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Does belief in objective morality lead to coercion? An analysis of the arguments of Kelsen and Buchanan

Niclas Berggren

Abstract Two leading scholars of the 20th century – Hans Kelsen and James Buchanan – both suggested that belief in an objective morality entails a disparaging attitude towards political and individual freedom. The main point was similar: Why let people decide for themselves, whether in politics or ordinary life, if what is objectively right is known? This paper presents their arguments and evaluates them, both by specifying three conditions that need to be met for the arguments to hold (the objective morality must be believed to be known, a belief in a known morality must entail a motivation to see it followed and the content of the known morality must not block coercion) and by relating them to recent experimental research (which nevertheless provides some empirical support).

Keywords Knowledge, Morality, Metaethics, Freedom, Coercion, Democracy

JEL Classification D72, D83, Z10

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1 Introduction

Factors that influence the prevalence and strength of free and democratic societies are of great interest, to friends and foes of freedom and democracy alike. Here, we will focus on one potential such factor: people's beliefs about the nature of morality. Two leading scholars of the 20th century – Hans Kelsen and James Buchanan – can be interpreted as having suggested that such beliefs matter. The idea is that those who think that it can be known what is objectively right will tend to be unfavorable towards freedom and democracy, since people will then be allowed to make choices – individually by freedom and collectively via democracy – that may contravene that which is morally prescribed. “Moral objectivists” will be prone to more strongly advocate some form of authoritarian rule, which imposes the morally right laws, policies and regulations on people, than those holding different metaethical views.

In this paper, I will present the arguments of the two scholars and evaluate them, as such and in light of some recent experimental studies. It will be argued that on theoretical grounds there is reason to doubt that the arguments hold (i) if moral objectivists do not think that the moral facts are known, (ii) if they are not motivated by the known moral facts or (iii) if the content of the objective morality that is believed to exist and to be known is such that it favors freedom or democracy. Nevertheless, I also report experimental findings that give some empirical support for a link between belief in an objective morality and an authoritarian inclination.

We are dealing with metaethical beliefs, about questions such as “What is goodness?”, “What can we know about morality?” and “Are there moral facts?”.¹ The two scholars discussed here are proposing the empirical hypothesis that there is a link between certain such metaethical positions and ethical positions in the realm of politics. The central underlying question whether morality is objective or subjective is a factual one concerning the nature of moral beliefs. More precisely, the traditional cognitivist view of the objectivity of morals, *moral realism*, entails three claims: that moral statements express propositions, that some of these are true and that these are made true by objective features of the world (see Sayre-McCord 2011). The true moral

¹ See Sayre-McCord (2012) for an introduction to metaethics, and also the short classical treatment in Frankena (1988: ch. 6).

propositions can be called moral facts. In contrast, *ethical subjectivism*, or “non-cognitivism”, denies that moral facts exist and that moral propositions are always only the expression of a subjective view.² There is an ongoing debate among philosophers about which side (if any) is correct, and it is beyond the scope of this paper to attempt to make a pronouncement on that issue, or to present other metaethical positions.³ In any case, what interests us is not really who is right and wrong in this debate but whether people *believe* that morality is objective or subjective and what this brings with it.

That people hold beliefs of this kind is supported by a poll and some experimental evidence. The PhilPaper Surveys (2009) found that of the 484 respondents who did not indicate any affiliation with a university, and who may therefore be seen as “ordinary people”, 47.1 percent accepted or leaned towards realism, while 30.4 percent accepted or leaned towards anti-realism concerning the nature of moral judgments. Among all 3,226 respondents, the figures were 52.5 percent and 30.9 percent, respectively. And in an experiment, Goodwin and Darley (2008: 1359) could establish the following:

[E]thical beliefs were treated almost as objectively as scientific or factual beliefs, and decidedly more objectively than social conventions or tastes. Individuals seem to identify a strong objective component to their core ethical beliefs, and thus treat them as categorically different from social conventions. Arguably, many of our participants viewed their ethical beliefs as true in a mind-independent way.

