SOCIAL CRITICISM AFTER RAWLS

SOCIAL CRITICISM AFTER RAWLS:

AN ANALYSIS OF INTERPRETATION AND JUSTIFICATION

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ABSTRACT

Rawls's notion of reflective equilibrium is a useful framework
for interpreting the relationships among the claims of social critics
rather than a new method for political argument. Reflective equilibrium
should be understood in a nonideal (or practical) way that allows for
variations in the appropriate justification of criticism. Given contem-
porary conditions of argument, there are at least three feasible prac-
tices of criticism rather than one right procedure. I assess patterns
of critical argument on the understanding that a coherence approach to
justification is more reasonable than the alternatives.

Nonideal reflective equilibrium breaks down into three separate
practices of justification that tend to emphasize one element at the
expense of others. There can be appeals to principles (rationalistic
criticism), appeals to background theories (background theory critic-
ism), and appeals to our considered judgments (connected criticism).
I criticize implausible versions of these practices, and propose that
the three remaining "stances" are compatible and constitute a larger
practice that I call post-Rawlsian pluralism.

Inappropriate rationalism (Alan Gewirth, R.M. Hare) differs
from the rationalistic stance (Brian Barry, Ronald Dworkin). Unfeasi-
ble universalism (Jürgen Habermas, Thomas Pogge) contrasts with the

background theory stance (Norman Daniels, Onora O'Neill, Gerald Doppelt, Kai Nielsen). Unacceptable ethnocentrism (Stanley Fish) is not the same as the connected stance (Michael Walzer, Richard Rorty, Stuart Hampshire, Barbara Ehrenreich).

I defend post-Rawlsian pluralism by considering a spectrum of problems: impartiality versus commitment; political pluralism versus perspectival pluralism; cultural relativism versus international criticism; and conservatism versus radicalism. I conclude by arguing for a cooperative practice of many particularized critics characterized by different interests. My ultimate aim is to reconceive the theory of criticism as based upon the experience and standpoints of practicing critics rather than as requiring an ideal theory conceived prior to historical situations and then adapted to our needs and purposes.

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PREFACE

This project began in 1989 and took three years of long and interrupted labor to be born. It is the product of a collaborative process with my committee and the conceptual architecture and the better arguments are endebted to their midwifery. I have not indicated these contributions individually because they belong to the learning process that pulls one into a robust philosophical community.

My supervisor, Evan Simpson, provided careful but resolute pressure in squeezing an acceptable product out of someone with too many bad habits. Six drafts followed him about the world and into his leisure hours, but he always responded with thoughtful and patient reminders. My second reader, Brian Calvert from the University of Guelph, offered generous and evenhanded commentary. Barry Allen, my third reader, worked tirelessly on my style and the connections among arguments. Though sometimes it felt like linguistic shock therapy, it turned out to be pointed and useful government on a reluctant, but in retrospect, grateful writer.

I owe special debts to friends and family who nurtured me. T.R. Raghunath offered me super-rational energies and, indirectly, improved this project with his strange mixture of humor and intensity. Shari Mercer provided invaluable help on innumerable administrative matters and unfailing encouragement. I thank my parents and four brothers and two sisters for financial and emotional support, as everyone needs a place to live and think through times of wilderness.

CHAPTER ONE: SOCIAL CRITICISM AFTER RAWLS

My aim is to defend the claim that there is a family of appropriate practices of social criticism rather than one right procedure of criticism. I shall make my case for this kind of pluralism by examining contemporary writers who react, directly or indirectly, to John Rawls. Though Rawls is not a pluralist in the sense that I defend, his larger conceptual framework provides resources for developing my proposal.

In Chapter One, I explain Rawls's achievement and define the basic terms to be used in my inquiry. Second, I develop a novel way of interpreting possible versions of reflective equilibrium. Third, I discuss some critical reactions to his proposals. Finally, I introduce the main problem for my inquiry.

RAWLS'S ACHIEVEMENT IN POLITICAL THEORY

Rawls has provided us with a strong case for a coherence approach to justification in political and moral argument.[1] In the process, he has popularized a certain vocabulary (which I shall use

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[1] Other philosophers who have contributed to this case include Quine, in Word and Object, Ch. 1, and Rorty, in Philosophy and the Mirror of Nature, pp 165-212; Contingency, Irony and Solidarity, pp 3-22; and Objectivity, Relativism, and Truth: Philosophical Papers Volume 1.

throughout this dissertation) and paradigm for interaction among rival critics. He has updated the liberal democratic tradition and fitted recent moral theory together with knowledge made available through the development of the social sciences. The notion of wide reflective equilibrium is central to this achievement.

