meta(φ)

Ausgabe 10, 2023

Inhalt

meta(φ)

Ausgabe 10, 2023

Journal für Philosophie an der Universität Bern.

Herausgabe und Redaktion: Fachschaft Philosophie der Universität Bern mit Unterstützung des Instituts für Philosophie der Universität Bern.

Anschrift:
Redaktion meta(φ)
Fachschaft Philosophie, Universität Bern
Länggassstrasse 49a, 3012 Bern
metaphi.philo@lists.unibe.ch

Chefredaktion: Aleksandar Nikolić
Lektorat: Manuel Andergassen, Caroline Hodel, Layla J. Huber, Mirjam Klaus, David Lussi, Noah Werder

Produktion und Gestaltung: Tristan Stern
Coverbild: Lisa S. Essig
Druck: Kromer Print AG, Lenzburg

ISSN 2297-9948 (print)
ISSN 2297-9956 (online)

Einreichungen zur Veröffentlichung werden gerne unter metaphi.philo@lists.unibe.ch empfangen. Die Auswahl der Texte erfolgt themenunabhängig, jedoch wird philosophische Relevanz vorausgesetzt. Für jede Ausgabe akzeptieren wir bis zu zwei Einreichungen pro Person. Es besteht kein Anrecht auf Veröffentlichung, weder bei erfolgreicher Einreichung noch nach Anfrage durch ein Redaktionsmitglied. In meta(φ) veröffentlichte Texte gelten als wissenschaftliche Publikationen und sind somit zitierfähig.

Die Produktion von meta(φ) ist kostspielig. Daher freut sich die Fachschaft Philosophie sehr über finanzielle Unterstützung. Spenden zuteil:

Fachschaft Philosophie
Universität Bern, 3012 Bern
IBAN: CH53 0900 0000 3050 3703 2
Zahlungsgrund: metaphi

meta(φ)

Ausgabe 10, 2023

Editorial

*Liebe Leser*innen*

Im Jahr 2014 wurde ein studentisches Journal der Fachschaft Philosophie in Bern gegründet. Als Herzensprojekt einer Studentin trug es den ehrenvollen Namen «ἀρετή». Es bot Studierenden die Möglichkeit, ihr philosophisches Schaffen mit ihren Mitstudierenden zu teilen. 2016 wurde das kleine Online-Journal um eine Druckfassung erweitert und begann, regelmässig zu erscheinen. Es wurde von drei Studierenden neu ausgearbeitet und erhielt seinen, bis zur neunten Ausgabe anhaltenden, Charakter. Diese kurze Geschichte beschreibt die Geburt des meta(φ).

Fast zehn Jahre nach den Anfängen unseres Journals darf ich Ihnen mit grosser Freude die zehnte Ausgabe des meta(φ) präsentieren. Anlässlich dieses Jubiläums haben wir, als Redaktionsteam, dem meta(φ) unseren eigenen Stempel aufgedrückt. Unter anderem wird das meta(φ) durch ein neues Layout abgerundet. Dieses wurde vollständig neu durchdacht und würdigt, zusammen mit den neu hinzugefügten Abstracts, den Charakter des meta(φ) als philosophische Fachzeitschrift.

In die zehnte Ausgabe führt uns Layla J. Huber mit ihrem Text *Assessing Aspects of Feminist Standpoint Theory* ein. Huber stellt eine grundlegende Kritik an feministischen Standpunkttheorien auf. Insbesondre argumentiert sie, dass feministische Standpunkttheorien durch den Fokus auf die binäre Kategorisierung von Frau und Mann Vorteile vernachlässigen, die sich nicht durch «den» Standpunkt von Frauen erreichen lassen.

Darauffolgend setzt sich Shirin Salah Eddine mit dem Rawlsschen Begriff des zivilen Ungehorsams auseinander. In *Die Rolle des zivilen Ungehorsams gemäss Rawls in der Klimakrise* argumentiert Salah Eddine zunächst für die Rechtfertigung von Handlungen zivilen Ungehorsams für die Klimakrise. Sie zeigt dann auf, dass solche Handlungen nach Rawls sogar gefordert werden.

Samuel Tscharner behält uns mit seinem Essay *Vindication of an Everyday Generalization Argument for a Duty of Political Participation* auf der Ebene der politischen Philosophie. Manche alltägliche «Argumente» (Generalisierungsargumente) für die Pflicht, wählen zu gehen, sehen etwa so aus: Was wäre, wenn niemand wählen gehen würde? Dies würde schreckliche Konsequenzen nach sich ziehen.

Deshalb sollte man wählen gehen. Tscharner untersucht zunächst die Rechtfertigung der alltäglichen Verwendung solcher Generalisierungsargumente. Daraufhin zeigt er, dass Generalisierungsargumente nur für Fälle von allgemeiner politischer Teilnahme, und nicht konkret für eine Pflicht wählen zu gehen, überzeugend sind.

Das Fachwort dieser Ausgabe schliesst ihren philosophischen Teil ab. Marcel Twele argumentiert in seinem Paper *What Libertarians (Should) Think About Inheritance Taxation* dafür, dass (rechts-) libertaristische Positionen nicht kompatibel mit der redistributiven Erhebung von Erbschaftssteuern sind. Dafür betrachtet er vier einzelne Argumente, die sich für diese Kompatibilität aussprechen, bevor er diese schlussendlich verwirft.

Letztlich feiern wir die Entwicklung des meta(φ) mit einer Würdigung der Entwicklung unserer ehemaligen Autor*innen. Davon haben sich zwölf bereiterklärt, uns einige Fragen zu beantworten, die viele Philosophiestudierende beschäftigen. Andreas Freivogel, Audrey Salamin, Dominik Fitze, Franziska Kohler, Franziska Wettstein, Jonas Wittwer, Laetitia Ramelet, Manuel Merki, Nadine Felber, Nina Peier, Philipp Emch und Vera Moser geben uns einen Einblick in ihre spannenden beruflichen Leben und ihren Werdegang nach der Veröffentlichung ihrer Texte. Ausserdem teilen sie wertvolle persönliche Ratschläge zum Philosophiestudium und zum Einstieg in die berufliche Welt, die darauffolgt.

Ich wünsche Ihnen eine inspirierende Lektüre und hoffe, dass Sie jemand in zehn Ausgaben wieder an dieser Stelle empfangen wird.

Herzlichst, Aleksandar Nikolić
im Namen des Redaktionsteams


Aleksandar Nikolić


Caroline Hodel


Mirjam Klaus


Tristan Stern


Manuel Andergassen


Layla J. Huber


David Lussi


Noah Werder

Assessing Aspects of Feminist Standpoint Theory

The Perils of a Cis Woman's Standpoint

Layla J. Huber

In this paper I discuss the feminist standpoint theory. My main goal is to assess its focus on the concept of *woman*. I claim that while accepting and using this concept can be beneficial, feminist standpoint theory fails to account for patriarchal concepts used in the feminist theories themselves. To defend this claim, I describe an account of feminist standpoint theory by Sandra Harding. With her theory as a basis, I discuss specific problems of feminist standpoint theory. A focus lies on the tension between feminist standpoint theory and postmodernism. In this context, Nancy Hirschmann's integration of certain aspects concerning postmodernism is discussed. This leads me to investigate the problem of defining oppressed groups who could develop epistemically privileged insights: In what way does feminist standpoint theory enforce static conceptions of social categories?

1. Introduction

There are times when we feel like others can't possibly understand us. Only when talking to people who have made similar experiences, we think that they really understand specific things about life like we do. Typically, we search for similarities in phenomenal kinds of knowledge. Intuitively, it makes sense to think that someone with major depression has a better comprehension of how someone else might feel with the same issues. What if specific kinds of perspectives lead to insights which cannot be uncovered by others? When making difficult decisions or writing essays we often seek feedback from others because they might consider facts we failed to acknowledge from our point of view.

In its outlines, standpoint theory supports these thoughts. Standpoint theorists assume that knowledge is *situated*. This means what we can know is influenced by our social background (Intemann 2010, 786). To claim that a multitude of standpoints might provide a more differentiated view on a subject because we all occupy

different social positions is one thing. However, standpoint theorists also claim that considering standpoints of *oppressed groups* leads to an epistemic advantage (Intemann 2010, 787). Feminist Standpoint Theory's (FSPT) focus especially lies on the standpoints of oppressed women. The stereotypical roles and practices of women could provide insights which can't be reached from other standpoints. But why is it that FSPT wishes to maintain this classification? At first glance, it seems that even in revised versions of FSPT, there is still a focus on the group called *women*.

In this essay, I wish to investigate the claims of feminist standpoint theory. My main goal will be to assess FSPT's apparent focus on the category *woman*.[1] I claim that, while accepting this category is beneficial because it is seen as a category constructed by society and not an inherent one, FSPT fails to account for patriarchal, traditional concepts used in the feminist theories themselves. By defining feminism only in terms of *concerning women*, FSPT may describe how society sees *men* and *women* as exclusive categories, but also risks enforcing them further. This could lead to facets of sex and gender beyond this dualistic perception to be ignored.

To defend this claim, I will first describe an account of FSPT defended by Sandra Harding in *Rethinking Standpoint Epistemology: What is "Strong Objectivity"?* (Harding 1992, 437–470) in Section 2. How can its core ideas be summarised from a perspective that also acknowledges problems with older forms of FSPT? This will then lead me to my discussion of specific problems of FSPT in Section 3. I will focus on issues that raise important points for my own critique. Section 3.1 will address the problem of there not being one coherent standpoint. How exactly can this issue be described and in what way do feminist standpoint theorists, specifically Harding, claim to solve it? Secondly, I will discuss the alleged tension between FSPT and postmodernism in Section 3.2 in context to an account by Nancy Hirschmann who claims to integrate certain aspects of postmodernism. This will lead me to Section 4. This part will concern the problem of defining oppressed groups who could develop epistemically privileged insights: In what way does FSPT enforce static conception of social categories? To answer this question, I will focus on my own deliberations about the issue at hand.

1 Here, I write about women as an accepted classification made by society. I will later argue against this. I first wanted to focus on more known problems concerning FSPT and ease into the subject before going into detail about the problems of woman as a concept.

2. *Feminist Standpoint Theory*

Firstly, we need to understand the idea of standpoint theory. What are its roots and what is a *feminist* standpoint theory? I will briefly describe the general idea of (feminist) standpoint theory. However, my focus in later sections will be on the feminist aspect of feminist standpoint theory, assuming standpoint theory itself is justifiable. The claim that oppressed groups can have epistemic insight that non-oppressed cannot, meaning that they have an epistemic advantage, originally stems in part from Hegel's distinction of master and slave (Wylie and Sismondo 2015, 1). According to Wylie and Sismondo, a similar distinction can be found in the categorisation of proletariat and bourgeoisie by Marx (ibid). These thoughts were then further discussed by György Lukács. He argues that only the proletariat, the oppressed group, can see that the political system they live in and are oppressed by is not the "truth", but constructed by the oppressor (see Wylie and Sismondo 2015, 1; Harding 1992, 442). Therefore, in this context, knowledge is situated. This means that different, even contrasting views can be held from various standpoints. What might be true for one group is not for another. Thus, the answer to what is objective also changes (Haraway 1991, 87, 89).

Feminist Standpoint Theory (FSPT) directs the focus on women as an oppressed group in society. A standpoint isn't only something that every woman has automatically. It can be gained through reflecting on one's social position. Who exactly can reach this standpoint will be discussed later in this essay. Even feminist theories can be biased if they do not integrate the different standpoints of different kinds of women (Jaggar 1983, 63). FSPT has to include these standpoints. In the introduction of her essay, Sandra Harding writes about why there are feminist discussions about how to define "objectivity" (Harding 19921, 437). She states that a feminist point of view shines a light on the biases held in science, providing fewer partial solutions. Harding calls this goal "research that is *for* women" (Harding 1992, 437). She writes that standpoint epistemology creates a way in which knowledge can be situated socially and still be objective, not mere subjective true belief (Harding 1992, 438). Opposed to this, spontaneous feminist empiricism's defenders would want to ensure objectivity by banning politics from science (Harding 1992, 443). In their case, science is only objective when not being influenced by social factors (Harding 1992, 441). According to Harding, in FSPT women's standpoints can explicitly and actively be used to uncover biases in research because they may have a

point of view that is not typically enforced. Perspectives opposing the "mainstream" help to identify biases that are held by entire scientific communities (Harding 1992, 440–441). But how exactly can the standpoints of oppressed groups create an epistemic advantage?

Assuming a society that differentiates between certain groups or classes, for example by *gender* (men/women), and one of these groups—in this case men—dominates the other(s)—women—then the practices of these on top of social hierarchies limit what the individuals of this group can perceive and understand. The standpoint of those at the bottom, however, can be used to uncover facets of research missed by the dominant group. Consider this analogy: Provided you have been listening to popular contemporary music your entire life, you might fail to integrate quarter tones into your version of music theory. You could even fail to *identify* a tone between C and C# and might not think that such a tone exists. People who use modal systems containing quarter tones might have a better insight into this part of music theory and might even be able to hear things that ears accustomed to 12-tone music could not. Analogously, women's stereotypical activities are often not integrated into deliberations by men the way women understand these activities (Harding 1992, 443). Women, as an oppressed group, therefore have an epistemic advantage because of the standpoint created by this oppression. Harding doesn't claim that women's standpoints are sufficient for objectivity to be maximised. However, they necessarily need to be considered (Harding 1992, 445).

In her fourth chapter, Harding goes more into detail about the *subjects of knowledge*. How these subjects are understood also changes when defending FSPT. In traditional epistemology the subject of knowledge is detached from culture but still produced by individuals. In FSPT, as mentioned above, knowledge is socially situated (Harding 1992, 452). The subjects of knowledge are not a mighty, universal force. Harding writes: "The 'scientific world view' is, in fact, a view of (dominant groups in) modern, Western societies, as the histories of science proudly point out." (Harding 1992, 452). Therefore, the disembodied view of the subject of knowledge is abandoned by supporters of FSPT. Similarly, other traditional assumptions are also negated in FSPT. The claim that the subject of knowledge is homogenous will be further discussed in Section 3. I will, however, not discuss all the changes concerning the subject of knowledge, so as not to lose the focus of this essay.

Nevertheless, it is important to note that changes, which the defenders of FSPT

propose, lead Harding to her own account of *objectivity*. She states that the subjects of knowledge also need to be critically examined when wanting to maximise objectivity because their background beliefs influence scientific inquiry as well. According to Harding, the groups with the most critical potential are those marginalised, those whose view is often treated as insignificant (Harding 1992, 458–559). I personally think a more in-depth argument on why oppressed groups are epistemically privileged is needed and Harding certainly writes more about this topic. However, I wish to show that even when Harding's argumentation on FSPT is accepted, there are other problems which FSPT faces. These will be discussed in later sections.

A last question which I think is important to ask is how the categories of oppressor and oppressed work, particularly in the case of *gender*. As I understand it, the dichotomy of woman/man is not a categorisation that is inherently assumed by defenders of FSPT, but a description of a society which makes this distinction. According to FSPT, there are typical practices and activities historically and stereotypically attributed to women. Historically, it was women who raised children, did housework etc. (Harding 1992, 443). Even now, this picture still seems to be engraved in many people's minds. Feminist theories focus on the causal relation between women's and men's lives. Harding writes that women's standpoints in this system serve as a starting point for asking critical questions. The category of *woman* exists as a concept, especially perpetuated by the oppressor (Harding, 1992, 443). If you are seen and treated as a woman (by men), you can reach a standpoint of a woman. Nevertheless, even if one assumes that the distinction between men and women only exists as a societal belief and not something that would be defended by feminists as a categorisation which exists outside of the oppressive system, I claim that this categorisation can be harmful.[2] I will investigate this subject further in Section 4.

With this section concluded, we now know a little bit more about what an account of FSPT could look like and which its central traits are. My goal is not to further justify FSPT in general but to investigate possible problems with *specific* aspects of it. To create a better understanding of my final critique, I first wish to briefly discuss foregoing problems I see in FSPT in the following section.

2 At this point I would like to note that I use the term "feminism" or "feminist" quite often in this essay. The question what a feminist standpoint is, is simultaneously a question about feminism. This is the reason why I do not provide a clear definition of feminism because according to FSPT there are many different views on this subject.

3. *Issues With Feminist Standpoint Theory*

We now turn to issues of FSPT which are familiar to my critical assessment. Firstly, I will discuss the objection to the claim that there is only one standpoint shared by all women. This will be put in relation to points made by Harding. Can there be an overlap found between all women to create one standpoint? Based on considerations of 3.1 I will go on to discuss the tension between FSPT and postmodernism. For this, I will integrate points by Nancy Hirschmann in *Feminist Standpoint as a Postmodern Strategy* (Hirschmann 1997).

3.1 Endless Possibilities—Different Standpoints

As mentioned above, Harding writes that the subjects of knowledge in FSPT are not a homogenous group (Harding 1992, 454). While it is easy to talk of "a woman's perspective" there are many different ways to understand this perspective. Women can have different views on things, even on feminism itself, incorporating different standpoints. However, if there is a multitude of standpoints concerning the group *woman*, how can there be the standpoint of women as a collective subject? In her essay Harding only writes that even though there are contradictory feminist standpoints they still help to create "(…) less partial and distorted accounts of nature and social life." (Harding 1992, 454). Certainly, the question how exactly objectivity can be maximised with contradictory accounts needs to be further argued for, but I am concerned with another, though similar, issue: How can one define a standpoint of a woman if one needs to admit that there are many contradicting standpoints held by women?

One way would be to find the most oppressed group of women. They should be the ones most capable of critically assessing traditional views. However, if one wished to defend this point, one would first need to find a way to successfully quantify oppression which could prove to be difficult. Additionally, it seems that even if someone more oppressed could have an even more epistemically privileged standpoint, the standpoint of someone who is only in part marginalised still seems to be of importance because it still *is* privileged (Hirschmann 1997, 328). Harding also would not support this course of action (Jaggar 1983, 63). To find a way in which these different standpoints can still work together to create less biased views and more objectivity, women who are less oppressed first need to learn about alterna-

tive standpoints to theirs. Only like this can women create a better representation of how things really are and how women really experience the world. The practical implications of this are clear. In working together, women can create the change they want to see in the world, because then women who are in some aspects the oppressor (e.g. white women) can learn from other standpoints and all women can then integrate the experiences of the more oppressed (e.g. women of colour) (Jaggar 1983, 64). These considerations, in my opinion, also work with the notion that standpoints are something that is achieved and not automatically held by women. Only by critically assessing one's own social position one could gain insight to one's standpoint and understand that this standpoint may in some aspects be epistemically privileged but not in others. An interesting subject would be whether understanding the standpoint is the same as having it in the first place. In my opinion, it is not the same because one doesn't have the same experiences as someone that actually has the standpoint.

This way, feminist standpoint theorists can be more aware that their theories are also culturally located and not universal. It seems to be important when arguing for situated knowledge to also acknowledge that one's own theory certainly is biased in some form and to try to integrate standpoints different to one's own. Different standpoints of women can be used to critically assess how oppression is understood and experienced (Hirschmann 1997, 318). This doesn't necessarily mean integrating all standpoints but integrating *feminist* standpoints, the understanding of which also encourages a discourse among different kinds of women and thus is capable of change (Hirschmann 1997, 320).[3] Concerns about the shared standpoints of an oppressed group, especially charges of finding universalism in FSPT—meaning that feminist standpoint theorists do not really argue for situated knowledge—often come from postmodernists according to Hirschmann (1997, 317). Section 3.2 will concern the question whether postmodernists would be satisfied with the answer proposed in this section.

3 Hirschmann writes: "'feminism' is the product of ongoing political negotiation within and among various groups of women who theorise from the standpoint of their experiences of gender, race, class and other oppressions." (Hirschmann 1997, 320). What feminism is, is thus not set in stone.

3.2 A Postmodernist View of Standpoint Theory?

In her essay *Feminist Standpoint as Postmodern Strategy* (1997, 73–92) Nancy Hirschmann voiced some thoughts on how postmodernism and standpoint theory can work together and what tensions there are between them. I will now sketch out Hirschmann's deliberation to then move on to my own assessment of the issue in Section 4.

The problem which arises from the point of postmodernism is that even if one recognises that there are multiple feminist standpoints, there needs to be an overlap in these standpoints, a "shared oppression" (Hirschmann 1997, 320). Otherwise, there cannot be reached any agreement between the different standpoints. I personally think that this problem also applies to Harding's theory. Although she explicitly writes about there being different standpoints, as well as the view of theorists like her being also biased (Jaggar 1986: 63), her essay (Harding 1992) fails to describe how these standpoints can be "theorised" when there is no overlap and only contradictory views. How can there still be a standpoint and not only personal preferences and values?

Defending postmodernism, one would claim that even specifying standpoints would not suffice. The experience of a queer woman cannot be universalised to fit all queer women. There is still too great of a difference (Hirschmann 1997, 321). To specifically name the tension between postmodernism and FSPT: In postmodernism the categorisation of *women* is not viable because using it often implicitly excludes specific types of women. Differences among women are not sufficiently described when describing them all as one category (Hirschmann 1997, 321). In FSPT this kind of categorisation is needed to reach an epistemic and political goal. Only by formulating women's needs and experiences, feminists could actively integrate these into science, politics, etc.

Hirschmann answers to this problem by pointing to the potential of multiple feminist standpoints. Integrating several standpoints doesn't lead to truth but it shines a light on different aspects of truth. Even when there are contradictory feminist standpoints, they help to illuminate different aspects of a topic leading to less biased views. Thus, a feminist standpoint only gives a partial view of a topic and not the whole truth (Hirschmann 1997, 322). This relates to postmodernist views in such a way that it acknowledges that every feminist standpoint can also be influenced by the values and experiences of this standpoint and is not in itself objective.

Harding also argues for this by saying that FSPT helps to establish knowledge as "permanently partial" (Hirschmann 1997, 322). Both FSPT and postmodernism want to steer the focus to our social position. How we think is constructed by our environment and not (only) determined by nature (Hirschmann 1997, 323).

This means that what is understood by *woman* is not fixed, but also changes depending on the social context. FSPT can actively change how people think about practices typically ascribed to women. Hirschmann writes: "Such recognition involves a reconfiguring of meaning and discourse and not 'just' a challenge to existing social (re)production." (Hirschmann 1997, 323). Therefore, FSPT actually takes up many of the ideas of postmodernism by recognising that the category of *women* and concepts related to it is socially constructed and capable of change. However, the postmodernist idea reaches beyond this.

Hirschmann writes:

> Feminist postmodernists argue that we must give up any idea of a 'material reality' that exists beyond discourse, that has an independent or objective status, otherwise we simply get caught by the very same essentialist and reductive assumptions that feminism was supposed to unmask in the first place. (Hirschmann 1997, 324)

Experiences of reality are shaped by language which is socially constructed. Using the concept of *woman* involves risking that implicit biases concerning these concepts influence one's theorising. So the tension between postmodernism and FSPT still persists. FSPT *needs* the concept of *woman* and the oppression of this concept is treated as something real which doesn't only exist in language. Even if there were no concepts named, women still would be oppressed. FSPT can, according to Hirschmann, solve the problem of implicit assumptions in taking a dialectic approach concerning concepts. Though still accepting "material reality" and seeing it as important, feminist standpoint theorists then could see that this reality is also partly constructed by discourse. However, this reality still cannot be only situated in language. This would be paradox. This is where postmodernism and FSPT part ways because otherwise feminist standpoint theorists would have to argue for a total relativist view, only defined by the language used. (Hirschmann 1997, 324–325)

Hirschmann argues that FSPT can integrate postmodernism in a "materialist moment":

> [It] can serve as an interface between the possibility of a prediscursive 'concrete reality' on which standpoint feminism logically depends and the postmodern em-

> phasis on the constantly shifting discursive character of such 'reality.' (Hirschmann 1997, 325)

Feminist standpoint theorists could move away from a static view in context to history. FSPT needs to acknowledge that the notion of *women's experience* changes and preexists in (patriarchal) discourse. It is a "moment" in that it allows FSPT to look at the issue from this perspective, acknowledging that all theorising exists within preexisting discourse, without discarding the reality of the oppression of women and seeing that there is more to oppression than only the discursive aspect. (Hirschmann 1997, 326–327)

In conclusion, Hirschmann seems to successfully integrate some postmodernist ideas into FSPT, tying up possible loose ends. While I do think that she brings up important thoughts, I still have some further points to make. In the next section I will explore if this approach really includes everyone who needs to be included into feminism and the feminist standpoint.

4. Feminism Beyond Cis Women

In this final part, I will discuss the question if FSPT's focus on women really is feasible. It was already discussed why it is that only women can reach this kind of epistemologically privileged standpoint. However, even if the focus is broadened, it is still, for example, queer, poor *women* who count as epistemically privileged. Isn't the definition of the concept *woman* itself patriarchal? One could claim that the dichotomy between man/woman was historically not only created based on sex differences, but with certain roles and traits in mind. It can be argued that these roles were assigned by men (Hirschmann 1997, 323). Certainly, FSPT's focus could be on the "socially perceived" group of women and not necessarily on a group that inherently *is* women (meaning that women are actually something that exists in the world and not only as a concept). The focus on social perceptions or concepts of people would mean that people who are perceived as women by society and are involved in stereotypically "womanly" practices can reach a privileged standpoint. However, does it make sense to perpetuate these concepts? Isn't identifying the epistemic privilege of oppressed groups only the start to reach less biased perspectives, whether in science or in daily life?

4.1 The Problem of Oppressed Women

I will now first focus on the problem I see with FSPT being seen as a theory created by feminist standpoints constituted by cis-female experiences.[4] As I understand FSPT, the privileged epistemic standpoints of people who are not women would certainly not be denied. According to standpoint theory, women's lives are a good starting point for the critical analysis of knowledge and politics (Harding 1992, 443–444). Or is there more to it? Does feminism really only concern the standpoints of women? I see several problems with this idea.

How can one defend intersectionality but still lay the focus only on women? Certainly, there is a perk to this. It makes sense to focus on one oppressed group, giving it a name—feminism—and then just advocating this group. Other marginalised groups have their own movements in which they can protest against their respective oppression. While it is certainly easier to think this way, it completely dismisses the idea of intersectionality. Of course, black *women's*, queer *women's*, disabled *women's* standpoints should be considered, whether for epistemic or moral reasons. However, I do not see how even the most oppressed of women can gain insight into other marginalised people's standpoints who are not cis women without giving them a space to voice their standpoint. For simplicity's sake I will first focus on oppressed cis men and then on people who are neither cis women nor cis men.

With feminists laying a focus on women, the goal in mind is to give a voice to people with standpoints different to those often already considered. While I do not want to dismiss this goal as non-inclusive, I still claim that FSPT loses intersectionality when not considering how men can also be oppressed by a patriarchal system. How can FSPT deal with this problem?

There can be made a differentiation between a female and a feminist standpoint. While a feminist standpoint is argued to be more easily achieved by women (or people who are not cis men), it can still be understood by men. It is the same principle that comes into play when "less" oppressed women learn about the standpoints of women who face multiple kinds of oppression as lined out in Section 3.1 (Harding 1992, 449; Jaggar 1983, 64). This would mean that the feminist standpoint is

4 "Cis" (cisgender) in this context means to identify one's gender with the sex assigned at birth on the basis of certain biological factors like genitals. "Trans" (transgender) on the other hand means not identifying with this gender. (Merriam-Webster, "cisgender" and Merriam-Webster, "transgender").

intersectional in that it can be held and understood by all different kinds of people, but does it integrate different kinds of standpoints? Is a feminist standpoint really a standpoint which includes different concepts, not only female standpoints? How can this standpoint be situated in the world if it can't be tied to stereotypical "female" practices or experiences? Answering these questions would make up a whole different subject this essay cannot focus on.

Nevertheless, I wish to point out that this issue is becoming even more prevalent if talking about standpoints which are neither cis-male nor cis-female. As an example, let us look at non-binary standpoints.[5] A feminist standpoint should be able to include the experiences of non-binary people at least as much as the standpoints of women. However, historically there is much less insight to what makes up the oppressed role of someone non-binary. All trans people, if non-binary or not, are a minority in numbers. Cis women, however, are not. If one concentrates on intersectionality inside the categorisation of *women*, one might miss many valuable standpoints which do not fall into this category but in my opinion still are feminist standpoints.

Taking trans people into consideration, additional issues arise with FSPT: Where are, for example, trans-women situated? Ascribing them a possible standpoint of a man simply seems transphobic. However, if we simply ascribed the standpoint of a cis woman to a trans woman, this also erases the struggle and possible epistemically privileged standpoint that comes with being trans. Non-binary people can't be categorised like this at all.