Hence, it seems as if people do tend to have beliefs in this area, and that a majority leans towards something akin to the moral-realist view.⁴ With these observations in

² Although ethical relativism is not the same as ethical subjectivism – relativism incorporates the metaethical thesis that the truth of moral propositions is not absolute but relative to some group of persons (Gowens 2008) – in the following the terms can loosely be interpreted as synonyms. For a summary of metaethical terminology, see Hare (2000) and Goodwin and Darley (2010: 162–165).

³ For arguments for and against moral realism, see, e.g., Harman (1977), Mackie (1977), Blackburn (1984), Brink (1989), Railton (1986) and Timmons (1999).

⁴ Goodwin and Darley (2008: 1357) also found that “... grounding one’s ethical beliefs in the notion of a divine being predicts greater objectivism.” This implies that religious conviction is an important determinant of the degree to which one considers morality objective. The same result was obtained by Yilmaz and Bahçekapili (2015), who found a negative correlation between ethical subjectivism and

hand, we can now move on to arguments about the political consequences of such a view.⁵

religious belief, and that people adopted ethical objectivism more and ethical subjectivism less after being implicitly primed with religious words. One can imagine that religious belief as a basis of an objectivist view brings with it different positions than other forms of grounding of such a view, but it is beyond the scope of this paper to carry out such an analysis.

⁵ There is a related type of metaethical position that could be analyzed in a similar way as the one analyzed here, namely, on value pluralism (Mason 2015). If one is a value monist and holds that there is one supreme value, it could be argued that one is more prone to want everything and everyone to conform to it (just as it is argued, by the scholars covered here, that moral realism brings with it a related tendency to impose a moral conviction on others). Famously, Isaiah Berlin, who was a value pluralist, argued for liberal non-coercion precisely because he thought many values are incommensurable at a fundamental level, such that it would not be desirable with coercive, uniform political solutions in such cases.

2 The arguments of Kelsen and Buchanan

In this Section, we present the arguments of Kelsen and Buchanan on how belief in an objective morality entails certain negative attitudes towards democracy or freedom.⁶

2.1 Hans Kelsen

Kelsen (1955: 38–39) offers this argument:

It was a disciple of Hegel who, in the fight against the democratic movement in Germany during the nineteenth century, formulated the catchword: Authority, not majority! And, indeed, if one believes in the existence of the absolute, and consequently in absolute values, in the absolute good — to use Plato's terminology — is it not meaningless to let a majority vote decide what is politically good? To legislate, and that means to determine the contents of a social order, not according to what objectively is the best for the individuals subject to this order, but according to what these individuals, or their majority, rightly or wrongly believe to be their best — this consequence of the democratic principles of freedom and equality is justifiable only if there is no absolute answer to the question as to what is the best, if there is no such thing as an absolute good. ... That value judgments have only relative validity — one of the basic principles of philosophical relativism — implies that opposite value judgments are neither logically nor morally excluded. One of the fundamental principles of democracy is that everybody has to respect the political opinion of everybody else, since all are equal and free. Tolerance, minority rights, freedom of speech, and freedom of thought, so characteristic of democracy, have no place within a political system based on the belief in absolute values. This belief irresistibly leads — and always has led — to a situation in which the one who assumes to possess the secret of the absolute good claims to have the right to impose his opinion as well as his will upon the others, who, if they do not agree, are in error. And to be in error is, according to this view, to be wrong, and hence punishable. If, however, it is recognized that only relative values are accessible to human knowledge and human will, then it is justifiable to enforce a social order against reluctant individuals only if this order is in harmony with the greatest possible number of equal individuals, that is to say, with the will of the majority. It may be that the opinion of the minority, and not the opinion of the majority, is correct. Solely because of this possibility, which only philosophical relativism can admit — that what is right today may be wrong tomorrow —

⁶ We do not, however, focus on the personal metaethical beliefs of the two scholars.

the minority must have a chance to express freely their opinion and must have full opportunity of becoming the majority.

He also thinks there is empirical support for a relationship between metaethical positions of the kind described here and attitudes towards democracy (Kelsen 1955: 34):

I refer to the historical fact that almost all outstanding representatives of a relativistic philosophy were politically in favor of democracy, whereas followers of philosophical absolutism, the great metaphysicians, were in favor of political absolutism and against democracy.