Rawls does not develop a _theory_ of reflective equilibrium. Instead he uses this notion to describe the end state where coherence among all acceptable and relevant claims has been achieved. But Rawlsians such as Norman Daniels and Kai Nielsen _have_ developed a theory of reflective equilibrium that clarifies the distinctiveness of Rawls's approach. Daniels and Nielsen underscore the procedure and relationship among the main elements of reflective equilibrium in a way that makes this approach more available for use by critics.

However, Daniels and Nielsen interpret wide reflective equilibrium as a new "method" for moral argument.[2] This is misleading because reflective equilibrium is not a definite procedure with orderly steps that different practitioners can follow to the same results. It is better understood not as a procedure but as an articulated set of interlocking and overlapping procedures. I shall substantiate and explain this point more fully in the body of the dissertation. Reflective equilibrium displaces the requirement of commitment to a single method by allowing for interaction among distinct critical styles or reasoning strategies. This makes it a pluralistic and pragmatic way of reacting to the claims of opponents in argument.

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[2] See, for example, Daniels, "Reflective Equilibrium and Archimedean Points," pp 101-2, or Nielsen, "In Defense of Wide Reflective Equilibrium," p 20.

Both Daniels and Nielsen begin by explaining wide reflective equilibrium in terms of steps: first, we filter an initial set of intuitive judgments in order to obtain a set of firmly fixed considered judgments; second, we match those firm judgments with sets of general moral principles; and third, we match those principles with background theories advanced to bring out the relative strengths of the alternative sets of principles. Fourth, and here is where the irremediable vagueness enters, we repeat this process of mutual adjustment and selection by working back and forth among the sets of elements until coherence among all the claims is achieved.[3]

It is very difficult to isolate and define the three main elements of reflective equilibrium. They interlock and overlap in that the criteria for differentiating between an unacceptable and acceptable considered judgment are, in part, reasons drawn from the background theories and principles we also find acceptable. This difficulty with individuating the elements is an important reason why reflective equilibrium should not be understood as a new method. Nevertheless, there are some clues that can be gathered together to allow identification of considered judgments, moral principles and background theories in the relevant senses.

The first pattern involves an appeal to our considered moral judgments. This is the use of a moral belief that 1) refers to a particular community's history and traditions; and 2) is made in circumstances where the common excuses for being mistaken do not obtain. It

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[3] See Daniels, "Reflective Equilibrium and Archimedean Points," pp 85-6; Nielsen, "Searching for an Emancipatory Perspective," pp 148-9.

is an ethnocentric strategy because it refers to an historically set-
tled question. It expresses the received wisdom or common sense of a
particular reflective community. Rawls regards examples of this ele-
ment as provisionally fixed points.[4]

The claim that religious intolerance, racial discrimination,
and slavery are unjust, is an example of considered judgment in Western
liberal democracies.[5] It expresses our membership in a particular his-
torical community and indicates a broad consensus. It also expresses a
strong level of confidence in this conclusion.

The second pattern involves an appeal to a moral principle.
This is the use of an abstract standard which typically states the
conditions under which it is or is not satisfied. It is usually a sin-
gle proposition designed to function as a rule for actions that speci-
fies some terms of cooperation among persons. It is formulated in a
general way that avoids proper names. It is supposed to be "universal
in application" in the sense that it is possible for all human beings
to comply with it, and it functions as a criterion for ordering or
adjusting competing claims.[6]

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[4] A Theory of Justice, pp 19-20, 47-8, and 206. Unfortunately,
Rawls complicates matters by stipulating that considered judgments
range from judgments about particular, concrete cases to judgments
about the most abstract theories ("The Basic Structure as Subject," p
59). Daniels notes that this is a change from Rawls's earlier view that
considered judgments were conclusions about concrete cases ("Wide Re-
flective Equilibrium and Theory Acceptance in Ethics," p 258, note 3.
Hereafter, I shall refer to this text simply as "Wide Reflective Equi-
librium.") I will follow Daniels's suggestion, and stick to the earlier
characterization.

[5] A Theory of Justice, p 19 and "Justice as Fairness: Political
not Metaphysical," p 228.

[6] A Theory of Justice, pp 131-4.

