conflicts can lead to civil unrest and civil wars. Therefore, the central question is how to reduce practical conflicts and promote a peaceful coexistence among those who disagree but have to live together.²⁸ Instead of searching for moral facts and moral knowledge, political epistemologists should rather aim at knowledge that promotes reaching these goals.

There is knowledge that allows citizens to reduce practical conflicts and to promote a peaceful coexistence. Such kind of knowledge is rather practical than theoretical. An

28] For preliminary answers to this question, see Knoll 2020a.

early model for it is what Aristotle calls “practical knowledge” (*epistēmē praktikē*), which is based on experience and the intellectual virtue “prudence” (*phronēsis*).²⁹ In Book V of his *Politics*, Aristotle suggests an empirical, inductive, and comparative method to gain knowledge about “upheaval”, “sedition” or “revolution” (*stasis*). In Book V, Aristotle demonstrates how the empirical study of history and of the different causes of factional conflict, which includes research on human nature, allows for a better understanding of such phenomena. If we know the various causes of past uprisings and revolutions, we can use this knowledge to prevent future ones. Aristotle’s search for knowledge about civil disagreements and civil unrest is oriented by the normative political goal of stabilizing political systems. The insights of his political studies are still relevant for the world of today and its civil wars (cf. Knoll 2020b). Aristotle’s foundation of an empirical political science is connected to his political ethics that aims at the good and happy life of the members of the political community. Drawing on this tradition, political epistemologists and a contemporary political ethics should develop strategies for practically and ethically dealing with deep disagreements on justice, values, and morals.

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²⁹ For Aristotle’s theory of “prudence” (*phronēsis*), see in particular his *Nicomachean Ethics*, Book VI; cf. Elm 1996.

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