Kelsen uses a slightly different terminology: he talks about “absolute” and “relative” rather than “objective” and “subjective”, but this is of no real importance for our purposes. Clearly, Kelsen relates metaethical beliefs to distinct *attitudes*, not only towards fellow human beings but also towards institutions. If one believes in objective values, there is no reason to accept or even tolerate people’s subjective values if these go against the moral facts, neither in private, nor in a political context. If one, on the other hand, believes in subjective values, then one thinks that one’s own values are no more special than anyone else’s – no one is privileged with superior knowledge about non-existent moral facts – and one wants others to be able to freely express their opinions, both in private and through democratic institutions.

One can note that Kelsen implicitly assumes, when discussing the absolutist position, that people who believe in the existence in moral facts also tend to believe in the asymmetric knowledge of them: that *they*, but not others, have “seen the light”, making them advocates of themselves as authoritarian rulers. We will return to these aspects in Section 3, when evaluating this argument.

2.2 James Buchanan

Our other scholar relates metaethical beliefs in this area to freedom, arguing that belief in objective morality entails a tendency to disfavor a basic respect for individual sovereignty.⁷ Buchanan (2001a: 168–170) writes:

⁷ In Buchanan’s case, the primary notion of freedom is freedom *in and through constitutional contract*. As Vanberg (2011: 9) puts it: “[T]his ideal of individual liberty is about *individual sovereignty in defining*

If values are deemed to exist “on their own” and quite apart from human minds, and, further, if these values are deemed to be universal in application, over persons, places, and times, then the moral force claimed for such values may well exceed those which could ever be claimed for the provisional truth of modern science. In such extreme cases, value is treated as some higher form of truth, revealed only to those who hold the sacred keys and hence undiscoverable and unchallengeable, even to those who might qualify as scientists. In these circumstances, those who suggest the appropriateness of modeling politics as science rather than as theology may actually exert an influence towards a less coercive social order. To the leaders of the Inquisition or to the Khomeinis of today, any move towards treating politics as Popperian science might indeed serve to reduce human suffering. ... There is a positive side to value relativism that is too easily overlooked. Because values are relative, and because the individual recognizes that his values are indeed his own, it becomes possible for man to model an existence in social interaction with other persons that does not involve acquiescence in a single-value norm. ... Value is relative, truth is not, at least within the realm of ordinary discourse. To introduce the fallibility of post-Popperian science as a helpmate in the philosophy of politics seems to me to be misguided and ultimately to be dangerous. It is not the recognition of fallibility in scientific truths that facilitates man’s understanding of his social order and that renders him tolerant of dissent. It is, indeed, the recognition of the necessary relativism and *individualism* of values, along with the modeling of politics as the enterprise of resolving conflict among such values, that makes the libertarian social order meaningful.

Buchanan (2005: 6–7) elaborates further:

If the extra-individual sources of value are postulated to exist “out there” only waiting to be discovered and if, at the same time, persons are classified hierarchically in some Plato-like ordering, the implications for the assignment of political authority are evident. Those persons who are more qualified to search for and find the ultimate values for the whole membership of the polity must be elevated to positions of dominance. An elite of the informed, a meritocracy, is the structure that this combination of attitudes almost necessarily suggests. ... The implications for the constitutional organization of society are clear. To the classical liberal [who locates the sources of value exclusively in the consciousness of the individual], no person or group can properly claim superior ability to discover the values that are to guide action.

the rules under which a group of persons chooses to live, rules that among free and equal individuals can only be chosen by voluntary agreement.”

Buchanan clearly thinks that a preference for political dominance follows from belief in an objective morality, at least if this morality is thought to be discernable. Such a preference goes against his own constitutional enterprise, the basic idea of which is to respect all individuals by hailing unanimity as the basic normative criterion for political society (Buchanan and Tullock 1962: ch. 7; Buchanan 1987).

3 An evaluation

Although the two arguments presented in the previous Section differ in certain respects, they will mainly be treated unitarily here for analytical reasons.⁸ The contribution here will be to make clear that the argument (henceforth referred to in the singular) rests on at least three conditions that need to be met for it to hold – conditions that are not specified in the scholars' presentations but crucial in any evaluation. Along the way, some empirical evidence will be presented as well that sheds some light on whether the argument can be regarded as reasonable.