To me, the feminist standpoint is more than the standpoint of cis women. I have this intuition because I think feminism itself needs to focus more on its intersectionality. I think it is not (or has never been) only about the equality between men and women but about the equality of all in the face of patriarchy. With "equality" I do not mean that everyone is the same but that everyone's view has (at least some) significance. I would even go as far as claiming that feminist standpoints should include (some) cis men's standpoints because, in my opinion, even they face oppression when showing "feminine traits" issued by patriarchal structures which are acted out by other cis men. I claim that feminism can expose all these problems with the goal to work against patriarchy, not elevating cis women's standpoint beyond

5 "Non-binary" serves as an umbrella term for people who would describe their gender as not fitting into the male-female dichotomy (Richards et al. 2016: 95–96).

reason and not ignoring men's, while still being sensitive to how cis men often use the power of patriarchy to oppress others.

Hirschmann argues for a plastic, changeable concept of the category *woman* and thus acknowledges that the focus of feminism can change. She agrees with Harding—as mentioned in Section 3.2—that knowledge is *permanently partial*. She accepts that FSPT cannot have an absolute view (Hirschmann 1997, 322). Sadly, I still must wonder if this idea is strong enough to expand feminism or the feminist standpoint beyond cis women. She includes certain ideas of postmodernism in order to move FSPT away from a static view of a *woman's experience*. We always have to re-evaluate how our concepts of feminism, women, etc. change, to not make the same mistakes as non-feminist theorists. I do agree that feminism certainly seems like a movement which changes with time and which should and does adapt its view on different concepts. However, I do not agree with the sole focus on women when trying to reach a feminist standpoint. While many authors do argue for ever-changing concepts of women because women with other standpoints are more and more integrated to create an intersectional view, there is still only always the talk of *women*. Is this because society itself still has such a stark grasp on this concept of *woman* and thus FSPT has to work with it? Shouldn't there be an effort to include non-binary people because society often doesn't even have a place for them in their structure?

I think it is certainly beneficial to use history and stereotypical concepts of women to create a feminist standpoint which for example offers insights into the disregarded and discarded labour of women. However, as cis women are not a minority in numbers, they should also make an effort to understand feminist standpoints which do not stem from their own group. They should include standpoints of people who do not even have *any* place in the minds of others because it helps to create more intersectionality. These standpoints may create insights which neither the standpoints of cis women nor cis men can create because they are extremely marginalised *and* they may have an understanding of how to move beyond the man-woman dichotomy.

4.2 How Can the Oppressed be Categorised?

I now wish to discuss further questions the last section has created. How can a feminist standpoint include standpoints beyond women's? With all things considered,

does the categorisation of woman still make sense?

As I understand it, FSPT lays a focus on how the category of *woman* is and has been understood in society. Using this understanding, defenders of FSPT hope to change it (Hirschmann 1997, 323). However, if we acknowledge feminist standpoints to be more than the standpoints of cis women, the task of changing society's understanding or science's inclusion of feminist standpoints is getting increasingly hard. In many people's minds there are no notions about non-binary people to be changed or included because to them there *are* no non-binary people. This is true for many minorities. Even if we only considered cis women, there would probably also be asexual, cis women; hispanic, asexual, cis women; disabled, hispanic, asexual, cis women. And as these concepts are getting more specific, the number of people they describe is also getting smaller and smaller and the awareness of them existing dwindles. In my opinion, a feminist standpoint has to acknowledge that there are standpoints that it probably fails to include in order to stay self-critical. I wonder if hanging onto historical concepts doesn't hurt the goal of inclusivity. Of course, it is important to describe how different societies and cultures historically created certain concepts of how a woman is and has to be. However, taking up these concepts to describe how real the oppression that women face is, is not only beneficial but also enforces these categorisations at the same time.

In other words, while FSPT in this form can change how society looks at the category of *woman* and that it can form a basis for assessing such categorisations more critically (by creating a more plastic view of how a (cis) woman is and has to be), it still does this *inside* the concept of a binary gender-system. I claim that this is harmful for everyone. In my opinion, this way, people fitting into this system cannot benefit from insights from "outsiders" and they still have to understand themselves inside this binary-system. Only when this system is given up, someone previously understood to be a woman can fully be free of the notion of what a woman should be. Ironically, this would mean someone could be more a "woman" without the concept of *being a woman* existing, thus without the possibility to be described or understood as *being a woman*.

Even if we consider sex, the binary system does seem to bring imprecision with it. Consider this example: Let us assume that there is a connection between aggression levels and being assigned the sex male. However, one realises that the actual connection is between testosterone and aggression levels, and testosterone levels are

on average higher in males. Is there really a benefit to claiming that *men* or *males* are more aggressive? Isn't it more accurate to claim that people with higher testosterone levels are more aggressive and that many of these people are what we—in our time and in our society/culture—describe as *male*? *Male* is only an assortment of some biological factors which often align. However, treating male-female as the only categorisation possible excludes the possibility of these factors not aligning.

I do understand that this means risking not being able to describe oppression cis women actually face because there *is* the concept of cis women—as in that they are seen as falling into this group created by societal standards—and they *are* oppressed. Nevertheless, without people claiming that this categorisation is plainly nonsense, FSPT risks enforcing a binary understanding of gender and sex which obviously goes against one of the goals of FSPT: to create more critical, and plastic views and concepts. I understand Hirschmann's argument of integrating a "materialist moment" (Hirschmann 1997, 325) to avoid a static picture of societal concepts. However, I am afraid that this effort is not enough to create an understanding that the categorisation of male and female is not inherent to these groups, but also changeable in its core, meaning it *can* be given up. I do not know how to approach this problem to, on one hand, recognise the very real oppression of people seen as cis women and, on the other hand, still also integrate the views of other oppressed groups and being critical enough about the patriarchal differentiation between "male" and "female." I certainly realise the irony in arguing against this distinction but still using the term "patriarchal." How can we move beyond the need for such terms? I think including people who—at least in part—have given up seeing the world in *female* and *male* terms is a start for generally moving beyond this distinction because they—as argued above—might bring other standpoints into feminism.

5. Conclusion

In this essay feminist standpoint theory was critically assessed. I first focused on Sandra Harding's FSPT to create a basic understanding of which kind of standpoint theory I wanted to discuss. In Section 3 I then included specific problems with FSPT. I first brought up the issue of many different standpoints to lead way to postmodernist issues. These I discussed in context to a positive theory by Nancy Hirschmann, who claims to include certain ideas of postmodernism into FSPT. I used her considerations for Section 4 to assert my own deliberations about the sub-

ject. In Section 4 I focused on the issue of FSPT laying its focus only on cis women and how this could prevent FSPT from being intersectional.

In conclusion, while I think that FSPT brings up important points and especially in its more modern form has many benefits, the problem of the focus being on "women" still exists. They might be epistemically privileged but I do not support perpetuating outdated categories. I do see that there needs to be a trade-off between describing how people are actually categorised as women and oppressed as such and abolishing these patriarchal categories altogether. While I agree that FSPT is a starting point as it looks at how society actually perceives oppressed groups, I still think that it prevents society from thinking beyond these categories and concepts.

Layla J. Huber
studiert Philosophie an der Universität Bern. Erkenntnistheorie, Wissenschaftsphilosophie, politische Philosophie und deren Schnittstellen interessieren sie besonders. | layla.huber@students.unibe.ch

References

Haraway, Donna. 1991. "Situated Knowledge." In *The Feminist Standpoint Theory Reader,* edited by Harding, Sandra, 81–102. New York, London: Routledge.

Harding, Sandra. 1992. "Rethinking Standpoint Epistemology: What Is 'Strong Objectivity'?" *The Centennial Review*. Vol. 36 (3): 437–470.

Hirschmann, Nancy. 1997. "Feminist Standpoint as Postmodern Strategy." In *The Feminist Standpoint Theory Reader,* edited by Harding, Sandra, 317–332. New York, London: Routledge.

Intemann, Kristen. 2010. "25 Years of Feminist Empiricism and Standpoint Theory: Where are We Now?" *Hypatia*. Vol. 25 (4): 778–796.

Jaggar, M. Alison. 1983. "Feminist Politics and Epistemology." In *The Feminist Standpoint Theory Reader,* edited by Harding, Sandra, 55–66. New York, London: Routledge.

Merriam-Webster.com, Dictionary, s.v. "cisgender" accessed March 2, 2023, https://www.merriam-webster.com/dictionary/cisgender.

———. "transgender" accessed March 2, 2023, https://www.merriam-webster.com/dictionary/transgender.

Richards, Christina; Bouman, Walter Pierre; Seal, Leighton; Barker, Meg John; Nieder, Timo O.; T'Sjoen, Guy. 2016. "Non-binary or genderqueer genders." *International Review of Psychiatry*. Vol 28 (1): 95–102.

Wylie, Alison; Sismonodo, Sergio. 2015. "Standpoint Theory, in Science." In *International encyclopaedia of the social and behavioural science,* edited by Smelser, Neil, 324–330. Saint Louis, England: Elsevier.

Die Rolle des zivilen Ungehorsams gemäss Rawls in der Klimakrise

Shirin Salah Eddine

Das Fortschreiten der Klimakrise und die mangelnde Bereitschaft von Regierungen hinreichende eindämmende Massnahmen durchzusetzen, lösen auf der ganzen Welt Protestaktionen in Form von Akten zivilen Ungehorsams aus. Dennoch gehen die Haltungen gegenüber der Legitimität des zivilen Ungehorsams stark auseinander. In dieser Arbeit wird die Rolle des zivilen Ungehorsams untersucht, wie sie in John Rawls' «A Theory of Justice» vorgestellt wird. Rawls postuliert drei Bedingungen – sind diese erfüllt, ist die Anwendung des zivilen Ungehorsams legitim. In Folgendem wird aufgezeigt, dass aus Rawls' Theorie folgt, dass der zivile Ungehorsam in der Klimakrise nicht nur gerechtfertigt (die Bedingungen also erfüllt sind), sondern notwendig ist, um das Fortbestehen einer gerechten Demokratie zu gewährleisten.

1. Einleitung

Der menschenverursachte Klimawandel zieht Folgen mit sich, die uns alle treffen. Unter den indirekten Folgen des Klimawandels leiden (jetzt und in Zukunft) so gut wie alle Lebewesen (Amnesty International, n.d.). Hunger- und Wasserkrisen werden zunehmen, Überschwemmungen und Waldbrände stellen eine Existenzbedrohung für Mensch, Natur und Tier dar. Hitzeextreme führen zu Gesundheitsrisiken, Biodiversität und Artenvielfalt stehen vor hohen Verlusten, um nur einige Folgen aufzuzählen (myclimate, 2023). Dies führt uns klar vor Augen, dass die Problematik des Klimawandels uns alle betrifft und sofortiges Handeln erfordert. Das Rahmenübereinkommen der Vereinten Nationen über Klimaänderungen (UFCCC) oder das Pariser Klimaabkommen haben zum Ziel, die globale Erwärmung zu verlangsamen und eine gefährliche anthropogene Störung des Klimasystems zu verhindern. Dies bedeutet also, dass die Auswirkungen von Treibgasemissionen den Nationen bekannt sind und von ihnen anerkannt werden. Gerade weil die Folgen der Klimaerwärmung so dramatisch sind, braucht es, um diese abzuwenden, Einschränkungen auf gesetzlicher Ebene.

Dennoch erlaubt die globale gesetzliche Lage eine Ökonomie, die den Anstieg von Emissionen nicht nur ermöglicht, sondern sogar fördert (myclimate, 2023). Dadurch fühlen sich viele Bürger*innen von ihrer Regierung nicht ernst genommen und im Stich gelassen, insbesondere in einem demokratischen System, in dem die Repräsentant*innen die Interessen der Repräsentierten vertreten sollten. Viele Menschen empfinden schlicht, dass nicht hinreichend gegen die Klimakrise vorgegangen wird – dies, weil eine grosse Diskrepanz zwischen dem, was nötig wäre, um die Folgen abzuwenden und dem, was auf gesetzlicher Ebene momentan getan wird, besteht. Um auf diese Diskrepanz aufmerksam zu machen, nehmen Akte zivilen Ungehorsams, welche ein stärkeres Vorgehen gegen die Klimakrise fordern, zu. Beispiele dafür sind Protest-Camps, Streike, Blockaden von Wäldern oder dem Strassenverkehr, anders gesagt, Menschen, die aus einer politischen Überzeugung gegen das Gesetz verstossen.

Die vorliegende Arbeit hat das Ziel zu zeigen, dass aus der Analyse von John Rawls' Auffassung des zivilen Ungehorsams aus «A Theory of Justice» folgt, dass ziviler Ungehorsam in der Klimakrise nicht nur gerechtfertigt, sondern notwendig ist. Um dies zu erreichen, wird zuerst das Diskursuniversum eingegrenzt. Der zivile Ungehorsam (fortan «zU») ist ein Spezialfall aus Rawls' Theorie. Die Notwendigkeit dieses Protestmittel zu bedienen, tritt nur ein, wenn bestimmte externe Bedingungen gegeben sind. Im Anschluss wird die Definition des zU von Rawls wiedergegeben und die einzelnen Bedingungen werden ausgeführt und erklärt. Am Beispiel der Klimastreiks in der Schweiz wird analysiert, ob hier Rawls' Definition erfüllt ist. Dieses Beispiel dient stellvertretend als Paradebeispiel für viele Protestaktionen der Klimabewegung. Basierend auf den Erläuterungen der Umstände, die für das Eintreten des zU nach Rawls gegeben sein müssen, wird erklärt, wann der zU gerechtfertigt ist. Danach werden zwei Einwände besprochen, die die Umstände hinterfragen, unter denen der zU gemäss Rawls legitim ist. Daraufhin wird die Rolle, die der zU in einer Gesellschaft übernimmt, insbesondere in Hinblick auf die Aufgabe, die der zU in der Klimabewegung erfüllt, erläutert und analysiert. Hier soll dafür argumentiert werden, dass der zU notwendig ist, um die Folgen der Klimaerwärmung abzuwenden, ohne das Weiterbestehen der jeweiligen Gesellschaften zu gefährden.

2. *Rahmenbedingungen des zivilen Ungehorsams*

Der zivile Ungehorsam ist in Rawls' Theorie ein Spezialfall, der nur eintreten kann, wenn bestimmte Bedingungen erfüllt und gewisse Umstände gegeben sind (Rawls [1971] 1979, 399).[1] Diese Bedingungen und Umstände werden im folgenden Abschnitt geklärt und besprochen. Akte zivilen Ungehorsams sind gesetzeswidrig. Darum wird im Anschluss diskutiert, warum man allgemein einem gerechten Gesetz gehorchen soll. In Anbetracht dessen wird die brisantere Frage besprochen, warum man laut Rawls unter bestimmten Umständen und in einem gewissen Umfang einem ungerechten Gesetz folgen muss. Diese beiden Fragen müssen zuerst geklärt werden, denn sie schaffen die Grundlage, um zu verstehen, wann der zU gemäss Rawls eintreten kann. Anschliessend werden noch typische Beispiele ausgeschlossen, in denen der zU nicht zur Anwendung kommt, damit das Diskursuniversum klar abgegrenzt ist.

Im Folgenden wird die erste Frage untersucht: Warum soll man gerechten Gesetzen folgen, die unter einer gerechten Verfassung zustande gekommen sind? Grundsätzlich ist gemäss Rawls intuitiv sehr klar, warum es sinnvoll ist, gerechten Gesetzen zu folgen (Rawls [1971] 1979, 386). Gesetze, beziehungsweise die daraus entspringenden Pflichten, dienen schlussendlich dem Wohle der Bürger*innen. Bei einem gerechten Gesetz, das einer gerechten Verfassung entspringt, sind laut Rawls die sich daraus ergebenden Pflichten und Verpflichtungen fair, weil sie auf dem Fairnessgrundsatz[2] und den Grundsätzen der natürlichen Pflicht[3] basieren. Die Bürger*innen sind durch die Pflicht zur Gerechtigkeit an die Einhaltung dieser Gesetze gebunden (Rawls [1971] 1979, 386).

Die zweite Frage lautet folgendermassen: Wann besteht die Pflicht, einem ungerechten Gesetz zu gehorchen? Die Analyse von ungerechten Gesetzen gehört zum nicht-idealen Teil der Rawlsschen Theorie, der sich mit der unvollständigen Konformität beschäftigt. Es wird eine fast gerechte Gesellschaft vorausgesetzt, de-

1 Für das Verständnis dieser Arbeit werden Grundkenntnisse von «A Theory of Justice» vorausgesetzt. In Fussnoten wird jedoch eine kurze Definition gegeben und auf die Stelle in Rawls' Buch verwiesen, wo der jeweilige Begriff genauer erklärt wird.

2 Man ist verpflichtet, sich gemäss den Regeln einer Institution zu verhalten, wenn die Institution gerecht ist (d. h. sie entspricht den beiden Grundsätzen der Gerechtigkeit) und man freiwillig ihre Vorteile annimmt (Rawls [1971] 1979, 130–134).

3 Diese gelten unabhängig von freiwilligen Akten und stehen nicht in einem notwendigen Zusammenhang mit Institutionen: Es gibt positive Pflichten, wie jemandem in Not zu helfen, und negative Pflichten, z.B. jemandem nicht vorsätzlich leid zuzufügen (Rawls [1971] 1979, 135–139).

ren funktionierende verfassungsmässige Regierung die Gerechtigkeitsgrundsätze[4] mehr oder weniger erfüllt, sodass also das Gesellschaftssystem grösstenteils wohlgeordnet ist.[5] Eine fast gerechte Gesellschaft impliziert gemäss Rawls eine demokratische Regierungsform (Rawls [1971] 1979, 399). Grundsätzlich besteht laut Rawls in einer Situation der Fast-Gerechtigkeit die Pflicht, einem ungerechten Gesetz zu gehorchen. Durch die natürliche Pflicht ist man gebunden, eine gerechte Verfassung zu unterstützen. Weil man die gerechte Verfassung unterstützt, muss man sich dem ungerechten Gesetz fügen. Gemäss Rawls ist die Ungerechtigkeit eines Gesetzes kein hinreichender Grund sich nicht an dieses zu halten. Ungerechte Gesetze müssen als bindend akzeptiert werden, wenn die Grundstruktur der Gesellschaft einigermassen gerecht sei und ein gewisses Mass an Ungerechtigkeit nicht überschritten werde. Dieses Mass an Ungerechtigkeit ist eine Schlüsselstelle, weil dieses bestimmt, ob ein Akt des zU legitim ist oder nicht. Rawls definiert dieses Mass nicht genau, da es situationsabhängig ist. Er nennt jedoch einige Bedingungen, die erfüllt sein müssen, damit das Mass an Ungerechtigkeit nicht überschritten wird (und zU somit in diesem Fall nicht legitim wäre): Es sei wichtig, dass die Ungerechtigkeiten langfristig möglichst gleichmässig auf die verschiedenen Gruppen der Gesellschaft verteilt seien und nicht stets auf einer Minderheit lasteten. In jedem Einzelfall sollten sich keine allzu groben Nachteile aus der Ungerechtigkeit ergeben. (Rawls [1971] 1979, 391) Gemäss Rawls kann der zU also nur in einer fast gerechten Gesellschaft eintreten, denn in einer gerechten Gesellschaft wird er nicht benötigt und den Fall einer ungerechten Gesellschaft schliesst Rawls aus. Sobald in einer fast gerechten Gesellschaft jedoch ein gewisses Mass an Ungerechtigkeit überschritten werde, welches sich in tiefgreifenden Gerechtigkeitsverletzungen äussert, wird der zU als Protestmittel legitim. Rawls postuliert, dass es sich bei einer fast gerechten Gesellschaft um eine rechtmässige Demokratie handle (Rawls [1971] 1979, 399). Rawls trifft die Annahme, dass es in einer fast gerechten Gesellschaft eine *öffentliche Gerechtigkeitsvorstellung* gibt. Das bedeutet, dass die einzelnen Gerechtigkeitsvorstellungen der Bürger*innen übereinstimmen oder sich zumindest überschneiden. Die öffentliche Gerechtigkeitsvorstellung impliziert beispielsweise, dass extreme

4 Die beiden Grundsätze der Gerechtigkeit: 1. Jeder hat das gleiche Recht auf die gleichen Grundfreiheiten. 2. Soziale und wirtschaftliche Unterschiede sind nur gerechtfertigt, wenn sie zum Vorteil der Ärmsten sind (Rawls [1971] 1979, 81–85).

5 Die wohlgeordnete Gesellschaft zielt auf das Wohl ihrer Mitglieder ab und hat eine wirksame öffentliche Gerechtigkeitsvorstellung (Rawls [1971] 1979, 493–502).

Ungerechtigkeiten von den meisten Bürger*innen dieser Gesellschaft als solche wahrgenommen werden, oder dass vor allem in den groben Strukturen die meisten Bürger*innen eine relativ gleiche Vorstellung von gerechten und ungerechten Gesetzen oder staatlichen Strukturen haben. Die öffentliche Gerechtigkeitsvorstellung ist eine notwendige Eigenschaft einer fast gerechten Gesellschaft und somit eine Bedingung, die für das Eintreten des zU erfüllt sein muss.

Der zU ist ein Spezialfall des nicht-idealen Teils der Rawlsschen Theorie. Er tritt dann ein, wenn dieses Mass an Ungerechtigkeit überschritten wird. Seine Theorie bezieht sich auf die Angemessenheit und die Rolle des zU gegenüber einer rechtmässigen demokratischen Regierungsform, einer fast gerechten Gesellschaft mit ernsthaften Gerechtigkeitsverletzungen. Neben dem zU bespricht Rawls keine andere Form des Widerstands, denn es geht nicht um die Veränderung oder Beseitigung eines ungerechten oder korrupten Systems. Vielmehr geht es darum, Gesetze zu verändern, die Ungerechtigkeiten erschaffen oder fördern. Der zU hat nicht zum Ziel, ein bestehendes System anzugreifen, es geht lediglich um Regeln und Gesetze innerhalb eines Systems.

Das grundlegende Problem, welches den zU überhaupt nötig macht, ist ein Pflichtenkonflikt. Rawls schreibt dazu:

> An welchem Punkt ist die Pflicht, sich den von einer Gesetzgebungs-Mehrheit beschlossenen Gesetzen zu fügen, angesichts des Rechtes zur Verteidigung seiner Freiheiten und der Pflicht zum Widerstand gegen Ungerechtigkeit nicht mehr bindend? (Rawls [1971] 1979, 400)

Der Pflichtenkonflikt besteht also zwischen der Pflicht, eine gerechte Verfassung zu unterstützen und der Pflicht, Widerstand gegen Ungerechtigkeiten (bzw. Gerechtigkeitsverletzungen) zu leisten. Da eine öffentliche Gerechtigkeitsvorstellung vorausgesetzt wird, geht Rawls davon aus, dass diese Ungerechtigkeiten, gegen die man Widerstand leisten soll, von allen Bürger*innen als Ungerechtigkeiten empfunden werden. Gemäss Rawls kann zU also nur in einer rechtmässigen Demokratie, welche tiefgreifende Gerechtigkeitsverletzungen aufweist, zum Zuge kommen.

3. Definition des zivilen Ungehorsams

Die Rahmenbedingungen, in denen ein Akt des zU überhaupt möglich ist, wurden aufgezeigt. In diesem Abschnitt wird Rawls' Definition des zU diskutiert. Rawls

postuliert verschiedene Bedingungen, welche eine Protestaktion erfüllen muss, um als ein Akt des zU zu gelten (Rawls [1971] 1979, 401). Die Bedingungen werden einzeln im Kontext der Rahmenbedingungen erklärt und ausgeführt. Im Anschluss wird überprüft, ob die Bedingungen in den typischen Akten des zU gegen die Klimakrise zutreffen. Im Fokus stehen die Aktionen des «Klimastreik Schweiz». Dies, weil es den Umfang dieser Arbeit sprengen würde, alle Protestaktionen gegen die Klimaerwärmung zu analysieren. Darum werden Aktionen untersucht, die den Rahmenbedingungen von Rawls entsprechen und ein typisches Beispiel von Protestaktionen darstellen.

In folgendem Zitat definiert Rawls den zU:

> Ich beginne mit der Definition des zivilen Ungehorsams als einer öffentlichen, gewaltlosen, gewissensbestimmten, aber politisch gesetzwidrigen Handlung, die gewöhnlich eine Änderung der Gesetze oder der Regierungspolitik herbeiführen soll. (Rawls [1971] 1979, 401)

Der zU wendet sich an den Gerechtigkeitssinn der Mehrheit, an die öffentliche Gerechtigkeitsvorstellung. Er soll aufzeigen, dass die Grundsätze der gesellschaftlichen Zusammenarbeit zwischen freien und gleichen Menschen nicht eingehalten worden sind (Rawls [1971] 1979, 401). Akte des zU sind wohlüberlegt, es wird also nicht willkürlich oder rein aus Affekt gehandelt. Vielmehr hat man sich eingehend mit der jeweiligen Thematik, gegen welche sich der zU richtet, beschäftigt und den Schluss gezogen, dass ein oder mehrere bestehende Gesetze nicht den Gerechtigkeitsgrundsätzen entsprechen und die Ungerechtigkeiten, die sich daraus ergeben, das Mass an Ungerechtigkeit überschreiten und die Gerechtigkeitsgrundsätze verletzen. Menschen, die den zU ausführen, sind also der Meinung, dass die Pflicht zum Widerstand gegenüber Ungerechtigkeiten über der Pflicht, eine gerechte Verfassung zu unterstützen, steht. Sie standen vor diesem Pflichtenkonflikt und entschieden sich wohlüberlegt, welche Pflicht sie als wichtiger empfinden (Rawls [1971] 1979, 402–403). Akte des zU müssen gesetzeswidrig sein. Diese Definition schliesst sowohl mittelbaren als auch unmittelbaren zU ein, das bedeutet, es muss nicht zwingend das gleiche Gesetz gebrochen werden, gegen das protestiert wird, da dies teilweise nicht zielführend ist oder zu grossen Komplikationen führt (Rawls [1971] 1979, 401–402). Die gesetzwidrige Komponente ist sehr wichtig, denn genau sie zeigt auf, dass die bestehende Situation so ungerecht ist, dass die Pflicht zu Widerstand gegen Ungerechtigkeiten wichtiger ist als die Pflicht, eine gerechte

Verfassung zu unterstützen. Die Ungerechtigkeit greift so tief, dass ein gesetzwidriger Akt nötig ist.

Auch wenn der zU gesetzwidrig ist, ist er gewaltlos. Zwar wird ein Gesetz gebrochen, doch die gewaltlose Komponente hat die Funktion aufzuzeigen, dass die Anhänger*innen des zU trotzdem der Verfassung gegenüber treu sind und sich an die anderen Gesetze halten. Menschen, die Akte des zU ausführen, wollen nicht die Verfassung abschaffen. Sie stellen also die Legitimität eines Staates nicht in Frage. Das Ziel der Protestierenden ist es, auf eine Ungerechtigkeit aufmerksam zu machen und durch zU dafür zu sorgen, dass die Ungerechtigkeit beseitigt wird. Der zU ist auch bewusst gewaltlos, um die anderen Bürger*innen zu überzeugen, dass die Absicht der Protestierenden aufrichtig ist (Rawls [1971] 1979, 403). Die Absicht des zU ist von politischen Grundsätzen geleitet, die der öffentlichen Gerechtigkeitsvorstellung entspringen. Das trägt dazu bei, dass der zU von allen verstanden wird, weil die öffentliche Gerechtigkeitsvorstellung für beinahe alle Bürger*innen nachvollziehbar ist (Rawls [1971] 1979, 402). Der zU richtet sich an die Mehrheit, die die politische Macht hat. Darum ist es charakteristisch, dass der zU stets eine öffentliche Handlung ist. Die Aktivist*innen zeigen ihre aufrichtige Absicht dadurch, dass ihre Aktionen öffentlich und gewaltlos sind. Wenn sich die Regierungen schlussendlich den Forderungen des zU nicht fügen, wird trotzdem nicht aufgegeben. Dies zeugt davon, dass der zU aus einer tiefen politischen Überzeugung entsteht (Rawls [1971] 1979, 403).

