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**Normative political philosophy, history of philosophy and how to combine them:
An Interview with Tom Sorell**

Tom Sorell – Professor of politics and philosophy (University of Warwick)

Luc Foisneau – Director of research (CNRS – CESPRA)

In this interview, Luc Foisneau and Tom Sorell discuss a range of topics: how Tom Sorell came to work in normative philosophy; what normative philosophy seeks to do – to apply high-level moral principles to practical problems facing a public; and how work in history of philosophy might complement normative philosophy. In this last connection they take the example of Sorell’s adaptation of Hobbes – what Sorell calls “sober Hobbesianism” – to address the question of how liberal democracies should respond to emergencies.

Tom Sorell is Professor of Politics and Philosophy and Head of the Interdisciplinary Ethics Research Group at Warwick University. He was Tang Chun-I Visiting Professor in Philosophy at the Chinese University of Hong Kong in 2013. Previously, he was John Ferguson Professor of Global Ethics and Director of the Centre for the Study of Global Ethics, University of Birmingham. Before that he was Co-Director of the Human Rights Centre, University of Essex. In 1996-7 he was Fellow in Ethics at Harvard. He has published extensively in moral and political philosophy, including four books, and dozens of journal articles. His most recent published work takes up (i) moral and political issues raised by emergencies, including terrorist emergencies; (ii) microfinance and human rights; (iii) the defensibility of preventive justice; ethics and artificial intelligence; (iv) digilantism; and (v) bulk collection of personal data.

Beginnings

Luc Foisneau – *What made you become a normative philosopher?*

Tom Sorell – It was a bit of an accident. My first job after the DPhil in Oxford was at the Open University in the UK, and I had the opportunity there in the mid 1980s to design a course in applied ethics. I had not studied moral and political philosophy formally as a graduate student, but I had taught some moral philosophy to undergraduates in Oxford and I had begun to talk to people about some applied ethics topics, including those taken up by friends like John Harris, a distinguished English utilitarian philosopher of medicine. I had also begun looking at applied ethics in the writings of Onora O’Neill, whom I met early in my career. Another author who influenced me when I was turning to applied ethics was Thomas Nagel. His collection of essays, *Mortal Questions*, made a big impression on me when it was first published. I was also a great admirer then of Bernard Williams’ critique of utilitarianism in his published debate with J.J.C. Smart. Later, when I wrote *Moral Theory and Anomaly* (Blackwell, 2000), I came to be very critical of Williams, especially his scepticism about moral theory. I think moral theory in most of its central forms is valuable, even though the central forms conflict. With Parfit, I believe in the reconcilability of the central forms of theory.

For the Open University course I had to write about capital punishment as an illustration of the application of moral theory. And that led to my book, *Moral Theory and Capital Punishment* (Blackwell, 1987). I have always thought that retributivism was more defensible as a theory than it is usually taken to be, and I have written a few things about Kant on punishment and also on ways of combining insights from both Kant and Mill in a theory of capital punishment. I do not approve of capital punishment in practice, because of the very big risk of uncorrectable miscarriages of justice, but in cases where the facts of the case are not in dispute, I think death (but not painful death) can be an appropriate punishment for aggravated murder. For example, it would have been an appropriate punishment for the Moors murders in the UK in the 1960s – cases in which children were tortured and killed for sadistic pleasure, with some of the crimes recorded on tape.

Before the book on capital punishment, I had written a book about Hobbes (Routledge, 1986), including his moral and political philosophy, but I did not think of that as a piece of normative philosophy. Since then, however, I have written in many different areas of applied ethics, from business ethics to medical ethics to public health ethics to surveillance and many topics in ethics and technology, including online harm.

History of philosophy: Why do Descartes and Hobbes matter?

Luc Foisneau – *You have written a lot on Descartes and Hobbes. As a matter of fact, we met several times and had many discussions about these philosophers. How do you see the relation between these two authors?*

Tom Sorell – I have great admiration for Descartes's metaphysics and little admiration for Hobbes's. On the other hand, I have great admiration for Hobbes's political philosophy: to the extent that anything corresponds to it in Descartes's system it is very schematic. Of course, the fact that Descartes and Hobbes were contemporaries, and that Hobbes was a member of Mersenne's circle and lived in Paris for a decade or so after 1640; these add considerable complexity to the story that could be told about the relation between them. There is some important common ground in their shared hostility to the scholastics and the physics of Aristotle. There are some correspondences between their optical theories, perhaps owed to Hobbes's reading of the first edition of *Discours and Essais*.