The appeal to moral principles is supposed to be a non-ethnocentric strategy in the sense that it does not rely directly upon beliefs exclusively derived from the arguer's particular historical community. It does not express ethnocentrism in the sense of loyalty to a peculiar culture, but this does not mean that the claims at issue are totally detached from any particular culture whatsoever.[7] Instead, such principles "do not depend upon social or natural contingencies, nor do they reflect the bias of the particulars of their plan of life or the aspirations that motivate them."[8]

There are many examples of these moral principles. The principle of utility is that "a society is properly arranged when its institutions maximize the net balance of satisfaction."[9] The principle of fair equality of opportunity is that: "In all sectors of society there should be roughly equal prospects of culture and achievement for everyone similarly motivated and endowed."[10] By contrast, the rule of promising (after one says "I promise to do X," one is supposed to do X) "is not itself a moral principle but a constitutive convention."[11]

Rawls's distinction between a convention and a principle illustrates the difficulty of defining the elements of reflective equilibri-

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[7] See Rorty, Objectivity, Relativism, and Truth, p 15.

[8] A Theory of Justice, p 252. See also p 475: "Once a morality of principles is accepted, however, moral attitudes are no longer connected solely with the well-being and approval of particular individuals and groups, but are shaped by a conception of right chosen irrespective of these contingencies."

[9] Ibid., p 22.

[10] Ibid., p 73.

[11] Ibid., p 345.

um individually. A constitutive convention exists when everyone acts regularly in an agreed upon way, but a moral principle depends upon no such actual agreement. There are two kinds of norms: one defined by reference to existing conventions or purely local agreements and another defined by reference to those principles which are selected according to the purely hypothetical agreements constructed out of the original position.[12] Since the original position is understood by Rawls as a network of background theories, the relevant type of moral principle is that which coheres with already accepted background theories.

The third pattern of justification focuses explicitly on such background theories. Appeal is made to interconnected "model-conceptions" to create frameworks for assessing and ordering large classes of claims and facts.[13] Appeal to principle usually involves focusing on a single lawlike proposition; whereas appeal to a background theory involves giving reasons drawn from a network of ideals that are interconnected in many ways. They are "background" theories in the sense that they work up into "idealized conceptions certain fundamental intuitive ideas" that "reflect ideals implicit or latent in the public culture" of a kind of society.[14]

This strategy is supposed to be non-ethnocentric because it refers to moral ideals rather than merely empirical idealizations. An empirical idealization represents phenomena that become possible in the

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[12] Ibid., p 349.

[13] "Kantian Constructivism in Moral Theory," p 520.

[14] "Justice as Fairness: Political not Metaphysical," p 236, note 19.

absence of the usual distorting factors, but still refers to existing
conditions. For example, that persons form, develop and revise a sense
of justice is an empirical idealization because it abstracts from the
situations of repressive regimes and underdeveloped cultures. A moral
ideal does not refer to existing conditions minus any distortions but
rather to a utopian conception that is "realizable under conditions
that have not actually obtained."[15]

Rawls reserves the expression "provisionally fixed point" for
references to firm considered judgments and uses the stronger express-
ion "Archimedean point" to refer to certain background theories.[16] The
reason for this difference is that background theories (like princ-
iples) are relatively non-ethnocentric as compared to our considered
judgments. Background theories are supposed to express "independence
from existing circumstances."[17] Rawls's notions of the original posi-
tion, a well-ordered society, and a Kantian ideal of the person are
examples of background theories.[18]

Thus, the purpose of reflective equilibrium is to achieve
coherence among both ethnocentric and non-ethnocentric reasoning strat-
egies by combining these three patterns of justification. This is
clearly not a "method" as Nielsen or Daniels would have it. It is not a
single strategy; and there are no criteria for determining when the

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[15] See Daniels, "Reflective Equilibrium and Archimedean Points,"
pp 94-5.

[16] See A Theory of Justice, pp 261, 263 and 584.

[17] Ibid., p 263.

[18] Daniels conveniently summarizes this ideal of the person in
"Reflective Equilibrium and Archimedean Points," pp 93-4.

search for reflective equilibrium is performed well or not, and no criterion for when it is finished. In my view, it is a series of stances that critics can assume in practice. These stances do not exhaust the argumentative options of critics but serve as important paradigms of the kinds of justification that can be developed. However, I agree with Nielsen that reflective equilibrium is not a matter of balancing human beliefs against something other than beliefs, or against superhuman beliefs. It is a matter of balancing arguments made for a certain particular community against arguments designed for any reasonable community. This point can be further clarified by reviewing the crucial distinction between narrow and wide reflective equilibrium.