Nun wird der Klima-Protest von «Klimastreik Schweiz» betrachtet, um zu überprüfen, ob er Rawls' Definition des zivilen Ungehorsams entspricht. Der «Klimastreik Schweiz» organisiert die Klima-Protestaktionen mit der grössten Reichweite in der Schweiz. Diese sind wie viele der grössten Protestaktionen der Klimabewegung aufgebaut und werden hier stellvertretend für alle anderen Aktionen besprochen. Zu den bekanntesten Aktionen gehören die Klima-Demonstrationen. Strassen werden blockiert, der Verkehr unterbrochen, Schule und Arbeit geschwänzt, dies im Namen der Klimabewegung. Es wird für eine gerechte und nachhaltige Gesellschaft gestreikt. Dadurch soll politischer Druck auf die Entscheidungsträger*innen ausgeübt werden, welche sich weigern, notwendige Massnahmen umzusetzen, um die fatalen Folgen des Klimawandels abzuwenden. Das Hauptziel dieser Klimademos ist, für den nötigen politischen Druck und das öffentliche Bewusstsein zu sorgen, damit die wissenschaftlich fundierten Warnungen über die Folgen der Klimaer-

wärmung ernstgenommen werden und gesetzliche Veränderungen geschehen, die eine nachhaltige Gesellschaft fördern. Es geht darum, eine Veränderung der Gesetze oder der Regierungspolitik herbeizuführen und nicht, ein politisches System zu stürzen. Die Klimademo ist motiviert durch eine tiefe politische Überzeugung. (climatestrike, n.d.)

Die Klimademos sind gesetzeswidrig. Jedoch sind sie friedlich und gewaltlos, diese Devise wird von den Veranstalter*innen klar vermittelt. Rawls Bedingungen der Gesetzwidrigkeit und Gewaltlosigkeit sind erfüllt. Die Verfassung wird immer noch geachtet und unterstützt, was einer weiteren Bedingung von Rawls entspricht. Es handelt sich beim Klimastreik um einen Akt des unmittelbaren zU. Mittelbarer zU wäre im Kontext der Klimabewegung sehr kontraproduktiv, weil dann gegen das gleiche Gesetz verstossen wird, gegen welches man protestiert. Die Bedingung der Öffentlichkeit, dass Akte des zU öffentlich, im Vorgehen transparent und allen zugänglich sind, ist klar erfüllt. Die Klimademo findet stets im öffentlichen Raum statt, meist im Kern von grösseren Städten der Schweiz. Der Treffpunkt wird immer transparent kommuniziert, die Information über die Aktion ist allen Bürger*innen zugänglich. Der Klima-Protest basiert auf einer politischen Überzeugung und richtet sich an die Menschen, die die politische Macht haben, etwas zu verändern. Die Klimademos entspringen dem Drang, sich nicht einfach mit den horrenden Folgen der Klimaerwärmung abzufinden, der Überzeugung, dass es sich für die Erhaltung und das Wohlbefinden von Mensch, Tier und Umwelt zu kämpfen lohnt, dem Pflichtgefühl, dass wir alle Verantwortung für unser Zuhause, unseren Planeten und dessen Bewohner*innen tragen. (climatestrike, n.d.)

Bis jetzt ergab die Analyse, dass es sich bei den Aktionen von «Klimastreik Schweiz» tatsächlich um Akte des zivilen Ungehorsams gemäss Rawls handelt. Die Bedingungen von Rawls sind alle erfüllt. Nun steht die Frage allerdings noch offen, ob Aktionen zivilen Ungehorsams der Klimabewegung, die Rawls' Definition entsprechen, nach Rawls' Theorie auch gerechtfertigt sind.

4. Rechtfertigung des zivilen Ungehorsams

In diesem Abschnitt wird erläutert, wann der zivile Ungehorsam gerechtfertigt ist. In Rawls' Theorie erwähnt er drei Bedingungen, die erfüllt sein müssen, um den zU zu rechtfertigen (409). Die Bedingungen werden erklärt und es wird direkt analysiert, ob sie in der Klimabewegung erfüllt sind. Im Anschluss werden zwei mög-

liche Einwände diskutiert und erwidert.[6]

4.1 Rawls' drei Bedingungen

Rawls gibt drei Bedingungen an, die den zU rechtfertigen (Rawls [1971] 1979, 409). Jedoch bespricht er ausschliesslich den zU in innerstaatlichen Institutionen. Er betrachtet also nur Ungerechtigkeiten innerhalb einer gegebenen Gesellschaft. Ebenfalls erwähnt er, dass Situationen denkbar sind, in denen eine Ungerechtigkeit so einschneidend sei, dass die drei Bedingungen ignoriert werden können, weil die Situation direktes Handeln erfordere (Rawls [1971] 1979, 409). Dazu fügt er an, dass sich sicherlich auch andere Argumente für den zU finden lassen. Dies, weil gerade beim zU, der Kontext eine wichtige Rolle spiele und Situationen möglich seien, welche zU rechtfertigten, obwohl nicht alle von Rawls' Bedingungen erfüllt seien.

Die erste Bedingung bezieht sich auf die Deutlichkeit der Ungerechtigkeit, gegen die sich der zU richtet. Der zU soll in den Fällen zum Zuge kommen, in denen die Ungerechtigkeit klar ersichtlich ist. Der zU muss also einen eindeutigen Zweck erfüllen, nämlich die Beseitigung der Ungerechtigkeit (Rawls [1971] 1979, 409). Sobald eine von einem Gesetz erschaffene Ungerechtigkeit existiert, impliziert dies einen Verstoss gegen die Gerechtigkeitsgrundsätze. Hier unterscheidet man zwischen Verstössen gegen den ersten Grundsatz und gegen den zweiten Grundsatz. Der erste Grundsatz hat die Funktion, die Grundfreiheiten zu sichern. Verstösse gegen den ersten Grundsatz, der Grundsatz der gleichen Freiheiten, sind gut empirisch beobachtbar, es sind meist Fälle wesentlicher und eindeutiger Ungerechtigkeit (Rawls [1971] 1979, 409).

Die Folgen der Klimakrise verletzen die Rechte gleicher Freiheiten vieler Menschen. Dass Menschen Hungersnöte leiden, ihr Zuhause verlassen müssen oder Naturkatastrophen schutzlos ausgeliefert sind, ist eine direkte Verletzung des ersten Grundsatzes. Der zweite Gerechtigkeitsgrundsatz will bewirken, dass Ungleichheiten nur zum Vorteil der am schlechtesten Gestellten gerechtfertigt sind. Verletzungen des zweiten Grundsatzes, der fairen Chancengleichheit, sind weitaus schwieri-

6 Es liesse sich dafür argumentieren, dass in der Klimakrise zU gerechtfertigt ist, ungeachtet von Rawls' drei Bedingungen. Die Folgen des Klimawandels führen zu solchen Ungerechtigkeiten, verletzen die gleiche Freiheit dermassen, dass man die Konklusion ziehen könnte, dass die Pflicht nicht mehr besteht, zuerst mit allen legalen Mitteln gegen die Ungerechtigkeit anzukämpfen. In dieser Arbeit wird aber der zU in der Klimakrise mit Rawls' drei Bedingungen gerechtfertigt, um eine stringente Argumentation zu gewährleisten.

ger festzustellen. Dies rührt daher, dass es stets verschiedene Auffassungen darüber gibt, ob dieser Grundsatz tatsächlich erfüllt ist und es sehr schwer ist, dass diese Auffassungen vom eigenen Interesse und von Vorurteilen klar getrennt sind (Rawls [1971] 1979, 410). Darum ist der Appell an den öffentlichen Gerechtigkeitssinn aller meistens nicht eindeutig genug und die Durchführung des zU darum sehr schwer. Akte des zU sind also besser geeignet bei Verstössen gegen den ersten Grundsatz als gegen den zweiten Grundsatz. Jedoch lässt sich hier anfügen, dass gerade an den Folgen der Klimaerwärmung insbesondere die Menschen zu Schaden kommen, die kaum für die Treibhausemissionen zuständig sind. Die Menschen, die am wenigsten verantwortlich für die Folgen der Klimaerwärmung sind, leiden am meisten darunter (World Health Organization, n.d.). Dies steht in krassem Kontrast zu Rawls' Forderung des zweiten Grundsatzes.

Die zweite Bedingung, damit der zU gerechtfertigt ist, ist erfüllt, wenn alle legalen Mittel zur Behebung der Ungerechtigkeit bereits versucht und gescheitert sind. Alle gewöhnlichen Aufforderungen an die politische Mehrheit wurden nicht erhört, zU muss der letzte Ausweg sein. In der Klimakrise trifft diese Bedingung zu. Wissenschaftliche Prognosen sagen die Folgen des Klimawandels bereits seit Jahrzenten voraus und fordern Massnahmen, um diese einzudämmen. Internationale Staatsabkommen (UNFCCC, Pariser Klimaabkommen und weitere) zeigen auf, dass die Regierungen weltweit die Problematik anerkennen, es gibt zahlreiche wissenschaftliche Rapporte, aktive NGOs, zivile Proteste und trotzdem wird von der Ökonomie und Politik nicht ausreichend gehandelt, um steigende Emissionen zu verhindern (IPCC 2018). Den wissenschaftlichen Fakten folgten keine Handlungen. Alle legalen Wege und Mittel, um gesetzliche Massnahmen gegen den Klimawandel einzuleiten, wurden versucht. Den zU als Protestform zu nutzen, wird in der Klimabewegung mit der Beschränkung der folgenden, dritten Bedingung legitimiert.

Die dritte Bedingung behandelt Folgendes: Rawls trifft die Annahme, dass zU nur in einem bestimmten Mass ausgeübt werden kann, ohne die Achtung vor Gesetz und Verfassung zu beschädigen oder zerstören. Anders formuliert nimmt die Wirksamkeit des zU ab, wenn er ständig von verschiedensten Gruppen mit unterschiedlichen Ansichten ausgeübt wird (Rawls [1971] 1979, 411–412). Denn dies untergräbt die Pflicht, eine gerechte Verfassung zu unterstützen und schadet allen Bürger*innen. Die dritte Bedingung fordert also, dass die Pflicht, eine gerechte Verfassung zu unterstützen nicht gefährdet wird. Dies bedeutet, dass sich mehrere

Gruppen, welche zU ausüben, untereinander absprechen sollten, um den Erhalt einer gerechten Gesellschaft nicht aufs Spiel zu setzen. In der Klimabewegung fordern alle Akte des zU lediglich eine Veränderung der Gesetze, die mit dem Klimawandel in Verbindung stehen. Das Bestehen der Verfassung wird nicht angezweifelt oder hinterfragt, es werden nur Änderungen auf gesetzlicher Ebene verlangt. Zudem ist zU strikt gewaltlos, was ebenfalls die öffentliche Sicherheit aufrechterhält. Wie die Definition des zU fordert, soll der öffentliche und gewaltlose Aspekt dieser Protestform auf genau diese Verfassungstreue hinweisen. Die Akte des zU der Klimabewegung sind kompatibel mit Rawls' Einschränkung seiner dritten Bedingung.

In diesem Kapitel wurde dafür argumentiert, dass alle drei Bedingungen erfüllt sind, was bedeutet, dass Rawls' Theorie zU in der Klimakrise rechtfertigt. Im Anschluss wird auf zwei mögliche Einwände eingegangen, die die Rechtfertigung des zU anzweifeln. Erstens wird nochmals Rawls dritte Bedingung betrachtet und hinterfragt, ob das Ausmass der Akte des zU nicht doch den Rahmen sprengt und dadurch die Wirksamkeit des zU abnimmt. Zweitens wird die Komponente der Schädigung unbeteiligter Dritter mit einer darauffolgenden möglichen Antwort von Rawls besprochen.

4.2 Einwand: Bei vielen Protestaktionen nimmt die Wirksamkeit des zivilen Ungehorsams ab

In der dritten Bedingung, die erfüllt sein sollte, damit zU gerechtfertigt ist, nimmt Rawls an, dass zU nur in einem bestimmten Mass ausgeübt werden darf, ohne dass seine Wirksamkeit abnimmt und die Achtung vor Verfassung und Gesetz leidet. Für Anhänger*innen des zU bedeutet dies, sich bezüglich ihrer Protestaktionen untereinander abzusprechen, um das Bestehen der Gesellschaft nicht zu gefährden. Ein Einwand lautet, dass es bereits so viele Aktionen des zU bezüglich der Klimaerwärmung gab, dass dies den von Rawls gesetzten Rahmen sprengt und die Protestaktionen nicht mehr gleich wirksam sind und die Achtung vor dem Gesetz darunter zu Schaden kommt.

Auf diesen Einwand lassen sich zwei Punkte erwidern. Einerseits gibt Rawls' Definition des zU vor, dass es für zU charakteristisch ist, dass man nicht aufgibt, wenn das Anliegen noch nicht erhört wurde. Der zU ist von einer politischen Überzeugung geleitet, die nicht einfach verschwindet, nur weil die Forderungen des zU abgelehnt wurden. Die Anhänger*innen der Klimabewegung sind nicht bereit, mit

dem Protestieren aufzuhören und die Folgen der Klimaerwärmung einfach hinzunehmen, weil die Möglichkeit besteht, dass die Akte des zU mit der Zeit weniger ernst genommen werden. Ihr Anliegen ist so dringend, dass Aufgeben schlicht nicht in Frage kommt. Andererseits ist sicher auch erwähnenswert, dass Rawls in seiner Theorie Ungerechtigkeiten betrachtet, die nur Minderheiten betreffen und dementsprechend zU bespricht, der von Minderheiten ausgeübt wird. Die Akte des zU der Klimabewegung stehen in einem anderen Verhältnis. Die Folgen der Klimaerwärmung betreffen nicht nur Minderheiten, sondern alle Bewohner*innen dieses Planeten. Darum wird nicht nur von Minderheiten protestiert, vielmehr ist die Klimabewegung global und findet in allen Ländern Unterstützung. Deswegen ist dieses (von Rawls nicht näher definiertes) Mass an «voll wirksamen» Akten des zU nicht auf die Klimabewegung anwendbar. Die Folgen der Klimaerwärmung sind gravierend, betreffen uns alle und es wird auf gesetzlicher Ebene nicht ausreichend gehandelt, um die Folgen zu verhindern. Es wurde dafür argumentiert, dass Rawls' drei Bedingungen zur Rechtfertigung des zU erfüllt sind. Daraus folgt, dass das Ausmass der Aktionen des zU gerechtfertigt ist.[7]

4.3 Einwand: Unbeteiligte Dritte können durch Akte zivilen Ungehorsams zu Schaden kommen

Der zweite Einwand beinhaltet Folgendes: Beim zU besteht stets die Möglichkeit, dass unbeteiligte Dritte zu Schaden kommen. In den Akten des zU der Klimabewegung ist das nicht anders. Es ist oft eine Unannehmlichkeit für unbeteiligte Dritte, wenn beispielsweise der Verkehr blockiert wird und sie von ihrem Transportweg abgeschnitten werden. Es stellt sich die Frage, ob zU gerechtfertigt ist, obwohl Dritte zu Schaden kommen können.

Direkt zu diesem Punkt äussert Rawls in seiner Theorie nur, dass seine drei Bedingungen das Wesentliche enthalten, damit zU gerechtfertigt ist (Rawls [1971] 1979, 413). Drei Punkte sind zu diesem Einwand jedoch noch erwähnenswert.

7 Weil Rawls nur den zU von Minderheiten bespricht, liesse sich dafür argumentieren, dass die Klimabewegung aufgrund ihrer Grösse und Reichweite kein Akt des zU gemäss Rawls sei. Als Rawls jedoch seine Theorie 1971 veröffentlichte, war die Klimakrise noch kein politisch aktuelles Thema, wie es gegenwärtig ist. Weil der zU der Klimabewegung Rawls' Definition entspricht und seine Rechtfertigungsbedingung erfüllt, und er sich nur im Ausmass der Aktionen von dem von Rawls besprochenen zU unterscheidet, nehme ich im Folgenden an, dass es sich bei der Klimabewegung um zU handelt.

Grundsätzlich ist Schädigung aus direkten Folgen des zU ausgeschlossen, weil der zU gewaltlos ist. Sind die Protestaktionen nicht gewaltlos, handelt es sich nicht um zU. Nichtsdestotrotz besteht aber immer noch die Möglichkeit, dass Unbeteiligte aus indirekten Folgen geschädigt werden. Zweitens sind Rawls' Gerechtigkeitsgrundsätze die Grundpfeiler seiner Theorie «Justice as Fairness». Seine ganze Theorie fundiert auf dem Grundsatz der gleichen Freiheiten und dem Grundsatz der Chancengleichheit. Der Grundsatz der gleichen Freiheiten hat lexikalischen Vorrang.[8] Dies eröffnet die Möglichkeit zu folgender Argumentation: der lexikalische Vorrang impliziert, dass bei einer Verletzung des Freiheitsprinzips die daraus entspringende Ungerechtigkeit gravierender ist als alle anderen und darum in der Widergutmachung Vorrang hat. Da die Folgen der Klimaerwärmung zu Ungerechtigkeiten führen, die gegen den Freiheitsgrundsatz verstossen, liegt die höchste Priorität darin, gegen diese Ungerechtigkeiten vorzugehen. Verstösse gegen das Freiheitsprinzip wiegen schwerer als die Möglichkeit, dass Unbeteiligte Dritte bei einem gewaltlosen Akt des zU zu indirektem Schaden kommen. Drittens ist eine Anforderung von Rawls an den zU, dass er auch verstanden wird. Die Absicht und das Ziel des zU müssen klar verständlich gemacht werden. Dies bedarf vernünftiger Planung der Aktionen, damit der zU auch tatsächlich hilft und wirkt. In der Planung wird berücksichtigt, dass die Möglichkeit der Schädigung Dritter so gering wie möglich ausfällt. Einerseits, weil dies nichts mit dem Ziel des zU zu tun hat und andererseits, weil man auf möglichst viel Unterstützung von Bürger*innen hofft und es darum kontraproduktiv wäre, dass viele von ihnen durch die Protestaktionen zu Schaden kommen.

Abschliessend lässt sich aber sagen, dass dieser Einwand einen wichtigen Punkt anspricht. Aus Akten des zU in der Klimakrise gibt es Beispiele, in denen Unbeteiligte aus den indirekten Folgen zu Schaden kamen. Gerade diese Beispiele führen zu einer gespaltenen Meinung über die Protestaktionen und hinterfragen sie in ihrer Rechtfertigung. Rawls behandelt diesen Einwand in seiner Theorie nicht. Da diese Arbeit Rawls' Auffassung des zU wiedergibt, werden hier nicht noch andere Quellen miteinbezogen, um auf diesen Einwand tiefer einzugehen.

8 Sollten beide Gerechtigkeitsgrundsätze verletzt sein, wiegt die Verletzung des ersten Grundsatzes schwerer als die des Zweiten. Die Beseitigung der Ungerechtigkeit gegen den ersten Grundsatz hat Vorrang(Rawls [1971] 1979, 274–282).

5. *Die Rolle des zivilen Ungehorsams*

Die bisherige Analyse hat ergeben, dass Akte des zivilen Ungehorsams in der Klimakrise gerechtfertigt sind. Dieser Abschnitt hat das Ziel, in der Argumentation einen Schritt weiterzugehen und zu zeigen, dass gemäss «A Theory of Justice», zU in der Klimakrise notwendig ist. Das Argument, dass zU in einer fast gerechten Gesellschaft als Stabilisierungskraft fungiert, soll die Notwendigkeit des zU in der Klimakrise aufzeigen. Im Anschluss wird ein Einwand besprochen, der die Funktion des zU als Stabilisierungskraft angreift. Darauf wird die Antwort von Rawls auf diesen Einwand wiedergegeben und auf die Klimakrise übertragen. Dies, um die Konklusion dieser Arbeit zu festigen, dass zU in der Klimakrise nicht nur gerechtfertigt, sondern notwendig ist.

5.1 Der zivile Ungehorsam als Stabilisierungskraft

Gemäss Rawls ist der zU eine wichtige Stabilisierungskraft in einer Gesellschaft. Vorausgesetzt wird (wie bereits erwähnt), dass die Gesellschaft als ein System der Zusammenarbeit zwischen Gleichen fungiert, bei denen die Bürger*innen sich schweren Ungerechtigkeiten nicht zu fügen brauchen. Als Stabilisierungskraft stärkt und erhält der zU gerechte Institutionen. Dieser Punkt wird klar ersichtlich, wenn miteinbezogen wird, dass der zU aus einer politischen Überzeugung heraus durchgeführt wird, die aus der Pflicht zur Gerechtigkeit entspringt. Durch den zU haben alle Bürger*innen die Möglichkeit, darauf aufmerksam zu machen, wenn nach ihrem Erachten gegen die Gerechtigkeitsgrundsätze verstossen wurde. (Rawls [1971] 1979, 421–423) Die Folgen der Klimakrise führen dazu, dass die Gerechtigkeitsgrundsätze ernsthaft verletzt werden. Die Grundrechte so vieler Menschen werden in einem solchen Ausmass verletzt, dass die jeweiligen Gesellschaften nicht mehr als fast gerecht betitelt werden können. Das Weiterbestehen der Pflicht, eine gerechte Verfassung zu unterstützen, ist nicht gewährleistet, weil diese Verfassung den Forderungen der Gerechtigkeitsgrundsätze nicht mehr nachkommt. Wird diese Pflicht nicht mehr wahrgenommen, kann dies dazu führen, dass die Verfassung und somit das Fundament einer Gesellschaft von den staatlichen Institutionen nicht mehr durchgesetzt werden kann. Als Stabilisierungskraft *muss* der zU in der Klimabewegung eingesetzt werden, um fast gerechte Gesellschaften zu erhalten. Obwohl er gesetzwidrig ist, stellt er die letzte Option im Rahmen der Gesetzestreue

dar, um die Stabilität einer gerechten Verfassung zu gewährleisten, weil der zU sich nur gegen einzelne Gesetze und nicht die Verfassung selbst richtet (Rawls [1971] 1979, 422). Der zivile Ungehorsam in der Klimabewegung ist nicht nur gerechtfertigt, sondern dringend nötig.

5.2 Einwand: ziviler Ungehorsam fördert die Anarchie

Der zU kann nicht wie von Rawls gemeint, als Stabilisierungskraft verstanden werden, sondern als legitimiertes Mittel, die Anarchie zu fördern. Dieser Einwand stellt den zU als Anarchie-fördernd dar, weil Rawls keine genauen Verhältnisse bestimmt, wann zU zum Zuge kommt und die Entscheidung, zU auszuüben, jeder Bürgerin und jedem Bürger selbst überlassen wird. Jeder wird aufgefordert, selbst zu entscheiden, ob zU angemessen ist.

Es kann nicht ausgeschlossen werden, dass Bürger*innen sich irren können und der zU dann fälschlicherweise angewendet wird.

Wenn der falsch angewendete zU jedoch Rawls' Definition entspricht und seine Rechtfertigungsbedingungen erfüllen, impliziert dies, dass der Akt weder willkürlich noch von nicht-politischen Interessen geleitet wurde. Die Bürger*innen sind trotzdem für ihr Handeln verantwortlich, ihre Autonomität, die Rawls ihnen zuschreibt, schliesst dies nicht aus (Rawls [1971] 1979, 423). Es droht keine Anarchie, solange die Gerechtigkeitsvorstellung der Bürger*innen sich überschneidet und die Bedingungen für den zU beachtet werden. Laut Rawls zeichnet eine demokratische Gesellschaft ihre öffentliche Gerechtigkeitsvorstellung aus. Folglich müssen einfach die Bedingungen eingehalten werden, um zu gewährleisten, dass Anarchie nicht gefördert wird (Rawls [1971] 1979, 423). Selbst wenn berechtigter zU den Anschein erwecke, den Bürger*innenfrieden zu bedrohen, sollten gemäss Rawls nicht die Protestierenden dafür verantwortlich gemacht werden. Vielmehr sollten diejenigen zur Rechenschaft gezogen werden, deren Machtmissbrauch eine solche Widerstandsaktion auslöste (Rawls [1971] 1979, 429).

Nach Rawls fungiert der zU in einer fast gerechten Gesellschaft als eine Stabilisierungskraft (Rawls [1971] 1979, 428). Anhand dieser Auffassung wurde hier dafür argumentiert, dass der zU in der Klimakrise nicht nur gerechtfertigt, sondern von *dringendster Notwendigkeit* ist.

6. *Fazit*

In dieser Arbeit habe ich die Frage untersucht, welche Rolle der zivile Ungehorsam gemäss Rawls in der Klimakrise übernimmt. Dabei ergab die Analyse und Interpretation von «A Theory of Justice», dass der zivile Ungehorsam in der Klimakrise in einer fast gerechten Gesellschaft mit Gerechtigkeitsverletzungen gerechtfertigt und notwendig ist.

Um dies zu untersuchen, habe ich zuerst Rawls' Rahmenbedingungen und seine Definition des zivilen Ungehorsams aufgeführt. Ziviler Ungehorsam wird von Rawls nur in einer fast gerechten Gesellschaft mit ernsthaften Gerechtigkeitsverletzungen behandelt und von ihm als ein gewaltloser, gesetzeswidriger, öffentlicher und gewissensbestimmter Akt definiert, mit dem Ziel, eine Veränderung auf der gesetzlichen Ebene herbeizuführen. Vor dem Hintergrund dieser Aspekte habe ich aufgezeigt, dass es sich bei den Protestaktionen von «Klimastreik Schweiz» um Akte zivilen Ungehorsams handelt. Da geklärt worden war, wann der zivile Ungehorsam überhaupt eingesetzt werden kann und wie er definiert ist, habe ich die Folgefrage besprochen, wann der zivile Ungehorsam gerechtfertigt ist. Rawls formuliert drei Bedingungen, die den zivilen Ungehorsam rechtfertigen, werden sie beachtet. Die erste Bedingung tangiert die Deutlichkeit der Ungerechtigkeit, gegen die sich der zivile Ungehorsam wendet. Zweitere ist erfüllt, wenn alle legalen Wege für Aktionen ausgeschöpft sind. Die dritte Beziehung besagt, dass mehrere Gruppen sich untereinander absprechen sollen, wenn diese zivilen Ungehorsam ausführen, damit die fast gerechte Gesellschaft nicht gefährdet wird. Ich habe untersucht, ob diese Bedingungen bei der Klimakrise erfüllt sind, und bin zum Schluss gekommen, dass ziviler Ungehorsam in der Klimakrise gerechtfertigt ist. Zwei Einwände sind besprochen und erwidert worden. Einerseits der Einwand, dass die Proteste gegen den Klimawandel aufgrund ihrer Häufigkeit nicht mehr wirksam sind und andererseits, dass unbeteiligte Dritte geschädigt werden. Dann ist es darum gegangen, in der Argumentation einen Schritt weiterzugehen und zu zeigen, dass ziviler Ungehorsam in der Klimakrise notwendig ist. Dazu habe ich die Rolle analysiert, die der zivile Ungehorsam in einer fast gerechten Gesellschaft übernimmt. Ich habe die Konklusion gezogen, dass der zivile Ungehorsam als Stabilisierungskraft einer Gesellschaft in der Klimakrise notwendig ist. Diese Rolle kann dem zivilen Ungehorsam jedoch nur in dem von Rawls' eingegrenzten Diskursuniversum zugeschrieben werden, in einer rechtmässigen Demokratie, die tiefgreifende Gerechtigkeitsverletzungen vorweist.

Um herauszufinden, welche Rolle der zivile Ungehorsam in anderen Regierungsformen übernimmt, müsste man andere Quellen in Betracht ziehen und analysieren. Offen bleibt ebenfalls, *wie* damit umgegangen werden soll, wenn unbeteiligte Dritte durch indirekte Folgen von Akten des zivilen Ungehorsams zu Schaden kommen.

Shirin Salah Eddine

studiert Philosophie und Sozialanthropologie im Bachelor an der Universität Bern. Im Besonderen interessiert sie sich für die philosophische Perspektive auf aktuelle Themen, wie die Klimaerwärmung, die Legitimität der Grenzpolitik, oder die Verteilung der globalen Ressourcen. | shirin.sew@gmail.com

Literatur

«Der Klimawandel und seine Folgen für die Menschen». Amnesty International Österreich. Abgerufen am 02.05.2023. https://www.amnesty.at/themen/klimawandel-und-menschenrechte/klimakrise-und-menschenrechte-der-klimawandel-und-seine-folgen-fuer-die-menschen/.

IPCC. 2018. "Summary for Policymakers." In *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty*, edited by Masson-Delmotte, V., P. Zhai, H.-O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, and T. Waterfield, 3–24. Cambridge, New York: Cambridge University Press.

«Bewegung». Klimastreik Schweiz. Abgerufen am 16.02.2023. https://climatestrike.ch/movement.