Let me emphasise what I admire in the two philosophers, starting with Descartes. First, the *Meditations* is a stylistic marvel. It has conveyed difficult ideas for centuries to readers unacquainted with philosophy. It is short; it immerses the reader in strange thought experiments; it creates an illusion of religious orthodoxy, mimicking books to accompany religious meditations, and, between the lines, it demolishes the ontology of qualities, species, genera and forms. Its conceptual scheme of minds, bodies, mind-body unions, shapes, numbers and speeds is very compact. Not all of the content gets through to beginners, of course. But the *Meditations* is one of the few books that one can learn a very great deal from for the *whole* of philosophical life-time, discovering its depth the more one discovers its sub-text, which is to do with the relation of metaphysics to physics.

The sense in which Descartes is a normative philosopher is unusual. In the *Meditations* and other writings there are norms of enquiry – for example, to divide complex problems into parts – and norms of intellectual hygiene that one applies once in a life-time – such as emptying one's mind of the influences of the senses, as in Meditation One. Descartes also has a practical

normative theory, which consists of controlling emotions, adopting a certain attitude to the results of choice, once action has been taken, and even adopting certain attitudes toward membership in a political community. But these views are at best lightly sketched.

In both the English-speaking world and France and Germany Descartes is a sort of philosophical anti-hero – the source of big ideas, certainly, but big *bad* ideas. In my book *Descartes ReInvented* (Cambridge, 2005), I tried to defend Descartes as a source of ideas that have become deeply absorbed in his philosophical posterity, even the areas of that posterity occupied by his critics. These ideas include realism – the view that truth transcends characteristic evidence; respect for scepticism; rationalism, including the view that we make our beliefs our own by finding reasons for them; that there are more truths than the truths of natural science; and that the mind has an irreducible first-personal aspect. Many of these ideas are not only defensible but widely accepted, at least Anglo-American philosophy, and they are a valuable antidote to (according to me) dogmatic views in Anglo-American philosophy associated with naturalism. I have attacked this kind of naturalism in my book *Scientism: Philosophy and the Infatuation with Science* (Routledge, 1991).

I suppose we'll talk more about Hobbes than Descartes, but a first point to make about what is admirable in Hobbes's political philosophy is how much of a political theory he manages to derive from just two normative ideas with technical definitions in his writings: peace and public safety. The first requirement of Hobbes's moral philosophy is that people seek their own survival, and, in the case where people live together, that they seek local peace. This means transferring their right of self-government to someone locally who agrees to seek the survival and prosperity of them all: the sovereign. The first duty of sovereigns, for their part, is to secure the safety of the people. The first law of nature and the first duty of sovereigns are the keys to Hobbes's political philosophy.

Luc Foisneau – *How did Hobbes conceive of the connection between normative philosophy, if you accept to use the term in his regard, and civil philosophy?*

Tom Sorell – Hobbes describes moral philosophy in a number of different, maybe even conflicting, ways. Sometimes he associates it with knowing the effects of the passions, in turn understood as “motions of human physiology”. At other times, moral philosophy is a set of precepts, the “laws of nature”, derived in a particular order. To the extent that he connects moral philosophy with the motions of the mind, he means the study of the ingredients of war in the passions and “manners” of human beings. To the extent moral philosophy is the laws of nature, he mainly means precepts for getting out and staying out of the state of nature, that is, rules for each person to avoid the general war that is in the offing when each decides for themselves what will be best for them. The laws of nature are at the core of Hobbes's normative philosophy.

Both approaches to moral philosophy – through motions and laws of nature – engage with his politics or civil philosophy. Passions, such as desires for things that can't be shared, lead to fights over food, shelter and other things. These passions can be widely distributed. Other passions can lead a vainglorious, aggressive minority to start a general war. The laws of nature tell us why and how we should leave the state of violence. There are two fundamental laws of nature – to seek peace to the extent others are willing to do so; and to seek peace by laying down rights. In particular, in the famous social contract that establishes a commonwealth, each

person transfers the right of nature to a third person who is willing to direct all the others in how to keep the peace.