3.1 The argument

We begin by presenting what we take to be the argument: *A belief in the existence of an objective morality leads to a desire to impose this objective morality on others through coercive means.*⁹ This implies, in the Kelsen case, a skepticism towards political

⁸ While Kelsen focuses on democracy, Buchanan focuses on freedom. Our unitary treatment of these two outcome variables is motivated by autonomous choice being a core element of both and by the idea that a belief in an objective morality under certain conditions, to be spelled out below, brings with it a hostility towards such choice. Democracy deals with autonomous collective choice, whereas freedom refers to autonomous individual choice. However, our assumption of democracy and freedom being in harmony, although useful analytically, is a simplification: conflicts may arise between freedom and (at least majoritarian) democracy, as pointed out by Kelsen (1948: 5–8; 1955), Hayek (1960: ch. 7; 1978: ch. 10; 1979: chs. 12, 16) and Buchanan (1996). Still, there are some empirical indications that this need not be a practical concern, lending support to our assumption: studies find a positive relationship between democracy and economic freedom (de Haan and Sturm 2003; Lundström 2005).

⁹ One could formulate the argument in a relative manner: A belief in the existence of an objective morality leads to a *stronger* desire to impose this objective morality on others through coercive means.

freedom and, in the Buchanan case, a skepticism towards social and economic freedom – instead, ruling by the morally informed is preferred. Note that the argument is concerned with a belief in the existence of an objective morality, irrespective of whether such a belief is justified or whether an objective morality actually exists. The holder of such a belief thinks that there is *one* correct answer to the question “What is moral?”, and that answer applies no matter what people think about it.

3.2 Three conditions

The argument will now be evaluated by stating and discussing three necessary conditions for it to hold and by presenting relevant empirical evidence.¹⁰ The scholars do not acknowledge these necessary conditions, nor do they present empirical support for their argument, but doing so enables us to better evaluate it.

The first condition concerns epistemology: There must be a belief that the objective morality that is thought to exist is knowable and known (by oneself or by people one trusts).¹¹ If one believes that there is an objective morality but that it is unknowable (admittedly an extreme case), then one would not want to impose that morality through coercive means, since one does not know what it is. This would, with regard to a desire to coerce, be akin to believing in the existence of a subjective morality, where by definition there are no known moral facts that are thought to apply to everyone no matter what they think. Hence, for the argument to hold, at least some knowledge about the moral facts must be thought to exist.¹² If this type of knowledge is seen as a continuous variable, the more knowledge there is, the stronger the willingness to coerce. In addition, one may consider not only the scope of knowledge but also its

¹⁰ This is not to say that these are the only necessary conditions or that they are sufficient for the argument to hold – but they are arguably important necessary conditions.

¹¹ Note that we are referring to a belief – *whether grounded in sound philosophical analysis or not* – that one knows what the moral facts are. This enables us to escape the complex philosophical arguments about the relation between knowledge and truth: we merely deal with people’s beliefs about what they know.

¹² Buchanan (2005: 6–7) seems to recognize this condition in passing, in remarking that if some are believed to know the moral facts better than others, this “elite of the informed” will (want to) assume positions of dominance. On how knowledge assumptions affect economic-political analysis, and on the importance of taking knowledge constraints into account, see Pennington (2011).

degree of certainty. I may believe I know many moral facts, but if I have some doubt about their correctness, this will also arguably affect my willingness to coerce negatively.¹³

The second condition concerns motivation: Belief in the existence of a known objective morality must come with a desire to realize whatever is known to be morally right. This condition is sometimes referred to as motivational internalism (Rosati 2014) and posits a direct link from a belief (in moral realism) to a desire or motivation (for behavior in line with the moral facts). It is imaginable that one considers morality objective and known without having an accompanying desire to enforce it (for oneself and/or for others) – this is a matter of moral psychology – but for the argument considered here to hold, such a desire needs to be in place. If such a desire is in place as in conjunction with a belief in moral realism, it could, among other things, imply a desire for informal and formal institutions to be designed such that behavior, to the highest possible degree, conforms to the moral facts.