Rawls, John. 1971. *A Theory of Justice. Justice as Fairness.* Übersetzt von Vetter, Hermann. 1979. *Eine Theorie der Gerechtigkeit. Gerechtigkeit als Fairness.* Frankfurt am Main: Suhrkamp Taschenbuch Verlag.

«Was sind die Folgen des Klimawandels und der globalen Erwärmung?» Stiftung myclimate. Abgerufen am 20.08.2022. https://www.myclimate.org/de/informieren/faq/faq-detail/was-sind-die-folgen-des-klimawandels/.

World Health Organization und Yoshi Shimizu. “Climate change.” World Health Organization (WHO). Abgerufen am 23.08.2022. https://www.who.int/health-topics/climate-change.

Vindication of an Everyday Generalization Argument for a Duty of Political Participation

Samuel Tscharner

"But what if everyone would not vote? That would be horrific! Therefore, you should vote!" Arguments of this form can be encountered frequently in everyday discussions. In a well-known paper in the discussion of whether there is a duty to vote, Lomasky and Brennan admit that such generalization arguments can function as an argumentative heuristic for better recognizability of the ethical wrongness of some actions. However, they argue that this argument is unpersuasive for advocating a duty to vote. This would mean that a notable piece of everyday argumentation would be flawed, although it has an intuitive persuasiveness. Therefore, in this paper, I try to vindicate the usage of the generalization argument for voting as an argumentative heuristic in everyday discussion. The inquiry reveals that the application of a generalization argument to convince the discussion partner that one should go to the polls is only justified if that person does not engage in political participation at all, since the generalization argument is only persuasive for a duty of political participation in general but not for a duty to vote in particular.

1. Introduction

In a paper from 2000, Lomasky and Brennan argue that there is no duty to vote. For that reason, they look at different arguments in favor of such a duty and refute them one after another. One of the arguments they examine and repudiate is the generalization argument for voting (Lomasky and Brennan 2000, 75–79) which is often expressed in the following utterance: "But what if everyone were to stay home and not vote? The results would be disastrous! Therefore, I (you/she) should vote." (Lomasky and Brennan 2000, 75)

For revealing the putative invalidity of this argument, they do not concern themselves with the extensive discussion about the formal validity of generalization arguments in ethics. Such a discussion was conducted animatedly in the 1960s mainly as a response to a book by Markus Singer (1961; e.g. Wick 1962; Keyt 1963; Nakhni-

kian 1964). Rather, they consider the generalization argument as an argumentative heuristic that serves the "thoroughly nontheoretical man" (Lomasky and Brennan 2000, 75) to express his "inchoate apprehension" (ibid.) that a certain action is ethically wrong, whereby the generalization works as a magnifying glass for rendering the ethical wrongness of the action more recognizable. They do not further elaborate on this idea of an argumentative heuristic. However, they admit that there exist cases where the generalization argument works persuasively to demonstrate that an action would be ethically wrong. To apply the generalization argument persuasively, the action in question

(1) has to constitute an unfairness (feature of unfairness) and
(2) needs to tend to evoke a destabilizing chain reaction that leads to the general loss of a valuable good (feature of escalation).

Because they deem both features absent in the case of non-voting, they conclude that the generalization argument for voting is unconvincing. (Lomasky and Brennan 2000, 77–78)

I am not at ease with this conclusion. As also conceded by Lomasky and Brennan (2000, 75), the generalization argument for a duty to vote is probably one of the most adduced argumentative heuristics in everyday discussion to convince (in such cases mostly) politically rather ignorant or apathetic people that they should vote and take part in the elections. In those instances, the argument does not seem to be based merely on flawed thinking due to a lack of philosophical education in political issues and logic but to the contrary, has an intuitive plausibility. Therefore, I want to vindicate the usage of the generalization argument for political participation in general or voting in particular in the form of *an argumentative heuristic* in everyday discussion.

My goal is to show that if we accept this talk of argumentative heuristics and the conditions of persuasiveness stipulated by Lomasky and Brennan, the generalization argument for a duty to politically participate in general—or vote in particular—fulfills both of their conditions for persuasiveness. Hence, its usage in everyday discussions would be justified. Although I argue in the following for a duty of political participation by pursuing the goal of justifying this argumentative heuristic, I only commit myself to such a duty to the extent to which it can be advocated in the most moderate case of application of the generalization argument in everyday dis-

cussion. Hence, I do not commit myself to the view that if there is a duty of political participation, a legislator would be justified to enact a law for compulsory political participation. This would need further argumentation. Instead, I only commit myself to the view that a person who lives in a democracy is justified in being morally indignant and bringing forward the generalization argument for political participation if she learns that her dialog partner does not politically participate at all.

Since I only want to justify the generalization argument as an argumentative heuristic in everyday discussion as outlined by Lomasky and Brennan, my argumentation starts with their argument against the persuasiveness of the generalization argument for a duty to vote. I follow them by *not* making any recourse to the discussion about the formal validity of generalization arguments in ethics. Instead, in section 2, I reconstruct Lomasky's and Brennan's argument, thereby elaborating on the two features (unfairness and escalation) which they use to discern whether the application of a generalization argument is persuasive in a certain case.

In section 3, I consider a line of argument by Jason Brennan (2011a) who argues that Lomasky and Brennan are correct in concluding that the Generalization Argument is not convincing in making a case for a duty to vote, but their reasoning for justifying the conclusion is wrong. Furthermore, he reveals that the generalization argument can be interpreted as a heuristic that points towards the so-called "Public Goods Argument" for a duty to vote. He, then, brings forward his own reasons why this argument is not able to justify such a duty. In consequence, his argumentation gives me a decisive reason to broaden the focus from a duty to vote to a duty to politically participate in general.

In the subsequent two sections, I return to Lomasky and Brennan's two features of the cases which are suitable for a persuasive generalization argument. In section 4, I focus on the feature of unfairness and show that abstaining from any kind of political participation can be understood as unfairness because it is an act of free-riding on the efforts of other people to provide political legitimacy for the democratic system of government. This finding is underpinned by an account of political legitimacy including proceduralist and instrumentalist arguments.

In section 5, the feature of escalation is addressed, albeit to a considerably smaller extent. I point out that the whole argumentation in (Lomasky and Brennan 2000) for the absence of this feature in the case of non-voting is ill-conceived. While they illustrate the escalation effect and the contrasting self-stabilizing effect by

reference to two exemplary cases which are themselves intelligible and convincing, their transfer of the alleged self-stabilizing effect onto the case of non-voting is inadequate. What is stabilized or escalated into a collapse in both exemplary cases is the provision of a certain collective good which is provided by the collective actions of the individuals in question. However, in their formulation of the non-voting case, it is not the provision of a collective good that is stabilized but rather there occur some alterations in the decisive power of the remaining voters. However, these alternations alone are unable to stabilize the public good of political legitimacy that is provided by broad political participation. Thus, there the analogy breaks down, whereas, on the other hand, it can be argued that in the case of non-participation, there can occur an escalation effect concerning the provision of political legitimacy analogously to the exemplary case for the escalation effect adduced by Lomasky and Brennan.

In the end, section 6 concludes that the generalization argument for political participation in a democracy is of the persuasive kind, according to the criteria of Lomasky and Brennan, and therefore, can rightfully be used in everyday discussion for convincing the dialog partner to go to the polls, if he does not politically participate in a different manner.

2. *The Argument by Lomasky and Brennan*

Lomasky's and Brennan's argumentation against the generalization argument for voting works in the following way: They present two cases in which generalization arguments for not engaging in a certain action are adduced. In one of the cases, the generalization argument is intuitively persuasive while in the other case, it is not. They highlight two features that distinguish both cases and are responsible for the persuasiveness of the first case and the unpersuasiveness of the second. Finally, they argue that the generalization argument in the case of non-voting resembles rather the unpersuasive case. (Lomasky and Brennan 2000, 75–79)

As a case of an unconvincing generalization argument, they introduce a farmer who decides to quit her farming activity and move from the countryside to the city to become a dentist (Lomasky and Brennan 2000, 76). Some people learn about her new ambitions and try to dissuade her from her plan by making the following generalization argument: "But what if everybody did do that and in consequence, nobody would supply farming products anymore? This would be disastrous! So,

you should really not do this!"[1]

As a case of a convincing generalization argument, they change the scene to a lawn in a public space in the city (Lomasky and Brennan 2000, 76). In the spring months, it is prohibited to walk over the lawn because the lawn needs to recover from the cold winter days and grow to new beauty since everybody wants to have a green lawn in summer. However, one resident who lives close to the lawn considers his time too valuable to walk around the lawn. Another resident who watches him walking over the lawn protests: "But what if everybody would just walk over the lawn? The result would be a bleak wasteland in the city and nobody wants that, not even you. So, you should really not do this!"

Lomasky and Brennan (2000, 76–77) deem the case of the lawn transgressor to be persuasive because it displays two ethically relevant features:

1. Unfairness: The green lawn in summer is a public good provided by the compliance of all residents with the forbiddance of walking over it in spring months. With his contravention, the lawn transgressor commits an act of free-riding on said public good. This is because if he stays the only one who does not comply, he can enjoy the public good in summer without having contributed to it.
2. Escalation: Every time the lawn transgressor walks over the lawn the quality of the lawn in summer might decrease to a diminutive degree. However, all the other people bear the costs of walking around the lawn while in the meantime the value of the public good slowly decreases. As a result of this, other people might feel treated unfairly and decide that the final value of the lawn does not balance out their costs of compliance. Hence, they would also start to walk over the lawn which might evoke the same reaction in even more people. Eventually, the one lawn transgressor might have caused a chain reaction that led to the feared outcome of a bleak wasteland; the loss of the valuable public good of a green lawn.[2]

1 The cases are adopted from Lomasky and Brennan (2000) but the small details of the narration are added by me. Although I took this right to creativity, the cases are not modified in regard to their essential points.

2 The argumentation of Lomasky and Brennan poses at least two critical questions which I do not want to address further in the following. Still, I want to explain briefly why both concerns do not affect the undertaking of this paper: First, it does not become entirely clear throughout the

The case of the farmer, on the other hand, would have none of these features. The decision to change one's occupation does neither count as an act of free-riding, nor is it plausible that it would cause an escalating chain reaction that results in a situation where all farmers quit their jobs. On the contrary, the farmers left would even have more reason to stay farmers. The latter effect results from the law of supply and demand. Since the demand for farming products does not decrease if farmer X changes her occupation, the other farmers left can benefit from additional purchases by the former customers of farmer X.

Lomasky and Brennan do not explain why it would not be unfair of the farmer to change her occupation. I want to elaborate on this somewhat more in detail.

Farming products can be characterized as *collective goods* as conceptualized by Seumas Miller (2010, 56). Collective goods (1) are produced and provided in an institutionalized manner by a joint activity, (2) they are available to the whole community either for free or on a free market and nobody can be wrongfully excluded from the provision and (3) they ought to be produced and provided to the whole community. Although this is already an ethically quite demanding characterization of farming products, it does not imply that everybody should start farming, but only that there should be institutions in a community that guarantee that such products are provided. People who are not engaged in farming do not commit any ethical misdeeds. Thus, by changing her occupation, the farmer from the example does not commit any ethical misdeed since she does not have an individual duty to provide farming products.

In the case of the lawn transgressor, the sight of the green summer lawn can be characterized as a *public good*. An ideal public good is non-excludable and non-rival (Gaus 2008, 88–89). However, the features are rarely completely met. More-

elaborations of Lomasky and Brennan whether both features are necessary for the persuasiveness of generalization arguments as heuristics. It seems plausible to argue that only one feature must be given for a persuasive generalization argument. Since Lomasky and Brennan argue that both are missing in the case of non-voting, the question was not of concern for their argument. Since I want to argue that *both* features are given in the case of political non-participation and that the generalization argument for a duty to participate politically is persuasive, it can only be to my advantage if one wants to argue that only one of the features needs to be given for persuasiveness. Second, one might generally wonder why exactly these two features should be relevant for the persuasiveness of the argumentative heuristic. An answer to this question would probably depend on the elaboration on how the heuristic relates to the theoretically more sophisticated arguments. To provide such an elaboration would be an endeavor for a different paper. For this paper, I just accept Lomasky's and Brennan's stipulations and argue that the generalization argument for a duty to participate politically is persuasive in light of their own criteria.

over, it seems intuitive to say that most public goods are a particular type of collective goods.[3] Regarding the sight of the green lawn, it is non-excludable because everybody can enjoy it by passing by, and excluding people is rather difficult. It is non-rival because every person who enjoys the green lawn is thereby not subducting anything from anyone else. Even by making a picnic on the lawn *in summer*, one group of people alone does not diminish the quality of the lawn in a way that would greatly diminish the value of the lawn for others. However, since a public good is usually something that is generally desired and because nobody can be excluded from it, everybody should contribute at least to some minimal degree to its provision. Hence, the lawn transgressor should, from a perspective of fairness, contribute to the provision of the lawn by not walking over it.

This is the reason why in the example of the lawn transgressor there is an unfairness involved and thus, the application of the generalization argument is appropriate, whereas in the example of the farmer, no unfairness is involved and the application of the generalization argument is unsuccessful.

In the last step of their argument, Lomasky and Brennan (2000, 77–78) suggest that the case of voting is rather like the case of the farmer than the one of the lawn transgressor. Although they do not explicitly explain why non-voting should not be unfair but take it implicitly for granted, they elaborate on the putative self-stabilizing tendency. The weight of every single vote decreases with an increasing number of voters. Therefore, with every person that abstains from voting, all the other people who are eligible to vote have more reason to use their votes, therewith averting an escalating chain reaction to the eventual collapse of the democratic system (cf. Lomasky and Brennan 2000, 65–67 and 78). Consequently, they conclude that the generalization argument is unsuccessful in making a compelling case for a duty to vote.

3. Jason Brennan's Argument—Broadening the Focus

In his book *The Ethics of Voting*, Jason Brennan (2011a, 36–40) agrees with the conclusion of Lomasky and Brennan that the generalization argument for voting cannot be made persuasively and that voting is more like farming than paying taxes or cutting across the lawn. Nevertheless, he rejects their line of argumentation and concedes that by voting one might indeed contribute to a public good. Therefore,

3 Albeit, to my knowledge, Miller (2010) does not explicitly talk about the relation between public goods and collective goods.

it is not obvious without any discussion that non-voting would not be unfair and that there is no duty to vote. He takes good governance to be the public good in question. It could be the result of a democratic election and fulfills the abovementioned criteria for a public good. He then formulates the argument which can be considered to stand behind the heuristic generalization argument. He calls it the "The Public Goods Argument" and it reads as follows.

1. Good governance is a public good.
2. No one should free-ride on the provision of such goods. Those who benefit from such goods should reciprocate.
3. Citizens who abstain from voting free-ride on the provision of good governance.
4. Therefore, each citizen should vote. (Brennan 2011a, 38)

Although Jason Brennan agrees with Lomasky's and Brennan's contention that non-voting is not an act of free-riding, thereby refusing the third premise in accordance with them, he does so for different reasons. For refuting their argumentation, he points out a dilemma that occurs for them: Either all voters are good voters and every vote contributes to good governance or only some voters are good voters and not all votes contribute to good governance. The first scenario might be advocated by a proponent of a deliberative democracy approach in some form. She might hold that all voters ought to be rational and competent to some extent. Furthermore, achieving a certain competence and going to the polls entails costs. Therefore, a non-voter would free-ride on the effort of all voters to provide the public good of good governance. This would mean that non-voting is unfair. Although the presuppositions of the argument in this first scenario are rather demanding, there is also a problem in the second scenario. If not every voter is a good voter, not every vote contributes to good governance. Hence, for every good voter who does not vote the chances for good governance decrease, thereby demotivating other good voters to go to the polls. This is because one good voter cannot compensate for a lost good vote, but the latter is irretrievably lost, and the chances for good governance are irreversibly narrowed. Consequently, the self-stabilizing effect purported by Lomasky and Brennan is undermined by this elaboration on the second case. (Brennan 2011a, 39–40)

For rejecting the third premise of the Public Good Argument, Jason Brennan takes a different approach to elucidate why non-voting is not an act of free-riding. To understand his argument, it needs to be perspicuous that if a person is free-rid-

ing on a public good, she does not contribute in any manner to provide the good. However, there may be several different ways to contribute to a public good. So, in the example of the green summer lawn, the gardener who actively takes care of the respective lawn might cut across it sometimes. Despite this action that is prohibited to others and which is the usual way for others to contribute to the green lawn, the gardener cannot be said to free-ride on the effort of others to provide this public good because he still contributes to it, even though differently.

Accordingly, in the second chapter of his book, Jason Brennan (2011a, 43–67) develops an extensive extra-political account of civic virtue. To reconstruct this account here would digress too far from the discussion at hand. The essential point is that it includes the claim that political participation is not necessary to count as a good citizen. Although many republican theorists would contend that engaging in political participation is essential for having civic virtue and thereby being a good citizen, Brennan holds that to be a good citizen merely implies that one has to contribute in some way to the common good, i.e., to the well-being of the society one lives in. Therefore, he writes:

> But many activities stereotypically considered private, such as being a conscientious employee, making art, running a for-profit business, or pursuing scientific discoveries, can also be exercises of civic virtue. For many people, in fact, these are better ways to exercise civic virtue. (Brennan 2011a, 44)

Hence, Brennan's reason to reject the third premise of the Public Good Argument is not that he denies that voting can contribute to a public good or the common good in general. Instead, he holds that there are different possibilities to contribute to the common good and therefore, a non-voter is not necessarily free-riding (Brennan 2011a, 64–66). Even if one would not accept his account of civic virtue and insist that one has to contribute specifically to the public good of good governance, the point about the possibility to deploy alternative means for contributing to a public good stays intact. This makes it considerably harder to argue that non-voting would be an act of free-riding because one would have to show that there is no other possibility to contribute to good governance than by voting.

Two lessons can be drawn from the discussion up to this point which are relevant for the further progression of this paper:

First, what one assumes to be the public good that is provided through voting is important. It determines the possibilities one has for contributing to the provision of

that public good. Jason Brennan as a prominent proponent of epistemic approaches to democracy (Brennan 2011b) or even epistocracy (Brennan 2016) holds that voting is an instrument to provide good governance. If people vote well-informed their voting will result in a government that will rule efficiently and justly. Accordingly, he also promotes the idea that there should be a duty not to vote in some cases (Brennan 2009). However, I hold that the public good provided by voting extends beyond mere good governance. Therefore, I argue in the next section that voting is a way to contribute to a more comprehensive public good, namely the political legitimacy of a democratic government.

Second, inspired by Brennan's argument, I want to account for the different possibilities available for contributing to political legitimacy. Therefore, I concede that it is possible to contribute to it by some other means than voting. However, I argue that it must be a form of political participation that is significant in the democratic system of government.[4] This is also the reason why activities that are considered private are not able to contribute to this public good. Thus, I do not accept Brennan's account of civic virtue, but I make a concession by weakening the goal of the generalization argument. Instead of claiming that one has a moral duty to vote, I admit that it only can point to a moral duty of political participation of some form.

By assuming political legitimacy as a public good that is provided by political participation and by arguing that it can be provided only through political participation, I contradict Lomasky and Brennan and Jason Brennan at the same time, hopefully showing that non-participation in a democratic system of government is unfair. If this point is compellingly brought forward, it means that the first condition for a persuasive generalization argument for political participation is met, namely that the case of non-participation involves the feature of unfairness. This is the goal of the following section. In the section thereafter, I focus again on the second condition, namely the feature of escalation.

4 I will not provide an elaborate account of political participation in this paper that determines precisely what activities count as a form of political participation. However, the discussion of the procedural criteria for political legitimacy in a democracy in section 4 should give the reader some ideas. Some intuitive examples are voting, running for an election, demonstrating for a political cause, supporting a political party or a politically engaged NGO, participating in some form or another in the political discourse, etc.

4. *Non-Participation and the Feature of Unfairness*

Lomasky and Brennan already anticipated a possible reaction to their argument which claims that voting would promote political legitimacy. However, they bluntly admit that they do not take this response seriously and indicate doubts about the meaning of the suggestion (Lomasky and Brennan 2000, 78–79). Furthermore, they contend that even if voting would promote political legitimacy, this fact would not directly imply a duty to vote. Hence, to address their doubts, two things need to be done next. First, an account of political legitimacy needs to be presented and second, it must be expounded on why political legitimacy is a public good that can only be contributed to by political participation. If political legitimacy is such a public good, it would be unfair not to engage in political participation and thus, there would be a duty to politically participate.

In a nutshell, political legitimacy can be characterized as the moral permission to use political power. Buchanan writes:

> According to the terminology I am recommending, an entity has political legitimacy if and only if it is morally justified in wielding political power, where to wield political power is to attempt to exercise a monopoly, within a jurisdiction, in the making, application, and enforcement of laws. (Buchanan 2002, 689–690)

While this quote by Buchanan specifies what political legitimacy means and what is legitimized, the following definition by Estlund functions as an appropriate complementation.

> I will say that a state's uses of power are legitimate if and only if they are morally permitted owing to the political process that produced them. […] I defend a certain sort of necessary condition on the legitimate exercise of political power: that it be justifiable in terms acceptable to all qualified points of view. […] I will use the term *legitimacy* primarily as applying to acts and threats of coercive enforcement. In a derivative use of the term, I will speak of a legitimate law. This just means that the law is such that the state would, owing to the law's procedural source, be permitted to enforce it coercively. (Estlund 2008, 41)

The narrow definition of political legitimacy by Estlund as moral permission to exercise political power is perfectly compatible with Buchanan's. Moreover, both characterizations correspond in spelling out how political power is exercised namely by making and enforcing laws. However, the characterization by Estlund already points in the direction of how political legitimacy can be provided. It is strongly con-

nected to the political processes which underlie the establishment of a government.

There are two common approaches to explain how political legitimacy in a democracy comes about, namely either the instrumentalist or the procedural approach (cf. Peter 2017). The former purports that political legitimacy is rendered solely through good political institutions and decisions as the outcome of political processes. In the case of a democracy, the political legitimacy of democratic procedures and the elected government is based on the quality of the election outcome and the doing of the government. The proceduralist view, on the other hand, holds that political legitimacy depends on the quality of political procedures. These are the two monist approaches, but there are also pluralist attempts to formulate theories between these two poles, as Christiano (2004, 266) profitably distinguishes. I do not commit myself to one particular stance but give arguments from both procedural and instrumental perspectives.

Although it should be intelligible by now what "political legitimacy" is referring to, the criticism and lack of understanding by Lomasky and Brennan might not have been directed at the meaning of "political legitimacy" but about the graduality of legitimacy which is expressed by statements like "The more people politically participate, the more political legitimacy is reached." Both questions, how political legitimacy is achieved, as well as how gradual legitimacy may be understood, are important for the claim that political participation is the means to promote the public good of political legitimacy and are addressed in the proceduralist argumentation. However, before addressing them, it needs to be clear why political legitimacy is a public good.

As already elucidated in the second section, a public good is ideally non-rival and non-excludable. In the case of political legitimacy, both these criteria are satisfied. Hopefully, it is generally accepted that if somebody has to deal with a government and has to live under its rule, it is desirable that the government is politically legitimate. Thus, it is a desirable good. If the government has political legitimacy, its laws, their application, and their enforcement are legitimate for all persons in their territory. Thus, it is non-excludable. The legitimacy is also not consumed by the individual persons such that they would leave less legitimacy for others. Thus, it is non-rival. Consequently, political legitimacy is a public good.

However, one still has to accept that political legitimacy is a better candidate than good governance to be accepted as the public good that should be provided

by political participation. For people with an epistemic approach to democracy (e.g. Jason Brennan) it can fairly be stated that they have an instrumental stance on political legitimacy and ground it on the quality of the outcome of political decisions or, in the words of Jason Brennan, in "good governance." As Hill (2016, 283–84, 288–89) explains, the epistemic approaches of democracy are mistaken in assuming that democracies were established to bring about correct political decisions. The aim was not primarily to end up with a better government, but with a government whose power is smaller and less arbitrary. It was a means to address the partiality and biases all people in power will show because they have attachments, families, and other private interests. Hence, even if the people in power are the epistemically most suitable candidates to govern, their decisions can only qualify as one opinion among many. Therefore, democracies were developed to deal with arbitrary asymmetries of power and to establish a system in which power is shared and the interest and opinions of all people are considered. So, even if democratic decisions with more participation would bring about worse outcomes than democratic decisions with less participation it would not immediately entail that the latter is more desirable. Furthermore, less participation was already considered to be a problem for the legitimacy of the democratic government since the beginning of modern democracies (Birch 2008, 45). The criterion of "good governance" as an expression for the mere quality of the outcome of political processes does not seem fit to ground political legitimacy in a democracy but rather in forms of epistocracy (cf. Estlund 2008, 21–23). Therefore, the question is not whether good governance or political legitimacy is a better candidate for the public good in question, but to regard good governance as the public good implies itself an account of political legitimacy which is, as was just argued, not suitable for a democracy.

From a procedural point of view, the political legitimacy of a democratic system of government has its origin in its acknowledgment of the political equality of all persons (e.g. Buchanan 2002, 711–713). If we accept that we are all fundamentally equal in our entitlement to political power, every asymmetry in power needs to be justified in some way.

Estlund (2008), for example, addresses this problem by formulating his "qualified acceptability requirement" which says that there cannot be legitimate political power without a justification in terms beyond any qualified rejection. Since we would never agree on a person or a group of people that should have the power to make

political decisions in a political community without a qualified rejection (Estlund's no invidious comparison principle), we will end up giving everybody a say. Thus, by giving everybody a say we accept our political equality. (Estlund 2008, 33–38)

Political equality is, however, not automatically achieved by giving everybody a vote. Dahl (1979, 101–108) advanced the argumentation that for a governmental system to count as fully procedurally democratic there needs to be next to political equality, expressed in the right to vote and to run for a public office, also effective "participation," "enlightened understanding" and the final control of the agenda by the demos.

With the criterion of effective participation, he aimed at the idea of lively and open public discourse enabled by the freedom of expression and opinion. In a democracy, it must be possible to place critical questions concerning political decisions and to bring forward one's reasons for or against the debated options. Furthermore, the relative costs of participation must not be so high that it becomes unattractive or even unaffordable to engage in it. A governmental system that would not ensure effective participation would de facto violate political equality.

With the criterion of enlightened understanding, Dahl pointed to the freedom of information and freedom of the press. In the political process, people need to be able to inform themselves and forge their opinion. Therefore, information that is relevant for opinion formation in a political discussion must not be suppressed and people must have enough time before the election to gather, contemplate and discuss the relevant information.

Finally, the agenda has to be controlled by the demos. That means that all people have to decide together on which matters they will take binding decisions and which matters can be delegated to an elected authority, such that the highest decisional power lies with the people.

Critics of this procedural characterization of political legitimacy sometimes argue that it would allow for terrible decisions because people might, for example, decide against some minorities in the country and as long as the mentioned criteria are met the decisions would be politically legitimate. However, as Cohen (1997, 103–104) argued, to make such discriminating decisions would be to undermine procedural values, especially political equality, and therefore proceduralists can successfully account for this issue.

A further indication that the procedural approach is adequate to evaluate the

political legitimacy of a democratic government is that it is also used to evaluate democracies in research. For instance, the Democracy Index by The Economist Intelligence Unit (EIU) (2019, 51) uses similar criteria to the ones pointed out by Dahl. Next to the electoral process (fair and free competitive elections), they check also for pluralism in the democratic landscape, the warranty of civil liberties, whether there is a lot of apathy and abstention, and if there is a healthy political culture such that the political institutions are accepted and power is peacefully transferred, etc. Similar criteria (though not as demanding as the ones applied by EIU) are also used by FreedomHouse to evaluate the conditions of democracies (FreedomHouse 2020).

The political legitimacy of a democratic government can be said to depend on all these elements of a democratic governmental system. Moreover, although this characterization implies various viable options to contribute to political legitimacy, it constrains the possible means to political participation of some form that is a realization or maintenance of these criteria. It should also be intelligible after these clarifications, how political legitimacy can be understood as a gradual concept since these criteria can all be fulfilled to various degrees.

However, the critic may contend that even if the political legitimacy of a democratic government depends on these procedural criteria brought forward by Dahl, they do not directly imply a duty of political participation. It would be enough that people have the right to vote, to run for public office, to form and join political associations, to express their opinion, pose their questions, provide, gather, and discuss relevant information and influence the political agenda, but the possession of these rights does not oblige them to actually exercise them.