The right of nature is the right of each to be the judge of what is necessary for their survival and well-being. To form a commonwealth, a majority of a local population has to transfer this right to a third party who thereupon becomes sovereign and decides for them all through the laws he makes what will keep them alive and allow them to be moderately prosperous. Transferring the right of nature takes away the conditions for war by, among other things, radically reducing the number of wills in charge of the survival of the many. Hobbes's politics talks about the unlimited rights of sovereign once the rest in the Commonwealth have submitted; but there are also duties of sovereigns, including the duty of keeping people safe from conquest, unimpeded by unnecessary laws, treated more or less equally by the courts, and punished proportionately. The laws of nature mesh very well with these duties, and it is moral philosophy in the sense of a system of laws of nature that does more to unify the details of Hobbes's politics with his moral philosophy than moral philosophy as "motions of the mind".

Adapting historical positions to modern problems: What variety of liberalism is Sober Hobbesianism?

Luc Foisneau – *When you do history of philosophy you like connecting your analyses with contemporary topics. In the case of Hobbes you distinguished between two interpretations, one you call "Unreconstructed Hobbesianism", the other "Sober Hobbesianism". Could you tell us what difference there is between those two versions of Hobbes, and how the second one can be of any help in dealing with contemporary normative problems*

Tom Sorell – In both *Descartes ReInvented* (Cambridge, 2005) and *Emergencies and Politics* (Cambridge, 2013) I revise theories that I take from the history of philosophy and apply them to contemporary problems. Neither of these two books is itself a work in the history of philosophy. Each is an *adaptation* of theories found in the history of philosophy. "Innocent Cartesianism" is not a theory in Descartes but my adaptation of Descartes to show what is in fact unacknowledged acceptance of Cartesian tendencies in contemporary epistemology and philosophy of mind. In a roughly similar way, Sober Hobbesianism is not Hobbes, but my adaptation of Hobbes for a theory of emergency.

Sober Hobbesianism is a revision of Hobbes that takes away what I see as certain exaggerations in Hobbes himself – that is why I call it "sober". For example, it is an exaggeration to say that warlike tendencies – life-threatening tendencies – are just under the surface in ordinary political life, or in all social life. It is an exaggeration to say that sovereignty in the form of a council is closer to war than sovereignty in the form of a monarchy. Sober Hobbesianism moderates those exaggerations. It also arises in part from a *gap* in the account that Hobbes gives of sovereignty. First, Hobbes does not specify any requirements that someone must fulfil in order to have the right of nature of the many transferred to him or her. On the other hand, it is a norm of exercising sovereignty that the person who is sovereign be able to identify strongly with the people he represents. How is the detachment required for a person to forget himself and identify with the interests of a people possible? Hobbes does not say. But his theory of the duties of sovereigns is addressed to all actual sovereigns, and since their capacities must differ, the capacity for detachment cannot be all that rare, according to his theory. This raises the question whether humans in general might have this capacity, even if it is hard to realise. If the answer is 'No',

then not everyone is eligible to be a recipient of the transfer of the right of nature, and there is a big question facing people who leave the state of nature – namely, “Whom should I transfer the right of nature to?” the difficulty of answering which makes the transition from war to peace very contingent and a bit mysterious. Alternatively, chapter 30 of *Leviathan* arguably equips not only every actual sovereign but anyone to arrive at laws that would be characteristic of a human being capable of detachment. If detachment from one’s own interests and identification with a people’s interest is generally possible for humans, or the cross-section of humans who are actual sovereigns, then many people are capable of detachment, which raises the possibility of a *democracy* composed of detached legislators rather than a single sovereign with the right kind of detachment making the laws.

The three most important requirements of practical rationality from a sober Hobbesian point of view are (1) the ability to detach oneself from one’s appetites and ask whether there are reasons for satisfying them independently of the force of appetite or aversion itself; (2) the ability to see one’s own appetites and aversions as only some among others distributed among all of the people one lives with or near; and (3) the ability to see that the satisfaction of appetites now or soon is not necessarily better than their satisfaction later. These abilities enable one to criticize and even weaken the associated appetites, and therefore to make decisions without being at the mercy of appetites. They can also make it possible to weaken the effect of appetite that conflicts with being law-abiding, and aversion to doing what the law asks. In short, critical abilities in each person can make it possible for people to think about law in the impartial way that Hobbes associates with sovereignty.