The third condition concerns political philosophy: The content of the objective morality that is believed to exist and to be known must be such that it, at the very least, puts no constraints on coercion. If it explicitly favors coercion – maybe even if it simply does not block it – and if the two previous conditions are upheld, then a belief in objective morality will lead to a willingness to coerce people in line with the perceived moral facts, just as the argument states. But there might be something in the actual moral views that does block that impulse from being realized (Brink 1989: 93). Maybe the political morality is perceived to be liberal, where freedom is normatively basic (Gaus and Courtland 2011) and where there is a willingness to let people err in life (which means that there is no desire to meddle even with what is seen as objectively immoral behavior). Admittedly, there could be a desire to coerce even in a liberal moral realist: the psychological impulse is then towards imposing freedom. He or she wants to coerce others to live in a free society, but the amount of coercion in every other way is minimized there. This is obviously a very different kind of meddlesomeness than the

¹³ As Brink (1989: 94) puts it: "A moral realist ... must regard those who disagree with her as mistaken. But this does not imply that she must hold her moral beliefs dogmatically. She can and should keep an open mind about moral issues, engage the opposition in dialogue, and reassess her evidence from time to time. For, as a realist, she can also be a *fallibilist* ...".

one that tries to impose detailed regulations of behavior and choice. And to the extent that it is present, the argument does not seem to hold.¹⁴ This third condition also seems to be overlooked, or at least not explicitly addressed, by our scholars.¹⁵

The neglect of the political-philosophical dimension in the argument of our scholars also means that they do not acknowledge that an ethical subjectivist may very well hold illiberal political views, wanting to coerce others.¹⁶ Still, somewhat speculatively, if one compared an illiberal ethical subjectivist with an equally illiberal moral realist, the thrust of the Kelsen-Buchanan line of thinking implies that the impulse to coerce would still be stronger in the latter case. The reason would be that the belief that one's illiberalism is valid irrespective of what anyone thinks about it and the belief that the illiberalism is known to follow from the moral facts produce a perceived justification for imposing it (cf. Berggren 2004: 78–80).

3.3 Empirical evidence

The two scholars do not undergird their argument with systematic empirical evidence; and while the preceding analysis, in Section 3.2 identified conditions which need to be satisfied for the argument to hold, making the argument more precise, it is still an open question to what extent it actually holds. Fortunately, there are some experimental studies that give an indication.

First, it bears noting that children tend to disapprove more of moral than of non-moral disagreement (Wainryb et al. 2004; see also Wright et al. 2008). They are more

¹⁴ This is especially not the case if the type of liberalism upheld is of the kind envisaged in the utopia of Nozick (1974) or in the liberal archipelago of Kukathas (2003), where people are free, in a liberal meta-order, to choose to form communities in which illiberal practices occur. Cf. Buchanan (2001b: 89) and Vanberg (2011). In sharp contrast, certain kinds of liberalism do entail upholding certain perceived liberal values by means of coercion, e.g., in the form of a prohibition of certain types of veils in France.

¹⁵ It is not, however, overlooked by Kliemt (2004: 185): "[A] cognitivist (like Kant) who believes to know that respecting other individuals is the right thing to do has a good (in his view) cognitive reason to be tolerant or liberal."

¹⁶ Cf. Brink (1989: 93). As an (extreme) example, one might cite Lenin (1920: 416–417): "We reject any morality based on extra-human or extra-class concepts. We say that this is deception, dupery, stultification ... there is no such thing as a morality that stands outside human society; that is a fraud."

emotionally concerned with beliefs in the area of morality, and that others do not disagree, than with non-moral beliefs. This implies that there is a connection between moral beliefs and emotional involvement, lending some support to the second condition above. Young and Durwin (2013) show that priming experimental participants with texts about moral realism affected their behavior, indicating that a presentation of moral realism affects desire or motivation. This is also in line with the second condition above.