For a first reply, I want to carry on with the proceduralist line of argumentation: As Engelen (2007, 25) remarks in connection to voting, the concept of democracy cannot imply that laws are enacted by a legislator that only represents a minority of the people. The fewer people vote, the less legitimization there is for the democratic government. A similar argument concerning the turnout in elections can be found in Birch (2008, 45) who also argues that the legitimacy of a government depends on voter participation because with full participation all people are truly and accurately represented as equals. To realize the equality of all people they also should engage in voting.

The critic might protest that this line of reasoning is begging the question. It does not explain why the legitimacy of the democratic government should be diminished

if all people possess the rights in question but most of them do not exercise them.

I think the answer lies in a de jure-de facto distinction. The points of Birch and Engelen hold quite intuitively if illustrated for political participation in general, understood as exercising the rights entailed by the criteria propounded by Dahl. Imagine a country E where political participation of any form is barely happening; There are only two parties with almost no members, political journalism is hardly existent, people do not engage in any form of campaigning or political discussion and the decisions are eventually only made by a small political elite. It seems quite intuitive that people of a thriving democracy D in which political participation is an overly common activity would doubt that country E is a democracy. Even if they would learn that people in E possess all the same rights as people in D, they would probably not believe that the government in E holds political legitimacy as required in a democracy. Thus, in the argumentation by Engelen and Birch, the intuition is expressed that rights that are only de jure do not constitute already a legitimate democratic government, i.e., a government that is morally permitted to exercise political power. Rather, legitimacy can only be achieved if the rights of the people are de facto manifested in their exercise of those rights. The more these rights are actually used in a democratic state, the more legitimacy for the democratic government is achieved. If people instead do not engage in these activities even though they have the respective rights, the democratic procedure which legitimizes the democratic government fades away and with it decreases the legitimacy. The rights provided by law are only the conditions of the possibility for the political legitimacy of the democratic government. They are the conditions for the procedure which legitimates the government, but the procedure needs to take place.

Therefore, if political legitimacy is a public good that can only be provided by the democratic procedure understood in this broad sense, then the mere right to realize the procedure is not sufficient to provide political legitimacy. Furthermore, if the procedure can only be realized through political participation, people have a duty to politically participate for bringing about the public good of political legitimacy.

Up to here, all deliberations were solely proceduralist. However, the duty to political participation can also be argued for by making a step towards more instrumental justifications. In this line of argumentation, the duty to vote does not directly follow from the procedural criteria but from the goal to maintain them over time. This way the proceduralist values, i.e., the political legitimacy, still found the duty to

political participation but do not function anymore as a starting point but as a perpetuated outcome. As Hill (2016, 293–295) and also Engelen (2007, 24) point out, it is usually the less well-educated and less wealthy people who do not participate in elections. Therefore, low voter turnout means unequal and socio-economically biased turnouts. If high economic inequality undermines democratic values (cf. e.g., Ferejohn 2009; Levin-Waldman 2016) and the interests of socio-economically disadvantaged people are less accounted for in governmental decisions because they abstain more often from voting, then at least in the long term the procedural criteria for the political legitimacy of the government are at risk. Hill (2006) refers to much empirical work which suggests that more participation in elections has countering effects on these risks: they indicate lower levels of corruption, better wealth distribution, and that the interests of voting people are taken more into consideration in governmental decisions. Additionally, Umbers (2018) advances a similar argument that people free-ride on the efforts of other members of their social group or a group with the same political interests. Even if it is not true that voting provides more responsiveness of the government to one's individual interests in particular or to the interests of society overall, every vote missing from a member of a social group decreases the responsiveness of the government to that social group.

Thus, in these lines of argumentation, a duty to vote is justified not to practically realize the procedure for providing political legitimacy in the present but to prevent a slinking decay of preconditions for practically realizing the procedure in the future.

The argument by Hill or Umbers only observed the effects of an ample voting turnout on the political legitimacy of a democratic government. However, analogous reasoning applies to other political rights. The exercise of these rights, be it an extensive and versatile political discussion in public or political journalism and other forms of information provision, is connected to sophisticated techniques and institutions. Furthermore, they live from innovation and progress with every contribution by the individuals in the political community. If these institutions are not maintained, e.g. there are almost no platforms for political debates and no newspapers that provide information about political topics, the exercise of said rights becomes much harder and less effective. This is true for the political community in general but also regarding particular social groups in that political community as submitted in the argument by Umbers.

All these deliberations show how political participation provides political legit-

imacy in a democracy thereby also illustrating that it is a contribution to a public good. Political participation can be understood therein as a de facto realization of the criteria for political legitimacy or as a contribution to their maintenance over time. Although in this interpretation the options to contribute one's share to the public good in question might still be manifold, they nevertheless are restricted to forms of political participation, i.e., participating in the political institutions which are essential for political legitimacy in a democracy. Hence, to be a good citizen according to the characterization of Jason Brennan would not suffice. Thus, not engaging in political participation understood in such a broad sense would be to free-ride on the effort of other people in the democratic state to provide political legitimacy to the democratic government. In conclusion, non-participation would be an act of unfairness, and the first condition for a convincible generalization argument according to Lomasky and Brennan is fulfilled.

5. Non-Participation and the Feature of Escalation

After all these elaborations, we return to the discussion of the generalization argument of Lomasky and Brennan (2000, 75–79). After all, their rejection of a generalization argument for a duty to vote is primarily based on an analogy between the stabilizing effect in the scenario with the farmer who wants to become a dentist and the stabilizing effect in the scenario of a non-voter. They more or less overtly presuppose that non-voting is not an act of unfairness. As conceded above after the discussion of Jason Brennan's argument, it is not an unfairness per se. However, there is a disanalogy in their argument that needs to be pointed out. While it might not be disastrous in the case of voting, it is decisive to show that the generalization argument for a duty of political participation is convincible to the standard of Lomasky and Brennan.

As already mentioned in the second section, it is not entirely clear what the stabilizing effect or escalation effect brought forward by Lomasky and Brennan (2000, 77) applies to, i.e., what escalates or is stabilized. A plausible interpretation seems to be that what is escalating or stabilized is the provision of a collective good. In the case of the farmer, the collective good is the farming products provided by the people working in the agrarian sector. In the case of the lawn transgressor, the collective good was the quality of the green summer lawn. This collective good is a special kind of collective good, namely a public good. The difference between these

goods rendered the former case unsuitable for a generalization argument against the changing of one's occupation but made the generalization argument against cutting across the lawn persuasive.

However, in the case of non-voting no collective good was affected. The stabilizing effect was applied to the weights of the individual votes of the voters left, which cannot be characterized as collective goods but are rather a feature of the means to bring a collective good about. In analogy to the farmer case, it would resemble the circumstance that as soon as the farmer in question becomes a dentist the workforce of the other farmers enhances and their farmland becomes more fertile. The argument only works for the farming products because they are a collective good that is distributed by a free market and is therefore governed by the law of supply and demand, which permits the assumption of a stable provision of the collective good at hand as long as the demanding side is not changing. However, it does not allow for the assumption that the means of the farmers left magically enhance.

This disanalogy is particularly significant because the generalization argument aims at a collective good. When the people try to dissuade the farmer from her plan to become a dentist by bringing forward the generalization argument, they are concerned about the provision of the collective good of farming products and not about the features of the means necessary to provide such products. The same pertains to people who bring forward a generalization argument against non-voting. They are concerned about the provision of a collective good that is contributed to by voting and not about the weight of individual votes.

If the collective good provided by voting is political legitimacy and therewith a public good, as argued in the previous section, the case of non-voting resembles more the lawn transgressor case. Analogously to the lawn whose quality decreases every time the lawn transgressor walks over it, political legitimacy decreases with every person who does not vote. Similar to the lawn transgressor case, other people might feel frustrated over this fact and stop contributing their share to the public good as well. Therefore, it can be argued for an escalation effect in the case of non-voting, and also the second condition for a persuasive generalization argument for a duty to vote would be fulfilled.

However, since Jason Brennan's thoughts have revealed that all options to contribute to a public good need to be considered, the escalation effect does not plausibly occur if voting is observed in isolation because non-voting does not necessarily

entail non-participation. Therefore, the escalation effect might be absorbed through other acts of political participation.

Nevertheless, at this point, the step towards a generalization argument for a duty of political participation is a small one. As advocated in the previous section, non-participation is an act of unfairness because it would be free-riding on the efforts of others to provide political legitimacy. In continuation of the reasoning above about non-voting or lawn transgressing, it can be argued for the occurrence of an escalation effect if fewer and fewer people engage in political participation. Not only could people who still participate feel frustrated because their effort cannot lead to more political legitimacy since a certain degree of political legitimacy is irreversibly lost with every person that abstains from participating, but furthermore, their actual ability to participate effectively might decrease if fewer people provide platforms for political discussion or information relevant for political decision-making.

Consequently, there is the possibility of an escalation effect concerning political legitimacy due to non-participation. Thus, non-participation exhibits both features Lomasky and Brennan posed as conditions for a persuasive generalization argument.

6. Conclusion

In this paper, I attempted to vindicate the usage of the generalization argument as an argumentative heuristic in everyday discussion to argue for a duty of political participation. I started with the discussion of Lomasky and Brennan about the generalization argument for a duty to vote. They contend that the generalization argument for a duty to vote is unpersuasive because non-voting is not an unfairness and because there is a self-stabilizing effect regarding the weight of the individual votes. In the next step, the argumentation of Jason Brennan was discussed. It revealed, on the one hand, that the generalization argument for a duty to vote can be understood as a heuristic that points towards a public goods argument. On the other hand, he points out that the argumentation by Lomasky and Brennan is flawed but their conclusion that non-voting is not an unfairness is correct. If there are other options to contribute to the public good provided by voting, non-voting does not necessarily constitute an act of unfairness. Incorporating Jason Brennan's reasoning, I subsequently argued that the public good provided by voting and other forms of political participation is the political legitimacy of a democratic government. Furthermore, political legitimacy in a democracy can only be provided by

political participation. Thus, not engaging in any form of political participation would be an act of free-riding on the effort of others to provide political legitimacy. Therefore, non-participation fulfills the first condition for a convincing generalization argument according to the measures of Lomasky and Brennan. In the last step, I tried to show that the self-stabilizing effect purported by Lomasky and Brennan in the case of non-voting does not exist in the case of non-participation. Therefore, non-participation also fulfills the second condition for a convincing generalization argument. Consequently, a generalization argument for a duty of political participation can be brought forward in everyday discussion as a heuristic that points towards a public good argument for such a duty. I did not discuss the soundness of generalization arguments in ethical matters, but merely relied on the characterization of these arguments by Lomasky and Brennan. Furthermore, I do not want to commit myself to a strong duty of political participation which would entail that a government would be justified to enact a law for compulsory political participation. My goal was merely to point out that the common usage of the generalization argument as an argumentative heuristic in everyday discussions for convincing the discussion partner that he should vote or engage in other political activities can be justified and is not a mistake due to a lack of philosophical education or logical thinking. I think this is relevant because the alternative is that a notable piece of everyday argumentation would appear to be flawed, although it is in most cases intuitively persuasive. Nevertheless, the paper also reveals that the application of a generalization argument to convince the discussion partner that he should go to the polls is only justified if that person does not engage in political participation at all, since the generalization argument is only persuasive for a duty of political participation in general but not for a duty to vote in particular.

Samuel Tscharner

hat den Masterstudiengang Political, Legal, and Economic Philosophy an der Universität Bern absolviert und einen Bachelor in Philosophie und Biologie an der Universität Basel gemacht. Sein Fokus liegt auf der moralischen Verantwortung von liberalen Staaten. In diesem

Zusammenhang beschäftigt er sich momentan insbesondere mit moralischer Erziehung, interessiert sich aber auch für Migrations-, Kriegs-, und Finanzethik.
samueltscharner.philo@gmail.com

References

Birch, Sarah. 2008. *Full Participation. A Comparative Study of Compulsory Voting*. Manchester: Manchester University Press.

Brennan, Jason. 2009. "Polluting The Polls: When Citizens Should Not Vote." *Australasian Journal of Philosophy* 87 (4): 535–549.

———. (2011a). *The Ethics of Voting*. Princeton: Princeton University Press.

———. (2011b). "The Right to a Competent Electorate." *The Philosophical Quarterly* 61: 700–724.

———. (2016). *Against Democracy*. Princeton: Princeton University Press.

Buchanan, Allen. 2002. "Political Legitimacy and Democracy." *Ethics* 112 (4): 689–719.

Christiano, Thomas. 2004. "The Authority of Democracy." *The Journal of Political Philosophy* 12 (3): 266–290.

Cohen, Joshua. 1997. "Procedure and Substance in Deliberative Democracy." In *Democracy and Difference. Contesting the Boundaries of the Political*, edited by Seyla Benhabib, 95–119. Princeton: Princeton University Press.

Dahl, Robert A. 1979. "Procedural Democracy." In *Philosophy, Politics, and Society. Fifth Series*, edited by Peter Laslett and James F. Fishkin, 97–133. Oxford: Basil Blackwell.

Engelen, Bart. 2007. "Why Compulsory Voting Can Enhance Democracy." *Acta Politica* 42 (1): 23–39.

Estlund, David. 2008. *Democratic Authority. A Philosophical Framework*. Princeton and Oxford: Princeton University Press.

Ferejohn, John. 2009. "Is Inequality a Threat to Democracy?" In *The Unsustainable American State*, edited by Lawrence Jacobs and Desmond King, 34–57. New York: Oxford University Press.

FreedomHouse. 2020. *Freedom in the World 2020 Methodology*. Washington: FreedomHouse. Retrieved November 18, 2022, from https://freedomhouse.org/reports/freedom-world/freedom-world-research-methodology.

Gaus, Gerald F. 2008. *On Philosophy, Politics, and Economics*. Belmont: Wadswoth Cengage Learning.

Hill, Lisa. 2016. "Voting Turnout, Equality, Liberty and Representation: Epistemic Versus Procedural Democracy." *Critical Review of International Social and Political Philosophy* 19 (3): 283–300.

Keyt, David. 1963. "Singer's Generalization Argument." *The Philosophical Review* 72 (4): 466–476.

Lardy, Heather. 2004. "Is there a Right not to Vote?" *Oxford Journal of Legal Studies* 24 (2): 303–321.

Levin-Waldman, Oren. M. 2016. "How Inequality Undermines Democracy." *E-International Relations*. Retrieved November 18, 2022, from https://www.e-ir.info/2016/12/10/how-inequality-undermines-democracy/.

Lomasky, Loren. E. and Brennan, Geoffrey. 2000. "Is There a Duty to Vote?" *Social Philosophy and Policy* 17 (1): 62–86.

Miller, Seumas. 2010. *The Moral Foundations of Social Institutions. A Philosophical Study*. New York: Cambridge University Press.

Nakhnikian, George. 1964. "Generalization in Ethics." *The Review of Metaphysics* 17 (3): 436–461.

Peter, Fabienne. 2017. "Political Legitimacy." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. Retrieved November 18, 2022, from https://plato.stanford.edu/archives/sum2017/entries/legitimacy/.

Singer, Marcus G. 1961. *Generalisation in Ethics*. New York: Alfred A. Knopf.

The Economist Intelligence Unit. 2020. *Democracy Index 2019. A Year of Democratic Setbacks and Popular Protest*. London: EIU. Retrieved November 18, 2022, from https://www.in.gr/wp-content/uploads/2020/01/Democracy-Index-2019.pdf.

Umbers, Lachlan M. 2018. "Compuslory Voting: A Defence." *British Journal of Political Science* 50 (4): 1–18.

Wick, Warner. 1962. "Review: Generalization and the Basis of Ethics." *Ethics* 72 (4): 288–298.

What Libertarians (Should) Think About Inheritance Taxation

Marcel Twele[1]

Recently, there has been an effort to make libertarianism compatible with a redistributive inheritance tax: When the tax is levied, the taxpayer in question is already dead and as such she cannot be a bearer of rights. The state is therefore allowed to redistribute the (value of) the estate according to some distributive principle. I consider (and finally dismiss) four successive arguments, each concluding that the state is allowed to use the estate for redistributive purposes. I show that neither of them is able to reconcile (right-) libertarianism with a redistributive inheritance tax. Instead of trying to square the circle, proponents of such a tax should meet the theoretical essentials of (right-) libertarianism head-on.

1. Introduction

In recent decades the inheritance tax has fallen out of favor with most of the general public.[2] In academic circles, however, there is a renewed interest in inheritance taxation as a desirable means to counter rising inequality within societies. The (implicit or explicit) normative backdrop for such an argument is usually some kind of egalitarianism: Luck-egalitarian, relational, (broadly) Rawlsian, or something in the neighborhood.[3] Some opponents of the tax share this normative backdrop, but reach different institutional and policy conclusions. Most opponents of the tax, however, draw on non-egalitarian reasons. A very common and philosophically

1 This article was originally published in Twele, Marcel. 2023. "What Libertarians (Should) Think About Inheritance Taxation." *Res Publica* 29 (1): 89–110. Republished in meta(φ) with permission and as per the Creative Commons Attribution 4.0 International License (https://creativecommons.org/licenses/by/4.0/). No changes have been made to the content.

2 See Sheffrin 2013, pp. 13–14 for the US; Prabhakar 2013, p. 144 for the UK and Beckert & Arndt 2016, p. 1 for Germany.

3 For an (in part) luck-egalitarian defense of inheritance taxation see Halliday 2018. For a (broadly) Rawlsian defense see Michael B. Levy 1983; Bird-Pollan 2013b. For proponents of the tax who draw on relational egalitarian ideas see Dworkin 2000, p. 348; Nagel 2009, pp. 116–118; Schweiger 2013, pp. 49–53; Halliday 2018, chs. 5 and 6.

comparatively respectable[4] argument rests on the idea that the inheritance tax violates moral property rights of the testator or the heir. The normative backdrop for such an argument is usually some kind of libertarianism.

Defenders of the tax have responded in two ways: They have either rejected the existence of such property rights out of hand (e.g. Murphy & Nagel 2004) or they have tried to reconcile libertarianism with the inheritance tax, that is, they have tried to show that—on closer look—an inheritance tax is allowed or even required from the libertarian perspective after all.[5] One important subclass of these 'reconciliation-attempts' builds on the (supposedly) *exceptional* character of the inheritance tax: 'Because the death of the individual property owner ends the moral ownership right of that individual, the estate tax is not "theft," as libertarians have often called all taxation' (Bird-Pollan 2013a, p. 28). In what follows, I argue that (the most promising of) these kinds of arguments fail. They are not able to show that libertarianism (at least in its 'Lockean'[6] variant) is compatible with an inheritance tax that is used for the purpose of egalitarian redistribution.

I begin with some thoughts on the nature of libertarian property rights and their relation to taxation more generally, and I will show why the default position is one of conflict 'Libertarian Property Rights and Taxation'. I will then assess four different arguments that those who seek reconciliation between the inheritance tax and libertarianism—on the grounds that the inheritance tax is exceptional—(could have) made: 'The Simple Argument', 'The Argument from Risk-prevention (the Simple Argument Improved)', 'The Argument from Rectification', and 'The Argument from the Strong Proviso'.

4 Compared to arguments that rest on the charge of double-taxation, horizontal, or vertical inequity (for a discussion see White 2018) or family values (for a discussion see Pederson & Boyum 2019).

5 Three reasons for undertaking what I call the 'reconciliation project' come to mind: First, the tax's advocates may themselves feel the pull of libertarianism. Put roughly, they may be torn between ideals of property and equality and they therefore hope that a fully spelled out account of property rights turns out to be compatible with the inheritance tax. Second, they may be animated by purely pragmatic reasons, trying to bring about an overlapping consensus between egalitarians and libertarians in order to get the tax implemented. Third, they may be moved by a certain ideal of political legitimacy which holds that political institutions have to be justifiable from within a broad range of comprehensive doctrines.

6 Some have criticized the label 'Lockean libertarianism' as inapt on the grounds that Locke hold quite different views from that of his self-proclaimed libertarian followers (Lamb 2013, p. 40). Alternative notions are 'hard libertarianism' (Brennan 2012, pp. 10–11) and 'strict libertarianism' (Zwolinski 2018).

2. *Libertarian Property Rights and Taxation*

Since libertarianism is a broad (and still growing) family of views and each of these views has its own implications for a just or legitimate inheritance tax, a narrowing of focus is needed. I choose Lockean libertarianism as my object of inquiry because, *if one grants its theoretical foundations*, it poses the greatest challenge to a successful defense of an inheritance tax used for egalitarian redistribution.[7] All other (non-Lockean) libertarian theories leave far more latitude in regard to this matter for reasons stated in the following paragraphs.[8] Furthermore, there are already authors (such as Jennifer Bird-Pollan and Stewart Braun) who (seem to) depart from Lockean libertarianism as well. In part, this paper is a response to their arguments.

Broadly speaking, Lockean libertarianism holds that there are fundamental, very strong (or even absolute) and far-reaching (or even 'full') property rights in one's own body (self/person) and legitimately acquired external objects. Libertarian property rights are *fundamental*, since they are not grounded in different (more fundamental) normative ideals.[9] The recognition of property rights is thought of as the immediate expression of respect for individuals, their dignity, personhood, autonomy, etc. (e.g. Nozick [1974] 2013, pp. 48–51). The rights are *strong* in the sense that they are not easily overridden by other moral considerations. They are *far-reaching* in the sense that they encompass a broad range of claims and powers that are associated with what Honoré has dubbed 'ownership in the full liberal sense' (1961), which include the normative power to transfer the (full) rights to third

7 'Libertarianism' from now on.

8 It goes without saying that probing other libertarian theories' implications for inheritance taxation is a worthwhile endeavor as well. See for example Åsbjørn Melkevic (2020, pp. 179–206) who makes a reconciliation attempt between egalitarian inheritance taxation and the classical liberal tradition (e.g. Milton Friedman and F. A. Hayek) by pointing out the tax's instrumental value for a well-functioning market economy. See also Rob Reich (2014) who defends inheritance taxation from within John Tomasi's 'neoclassical liberal' approach of a 'market democracy'—basically a libertarian reinterpretation of John Rawls which insists on conferring to economic freedoms the status of basic liberties (Tomasi 2012).

9 Non-fundamental (derivative) versions of libertarianism are for example based on contractarianism (Narveson 2001), (rule-)utilitarianism (Conway 1995), ideas of 'social justice' (Tomasi 2012) or 'perfectionist' egoism (Rand 1964; Rasmussen & Den Uyl 2005). As already stated, it is an interesting question in its own right if those other strands of libertarianism are compatible with an inheritance tax or not. As long as the same rights (rights with the same strength and content) can be derived from such accounts (as for example Narveson believes about his contractarian version), the arguments that I put forward in this paper are relevant for those derivative libertarianisms as well.

parties at will.[10] Taken together, these three features put libertarian property rights at odds with (redistributive) taxation in general.[11] If rights were far-reaching but weak, they may—in various situations—be overwritten by other (e.g. egalitarian) concerns that speak in favor of (redistributive) taxation. If rights were strong but not far-reaching, they may have no points of contact with certain kinds of taxes to begin with; if rights are both strong and far-reaching, however, one may expect (most of) taxation to be a wrongful intervention into the tax-subject's property rights. Furthermore, since the rights are fundamental, there is little leeway for arguing on (partly) empirical grounds that—given their consequentialist function—rights are less strong or far-reaching than their proponents claim them to be.

Given this rigorous understanding of property rights, it is natural to suggest that a (redistributive) inheritance tax is a violation of rights. On closer investigation it may turn out that it is *not*, which explains why some engage in the 'reconciliation project', but at least *prima facie* a conflict is to be expected. The gateway for reconciliation is not the strength or fundamentality of rights but their scope (their 'far-reachingness'). Libertarians are adamant about the first two features but often somewhat vague about the third.[12] Accordingly, defenders of the tax have been ea-

10 Some authors complain about missing 'foundations' of Lockean libertarian property rights in general (e.g. Nagel 1975) or of its specific components like the power to transfer. Understood as the epistemic concern that propositions about the existence or form of those natural property rights are neither self-evident nor can their truth be established via reflective equilibrium, this criticism is valid. If, however, the missing *axiological* or *normative* basis of those rights (or of specific components) is lamented, the criticism seems to be confused. To blame the Lockean libertarian for missing foundations in this further sense is tantamount to blaming the utilitarian for not providing a further (more fundamental) principle as grounds for the principle of utility.

11 There is a broad consensus between libertarian and non-libertarian authors alike that not only (redistributive) taxation but a (non-consensual) state *as such* is unjustifiable on hard libertarian grounds (be it an 'ultra-minimal state', a minimal state, a welfare state, or any other kind of state) (Rothbard 1982; Simmons 2005, but see Mack 2011). As Nozick puts it in the beginning of *Anarchy, State and Utopia*: 'So strong and far-reaching are [libertarian] rights that they raise the question of what, if anything the state and its officials may do' (Nozick [1974] 2013, p. ix). His own justification of a minimal state is commonly taken to be unsuccessful (e.g Nagel 1975, p. 139, n.). It is therefore quite surprising that when it comes to public policy, many libertarian-leaning academics, politicians, and citizens take the justifiability of either a minimal state or a 'mutual advantage state' (that provides public goods) for granted. For the purpose of this paper I will accept that a (non-consensual) minimal state can be just and that nonconsensually only a minimal state can be just. Not because I think any of the arguments for a minimal state to be successful, but because most libertarians—for reasons not too transparent—hold on to such a state themselves. I will draw on Mack's justification of a minimal state later on.

12 Peter Vallentyne, for example, defines full ownership as 'the strongest bundle of property rights over a thing that is compatible with someone else having the same bundle of property rights over

ger to show that libertarian rights are less far-reaching than usually assumed. More specifically, they have tried to demonstrate that *post-mortem transfer* is not entailed by libertarian property rights and based their case for the compatibility between libertarianism and the inheritance tax on this very assumption.[13] In what follows, I will scrutinize (and finally dismiss) four different arguments for the compatibility of libertarianism and the egalitarian inheritance tax that its advocates have (or could have) made and that proceed from the premise that post-mortem transfer is not part of property rights.

The first two arguments can be called *external*, insofar as they rely on an additional normative standard which they combine with libertarian property rights. The last two arguments are *internal*, insofar as they exclusively rely on libertarian premises. All four arguments, however, are made 'from within a libertarian framework', which means that each of them takes the existence (and priority) of libertarian property rights as a given.

3. *Two External Arguments for the Egalitarian Inheritance Tax*

It is safe to say that a majority of the inheritance tax's advocates follow an egalitarian agenda. In light of these commitments (and if reconciliation is aspired), it is crucial to show that not just any inheritance tax but (what I call) an *egalitarian inheritance tax*—one that would follow from egalitarian principles—is compatible with libertarian tenets.[14] Two authors who have recently followed this endeavor are Jennifer

everything else (other than one's person and the space that one occupies)' (Vallentyne 2018, p. 102). Formulations like these still leave it open, what *exactly* full ownership entails.

13 Libertarians on their part have either ignored the question, if property rights encompass the power of *post-mortem* transfer, or (more often) they just have taken for granted that property rights do encompass it. Two lines of thought might explain this nonchalance. First, libertarians may think that *post-mortem* transfer is part of property rights as a matter of definition (compare John Stuart Mill 2004, II.ii.27; Honoré 1961). But this seems mainly a terminological dispute and shouldn't bear to much on *normative* analysis (see Lamb 2014, p. 630). Second, libertarians may think that *post-mortem* transfer is a transfer just as any other. Since (for libertarians) the power of *inter vivos* transfer is part and parcel of property rights, they might just have assumed that the same is true for transfer 'after death'.

14 By 'egalitarian principles' I mean principles such as political equality, strong equality of opportunity, social equality, and strongly prioritarian principles (that have resources, basic goods; capabilities or well-being—or some such—as their currency). Whatever inheritance tax (if any) would follow from any of these principles is—as a matter of definition—an *egalitarian* inheritance tax. It is possible that *no* inheritance tax follows from any of these principles. It is also possible that the inheritance tax that follows is such that its revenue is earmarked (or at least 'supposed to be used') for something different than 'egalitarian purposes'. To keep things simple, I will presuppose that

Bird-Pollan and Stewart Braun. Bird-Pollan claims that '[a] libertarian position on property rights […] is consistent with a robust estate tax, reaching even 100%' (2013a, p. 28). Furthermore, 'the estate should be held up as a model of a libertarian tax' (ibid 2013a, p. 28). Similarly, Braun declares that 'entitlement theorists should not object to the taxation of bequest. If anything they should accept it as a unique way to improve the material conditions of the living without violating their own tenets' (Braun 2010, p. 713).[15] The authors seem to share the following argument:

3.1 The Simple Argument

P1: At her death the testator loses the moral property right in her estate. For this reason the inheritance tax does not infringe on the property rights of testators.