The possibility of a democracy of the detached is one of ideas that takes one from unreconstructed Hobbesianism to a neo-Hobbesian position. Another step is associated with the distinction between a sovereign’s seeking peace for subjects rather than public safety. Public safety is peace plus the exercise of ‘harmless liberty’ through industry. This suggests a quasi-liberal version of a Hobbesian state in which a sovereign allows autonomy in the form of industrious or productive activity. This, together with some other revisions of the historical Hobbes described in *Emergencies and Politics* brings us to Sober Hobbesianism.

Sober Hobbesianism is a variety of liberalism. It promotes the autonomy of self-critical pursuers of a variety of goods, so long as these goods do not endanger life. It assumes that citizens have reflective capacities and that they are not at the mercy of their strongest desires and aversions. It assumes that people can be moved by what is in anyone’s interest, and not only by what is good for themselves. But it also gives great weight to the protection of life and freedom from injury, and it calls for institutions designed to secure these things. In other words, it values security. Sober Hobbesianism recalls the unreconstructed Hobbes not in making security the organizing value of communal life, but in making security of life the over-arching constraint on the organizing value: namely, the exercise by anyone of an autonomy wider than harmless liberty channeled toward wealth-creation through “industry.” This way of thinking allows politics to take emergencies seriously – with war as the prototype of emergency – but without taking away all liberties and reducing the intelligence that guides the state to a single intelligence.

What is applied ethics and what is it good for?

Luc Foisneau – *You have been doing a lot of research in applied ethics over the years, including ethics of emergencies as we have just seen. Prior to focusing on three of them, could*

you tell us more how you got engaged in this type of research, and what can be expected from philosophy along those lines?

Tom Sorell – I take applied ethics to be, primarily, the application of a standard moral theory in answering a public policy or personal practical question. By “standard moral theory” I mean a theory that offers uniform high-level principles simultaneously to explain the rightness of actions that we pre-theoretically and post-theoretically recognize as right or wrong. To give an oversimple illustration, utilitarianism offers the principle that what is right is what maximises welfare, and treats the rightness of truth-telling, not stealing, and promise-keeping as cases of maximizing welfare. Alternatively, the general principles could be the two Rawlsian ones, and one could treat progressive taxation, or preferential hiring, or preferential university admissions for discriminated-against minorities, as cases of just state policies in Rawls’ sense of ‘just’. And so on. Now *Emergencies and Politics* breaks from this pattern in that the theory applied there is *not* a standard theory. It is a theory derived from Hobbes. The idea of Hobbesian applied ethics is not very well developed, and there is only one collection of papers, and for that matter a very recent one, edited by Shane Courtland¹, that I know of that tries to embody it.

As I explained earlier, my first forays into applied ethics came as a result of designing an Open University course in the late 1980s. The books we wrote for that course sold very well and were well-reviewed as standard works in philosophy. In the early 1990s I continued to work on applied ethics issues connected to capital punishment, and wrote a book on business ethics (Butterworth Heinemann, 1994), a subject which I had previously broached through journal articles and book chapters. In 1996 I had the great good fortune of being appointed a Faculty Fellow at Harvard in the Ethics programme at the Kennedy School of Government. There we had weekly seminars on various applied topics under the excellent direction of Dennis Thompson. While I was at Harvard, I also joined the seminar for moral philosophy in the philosophy department, and I was lucky to meet and have discussions with a whole range of leading moral philosophers, from Tim Scanlon to Amartya Sen, Derek Parfit and Chris Korsgaard.

It was at Harvard that I wrote *Moral Theory and Anomaly* (Blackwell, 2000), which was a book defending the applicability of moral theories that had been criticized by philosophers like Bernard Williams. The book discusses various practices – business, the exercise of public office, deep green environmentalism and radical feminism – that in some respects elude or challenge theory because of the paradoxes they raise. For example, the problem of dirty hands in political office – how it can be obligatory to do wrong for the greater good. I argued that very little in these practices was out of the reach of theory.