Second, there are experimental studies that speak more directly to the main argument, documenting a relation between belief in moral realism and intolerance of those who hold different moral views – suggesting that this kind of belief comes with a desire to see it accepted, possibly even through (social or legal) coercion. Skitka et al. (2005: 896) investigate the effects of moral convictions, defined as “strong and absolute beliefs that something is right or wrong, moral or immoral”. Their results indicate that moral convictions are associated with intolerance – there is a tendency for people to not want to live near, be friends with or even sit too close to someone who does not share their core moral convictions. Similar results are obtained by Wright et al. (2008), who also show that cognitive rather than emotional factors seem to explain the results, which is consistent with the view that moral beliefs negatively affect tolerance by being seen as objective. Goodwin and Darley (2012) find that belief in an objective morality is related to people being less comfortable with others disagreeing with them on moral issues, with regarding those who disagree with them as immoral and with thinking it less likely that they themselves could change their mind. Hence, belief in an objective morality is associated with more “closed” rather than more “open” responses to moral disagreement. Wright et al. (2014) document that simply viewing an issue to be moral is enough to generate discomfort and avoidance of divergent others, but if there is a belief in objectivity, intolerance increases and is related to a willingness to introduce social prohibition against it. Taken together, this experimental evidence offers some tentative support for a link between believing in the existence of an objective morality (along with presumed knowledge thereof) and negative attitudes towards those who make different moral judgments.

However, these findings should be interpreted with some caution – e.g., they do not really identify cases where people do not believe that an objective morality can be

known or look into attitudes regarding how to treat the issues investigated politically. Moreover, the issue of causality is somewhat uncertain: Does belief in known objective morality really cause intolerance and a related propensity to want to coerce, is it the other way around or is some other, unidentified factor a joint cause? Still, they constitute a beginning of an empirical evaluation of the argument of our scholars offers some tentative support for it.

4 Concluding remarks

We have looked at the ideas of two leading legal scholars and social scientists regarding how people's beliefs about the nature of morality influence their attitudes towards freedom and democracy. Hans Kelsen argues that people who believe in an absolute morality will want that morality imposed through authoritarian rule – indeed, why let people decide democratically when it is already known (at least by some) what is right? James Buchanan asserts that a belief in an objective morality makes one more inclined to want everybody to follow a “single-value norm” and, indeed, to impose such a norm.

The main contribution of the analysis presented here is to clarify the conditions that need to be met for these arguments, which have a structural similarity, to hold. Not least, we have stressed the importance of taking people's beliefs about whether an objective morality can and is known into account; we have made clear that there must be a direct link between belief in moral realism and a desire to see it adhered to; and we have argued that it is crucial to consider the content of the moral views. As for knowledge, our claim is that if a person who believes in the existence of an objective morality does not believe that it can be known or is known by the relevant people, then the impulse to want to coerce others in effect becomes weaker and equal to that which obtains for a believer in a subjective morality. As for the motivational link, if it is missing, then coercion cannot be expected to be advocated either. As for the content of moral views, the impulse to implement what one takes to be objectively moral can be about implementing a liberal order in which coercion when it comes to people life choices is minimized. In this case, the outcome is positive for freedom rather than negative, as posited in the arguments of the scholars.

Whether the arguments hold in an empirical sense is uncertain. Our view is that they surely do not hold necessarily: i.e., belief in objective morality does not have to imply a desire to meddle, interfere and coerce. However, that being said, there are some indications from experimental research that the two scholars seem to have identified a tendency in people with such a belief to be more assertive and intolerant, which might be taken to suggest that they are also more prone to want to implement formal institutions that uphold the morality they regard as objectively true. But this interpretation is speculative, for several reasons, and more research is needed before we can make more precise empirical evaluations – there should be promising opportunities to explore further to what extent metaethical beliefs relate to attitudes towards basic political and ideological matters, such as freedom and democracy. We think that the structure of the arguments presented here can form a theoretical basis for such further research.

The overall relevance of trying to pinpoint consequences of metaethical beliefs could be that such beliefs, perhaps unlike ethical beliefs as such, can be discussed rationally, and if one finds that certain consequences of a certain belief are undesirable, then one could question that belief, either in oneself, in one happens to hold it, or in others. If one's friend believes in an objective morality, if this causes him or her to embrace coercion and if one dislikes this consequence, one could, e.g., buy Mackie (1977) as a Christmas present and hope for a change in metaethical outlook. Or, if a person is unwilling to abandon a belief in an objective morality that makes him or her meddlesome etc., one might still try to influence him or her through an epistemological question: "Can you really know that this objective morality is such and such?" Alternatively, one could try to affect the content of the moral views, in a more liberal direction: "How about arguing for this objective morality in respectful discussions but let people, in the end, make their own choices?"

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