P2: Since a legitimate transfer of property has happened neither before nor at or after the testators death, the inheritance tax does not infringe on the property rights of heirs.

P3: If neither testators nor heirs have property rights in the estate, the state is allowed to use it for egalitarian purposes.

C: The state is allowed to use the estate for egalitarian purposes.

The first premise states that the inheritance tax is no infringement on the property rights of the (by now) dead *testators*. There are at least two ways to argue for this. First, it can be argued that the dead no longer have any interests or subjectivity or capacity for choice that could ground their status as right-holders (Bird-Pollan 2013a, p. 25). Second, it can be argued that the interests (etc.) of the dead can ground no moral status or moral rights, *even if they existed* (Braun 2010, p. 698). Both arguments reach the same conclusion: The testator loses her property right

an inheritance tax *does* follow and that it will be one which is directly geared towards 'egalitarian purposes'.

15 Both authors pursue egalitarian objectives. Jennifer Bird-Pollan insists that her 'decision to focus [...] on the estate tax rather than the individual income tax stems from the primarily redistributive purposes of the estate tax [which is to break] up large concentrations of inter-generational inherited wealth and using those funds (along with other funds) to support federal government spending, including spending on welfare programs' (Bird-Pollan 2013a, p. 11). Stewart Braun also follows an egalitarian agenda: 'The issue of whether there exists a moral right to make a bequest is important. In the United States and Britain wealth distribution is disturbingly unequal. [...] A strong and efficient tax on bequest could help limit this inequality by reducing the wealth of family dynastic units' (Braun 2010, p. 696).

in her estate at the moment of her death.[16]

The second premise states that nobody can raise a valid claim to the dead testator's former estate *qua legitimate heir*. The reasoning here is as follows: As long as the testator is alive no transfer of property has taken place. A written will of the testator has to be understood as either an expression of a *post-mortem* interest or an announcement that the testator intends to pass on her property. It is *not* a transfer of the property itself, since the testator is capable of retracting from it anytime she deems fit. (Besides, if it were a transfer, it would be an *inter vivos* and not a *post-mortem* transfer.) (Steiner 1995, p. 91; for discussion see Fabre 2001; Lamb 2014.)[17]

As soon as the testator dies she loses the property right and the accompanying normative power to transfer, so no transfer of property takes place at or after her death either (Bird-Pollan 2013a, p. 25). It follows that there was no transfer of the estate whatsoever, which means in turn that there is no heir with a legitimate (moral) claim to the property.[18] One can, of course, hold that wishes of the dead should be honored (independently of whether a transfer of the property has actually happened or not). But from such a duty it does *not* follow that other individuals are vested with property rights in the estate. The most that follows is that the new legitimate owners have a duty to (voluntarily) pass on their right to those individuals selected by the testator.

Understood as a strict implication, premise 3 would obviously be false: The fact

16 It is worth pointing out that among libertarians this is a minority view. Most think that property rights *do* entail the normative power of *post-mortem* transfer. (While it is often *left*-libertarians—see section 3.2—who reject this component, the question is *theoretically* independent of the right-left divide.) Note, however, that the question whether post-mortem transfer is entailed by property rights or not cannot be decided by normative reasoning alone. Both sides of the debate have to rely on metaphysical considerations on the interests/rights of the dead. Given the complexity and controversy of this long-lasting discourse, it will not be part of this paper. Let me just state that the success of the simple (and the following) argument(s) party depends on the outcome of metaphysical debates on the interests/rights of the dead more general.

17 It is of no help to insist that by signing a will the testator contracts into transferring the right later on. For one thing, that is not what the testator is doing, otherwise she could not just retract from (signing) the will. For another thing, by contracting into transferring at a time when no transfer is possible, the testator (possibly) wrongs the (putative) heir but she does not thereby affect the future transfer.

18 It is sometimes argued that no individual but rather the *family as a whole* is the rightful owner of the estate and that for this reason 'there is no "transfer" from one tax unit to another upon which to levy any tax' (Duff 1993, p. 61). But aside from the fact that there is nothing like a worked-out account of family property rights, I am going to show that no such account is needed in order to reject any of the arguments dealt with in this paper. (The need to reject such arguments seems to be the main motivation for libertarians to draw on the idea of family property.)

that neither testator nor heir have a property right in the estate does not *strictly imply* the state's permission to levy a tax on the dead persons property (and use it for egalitarian purposes). To reach this conclusion, a crucial argumentative step is still missing. It has to be demonstrated that by levying such a tax the state is not violating property rights of *third parties* (i.e. other parties than the putative testator or heir). Understood more loosely—holding only under the background assumption that there are no such third-party rights—the premise may be correct but then the background assumption itself would be in need of vindication.

In my critique, I will neither engage with the first nor with the second premise (others have already done this)[19], but I will focus exclusively on the third premise. I will argue that the simple argument is not successful *even if* the libertarian concedes that neither the (dead) testator nor any (putative) heir has a property right in the estate. A first and quite obvious reason for this is that libertarians subscribe to a principle of (first) *acquisition* or *appropriation* (Nozick [1974] 2013, pp. 174–178). Individuals do not have rights in external resources *just like this*. Instead—along with their self-ownership—they have the normative power to acquire such resources if nobody else acquired them before.[20] Furthermore, the right of self-ownership provides the appropriator with negative claims against others, not to be interfered with (many of) the respective appropriative action(s).[21]

Two things follow from these theoretical reflections: First, if somebody appropriates the estate before the state itself does, the state has no (normative) liberty to use the estate for redistribution. Rather it has to leave it with (or give it back to) its new rightful owner. If the state levies a tax nevertheless, it violates the new owner's

19 For a critique of the first two premises see, for example, Lamb (2014). Lamb argues that, if libertarians commit themselves to an interest theory of rights instead of a will theory, they can make sense of a *post-mortem* transfer of property, because for such a transfer to become effective, there is no need for an act of will (on the side of the testator). The existence of a morally significant *interest* is sufficient for such a transfer to take place. Furthermore, Lamb does not assume that the dead can have interests. He believes that it is the *ante-mortem interest of the once living individual* (that certain important plans of her are realized after her death) that justifies the post-mortem transfer.

20 In addition, most libertarians think that the appropriation is conditional on a so called 'Lockean Proviso'. See section 'The Argument from the Strong Proviso'.

21 One could insist that libertarians usually only talk about *first* appropriation and that it remains an open question whether the same rules apply to second (third, and so forth) appropriation. But even if libertarians are notorious for omitting or under-theorizing important parts of their theories, it is hard to believe that they would not have said something about the workings of 'second' (and so forth) appropriation if they believed it to be very different.

rights. Second, if the state prevents individuals (by violent means or by other physical interference or the threat of either, say by adopting a corresponding law) from acquiring the estate, it violates the (self-ownership) rights of would-be appropriators. Bird-Pollan is quite aware of this implication:

> A[nother] possibility is that the Lockean-Nozickian result would be to allow assets that are freed up upon the death of the property holder to revert to nature. On this view, the true Lockean result would be to allow individuals to come forward to mix their labor with these goods, thereby establishing new moral claims over the assets. (2013a, p. 26).

As becomes apparent from the quote though, she believes this to be not a necessary corollary of libertarianism but only *one* theoretical possibility among others. The only reason she invokes for rejecting the 'true Lockean result' is a consequentialist/contractualist thought:

> [the] possibility of reverting to a war of all against all each time a member of society dies is strongly reminiscent of the Hobbesian state of nature. [...] However, since Locke believes that an individual agrees to give up certain rights upon entering society, his view of property rights does not require this result. (2013, p. 26)

The thought is consequentialist in the sense that it points to the bad consequences that a 'first come, first serve-rule' would have for everybody involved. It is contractualist in the sense that it assumes that—as a matter of prudence—individuals would contract into a different rule which would obviate the bad consequences. Irrespective of what Locke thought about this matter, the main target of Bird-Pollan's analysis, Robert Nozick, as well as most other libertarian theorists would not be impressed with this kind of 'hypothetical contract' solution. If one dispenses with the contractualist baggage, however, there is another argument in the making.

3.2 The Argument from Risk-Prevention (the Simple Argument Improved)

P1: The state is allowed to intervene in risky actions.
P2: Acts of appropriation are risky.
C1: The state is allowed to intervene in acts of appropriation (from P1 and P2).
P3: The prevention of appropriation is successful (no appropriation takes place).

P4: If the state is allowed to prevent and successfully prevents appropriation, the state is allowed to use the estate for egalitarian purposes.

C2: The state is allowed to use the estate for egalitarian purposes (from C1, P3, and P4).

The best way to conceive of the argument from risk-prevention is as an improvement of the simple argument. The argument from risk-prevention presupposes the first and second premise of the simple argument (otherwise there would be no opportunity to appropriate property to begin with) and it reaches the same conclusion. In addition, it provides a reason why the state is at liberty to intervene in acts of appropriation and keep the estate 'for itself' (it specifies certain background conditions under which the third premise of the simple argument is supposed to hold).

The first premise can probably be based on considerations that Nozick unfolds in the fourth chapter of *Anarchy, State & Utopia*. Here he seems to acknowledge that rights are less strong (or far-reaching?) than his initial statements indicate. Rights can legitimately be infringed upon, so Nozick argues, if their exercise involves a (medium to strong) risk that others are put in jeopardy. Premise 2 consists in the empirical claim that acts of appropriation are indeed risky (that they come with a medium to high risk that somebody's rights are violated in the process). In Bird-Pollan's words: they are leading to a 'war of all against all'. Not only would there be violent disputes over who was the first at the scene. In addition, some individuals might be incentivized to kill others who will leave behind a huge fortune (in hope that the killing will stay unnoticed and they will be the first to acquire the property).

Premise 3 is also vital. Even if the state prohibits the acquisition of estates (and is morally at liberty to do so), this does not guarantee that no *normative* appropriation takes place. After all, the success of such an appropriation does not depend on the state's blessing. Depending on the 'theory of acquisition', in order to establish property rights in a thing, it is sufficient that one is the first who (i) 'mixes one's labor' with a thing, (ii) uses a thing, (iii) occupies a thing, or (iv) merely claims a thing.[22]

22 Nozick calls such a theory a 'theory of *just* acquisition', but this seems to be a misnomer. An action is just if it does not violate property rights and unjust if it does violate property rights. In contrast, Nozick's 'theory of just acquisition' specifies the conditions under which an act constitutes a *normative* acquisition of a thing (an exercise of her normative power to establish a moral property right in a thing), *whether or not the acquiring action is just*. Neither does the action's injustice undermine the success of the appropriation (for example, under a labor-mixing theory of appropriation, the wood that went into building a hut with help of a stolen saw has been normatively acquired by the hut-builder via building the hut—*even if the saw was stolen*) nor is the jus-

One can try to rebut the argument from risk-prevention by denying any of its empirical premises (2 and 3). One could also reject the first premise on the ground that it is not true to the libertarian spirit (see Mack 2011). The real troublesome aspect of the argument, however, is premise 4. And the worry that it raises is quite similar to that concerning premise 3 of the simple argument: The fact that the state does not violate property rights of appropriators (*qua* appropriators) does not establish a liberty on part of the state to use the estate for egalitarian purposes. The relevant question to pose is whether there are still other libertarian rights that the state would violate by raising the tax. I will argue that—less obvious than in the case of the rights of appropriators—there are indeed other rights that stand in the way of the legitimate *egalitarian* taxation of the estate.

To appreciate this point, one has to look more closely at the rationale that underlies the libertarian case for the minimal state, 'limited to the narrow functions of protection against force, theft, fraud enforcement of contracts, and so on' (Nozick [1974] 2013, p. xix). As I see it, the most promising rationale for the minimal state—and one that arguably fits Nozick better than his own—is given by Eric Mack. According to Mack's account of 'attenuated rights', rights-infringements are (all-things-considered) allowed if necessary to reduce overall rights-violations for the same person (the person whose rights are infringed).[23] Here libertarian rights are conceptualized not as strict deontological constraints but as patient-relative restrictions that allow for intra- (but not inter-) personal rights aggregation (e.g. Mack 2011, pp. 109–114).[24] Furthermore, Mack claims that such an understanding of libertarian rights can explain why a minimal state is just while any 'more-than-minimal state' is unjust. A minimal state is just because—although it maintains a monopoly on the use of force and taxes individuals (without their consent) in order to fund its protective services—this does not amount to a violation of property rights.[25]

---

tice of a *descriptive* acquisition sufficient to vest somebody with property rights in the thing (e.g. non-violently occupying a piece of land might be just but—under the labor-mixing theory—not sufficient to be vested with property rights in the land).

23 It is not altogether clear how this conceptualization of rights, which is developed in Mack 2011 relates to Mack's at least partly conventionalist account of property rights in Mack 2010. What is clear is that Mack believes his 2011 conception to be 'the best Nozickian response to the anarchist challenge [that no non-consensual state can be just]' (Mack 2011, p. 89).

24 This account of rights differs significantly from what Nozick calls a 'Utilitarianism of Rights', where rights can be aggregated not just intra- but also inter-personally (Nozick [1974] 2013, pp. 28–30).

25 From a libertarian perspective, the state's claim to a monopoly on the use of force is *prima fa-*

This is so, since the state's (non-consensual) monopoly on the use of force as well as the taxing are (arguably) *necessary* to reduce overall rights-violation for each individual so subjected and taxed (Mack 2011, p. 113). I will not go into the details of Mack's justification for the minimal state nor criticize it but point to some of its implications that undermine the argument from risk prevention—more precisely, its fourth premise.[26]

One has to bear in mind that the inheritance tax is usually not the only tax that a (minimal) state has implemented. In order to fulfill the task of protecting everyone's rights, the state already raises other kinds of taxes. If used for the general protection of property rights *and if necessary for this purpose*, these other kinds of taxes are—on Mack's account—legitimate rights-infringements (or more accurately: no rights-infringements after all). The point I want to press is the following: As soon as the state disposes of the proceeds from the inheritance tax, some amount of taxes that has been deployed for the general protection of property rights and that has been necessary to protect property rights at the given level is not necessary anymore, since the proceeds from the inheritance tax could be used for this very purpose instead. As soon as the state disposes of the proceeds of the inheritance tax and uses those proceeds for egalitarian purposes, the act of levying the excess amount of those other taxes turns from a legitimate rights-*infringement* into an outright rights-*violation*.

What the state could legitimately do is to use the revenue from the inheritance tax for the protection of property rights *at an even higher level*. Yet, if spending more money on a property rights regime is not leading to more property rights being actually protected, the state has to lower other taxes. In any case, what the state is not allowed to do is to use the revenue for egalitarian purposes.[27]

---

cie objectionable because a) it interferes with individual's protecting their own rights (or instructing others to do so) and b) it interferes with individual's offering rights-protecting services to third parties.

26 Mack's justification for the minimal state seems ultimately unsuccessful because even if *for each and every* individual there is a (realistic) state arrangement which improves her situation (in terms of the reduction of rights-violations that she herself suffers) *and where no more rights of hers are infringed than necessary for such an improvement*, it does not follow—and it is not the case—that there is a state arrangement which does this for *all* individuals simultaneously. For the sake of this and the later arguments, I will just assume that a (non-consensual) minimal state can be just and that (non-consensually) only a minimal state can be just and—since Mack's justification is the most sophisticated and promising—that it can somehow be improved to avoid this kind of objection.

27 There is an interesting argument claiming that a certain level of welfare provision is part of

4. *Two Internal Arguments for the Egalitarian Inheritance Tax*

As we have seen, even if the simple argument is theoretically enriched by considerations of risk-prevention, the argument fails as a defense of the thesis that the state is allowed to levy an *egalitarian* inheritance tax. To be sure, the argument is capable of defending *some* inheritance tax—as long as the revenue is effectively deployed for the general protection of property rights. But, of course, this is not what the argument's proponents had intended to show. There seems to be a systematic reason for the argument's failure. If the state is allowed to infringe on property rights only so far as is necessary for the purpose of protecting libertarian rights, the state is never allowed to redistribute property for libertarian-*external* purposes. If egalitarians want to reconcile libertarianism with an egalitarian inheritance tax, a change of strategy is called for. They have to demonstrate that some genuine libertarian considerations, i.e., considerations *internal* to the doctrine of libertarian rights, *overlap* with an egalitarian agenda. The underlying idea is that—maybe on closer inspection—libertarianism is approving of or even demanding an egalitarian redistribution just by itself (for libertarian-internal reasons). I will discuss two different arguments that are based on this very strategy: The 'Argument from Rectification' and the 'Argument from the Strong Proviso'.

4.1 The Argument from Rectification

The argument from rectification calls attention to the fact that, under realistic (non-ideal) circumstances, most legally recognized property rights do not coincide with morally valid libertarian property rights. This fact (supposedly) opens the floodgates for redistributive intervention. In its most general formulations the argument from rectification is meant to defend—from a libertarian vantage point—state-backed egalitarian redistribution (via taxation) *in general* (Nozick [1974] 2013, p. 231; Wündisch 2014; Zwolinski 2018, pp. 333–335). In what follows, the argument is tailored toward defending an egalitarian *inheritance* tax. The argument has to be conceived as a further enhancement, building on the argument from risk-prevention, which—in turn—constitutes an improved version of the simple argument.

the most effective crime-fighting strategy and would therefore be legitimate even from a libertarian standpoint (Wündisch 2014, pp. 33–42). But even if such provision would lead to a Pareto-superior situation (in terms of the absence of—indiviudually overall—rights-violations), the resulting policies would probably be less ambitious than those favored by the adherent of the egalitarian inheritance tax.

P1: History is full of (non-rectified) violations of property rights. The victims of those violations have enforceable claims to rectification against the perpetrators, who in turn have enforceable duties against the victims.

P2: Claims and corresponding duties are transferable to others and (would) have been transferred to later generations up to this day.

C1: The bulk of currently existing legally recognized property rights comes with enforceable moral duties to rectify past injustices on the part of the bearers of those legal rights against the proper moral proprietors (from P1 and P2).

P3: The state has a (pro tanto) duty to enforce duties of rectification of its 'subjects'.

P4: The most efficient means to satisfy this (pro tanto) duty is to redistribute economic resources according to an egalitarian (maximin/leximin) principle.

C2: The state has a (pro tanto) duty to redistribute economic resources according to an egalitarian (maximin/leximin) principle (from C1, P3, and P4).

P5: The only tax that is morally qualified as a means to this purpose is the egalitarian inheritance tax, since all other taxes would amount to (direct) rights-violations by the state.

C3: The state has an all-things-considered duty to levy an egalitarian inheritance tax (from C2 and P5).

The first premise combines empirical and theoretical assumptions. The empirical assumption is that—in a historical perspective—non-rectified rights violations abound. So much is uncontroversial and libertarians should be among the first to agree, not least because recent human history is a history of 'more-than-minimal' states that are violating rights on a continuous basis and a huge scale (Perez 2014, p. 128). The theoretical assumption is that the original victims of rights violations have (or rather had) claims to rectification toward the perpetrators. This is simply the *principle of (justice in) rectification* to which libertarians unanimously subscribe (e.g. Nozick [1974] 2013, pp. 152–153).

The second premise—in contrast—should be highly controversial. Before say-

ing how it can be criticized, let us have a look at how it is spelled out by one of its proponents:

> [T]he property right of the original victim to a part of the assets of the perpetrator does not erode over time and is transferable at will. [...] If the assumption is warranted that the victim has bestowed the assets under her immediate control onto her children, it is reasonable to assume that she would have done likewise with her compensation. In such cases claims to compensation can reasonably be expected to pass from one generation to another via rights to inheritance (Wündisch 2014, p. 116).

The flip-side of this is that descendants of perpetrators have inherited (part of) the corresponding duties to rectify injustices committed by their ancestors:

> [I]f a title is held against the property of an original perpetrator on grounds of an original wrong, the assets affected by that title can not be rightfully bequeathed. Accordingly, the descendent's possession of those assets continues to be subject to the title held against them and is, therefore, unjust. If compensation is demanded from the descendant then such a payment is justified. (Wündisch 2014, p. 119).

I see two problems with these claims. First, libertarians are usually no friends of hypothetical consent. It is therefore unclear whether they would be willing to grant hypothetical transfer of compensatory-titles much weight. After all, the original owner might have done all kinds of things with her property besides passing it on to her children.[28] Second, at least in the above quote, emphasis is put on the idea of a transfer through *inheritance*. Yet, proponents of the argument from rectification cannot rely on (hypothetical) inheritances, since they believe inheritances to be no morally valid transfers to begin with.[29] This narrows the set of relevant (hypothetical) transfers even further, namely to *inter vivos* gifts 'between generations'. Both problems can be avoided by focusing on normative transfers that *actually* happened. But now the amount of relevant transfers will probably be vanishingly small and is

28 One may insist that *under the specific circumstances where actual (normative) transfer is absent due to injustice and the original owner dies*, hypothetical transfer is indeed a plausible alternative to actual transfer. But it seems a bit ad hoc to assume that 'hypothetical consent' has moral authority in this case while it has no authority *whatsoever* when the owner is still alive or the injustice has not occurred (for a similar point see Waldron 1992, p. 10).

29 Of course, this is not to say that rectificatory arguments *as such* have to reject post-mortem transfer. It is the specific argument at hand (building on the simple argument and the argument from rectification) that has this implication. More specifically, premise 5 of the above argument presupposes the non-existence of (the normative power to) post-mortem transfer. Otherwise, the inheritance tax would *not* be the only tax that could be used for rectificatory purposes, since it would be (or seem to be) a rights-violation just as any other tax.

even harder to ascertain than hypothetical (*post-mortem*) transfer.

Premise 3 should again be uncontroversial among libertarians: The state's monopoly on the use of force is only justified if the state protects the property rights of *all* its citizens. Since claims to rectification of past injustices are part of the bundle of property rights, it follows that the state has a (pro tanto) duty to enforce these duties. (For a more systematic grounding of this duty one could draw on Mack's justification of a minimal state.)[30]

Premise 4 is in need of explanation. What speaks in favor of the claim that a redistribution which gives strict priority to the worst-off is the most efficient way for the state to comply with its (pro tanto) duty to enforce the rectification of past injustices? Proponents of the argument from rectification find unexpected support for this claim in some remarks of Nozick where he conjectures that

> lacking much historical information, and assuming (1) that victims of injustice generally do worse than they otherwise would and (2) that those from the least well-off group in the society have the highest probabilities of being the (descendants of) victims of the most serious injustices who are owed compensation by those who benefited from the injustices [...] then a *rough* rule of thumb for rectifying injustices might seem to be the following: organize society so as to maximize the position of whatever group ends up least well-off in the society. (Nozick [1974] 2013, p. 231).

In other words, what Nozick is suggesting here is that following a maximin/leximin principle of distributive justice might be the best option for the state to (as good as possible) approximate a state of affairs where everyone's rectificatory duties are met.[31]

Even if an inheritance tax is a suitable instrument to redistribute economic resources to the worst off, why should libertarians think that the inheritance tax is the *only* justified means when it comes to taxing individuals for the purpose of rectification—as claimed in premise 5? Let us first see why one may come to think that *taxes in general* are *not* justified for this purpose. Many libertarians believe that the

30 Libertarians usually hold that (libertarian) rights are 'compossible' (can be realized all at the same time). This requirement seems to be at odds with a *pro tanto* understanding of rights. Yet, even libertarians can profit from the talk of *pro tanto* rights, using it as a mere heuristic as long as it is unclear how exactly rights interlock.

31 To take the leximin distribution *as a general rule* is not to foreclose the possibility that more fine-grained redistribution is called for in particular cases. For example (if we bracket the worry about hypothetical transfer) it is not unlikely that certain parts of the American continent can be identified as belonging to specific individuals or groups of Native Americans. If so, it is possible (and may be morally demanded) to combine the leximin strategy with more targeted interventions.

state is allowed to rectify a past injustice only at the cost of the person who committed the injustice (Narveson 2009, p. 4; Vallentyne 2018). While '*anybody may* [enforce rectification] against the appropriately guilty parties [...] *nobody* may [enforce] it *against anybody else*' (see Narveson 2009, p. 4). One may want to add that rights-violators 'have to pay for the enforcement costs associated with their rights infringement' (Vallentyne 2018, p. 100). The crucial point, however, is that non-violators have neither duties of rectification nor duties to bear the enforcement costs. As Narveson puts it: 'Other persons than the guilty parties are, by hypothesis, *not guilty*; therefore, we may *impose no costs* on these other parties. That includes the cost of helping out with the detection and imposition of rectifications on the guilty parties' (Narveon 2009, p. 4). The talk of 'guilt' is somewhat misleading, since not everybody who holds other people's property is *eo ipso* guilty (e.g. if she does not know to whom specifically the property is owed or if she lacks the means to make it available to the rightful owner). Accordingly, the reason that we may not impose costs on those other parties is *not* the absence of their guilt but the fact that they do not hold property that rightfully belongs to someone else.[32]

Yet Yet, the general idea should be clear. The problem with feasible models of progressive taxation is that they are indiscriminate between those rich individuals whose property rights are (in part) conditioned on rectification and those rich individuals who have a 'clean slate'. Whatever tax the state relies on in order to bring about the desired (maximin/leximin) distribution, it seems to violate the rights of the latter group. Given her strongly 'individualist' orientation (which implies the prohibition of inter-personal trade-offs), the libertarian cannot rest content with such a broad-brush solution (Feser 2005, pp. 78–79; see also MacLeod 2012, p. 79; Perez 2014, pp. 128–129). So even if Nozick's suggestion is the optimal among actually administrable options ('optimal' in the sense that it approximates—as best as it can—a state of affairs in which the greatest amount of past injustices has been rectified), it would all-things-considered still be illegitimate, since it amounts to 'wholesale robbery of legions of innocents' (Narveson 2009, p. 4).

The inheritance tax, in contrast, seems unaffected by these worries—at least under the assumptions (made in the simple argument and the argument from risk-prevention) that neither testator nor heir has a property right in the estate and nobody has a right to appropriate it. Based on these theoretical underpinnings, it seems to

32 Thanks to one of the reviewers for pointing this out.

follow that *no tax but the inheritance tax* can permissibly be used for the purpose of rectification. What is more, the objection of indirect rights-violations (that ultimately undermined the argument from risk-prevention) does not seem to bite, because this time the tax's revenue is used for *genuine libertarian objectives*: the rectification of past injustices.

Yet, there seems to be an inconsistency in this reasoning. If one assumes that the state has a (pro tanto) duty to enforce duties of rectification, one better give an explanation from where this duty originates. For a promising explanation one might want to draw on Mack's account of right's attenuation and the just minimal state: The (pro tanto) duty of the state to rectify past injustices is a constitutive part of its duty to make everybody better off in terms of the absence of rights-violations. A duty which—in turn—derives from the state's infringement of everybody's rights by claiming a monopoly on the use of force (the claiming of which must itself be a necessary part of 'the action' that makes everybody better off). But if one defends premise 3 *on such grounds*, one has—by the same token—to reject premise 5. If one believes that there is a (minimal) state arrangement whose task it is (among other things) to care for the rectification of past injustices on the ground that this would bring about a Pareto-optimal solution in terms of (individual's overall) rights-protection, then it is quite unlikely that the inheritance tax would be the *only* tax that could be implemented for such a purpose. After all, the implementation of any tax whatsoever would be no violation of rights *if the revenue could effectively be used to improve the rights-protection of everyone*.[33]

To put it another way: If one accepts Mack's justification of the minimal state, the problem that Narveson and others point out does not arise as long as those who would be taxed for the purpose of funding the enforcement of the rectification of past injustices (and who have no corresponding rectificatory duties to discharge) would still be better off in terms of their *overall* protection of rights. Doubts are

33 That in *principle* any tax may be used for the purpose of rights-protection does not mean that—from a libertarian perspective—all kinds of taxes are on a par in this regard. Many libertarians believe that—at least when historical injustice is absent—only *flat* taxes are just (since, against the benchmark of nonintervention, they 'burden' everyone to the same degree—in some normatively relevant sense of 'burden'). Also, some authors have argued that an inheritance tax is 'less of an intrusion' toward the original owner compared to *inter vivos* taxes (Halliday 2013, p. 643)—though the latter point hinges on the assumption that there is a right to bequeath in the first place, which this articles (for the sake of argument) denies. In any case, considerations on the difference in degree of taxes' intrusiveness may become relevant in an assessment of tax regimes against Mack's criterion as well.

warranted that such a Pareto-optimal solution is possible, but if it is not possible the state would have to surrender its monopoly on the use of force—that is, it had to stop being a state—rather than abolishing (or lowering) taxes.[34]

What if one drops the premise that the state has such a (pro tanto) duty (on the ground that it would not be a constitutive part of the state's duty to make everybody better off in terms of the absence of rights-violations) and instead tries to defend the claim that the state is at least at *liberty* to use the revenue of the inheritance tax for the enforcement of rectification of past injustices? In such a case one would run into similar problems as with the argument from rectification: Even if the imposition of the inheritance tax would be no violation of property rights in a *direct* way (since neither the testator or heirs nor any new appropriator has a valid claim to the estate), the tax would be violating property rights in an *indirect* way, i.e., it would transform acts that have hitherto been legitimate rights-infringements (or alternatively: no rights infringement at all) into outright rights-violations. The reason for this is that instead of using the tax's revenue for the rectification of past injustices the state could use it for the general protection of property rights (as necessary to discharge its duty to make everybody better off in the sense that Mack's theory requires)—thereby lowering other taxes and making the 'excess' of those taxes dispensable. If the state uses the estate tax's revenue for rectificatory purposes it seems to violate the rights of those individuals *who have no rectificatory duties to discharge* and who would have to pay less taxes in total if the state were using the revenue for the general protection of property rights (other than the rectification of past injustices).