In the last fifteen years or so I have moved into carrying out funded research projects² as an embedded ethicist with practitioners – police, intelligence officers, bankers and financiers, technology developers – who face moral issues, not always very obvious ones. Some of these projects have concerned allowable counter-terrorism tactics or the permissibility of offensive cyberattacks. Others have looked at financial practice – the kind that led to the great banking crisis of 2008, as well as some poverty-alleviating practices like microfinance. For these purposes I formed a research group that has successfully won grants amounting to around £8 million over 14 years. This activity has generated many publications but also advice and consultancy. I find advising practitioners on ethics, and especially the ethics of technology, exceptionally interesting, and I believe that there have been benefits, albeit modest benefits, in

¹ Shane D. Courtland (ed.), *Hobbesian Applied Ethics and Public Policy*, London, Routledge, 2019.

² <https://warwick.ac.uk/fac/soc/pais/research/ierg/research/>

terms of policy making. I currently sit on a UK Home Office ethics committee, and contributed to a subgroup of a Cabinet Office advisory group during the Covid pandemic.

Luc Foisneau – *How does liberalism with Hobbesian sobriety conflict with non-statist ‘human security’ approaches that are influential at the moment? And does your approach mean that we can approach public security issues using conventional morality and moral theory?*

Tom Sorell – The ‘human security’ approach – which goes back to a report by Sen and Ogata in 2003³ – construes violations of social and economic rights as threats to security – even where there is no immediate threat to the biological lives of the people involved. This is because of its use of a concept of a “vital core of life” which is dynamically interpreted to require the fulfilment of evolving economic and social rights. As a result, full human security is understood in a controversial and highly revisionary way as the elimination of disadvantage or inequalities. Or so I argue in *Emergencies and Politics*. By comparison, insecurity in Hobbes’s sense of threats to life is clear and *uncontroversial*.

Luc Foisneau – *You have been dealing with surveillance in several papers where you seem to be very critical of CCTV in London (and other cities). Could you tell us more about your position on those sensitive issues*

Tom Sorell – Surveillance is objectionable where there is significant value in being unobserved. Although there is a variety of agents of surveillance and subjects of surveillance, the literature is dominated by the case where the agent of surveillance is an organization acting for the state, the subject of surveillance is an individual citizen or group of citizens, and where the behaviour to be predicted is either political activism (in human rights-violating states) or violent political extremism (in liberal democracies). In this sort of case the value of being unobserved for subjects of surveillance is connected with the value of expressing political views, and experimenting with different political views. The more a political space is dominated by a single political orthodoxy, and the more surveillance is in the service of maintaining that orthodoxy, the less easy it is for competing political views and ways of life in keeping with them to be debated or tried out without fear or embarrassment. Unless there are opportunities for anonymized political action, where political views and ways of life can be experimented with behind a mask that shields one from the authorities – something afforded by the internet and digital social networks – political activism requires the official gaze to be averted altogether. It needs spaces – such as universities, theatres, political clubs and political parties, some locations on the internet – where orthodoxy is *not* enforced, and where the unorthodox is protected or even encouraged – ideally by a custom on the part of the authorities of treating those spaces as out of bounds to interference. This is the kind of space and the kind of custom commonly found in liberal democracies.

The emphasis on the connection between a right to privacy and activism makes sense in authoritarian states: China, say, or North Korea, or, the former Burma. But is it appropriate in liberal democracies, where the predominant forms of life are almost always apolitical, and where both mainstream and fringe political parties have to work very hard indeed to recruit activists? In these places, it might be thought, a right to privacy ought to be seen primarily as a right against intrusive *non-state* actors, including stalkers and journalists. I have written about

³ *Human Security Now*. Commission on human security, New York, 2003.
<https://reliefweb.int/sites/reliefweb.int/files/resources/91BAEEDBA50C6907C1256D19006A9353-chs-security-may03.pdf>

the harm of stalking compared with state surveillance and have argued it is a *bigger* harm to its victims than state surveillance. The idea that the right to privacy is a protection for activists might nevertheless make sense if some apparently liberal democratic states are authoritarian states in the making or authoritarian states in camouflage. Clearly there is more authoritarianism in democracies like Hungary, Brazil and the US than there used to be.