Where does this leave the argument from rectification? The crucial question to ask is not whether the rectification of past injustices is an infringement of property rights of those who have no rectificatory duties to discharge but whether everybody's rights are (overall) less infringed under a state arrangement that taxes

34 The fact that the state would have to give up its monopoly on force does not imply that all its 'second-best' options (remaining a state and deploy the tax money for rectification; remaining a state and deploy tax money in some other way) are morally on a par. One might hold that a situation that is no Pareto-improvement is morally less problematic (less wrong?), the smaller the harm to the most harmed individual, or the smaller the aggregated harm of all the harmed individuals taken together—though this latter suggestion appears rather 'unlibertarian'). Yet, the crucial point remains: The tax arrangement would have to be judged on its broader consequences in terms of rights-protection and not on whether it infringes on the rights of individuals who have no rectificatory duties to discharge.

individuals in order to fund (among other things) the enforcement of rectificatory duties of past injustices. If there is such a state arrangement, it is an open question what kind of taxes it would collect (though the *pro tanto* demand for the rectification of past injustices would most likely call for *progressive* taxation—at least if a leximin principle does indeed best approximate a state of affairs where historical injustice is remedied). There is no reason to think that the inheritance tax was the *only* tax that could be used to rectify past injustices or do whatever else the just minimal state is supposed to do.

To be sure, this is a result that most defenders of an egalitarian inheritance tax would probably be happy to accept (as long as redistribution to the worst off—here based on considerations of the rectification of past injustices—still plays a considerable role in the overall design of the tax system), but it makes the entire line of argument that has so far been developed superfluous: If the justness of taxation hinges entirely on its role of bringing about a Pareto-optimal solution in terms of rights-protection, it is neither here nor there if the testator is dead, a transfer to an appointed heir has taken place or if anybody has a *pro tanto* right to appropriate the estate. All that matters is whether rights of each individual are better (best?) protected under the arrangement in question.

4.2 The Argument from the Strong Proviso

The most common strategy to argue for an egalitarian redistribution on libertarian grounds is the *left-libertarian* strategy. Right- and left-libertarians converge on a strong and far-reaching right of self-ownership, yet they divide over the question if the power to acquire owner-less (natural or artificial) resources is conditional upon a so-called 'Lockean Proviso' and (if so) how strong the proviso is to be conceived.[35] In its most vague formulation the proviso states that an act of acquisition is just (or put more accurately: 'normatively successful') only if there is 'enough and as good' left for others. Libertarians on the right tend to support only a weak proviso. For example, Nozick (following Locke) believes that the proviso is satisfied as long as nobody is (overall) worse off than she would have been under the counterfactual situation where no appropriation of property has ever occurred—everything else as equal as possible. Moving further to the left, one finds 'sufficientarian libertarians'

35 Again, the naming after Locke should not be taken to imply that Locke himself was a proponent of the Proviso as it is understood by modern-day libertarians.

who believe that the proviso is satisfied if everybody's welfare (measured in preference- or basic needs-satisfaction or some other metric) is above a certain absolute threshold (e.g. Simmons 1992).[36] At the left end of the spectrum there are egalitarian libertarians who believe—roughly speaking—that the proviso requires everyone to have an equal share of resources (natural and abandoned artifacts) (Steiner 1995) or the share that is necessary to obtain an equal opportunity for wellbeing (Otsuka 2003). Naturally, the more we move 'towards the left', the better the prospects of defending an *egalitarian* redistribution on libertarian grounds.[37]

Other than the three forgoing arguments, the following 'argument from the strong proviso' is—strictly speaking—not an argument for an *inheritance* tax but rather for an *appropriation* tax. Just as the foregoing arguments, it relies on the assumption that neither the testator nor any (putative) heir has a property right over the estate. Otherwise there would be no (taxable) appropriation to begin with. And just like the argument from risk-prevention (and the discussed variant of the argument from rectification) it recognizes each individual's normative power to acquire the 'abandoned' estate. In contrast to the (two) latter arguments, however, it does not assume that the state is allowed to prevent (and successfully prevents) appropriation. Quite the opposite: It relies on the rejection of the argument from risk-prevention, since it tells us how the state has to respond to (semi-)successful[38] acts of appropriation (of estates), to wit, with an egalitarian appropriation tax. However, just like the inheritance tax, the appropriation tax concerns the estate of the deceased, which makes it quite apt to discuss it under the heading of inheritance taxation.

36 Fabian Wendt defends a Sufficientarian Lockean Proviso as well, but relies on Mack's practice-depended account of property rights in external resources. In addition he provides a helpful overview on different ways of combining sufficientarian concerns more general with libertarian property rights (cf. Wendt 2018).

37 Bird-Pollan discusses an extremely strong version of the proviso. She seems to assume that *everyone* has to give her *actual consent* for the initial distribution of resources to be just (Bird-Pollan 2013a, pp. 23–24). Quite confusingly, she also seems to believe that this is what Nozick himself requires (on this point see also Rodgers 2015). Apart from the fact that unanimous actual consent is too strong a requirement on appropriation even for most left-libertarians (let alone right-libertarians) (Steiner & Vallentyne 2009, pp. 52–53), a case for the egalitarian inheritance tax can be made on various 'weaker' versions of the proviso.

38 The appropriation is 'semi-successful' because it is conditional upon a payment towards individuals with less than their fair share (settled by the proviso). The payment may be onetime or ongoing (cf. Vallentyne 2018, p. 105), but it does usually take place only after the appropriating act has been performed.

P1: Each person has the legitimately enforceable duty to leave others a '(broadly) egalitarian' share of resources or make an adequate compensation.

P2: The state has a (pro tanto) duty to enforce legitimately enforceable duties of individuals.

C1: The state has a (pro tanto) duty to enforce the duty to leave others a '(broadly) egalitarian' share of resources or make an adequate compensation (from P1 and P2).

P3: The only tax that is qualified as a means to this purpose is an egalitarian appropriation tax, since all other taxes would amount to rights-violations by the state.

C2: The state has an all-things-considered duty to levy an egalitarian tax on appropriations (from C1 and P3).

The argument from the strong proviso is structurally very similar to the argument from rectification. I will therefore focus on the relevant differences between the two. Premise 1 is nothing other than the Lockean Proviso in its left-libertarian variant. An 'egalitarian' share of resources is not necessarily an equal share, but whatever share individuals could validly claim according to the relevant egalitarian principle. 'Broadly' is meant to include principles in the neighborhood of strict equality such as maximin, leximin, or (strong, but not strict) priority for the worst off. Premise 2 can be accepted for the same reasons as the second premise in the argument from rectification: If the state claims a monopoly on the use of force it seems reasonable to expect it to actually enforce those duties of individuals that are legitimately enforceable.

This leaves us with premise 3, which says that the appropriation tax is the state's only permissible means to satisfy the duty to enforce the proviso. The reasons to ascribe this exclusive status to the appropriation tax are different from the reasons to ascribe it to the inheritance tax. In case of the latter, it was assumed that the tax does not violate property rights, since (at the time of taxation) the object of the tax was nobody's property anyhow (though it has also been argued that the state is violating property rights in an indirect way, nevertheless). In the case of the appropriation tax the exclusive status stems from its apparent *accuracy*—there seem to be no 'false positives' (individuals who are taxed but should not be) or 'false nega-

tives' (individuals who should be taxed but are not). The tax seems to affect those and only those individuals who are meant to be taxed.

To see this, imagine a three-person society: For the purpose of the example, let us assume that the proviso requires an *equal* distribution of *external resources*. Let us further assume that the default distribution is one in which each individual commands 2 units of (relevant) resources. Person A dies. B is appropriating A's estate resulting in him having 4 units and being (relevantly) better off than C by 2 units. The act of appropriation leads to an unequal distribution between B and C which B is under an enforceable duty to offset. The state—itself having the duty to enforce proviso-based duties—is able to offset the inequality via the appropriation tax that—by its very nature—is taxing only appropriators. In the case at hand, the state can satisfy the proviso by levying a 100% tax, redistributing an equal amount to everyone, resulting in both B and C having 3 units each.

While this stylized example neatly demonstrates the key idea behind this kind of left-libertarian defense of the inheritance tax, it provides little guidance for a tax policy in the real world as it is here and now. As things actually are, we find the initial distribution (previous to the acquisition) highly unequal and—as a result of that—the (left-libertarian) proviso unsatisfied. This creates a problem for the tax's accuracy. If there was an unequal distribution before the death of the testator, there would have already been persons with proviso-based claims and compensatory duties. Under these circumstances, taxing new appropriator's property (and distributing the revenue 'fairly', i.e., according to an egalitarian principle, among everyone) may lead to a situation where some appropriating individuals have (because of being taxed) less than they would have had if everybody had paid their due (Feser 2005, p. 78). If the appropriator (after being taxed) has less than what she would have had if she had paid her due, one may reasonably conceive the act of taxing as a violation of the appropriator's property rights.[39]

One could object that the state may redistribute the revenue not according to an egalitarian principle but in just the right way, so that ultimately everyone commands exactly the amount that she is owed as a matter of justice. This means that appropriators—who before the appropriating act had less than their fair share (more

39 Admittedly, things are more intricate, because most appropriators do not pay their due voluntarily. Maybe an additional loss for *those* appropriators can thus be justified as an inadvertent side effect of meeting the proviso-based claims of others.

precisely, the share they would have had under full compliance)—are made to pay the tax, *but get it back later at the exact amount they are entitled to*; partially (if, after appropriation, they hold more than their fair share), entirely (if they hold their exact fair share), or entirely with a surplus (if they hold less than their fair share and less than required by the distributive principle under partial compliance). But obviously this proposal fails, because the state lacks crucial information about individual cases and the means to obtain this information.

A better response is to either jettison the 'fair share' clause (i.e., accepting that for one's appropriation to be normatively successful one has to compensate beyond one's fair share if others are supplying less than the proviso demands of them) or to tax individuals only to such a degree as to guarantee that every tax subject who is below her fair share is allowed to keep the amount that brings her closer to her fair share.[40] In short, it is not impossible to justify the tax on left-libertarian grounds but its proponents have to make some theoretical and practical concessions.[41]

So far, I have implicitly assumed that the state is never allowed to infringe on property rights (not even to provide for the general protection of property rights). But what if one combines the left-libertarian position with Mack's theory of attenuated rights and the justification of the state that (supposedly) flows from it? According to this theory, the tax would be justified as long as a certain tax-regime would lead to a Pareto-superior state of affairs in terms of the non-violation of property rights *and the appropriation tax was part of that tax-regime*. As with the state's duty to rectify past injustices, the challenge would then still be to show that *everyone's* rights are indeed (overall) better protected under such a tax-regime. And again, it would follow that the proponent of the argument can no longer hold on to the *exceptional* character of the inheritance/appropriation tax (for reasons already stated in the last argument's discussion).

Another weakness of the argument from the strong proviso has to be mentioned.

40 To be on the safe side (i.e., to avoid taxing individuals who have a right not to be taxed) the state could fix an exemption threshold equivalent to the amount of the fair share (under full compliance)—thereby accepting inequalities between appropriators and non-appropriators that could easily be avoided (but only on pain of violating property rights of the appropriators).

41 Note also that the argument needs to make some further assumptions to get off the ground. For example, that the state is allowed to enforce the proviso without authorization of the claim holders (cf. Vallentyne 2018, p. 100) and that the proviso may be enforced even if the duty-bearers are willing to comply with their duties voluntarily (e.g. because state distribution leads to better outcomes) (ibid., p. 106).

Proponents of the argument are eager to demonstrate the compatibility of the inheritance tax with libertarian premises. Against this dialectical background it is a significant drawback that the argument is only convincing to left-libertarians. Many left-libertarians consider their doctrine 'egalitarian' (Vallentyne, Steiner & Otsuka 2005, p. 212) and are supportive of an egalitarian inheritance tax anyhow. Yet, the initial target group of those who pursue reconciliation are not left- but right-libertarians. But—as a matter of definition—right-libertarians do reject the argument's first premise (the left-libertarian Lockean Proviso). For this and the aforementioned reason(s) I conclude that the argument from the strong proviso is barely helpful in making progress on the reconciliation front.

5. Conclusion

One of the most important arguments against inheritance taxation runs that such a tax would violate the property right of the testator or (more plausibly) of the rightful heir. The philosophically most elaborate underpinning of such a claim is (something like) Nozick's libertarianism. Advocates of inheritance taxation have responded by pursuing what I have called the 'reconciliation-project'. They have tried to show that—against first appearance—libertarianism is compatible with inheritance taxation after all. I have surveyed four different yet (in part) consecutive arguments that are meant to demonstrate compatibility by exploiting the (supposedly) exceptional character of the tax. None of the arguments succeed. Proponents of the tax either have (i) to find another more convincing argument that demonstrates compatibility or (ii) to reject (hard) libertarianism altogether or (iii) to stop endorsing the tax.

Marcel Twele

hat an der Humboldt-Universität zu Berlin promoviert. In seiner Dissertation untersuchte er, was aus gerechtigkeitstheoretischer Sicht für sowie gegen eine Erbschaftssteuer spricht. Derzeit ist er als Postdoc am Institut für Philosophie der Universität Bern beschäftigt. Seine aktuellen Forschungsinteressen sind Reziprozitäts-basierte Gerechtigkeit und relationaler Egalitarismus.

References

Beckert, Jens/Arndt, Lukas R. 2016. Unverdientes Vermögen oder illegitimer Eingriff in das eigentumsrecht? Der öffentliche Diskurs um die erbschaftssteuer in deutschland und österreich. *MPIfG Discussion Paper* 16/8. Köln: Max-Planck-Institut für Gesellschaftsforschung.

Bird-Pollan, Jennifer. 2013a. Death, taxes, and property (rights): Nozick, libertarianism, and the estate tax. *Maine Law Review* 66 (1): 1–28.

———. 2013b. Unseating privilege: Rawls, equality of opportunity, and wealth transfer taxation. *Wayne Law Review* 59: 713–741.

Braun, S. Stewart. 2010. Historical entitlement and the practice of bequest: Is there a moral right to bequest? *Law and Philosophy* 29: 695–715.

Brennan, Jason. 2012. *Libertarianism what everybody needs to know*. New York: Oxford University Press.

Conway, David. 1995. *Classical liberalism: The unvanquished idea*. New York: St Martins Press.

Duff, D. G. 1993. Taxing inherited wealth: philosophical argument. *Canadian Journal of Law and Jurisprudence* 6 (1): 3–62.

Dworkin, Richard. 2000. *Sovereign virtue: The theory and practice of equality*. Cambridge, MA: Harvard University Press.

Fabre, Cécile. 2001. The choice-based right to bequeath. *Analysis* 61 (1): 60–65.

Feser, Edward. 2005. There is no such thing as an unjust initial aquisition. *Social Philosophy & Policy Foundation* 22 (1): 56–80.

Halliday, Daniel. 2013. Is inheritance morally distinctive? *Law and philosophy*, 619–644. Berlin: Springer.

———. 2018. The inheritance of wealth. In *Justice, equality, & the right to bequeath*. New York: Oxford University Press.

Honoré, Anthony Maurice. 1961. Ownership. *Oxford essays in jurisprudence*, ed. A.G. Guest, 107–147. New York: Oxford University Press.

Lamb, Robert. 2013. Inheritance and bequest in Lockean rights theory. *Inherited wealth, justice and equality*, ed. John Cunliffe and Guido Erreygers, 40–53. New York: Routledge.

———. 2014. The power to bequeath. *Law and philosophy*, 629–654. Berlin: Springer.

Mack, Eric. 2010. The natural right of property. *Social Philosophy and Policy* 27 (1): 53–78.

———. 2011. Nozickian arguments for the more than minimal state. In *The Cambridge companion to Nozick's Anarchy, state, and utopia*, ed. Ralf M. Bader, 89–115. Cambridge: Cambridge University Press.

MacLeod, Colin M. 2012. If you're a Libertarian how come you are so rich? *Socialist Studies/Études Socialistes* 8 (1): 68–81.

Melkevic, Åsbjørn. 2020. *If you're a classical liberal, how come you're also an egalitarian? A theory of rule egalitarianism*, London: Palgrave MacMillan.

Mill, John Stuart. 2004. 1848: *Principles of political economy*. New York: Prometheus Books.

Murphy, Liam, and Thomas Nagel. 2004. *The myth of ownership*. New York: Oxford University Press.

Nagel, Thomas. 1975. Libertarianism without foundations. *Yale Law Journal* 85 (1): 136–149.

———. 2009. Liberal democracy and hereditary inequality. *Tax Law Review* 63 (1): 113–122.

Narveson, Jan. 2001. *The libertarian idea*. Peterborough: Broadview Press.

———. 2009. Present payments, past wrongs: Correcting loose talk about Nozick and rectification. *Libertarian Papers* 1 (1): 1–17.

Nozick, Robert. 1974. 2013: *Anarchy, state, and utopia*. New York: Basic Books.

Otsuka, Michael. 2003. *Libertarianism without inequality*. New York: Oxford University Press.

Pederson, Jorgen, and Steinar Boyum. 2019. Inheritance and the family. *Journal of Applied Philosophy* 37 (2): 299–313.

Perez, Nahshon. 2014. Libertarianism, rectification and property rights: A re-evaluation. *Canadian Journal of Law and Jurisprudence*. XXVII (1): 123–143.

Prabhakar, Rajiv. 2013. Does the financial crisis create opportunities for wealth taxation? In *Inherited wealth, justice and equality*, ed. John Cunliffe and Guido Erreygers, 141–153. London/New York: Routledge.

Rand, Ayn. 1961. The objectivist ethics. In *The virtue of selfishness*, 13–39. New York: Signet.

Rasmussen, Douglas, Den Uyl, and Douglas. 2005. *Norms of liberty: A perfectionist basis for non-perfectionist politics*. Pennsylvania: Pennsylvania State University Press.

Reich, Rob. 2014. Gift giving and philanthropy in market democracy. *A Journal of Political Society* 26 (3–4): 408–422.

Rodgers, Lamont. 2014. Death, taxes and misinterpretations of Robert Nozick: Why Nozickians can oppose the estate tax. *Libertarian Papers* 7 (1): 1–18.

Rothbard, Murray N. 1982. 2013: *The ethics of liberty*. New York: New York University Press.

Schweiger, Gottfried. 2013. Erbschaftssteuer, Vermögensungleichheit und die Krise des Wohlfahrtsstaates. In *Erbschaftssteuer im Kontext*, 4–58. Berlin: Springer.

Sheffrin, Steven. 2013. *Tax fairness and folk justice*. Cambridge: Cambridge University Press.

Simmons, John A. 1992. *The Lockean theory of rights*. Princeton, NJ: Princeton University Press.

———. 2005. Consent theory for libertarians. *Social Philosophy and Policy* 22 (1): 330–356.

Steiner, Hillel. 1995. *An essay on rights*. Oxford: Blackwell Press.

Steiner Hillel, Peter Vallentyne 2009. Libertarian theories of intergenerational justice. In *Intergenerational justice*. Oxford University Press, 50–76

Tomasi, John. 2012. *Free market fairness*. Princeton, NJ: Princeton University Press.

Vallentyne, Peter, Hillel Steiner, and Michael Otsuka. 2005. Why left-libertarianism is not incoherent, indeterminate, or irrelevant: A reply to Fried. *Philosophy & Public Affairs* 33 (2): 201–205.

Vallentyne, Peter. 2018. Libertarianism and taxation. In *Taxation philosophical perspectives*, eds. Martin O'Neill, and Shepley Orr. New York: Oxford University Press.

Waldron, Jeremy. 1992. Superseding historical injustice. *Ethics* 103 (1): 4–28.

Wendt, Fabian. 2018. Three types of sufficientarian libertarianism. *Research Publication* 25: 301–318.

White, Stuart. 2018. Moral objections to inheritance tax. In *Taxation philosophical perspectives*, ed. Martin O'Neill and Shepley Orr. New York: Oxford University Press.

Wündisch, Joachim. 2014. *Towards a right-libertarian welfare state*. Mentis Verlag: Münster.

Zwolinski, Matt. 2018. Libertarianism and the welfare state. In *The Routledge handbook of libertarianism*, ed. Jason Brennan, Bas van der Vosson, and David Schmidtz. London/New York: Routledge.

meta(φ) – Where Are They Now?

«Und was kannst du denn danach machen? Als was wirst du arbeiten?» Alle, die Philosophie studieren, kennen diese Fragen. Und sie sind gar nicht so leicht zu beantworten. Was mache ich denn einmal mit einem Philosophiestudium? Für viele ist das ganz offen und vielleicht gerade deshalb eine Quelle von Existenzängsten. Aber daneben gibt es auch andere Fragen: Wie gestalte ich dieses Studium, das gerade wegen seiner Freiheit so spannend und herausfordernd ist? Welche Tipps würden mir dabei helfen? Und soll ich meine Arbeiten anderen zum Lesen geben, beispielsweise, in dem ich sie im meta(φ) publizieren lasse?

Um einige dieser Fragen zu beantworten, gibt es verschiedenste Veranstaltungen, Kurse und Info-Events. Aber manchmal hilft es einfach mit denjenigen zu sprechen, die schon weiter sind. Mit Menschen, die dasselbe durchlebt haben und jetzt an einem anderen Punkt im Leben stehen. Ein Gespräch können wir im Journalformat nicht anbieten. Allerdings haben sich zwölf ehemalige meta(φ)-Autor*innen dazu bereitgestellt, ein paar dieser brennenden Fragen zu beantworten und uns einen Einblick in ihr spannendes Leben zu geben.

Was machst du derzeit beruflich/akademisch?

Ich habe soeben meine Dissertation in Philosophie mit dem Titel «Virtuously Circular. The Role of Theoretical Virtues in Reflective Equilibrium» eingereicht. Nun stehen noch einige Aufräumarbeiten im Projekt an, und dann die Verteidigung der Dissertation im Herbst.

–Andreas Freivogel

Ich bin als politische Referentin für Parlamentarier, die in den Kommissionen UREK und KVF aktiv sind, tätig. Die Themen sind dabei unter anderem Umwelt, Energie und Mobilität.

–Audrey Salamin

Ich arbeite als «Campaigner» für eine Gewerkschaft. Das heisst, ich bin Mitarbeiter in der Kommunikation und zuständig für die Planung und Ausführung von Kommunikationskampagnen und bin gleichzeitig die Schnittstelle zu unseren internen

«Auftraggebenden». Zudem beantworte ich Medienanfragen, arbeite in Projekten mit, und noch vieles mehr...

–*Dominik Fitze*

Ich arbeite als Redaktorin und Produzentin (Print und Online) bei einer Regionalzeitung.

–*Franziska Kohler*

Ich arbeite als Projektleiterin an der Eidgenössischen Hochschule für Berufsbildung. Dort begleite ich mehrjährige (externe) Projekte von Trägerschaften («Berufsverbänden»), die ihre Berufe der beruflichen Grundbildung («Lehren») oder Abschlüsse in der höheren Berufsbildung überprüfen oder überarbeiten und implementieren, oder gar neue Berufe entwickeln möchten. Dafür berate ich sie berufspädagogisch, konzipiere, plane und leite Arbeitsgruppen und Workshops in den jeweiligen Projektschritten und erarbeite gemeinsam mit den Projektinvolvierten Leitdokumente. Ein aktuelles Highlight ist ein internationales Projekt im Auftrag von UNESCO-UNEVOC – davon hätte ich während des Studiums nie zu träumen gewagt. Man weiss nie, welche Chancen sich plötzlich ergeben.

–*Franziska Wettstein*

Ich bin PhD-Student an der Universität Innsbruck und Bern. Gleichzeitig doziere ich Philosophie an der Universität Luzern. Ausserdem setze ich mich als Vorstand im Verein bunt_lieben für eine Vielfalt von Beziehungen und Sexualität ein. Das umfasst unter anderem: Mehr Rechte für Menschen in Mehrfachbeziehungen, für die Entstigmatisierung von BDSM und für Fortbildung von Fachpersonen hinsichtlich queerer Themen.

–*Jonas Wittwer*

Beruflich bin ich derzeit Projektleiterin bei der Stiftung für Technologiefolgenabschätzung TA-SWISS, die die Chancen und Risiken neuer Technologien für die Schweizer Politik und Gesellschaft untersucht. Dort bin ich momentan zuständig für Projekte über künstliche Intelligenz, betreue interdisziplinäre Studien in diesem Bereich und mache aktiv bei ihrer Verbreitung mit. Akademisch arbeite ich noch an Bücherkapiteln im Zusammenhang mit meinem Dissertationsthema, weil ich zu diesen Beiträgen eingeladen wurde.

–*Laetitia Ramelet*

Aktuell arbeite ich beim Innovation Office der Uni Zürich, wo wir Startups und wissenschaftliche Innovationen unterstützen. Ein solches Office existiert auch an der Uni Bern.

–*Manuel Merki*

Ich bin im 3. Jahr meines PhD-Studienganges «Biomedical Ethics and Legal Medicine» am «Institute for Biomedical Ethics (IBMB)» der Universität Basel. Noch spezifischer bin ich gerade an der Macquarie University in Sydney, Australien, wo ich für 6 Monate als «visiting Scholar» mit der Professorin Wendy Lipworth die Resultate meiner qualitativen Studie in zwei Publikationen zusammenschreibe. Das Funding für diesen Auslandaufenthalt bekam ich durch den SNF.

–*Nadine Felber*

Derzeit absolviere ich einen zweijährigen interdisziplinären Masterstudiengang in «Human Rights Studies» (Menschenrechtsstudien) an der Universität Lund, Schweden. Nebenbei bin ich beim Online-Portal «philosophie.ch» angestellt, wo ich Artikel kuratiere, Seiten übersetze und diverse andere kleinere Aufgaben erledige.

–*Nina Peier*

Ich bin Geschäftsführer der Ethikkommission der ETH Zürich. Diese prüft geplante Forschungsvorhaben mit Menschen hinsichtlich deren ethischer Vertretbarkeit sowie der physischen und psychischen Unversehrtheit der Teilnehmenden. Als Geschäftsführer kümmere ich mich um das operative Geschäft, stosse Projekte an und arbeite teilweise eng mit den Forschenden zusammen. Daneben unterrichte ich ETH-Studierende über Forschungsethik.

–*Philipp Emch*

Ich arbeite als wissenschaftliche Assistentin und Doktorandin am Institut für Strafrecht und Kriminologie der Uni Bern in der Abteilung Strafrecht und Rechtsphilosophie.

–*Vera Moser*

Bitte erläutere deinen Werdegang seit der Veröffentlichung deines Textes bis zu deiner derzeitigen Tätigkeit ein bisschen.

Mein Artikel in meta(φ) #5 (2019) trägt den Titel «Interpreting Enthymematic Arguments as an Application of Reflective Equilibrium» und modelliert eine Anwen-

dung des Überlegungsleichgewichts (Reflective Equilibrium) mit formalen Mitten. Ich hatte das Privileg, diese Themen auch zum Gegenstand meiner Dissertation machen zu können. Darin führe ich die fruchtbare, formale Arbeit an dieser philosophischen Methode der Rechtfertigung weiter und ergänze sie mit computationalen Methoden. Insbesondere untersuche ich mittels Simulationen den Einfluss von epistemisch wünschenswerten Eigenschaften von Theorien (beispielsweise Konsistenz oder Systematizität) auf die Resultate des Überlegungsgleichgewichts.

–Andreas Freivogel

Meine akademische Laufbahn endete während der Lock-down-Phase, in der ich meine Masterarbeit fertig schrieb und gleichzeitig online ein Tutorium in politischer Philosophie gab. Danach absolvierte ich ein sechsmonatiges Praktikum im Bereich des öffentlichen Gesundheitswesens auf kantonaler Ebene. Es folgte ein einjähriges Praktikum beim Bund im Bereich der internationalen Beziehungen im Verkehrsamt, wo ich einige Monate als wissenschaftliche Mitarbeiterin tätig war. Von der Exekutive wechselte ich in die Legislative und begann als politische Referentin für parlamentarische Kommissionen zu arbeiten.

–Audrey Salamin

Den ersten Text habe ich noch während meines Bachelors publiziert. Ich habe kurz darauf für mich gemerkt, dass mich Wissenschaftsphilosophie am meisten interessiert und darin auch meine Bachelorarbeit und meinen Master in Bern gemacht. Parallel hatte ich immer spannende Jobs, zum Beispiel im Vorstand der SUB. Während meinem Master begann ich einen Teilzeitjob als Jugendverantwortlicher bei einer Gewerkschaft. Das war super – von Kommunikation und Eventmanagement bis zum Verfassen von inhaltlichen Positionspapieren war alles dabei. Als in der Kommunikationsabteilung eine Stelle frei wurde, habe ich dorthin gewechselt.

–Dominik Fitze

Ich habe mein Masterstudium abgeschlossen und danach einen SNF-Antrag für ein Doktoratsprojekt geschrieben. Daneben habe ich für die Institutsbibliothek gearbeitet und während ich auf den SNF-Bescheid gewartet habe, war ich als freie Journalistin und Texterin tätig (wie bereits vor meinen Philo-Studium, ich habe mit 32 noch einmal begonnen, hatte also schon ein berufliches Vorleben). Als der negative Bescheid kam, bekam ich glücklicherweise eine 40%-Stelle bei einem UB-Projekt zugeschanzt (zusätzlich zur Philo-Bibliothek) – das verschaffte mir Zeit, mich

umzusehen und mich zu bewerben. Eine Zeitlang habe ich überlegt, eine Ausbildung in Informations- und Bibliothekswissenschaften (MAS) zu machen, fand aber keine geeignete Praktikumsstelle. Auch eine Doktoratsstelle oder die Möglichkeit, den SNF-Antrag nachzubessern, erhielt ich nicht. Also legte ich auf eigene Kasse los mit meiner Doktorarbeit. Während diesen rund 7 Monaten wurde eine Stelle bei einer Lokalzeitung frei, für die ich lange Jahre als Freischaffende tätig war. Da habe ich nicht lange überlegt und mein Doktorat auf Eis gelegt (mittlerweile abgebrochen). Ich blieb rund 4 Jahre bei diesem Verlag und machte ein paar Weiterbildungen. Während einer Restrukturierung und einigen privaten Veränderungen bot sich mir die Chance, bei einem anderen Verlag einzusteigen und mich beruflich weiterzuentwickeln.

–Franziska Kohler

Nach Abschluss des Studiums verlief mein Berufseinstieg über ein Hochschulpraktikum. Beim entsprechenden Arbeitgeber konnte ich mehrmals befristet weiterbeschäftigt werden, bis sie mir nach 8 Monaten eine unbefristete Anstellung als wissenschaftliche Mitarbeiterin anbieten konnten. Bei diesem Arbeitgeber konnte ich mich von der Funktion als «Wissenschaftliche Assistentin» über «Fachperson Berufsentwicklung» bis zur Projektleiterin «on the job» weiterentwickeln und mir die nötigen Kompetenzen aneignen.

–Franziska Wettstein

Master an der ETH in Geschichte und Philosophie des Wissens, Aufnahme in die Schweizerische Studienstiftung zur Begabtenförderung, diverse Ämter bei Ratch und dann Gründung des Vereins bunt_lieben, Beginn eines PhD ab 2020, diverse Turbulenzen bedingt durch Krankheit naher stehender Person und Pandemie haben die Forschung erheblich aufgehalten. Jedoch seit Anfang 2022 zunehmend wirklich am forschen/schreiben. Seit 2022 dann auch dozierend an der Uni Luzern.

–Jonas Wittwer

Der Text wurde zur Zeit meines Masterabschlusses veröffentlicht. Danach habe ich eine Dissertation im Bereich Geschichte der politischen Philosophie über die Zustimmung der Bürgerinnen und Bürger als Grundlage für die Legitimität des Staates an der Universität Lausanne geschrieben und während dieser Zeit als Forschungs- und Lehrassistentin im Zentrum für öffentliches Recht der Uni Lausanne gearbeitet. Nach meiner Dissertation habe ich ein Stipendium «Wissenschaft und Politik»

erhalten und dürfte ein Jahr beim Sekretariat einer parlamentarischen Kommission arbeiten, um politische Abläufe kennenzulernen. Danach hatte ich das grosse Glück, meinen jetzigen Job bei TA-SWISS zu erhalten. Meine philosophischen Kenntnisse und analytischen Fähigkeiten sind mir jeden Tag eine grosse Hilfe.

–Laetitia Ramelet

Ich arbeitete an Technologie-Projekten, von IoT-Sensoren bis zu einer viel einfacheren Quellenrecherche. Letztere ist übrigens daran gescheitert, dass wir jede Aussage kontextualisierten. Das ist nicht unbedingt beliebt. Zu wenige Menschen sind bereit, genug dafür zu bezahlen dauernd falsch zu liegen.

–Manuel Merki

Dieser war alles andere als linear! Als ich mein letztes Semester an der Uni Bern im PLEP-Studiengang vollendete (im Mai 2019, was mit der Veröffentlichung meines Textes zusammenfiel), blieb mir noch der Feinschliff an meiner Masterarbeit, sowie ein Seminar-Paper zu schreiben. Jedoch hatte ich auch ein Praktikum bei der Schweizer Botschaft in Spanien angenommen, das im Juni begann. Somit wurde es ein etwas stressiger Sommer. Sowohl meine Masterarbeit wie auch meine letzte Seminararbeit kamen nicht so gut raus, wie ich es sonst von mir erwartet hätte, und somit beschloss ich, dass ich nicht wirklich für eine Uni-Karriere gemacht sei. Der Grund, warum ich dann doch ein PhD begann, war völlig un-akademisch: Ich verliebte mich in Spanien in einen Spanier, versuchte dort einen Job zu finden (was dank Covid-19 schier unmöglich war), und bekam dann diese Doktoranden-Stelle durch eine Bekannte empfohlen. Das IBMB suchte nach einer idealerweise deutsch- und französischsprechenden Kandidatin (oder Kandidaten). Das Projekt dreht sich um neue Technologien in der Alterspflege und unter welchen Bedingungen diese akzeptabel sind für Senioren*innen, Pfleger*innen und Familienangehörige. Das Projekt interessierte mich (aber ich brannte nicht dafür) und es passte zum Thema meiner Masterarbeit, das sich um «wearables» und ihre ethischen und epistemischen Konsequenzen drehte. Ich bekam die Stelle und begann mein PhD im Rahmen dieses Projektes. Die Beziehung zerbrach (zum Glück!), unter anderem, weil mein Exfreund in Verschwörungstheorien abdriftete. Das Problem von Fake News und Conspiracy Theories beschäftigte mich so, dass ich spontan einen Beitrag beim «reatch» Ideenwettbewerb mit einer hypothetischen Lösung, der sogenannten «Source Engine» einreichte. Ich gewann den 1. Preis und daraus entstand ein

Freiwilligen-Projekt mit einem Bekannten, an dem ich über 2 Jahre lang arbeitete. Es bescherte mir wertvolle Erfahrungen, sowie etwas mediale Aufmerksamkeit und eine Ergänzung in meinem Lebenslauf, was immer nützlich ist, wenn man sich für Funding oder Programme bewirbt. Die Source Engine half mir, beim «Zoom@Novartis» Programm aufgenommen zu werden, das junge Doktorandinnen fördert, sowie das Mobility Funding für Australien zu bekommen. Aktuell analysiere ich die Resultate der 60 Interviews, die ich geführt habe, und bewerbe mich gleichzeitig für Funding für einen Post-Doc, der sich jedoch mehr um Public Health und Online Dating drehen wird (falls ich das Geld bekomme).

–Nadine Felber

Nach Bachelorabschluss nahm ich im August 2021 ein einjähriges Hochschulpraktikum in der Staatskanzlei des Kantons Bern, Fachbereich Politische Rechte, in Angriff. Obwohl ich das Praktikum wohl eher aufgrund meines Nebenfachs (Sozialwissenschaften mit Schwerpunkt Politikwissenschaften) ergattert hatte, erwiesen sich die im Philosophiestudium erworbenen Fähigkeiten als äusserst nützlich. In der Praxis lernte ich viel über das kantonale und nationale politische System. Durch die Mitarbeit in der Vorbereitung, Durchführung und Nachbereitung von demokratischen Wahlen und Abstimmungen befand ich mich quasi ‹am Puls der Demokratie›. Nebst diversen kleineren Projekten und administrativen Tätigkeiten gehörten auch aufwändigere Recherchen im Auftrag des Regierungsrates zum Praktikum, z.B. zum Thema E-Collecting oder zum Thema Proporzwahlsysteme. Parallel dazu reichte ich im Winter 2021 meine Bewerbung fürs Studium in Schweden ein. Da die Lund University als sehr selektiv gilt, war ich sehr positiv überrascht, als ich im Frühling dann meine Zulassung fürs Masterstudium bekam. Seither lebe ich also in Schweden und setze mich intensiv mit historischen, rechtlichen, philosophischen, anthropologischen und sozialwissenschaftlichen Perspektiven zu Menschenrechten auseinander. Nächsten Sommer beginne ich im Rahmen des Studiums ein Forschungspraktikum im Bereich Anthropologie von Menschenrechten, in dem ich eine Forscherin (Miia Halme-Tuomisaari) bei der Recherche und beim Schreiben eines Buches zur Verbreitung von Menschenrechten unterstützen darf.

–Nina Peier

Nach einer kurzen Anstellung an der Universität Bern arbeitete ich an der FHNW als

wissenschaftlicher Mitarbeiter und Dozent. Danach wechselte ich an die ETH Zürich.

–*Philipp Emch*

Während meines Bachelors in der Philosophie arbeitete ich beim meta(φ) als Lektorin und Chefredaktorin. Aktuell arbeite ich weiterhin als Assistentin und schliesse mein Doktorat dieses Jahr ab. Ausserdem bin ich als Area Editor zum Themenschwerpunkt «Strafrecht im Wandel» bei «philosophie.ch» tätig.

–*Vera Moser*

Welche Tipps zum Einstieg in den Arbeitsmarkt kannst du Philosophiestudierenden mitgeben?

Dieser spannende Schritt steht mir noch bevor. Aus meiner Sicht wird Philosophie besonders dann fruchtbar, wenn wir sie mit komplett anderen Disziplinen verbinden.

–*Andreas Freivogel*

Es ist sehr wichtig, vor dem Abschluss des Studiums Berufserfahrungen zu sammeln, um nicht nur einen interessanteren Lebenslauf zu haben, sondern vor allem eine Vorstellung von den Möglichkeiten und Tätigkeiten zu bekommen, die die Arbeitswelt bietet. Es muss darauf geachtet werden, alle Fähigkeiten, die das Philosophiestudium fördert, gut zu verkaufen und hervorzuheben, insbesondere das konzeptionelle Denken und die hervorragenden Schreib- und Argumentationsfähigkeiten. In einem Vorstellungsgespräch sollten wir nicht zögern zu erklären, was uns das Philosophiestudium bietet, denn nur wenige Arbeitgeber wissen, was ein solches Studium mit sich bringt.

–*Audrey Salamin*

In deinem Studium, Studijobs und allenfalls ehrenamtlichen Engagement lernst du viele Skills: Logisches Denken, Schreiben, Argumentieren, vernetztes und interdisziplinäres Denken. Diese Skills sind gesucht auf dem Arbeitsmarkt – gerade für die zahlreichen Jobs, für die es keinen klaren Ausbildungsweg gibt. Sei dir dessen bewusst und verkaufe deine Fähigkeiten richtig… Sei dir auch bewusst, dass Netzwerken nie unterschätzt werden darf. Meinen ersten «richtigen» Job, noch während des Masters, habe ich auch deshalb erhalten, weil ich in einem ehrenamtlichen Setting bereits mit der Chefin gearbeitet hatte.

–*Dominik Fitze*

Bereits während des Studiums über den Zaun zu grasen und jede Gelegenheit beim Schopf zu packen, Arbeitserfahrung zu sammeln. Vielleicht über ein Praktikum oder einen Hilfsjob. Am besten schon während des Gymnasiums anfangen damit. Das kann auch ein Ehrenamt sein. Auf keinen Fall sollte man sich auf die Akademie oder einen Abschluss verlassen – sonst ist man verlassen. Ein Netzwerk in der Arbeitswelt baut man sich in der Arbeitswelt auf. Egal, in welcher Position. Leute, die euch kennen, stellen euch eher ein (ausser ihr habt es komplett vergeigt ;-)). Talent und Motivation zählen nichts, wenn sie nicht belegt sind, durch ein Arbeitszeugnis, einen guten Eindruck, die ihr hinterlassen habt, Projekte, die ihr durchgezogen habt. Und pflegt die Beziehungen, die euch durch euer Engagement angeboten werden. Das heisst: Fleissig Weihnachtskarten schreiben, soziale Medien nutzen, sichtbar sein. Ich habe meine Festanstellungen bekommen, weil ich mit den Leuten bereits früher einmal zu tun hatte.

–Franziska Kohler

Nicht aufgeben! Das Hochschulpraktikum habe ich (erst) nach 50 Bewerbungen und 10 Bewerbungsgesprächen erhalten. Gerade am Anfang kann es Durchhaltevermögen brauchen. Wichtig ist auch zu sehen, dass ein Praktikum für den Berufseinstieg ggf. nicht genügt. Während ich befristet angestellt war, habe ich nochmals gleichviele Bewerbungen geschrieben wie als ich ein Praktikum suchte. Erfolglos. Ich kenne auch eine Soziologie-Abgängerin, die nach zwei Praktika 1.5 Jahre auf Jobsuche war, bevor es mit einer Festanstellung klappte. Man darf also die Hoffnung auch noch langem Suchen nicht aufgeben. Aus meiner Sicht hat es sich gelohnt, mich während des Praktikums besonders anzustrengen, damit sie meine grosse Motivation erkannten und ich beim Praktikumsbetrieb bleiben konnte. Mit einigen Jahren Berufserfahrung ist es dann einfacher zu wechseln, wenn man das dann noch möchte.

–Franziska Wettstein

Kreativ sein und überlegen, was deine USP sind. Dort darauf fokussieren und schauen, dass die Leute verstehen, was du genau leisten kannst. Philosophie ist ein sehr potentes Tool für diverse Probleme. Jedoch machen wir Philosoph*innen uns das Marketing unnötig schwer, in dem wir in der Öffentlichkeit oft zu wenig Raum einnehmen.

–Jonas Wittwer

Man sollte offen für verschiedene Bereiche sein und sich gut informieren, was es alles gibt (allein im Internet kann man sehr viel herausfinden, etwa indem man sich Jobinserate anguckt). Mir scheint die Fähigkeit, auch mit «Nichtphilosophen» gut kommunizieren zu können und die eigenen Leistungen für andere zu «übersetzen» ein grosser Vorteil zu sein: Was lernt man alles an nützlichen Dingen in diesem Studium (ganz viel!)? Und bei welchen Themen oder Aktivitäten können wir am meisten mitwirken? Vorurteile können hingegen eine Bremse darstellen – sei es die eigenen gegenüber gewissen Arbeitsbereichen, oder die Vorurteile der anderen, in folgendem Stil: «Philosophie? Du wirst keinen Job finden». Dieses Vorurteil ist falsch.

–Laetitia Ramelet

Wenn es den perfekten Job für dich nicht gibt, erschaffe ihn. Fähige Philosophiestudierende haben viele Eigenschaften, welche die Welt verändern können.

–Manuel Merki

Dein Lebenslauf muss nicht linear sein. Ich hatte lange etwas Angst, dass mein beruflicher Werdegang «all over the place» ist. Jedoch macht mich das interessant und brachte mir die Soft Skills bei, die man im heutigen Arbeitsalltag auch braucht (Time Management, Networking, Problem Solving… Das sind zwar ausgelaugte Schlagwörter, aber es stimmt). Wähle Themenbereiche, die dir Spass machen, versuche aber auch, mit der Zeit zu gehen, wenn du kannst. Ich bin dankbar, auf Biomedizin-Ethik gestossen zu sein, weil es ein sehr aktives und vielfältiges Feld ist.

–Nadine Felber

Da Philosophie gewissermassen von Kritik (auch Selbstkritik) lebt, unterschätzen viele Leute, welche Fähigkeiten sie eigentlich haben und wie wertvoll diese sein können in verschiedenen Bereichen. Mein Tipp: Traue dir Neues zu! Auch Bewerbungen auf Positionen, die nicht explizit nach Philosoph*innen suchen, können erfolgreich sein. Aber ich bin wohl keine Expertin in Bezug auf den Arbeitsmarkt, da ich bisher erst eine «richtige» Stelle hatte. Ähnliche Zukunftsängste, die mich während dem Studium plagten, beschäftigen mich immer noch.

–Nina Peier

Nach einer Periode von halbwegs motivierten Bewerbungen hat es mir sehr geholfen, mir ernsthaft zu überlegen, welches meine berufsrelevanten Interessen und

Überzeugungen sind und wo diese tatsächlich eingebracht werden können, respektive welcher Beruf oder welches Tätigkeitsfeld für mich mittel- oder langfristig in Frage kommt. Danach habe ich direkt die entsprechenden potenziellen Arbeitgeber*innen angeschrieben (selektive Spontanbewerbungen zeugen meines Erachtens von einem genuinen Interesse an einer Stelle und helfen vielleicht nicht immer auf die Schnelle, aber vielleicht auf längere Sicht).

–*Philipp Emch*

Was strebst du beruflich in Zukunft an?

Als Vater von zwei kleinen Kindern strebe ich eine Beschäftigung an, die mit dem schönen und schön anstrengenden Leben als Familie vereinbar ist.

–*Andreas Freivogel*

Ich möchte weiterhin Neues entdecken, meinen Horizont erweitern und mehr Verantwortung übernehmen. Zudem werde ich wahrscheinlich einen kreativen Weg finden, der Philosophie in meinem Berufsleben bald wieder mehr Raum zu geben.

–*Audrey Salamin*

Mir gefällt die Kommunikation sehr. Jeder Tag ist neu, jedes Projekt hat eine neue, oft interdisziplinäre Ausgangslage. Ich möchte mich in einigen Aspekten weiterbilden und weiter in diesem Feld arbeiten.

–*Dominik Fitze*

Keine Ahnung. Vielleicht intern aufsteigen, etwas mit Kultur, eine Weiterbildung, ich halte es bewusst offen. Weil oftmals kommt es anders, als ich gedacht habe. Ich versuche, mich ständig weiterzuqualifizieren, aber vieles ist auch ein wenig Glück. Zur richtigen Zeit am richtigen Ort (oder zur falschen Zeit, ist auch schon vorgekommen).

–*Franziska Kohler*

Kurzfristig möchte ich mich fachlich in meinem jetzigen Gebiet weiterentwickeln. In etwas fernerer Zukunft strebe ich eine Weiterentwicklung in eine Führungsposition an.

–*Franziska Wettstein*

Ich strebe an, weiterhin an Hochschulen zu dozieren und bunt_lieben zu profes-

sionalisieren, sodass eine Monetarisierung möglich ist, welche es erlaubt, Personen fest anzustellen.

–*Jonas Wittwer*

Soziale Innovation sollte stärker in den Fokus rücken. Gerade die Geistes- und Sozialwissenschaften können gesellschaftlichen Probleme teilweise hervorragend analysieren und einordnen. Aber Lösungen zu entwickeln, die diese Probleme angehen fällt ihnen in der Regel sehr schwer.

–*Manuel Merki*

Das PhD hat mir gezeigt, dass ich die Unabhängigkeit und Selbstbestimmtheit im akademischen Werdegang sehr wertschätze. Dementsprechend verfolge ich aktuell eine Uni-Karriere, bin aber nicht darauf fixiert. Das Programm «Zoom@Novartis» hat mir gezeigt, dass es für Bioethiker*innen auch Berufe in der Industrie gibt, beispielsweise in Ethikkommissionen.

–*Nadine Felber*

Das ist eine sehr komplizierte Frage, die ich erst für mich noch ganz genau beantworten muss. Momentan würde mich aber die Arbeit im öffentlichen Sektor «gluschtä».

–*Nina Peier*

Ich werde mich spezifisch für meine aktuelle Tätigkeit weiterbilden.

–*Philipp Emch*

Ich bin offen für Vieles. Wahrscheinlich arbeite ich nach meiner Promotion für einige Zeit bei einem juristischen Verlag. Zudem werde ich im Rahmen von Lehraufträgen weiterhin an der Uni tätig sein.

–*Vera Moser*

Was würdest du rückblickend in deinem Philosophiestudium anders machen?

Ich würde früher und mehr schreiben, es von anderen lesen lassen und diskutieren, wenn ich mein Studium wiederholen könnte. Philosophie ist kein Einzelkampf.

–*Andreas Freivogel*

Ich habe mich mit Leidenschaft in mein Philosophiestudium gestürzt und es hat mir sehr viel Spass gemacht. Rückblickend hätte ich vielleicht zwischen meinem Bachelor- und Masterstudium ein Praktikum absolviert.

–*Audrey Salamin*

Ich würde von Anfang an etwas «Technischeres» im Nebenfach studieren. Neben der Philosophie hat mir ein Masterseminar der Soziologie zu bayesianischer Statistik am meisten gebracht. Diese Art des Denkens wird auch in der Philosophie immer relevanter (Stichwort: formale Epistemologie) und bringt letztlich mehr als Politikwissenschaft im Nebenfach, denke ich. Was ich noch raten möchte: Besuche so viele Kolloquien wie möglich. Dort spielt die Musik – dort lernst du den «State of the Art» unseres Faches kennen und kannst auch deine eigenen Ideen zur Diskussion stellen. Besuche Konferenzen, Gastvorträge und schreibe auch mal fürs meta(φ) – kurz: Tauche ganz tief in die Welt der akademischen Philosophie ein.

–*Dominik Fitze*

Das Philosophiestudium hat mir persönlich sehr viel gebracht. Inhaltich fand ich es jederzeit interessant, doch es ist vor allem das Methodische, von dem ich im Berufsleben am meisten profitiert habe. Ganz konkret würde ich ändern, dass ich damals den Einführungskurs Ethik zugunsten von Rechtsphilosophie und Handlungstheorie nicht besucht habe. Da Ethik am meisten Praxisbezug hat, würde ich mir das im Nachhinein vielleicht anders überlegen.

–*Franziska Wettstein*

Ich bin sehr zufrieden mit meinem Philosophiestudium. Ich würde nichts daran ändern wollen. Was ich aber für das Philosophiestudium allgemein empfehlen kann, ist, Veranstaltungen von vielen verschiedenen Dozierenden zu besuchen, um herauszufinden, was für eine*n passt. Ausserdem würde ich mich im Master auf ein grösseres Fachgebiet spezialisieren.

–*Jonas Wittwer*

Schwer zu sagen. Vielleicht eine Sache: Ich habe erst spät, eigentlich nach dem Studium, über Schwierigkeiten erfahren, die spezifisch Frauen betreffen und dadurch Zeit verloren.

–*Laetitia Ramelet*

Nichts. Die Möglichkeit berufsbegleitend Philosophie zu studieren war sehr wertvoll für mich. Danke an alle, die mich darin prägten und unterstützten.

–*Manuel Merki*

Ich würde früher lernen, mein Zeit-Management zu optimieren, so dass ich weniger in Stress mit dem Schreiben der Seminararbeiten komme. Es gibt viele Bereiche, die ich gerne noch besser kennenlernen und verstehen möchte, wie beispielsweise Logik, jedoch war ich zufrieden mit dem Inhalt meines Studiums und würde das nicht unbedingt ändern wollen, selbst wenn ich könnte.

–*Nadine Felber*

Ich würde versuchen, mich früher mit anderen Menschen zu vernetzen. Und ich würde die Ressourcen und Angebote des Instituts und der Fachschaft früher nutzen. Und ich würde mir ein systematisches und praktisches Notizensystem anschaffen, damit ich nicht immer alles nach einigen Monaten wieder vergessen habe.

–*Nina Peier*

Nicht viel. Ich habe das Studium sehr genossen und intellektuell als auch kompetenzbezogen extrem viel davon profitiert. Eventuell würde ich nachträglich ein naturwissenschaftliches Nebenfach wählen – dies aber eher interessenhalber.

–*Philipp Emch*

Nichts. Ich war sehr zufrieden.

–*Vera Moser*

Was denkst du, inwiefern war es für dich lehrreich oder ansonsten akademisch/professionell hilfreich, einen Text bei uns publizieren zu lassen?

Ich bin dankbar, den Prozess bis zur Publikation mit meta(φ) durchgemacht zu haben. Es war ein lehrreicher Einstieg für das knallharte Geschäft mit den «grossen» Journals.

–*Andreas Freivogel*

Es war eine schöne Herausforderung. Ich hatte den Essay zusammen mit einer Freundin geschrieben und die Veröffentlichung gab uns die Möglichkeit, unser Anliegen zu verfeinern.

–*Audrey Salamin*

Einen Text so aufzubereiten, dass er nicht nur für die Professorin, sondern auch Mitstudierende spannend ist – diese Möglichkeit hat man nicht oft. Das ist eine super Erfahrung und auch ein tolles «Learning».

–*Dominik Fitze*

Ich habe das Studierendenjournal (damals unter dem Namen «ἀρετή») gegründet. Das zeigt sicher potenziellen Arbeitgebern, dass man eine Idee oder ein Projekt umsetzen und etwas aufbauen kann. Gerade mit einem Philosophiestudium darf man die Wichtigkeit von Erfahrungen und Tätigkeiten ausserhalb des Studiums nicht unterschätzen. An einem Vorstellungsgespräch interessiert immer das Konkrete; Philosophie als Disziplin ist den meisten Nicht-Philosoph*innen zu abstrakt.

–*Franziska Wettstein*

Es war sicher gut, eine persönliche Arbeit teilen zu können, um zu zeigen, was man schreiben kann und auch, dass diese Arbeit von anderen «Peers» anerkannt wird.

–*Laetitia Ramelet*

Wir hatten damals zu dritt dieses Magazin neu aufgesetzt. Es kann eine sehr interessante Erfahrung sein, im Redaktionsteam mitzuwirken. Eine eigene Publikation ist gleichzeitig eine Chance, einen Text zur Diskussion zu stellen.

–*Manuel Merki*

Die Publikation während meines Masters hat mich definitiv interessant gemacht für die Stelle als Doktorandin. Dementsprechend war sie für eine akademische Karriere definitiv nützlich.

–*Nadine Felber*

Das ist natürlich schwer einzuschätzen, aber ich glaube, es war sehr nützlich. Insbesondere bei der Bewerbung um einen Platz in einem beliebten und limitierten Masterstudiengang macht sich eine akademische Publikation auf dem CV natürlich nicht schlecht.

–*Nina Peier*

Es war primär ein schöner Prozess, erstmals einen Text für ein Publikum zu verfassen und diesen dann in einem so tollen Heft abgedruckt zu sehen! Ob die Publikation beruflich hilfreich war, ist für mich jedoch schwierig zu sagen.

–*Philipp Emch*

Das meta(φ) bietet eine tolle Gelegenheit, erste Erfahrungen zum Publizieren von philosophischen Texten zu sammeln. Ich finde es super, dass es dieses Journal gibt.

–*Vera Moser*

Viele der Befragten haben sich bereit erklärt, ihre Kontaktdaten zu teilen. Fragen und Folgefragen bezüglich beruflicher Laufbahn und Philosophiestudium dürfen gerne an folgende Befragten über ihre angegebenen E-Mail-Adressen gerichtet werden.

andreas.freivogel@philo.unibe.ch
dominikfitze@gmail.com
franziska.wettstein@bluewin.ch
manuel.merki@reatch.ch
nina.peier@philosophie.ch.
p.emch@gmx.net
vera.moser@bluewin.ch