As for public surveillance cameras in places like the UK, the most that seems to be true is that in certain places visited by large numbers of people, the images of large numbers of people register on CCTV recordings and on banks of monitors in security offices connected to those CCTV cameras. Once again, the fact that the images register on film does not mean that anyone is paying attention: on the contrary, one of the facts that has prompted the development in Europe of automatic image recognition technology⁴ is that after a short time human CCTV operators notice very little untoward activity on their screens, even when researchers plant actors in view of the cameras carrying fake weapons and simulating other illegal behaviour. One of the big differences between “special investigation techniques” – like infiltration – and common or garden CCTV use is that, in the former case, the surveillance is targeted rather than indiscriminate and carried out by individuals who *are* paying close attention.

Luc Foisneau – *You are also writing on AI ethical issues, recently on deep fakes. Could you tell us what makes, or does not make, AI issues specific in terms of morality?*

Tom Sorell – Article 22 of the GDPR, the European data protection regulation, prohibits automatic decision-making – decisions by algorithm – about data subjects. This is an illustration of the applied ethics of artificial intelligence. In democracies, decisions that benefit or disadvantage citizens must be intelligible to citizens and also “necessary and proportionate” to the circumstances. Nevertheless, in some jurisdictions, algorithms do affect citizen welfare without the knowledge or understanding of the people in question. In the USA, for example, algorithms are used in decisions concerning the safety of children, and can lead to orders removing children from the custody of parents. Face recognition algorithms can match your face to a watchlist of suspects’ faces, and lead to the refusal of entry at a border, or an arrest at a football match. Models developed with machine learning can produce profiles of potential criminal gang members or people likely to be involved in knife crime. In these cases, the fact that ordinary people do not understand the basis of the decisions being made against them – because they do not understand the algorithms, or because the algorithms are commercially secret – produces administrative injustice in liberal jurisdictions.

In other cases, the obscurity of algorithms is even deeper. The so-called “black box” problem in AI concerns kinds of machine learning – neural networks, for example – which disclose patterns in data so complex that ordinary humans are *incapable* of understanding how input and output data are connected. In one project I am working in at the moment AI is used to distinguish cancerous from non-cancerous tissue from patterns in Whole Slide Images of tissue. How are doctors with no knowledge of AI to understand and endorse for patients the diagnoses generated by these machines? And what happens if, in a rare case, the machine diagnosis is wrong? Who is responsible: the developer of the algorithm? The hospital that uses the algorithm? And does a rare mistake mean reverting to old fashioned diagnostics when there is an acute shortage of pathologists and time is of the essence to treating cancer? Analogous questions about responsibility crop up in the area of automated car accidents.

⁴ See <http://www.samurai-eu.org/Links.htm> for one relevant EU-funded technology project.

Two other problems with AI can be mentioned: one is excessive data-hunger, the need for modellers to use larger and larger and increasingly representative data sets to improve accuracy, and the energy demands of the huge amounts of computing that are needed to develop and test algorithms.

Why private morality is not superior to public morality

Luc Foisneau – *Why don't you think that private morality has priority over public morality nor that morality is unitary? Why should we discard these views?*

Tom Sorell – I argue that being good does not necessarily mean being good in private life primarily. If one has capacities for leadership or for playing useful public roles, it may sometimes be morally obligatory to exercise them – despite the strains it creates on meeting the obligations of private life. It is not always perfectly permissible to opt out of public life even if after opting out one is always morally upright with friends and family. Public life exposes people to the need to get their hands dirty in ways that would be unthinkable in (at least bourgeois) private life, and it may not be morally optional for every private person to opt out of public life with its moral risks. Walzer's classic paper on dirty hands⁵ does imply that a good person who decided to avoid public life altogether – as opposed to avoid dirty-handed acts in office – would be morally unblemished. For me, the opters-out with admirable private lives may not be wholly morally admirable. For me, the willingness of the few to go into public life and get their hands dirty may make it possible for the many to meet the often much less demanding requirements of private life. For those with a public role and a private life, it is great good luck if both add up to something deeply coherent and morally admirable. Public and private morality are not deeply complementary. They do not normally add up to something unitary.

⁵ Michael Walzer, « Political Action: The Problem of Dirty Hands », *Philosophy & Public Affairs*, Vol. 2, No. 2, p. 160-180.