In general, narrow reflective equilibrium is a merely ethnocentric reasoning strategy whereas wide reflective equilibrium is more than ethnocentric. Both Daniels and Nielsen explain narrow reflective equilibrium as the attempt to achieve internal consistency between a community's considered moral judgments and propositions that generalize that set of judgments, without any appeal to relevant background theories.[19] Following Daniels, I shall regard this as "a simple coherence view of justification" because it is usually a technique that treats either intuitions or general moral truths as given to us and constrains the other element to fit that basis.[20]

Wide reflective equilibrium is a complex coherence account be-

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[19] See Daniels, "Wide Reflective Equilibrium," p 259 and "On Some Methods of Ethics and Linguistics," p 22; Nielsen, "Grounding Rights and a Method of Reflective Equilibrium," pp 291-2 and "In Defense of Wide Reflective Equilibrium," pp 21-2.

[20] "Wide Reflective Equilibrium," p 257.

cause of two differences. First, it introduces a third strategy of appealing to background theories. Second, it involves what Daniels calls an "independence constraint" with two aspects: 1) The selection of principles (for example) is conducted by separate matching processes in which proposed principles are first fitted with already accepted considered judgments, and then fitted with background theories "that have a scope reaching beyond the range of the considered moral judgments used to 'test' the moral principles." 2) The set of considered judgments (a) that constrains our selection of a certain set of principles (b) must be disjoint from the set of considered judgments (a') that constrains our selection of relevant background theories (c), and so on.[21]

The advantage of this scheme is the flexibility it offers in justifying a policy. It allows for easier adaptation of arguments to context because claims are conceived as supported in a number of separate ways rather than as necessarily following from one supreme principle or original premise of the whole system. It privileges no one category of reason over another but challenges critics to offer reasons that mesh with all the other reasons they hold plausible. Daniels says:

> The fact that I describe wide equilibrium as being built up out of judgments, principles and relevant background theories does not mean that this represents an order of epistemic priority or a natural sequence in the genesis of theories.[22]

The point of reflective equilibrium is to emphasize the mutual support of many different considerations rather than to enforce one right pro-

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[21] Ibid., pp 259-60.

[22] Ibid., p 259, note 5.

cedure.

I understand narrow reflective equilibrium as equivalent to the position called "perspectival pluralism" that I reject in Chapter Four. My strategy is to insist that not every claim is bound tightly to a point of view. Some claims should be understood as "detached" from the peculiar assumptions that differentiate particular points of view. Any reasonable arguer should agree with such claims, and they enable us to discriminate between reasonable and unreasonable partners in politics and inquiry.

For example, the claim that men's violence against women should be minimized and eliminated as far as possible, or that institutions that permit greater self-development and self-determination are better than institutions that do not, should not be reduced to a product of a selfish or idiosyncratic point of view.[23] These claims are what I understand as the real "Archimedean points" in social criticism, and they do not imply that arguers have escaped history and attained an Archimedean point of view (the traditional point of view of eternity). Though my distinction between an Archimedean point and an Archimedean point of view is novel and not found in Rawls, I believe that it captures the tough minded conviction that there are defensible constraints on the standards and assumptions of good social criticism. This conviction is a strong undercurrent of continuing debates in political theory and needs to be emphasized more.

In the next section, I shall expand upon my alternative account

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[23] See Iris Young's "universalist values" and "modified Millian test" in Justice and the Politics of Difference, pp 37 and 250-1.

of reflective equilibrium. By defining the elements involved in seeking reflective equilibrium, I have shown that conceiving it as a method involving a separate sequence of steps is problematic. However, I believe that these alternative ways of giving reasons can be conceived as relatively separate in another way. They represent different degrees of emphasis on one kind of argument rather than another, and do not represent mutually exclusive patterns of justification.

IDEALIZED AND NONIDEAL REFLECTIVE EQUILIBRIA

In this section, I develop a new series of variations on wide reflective equilibrium. I shall call the condition in which the three main elements are perfectly balanced or equally weighted "idealized reflective equilibrium." Here one element does not function as a foundation for the others, but instead each element is equally open to revision. If there is a conflict between a considered judgment and a background theory, then it will be a matter of judgment which should be revised to fit the other and maintain overall consistency. This means that there is no pre-fixed preference among the three elements.

Idealized reflective equilibrium is meant to simulate a wide open debate.[24] Rawlsian pluralism is the view that the same underlying procedure of justification (seeking reflective equilibrium) can lead to

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[24] The best theoretical formulation of idealized reflective equilibrium in Rawls is in "Justice as Fairness: Political not Metaphysical," p 228. Daniels's initial descriptions in "Reflective Equilibrium and Archimedean Points," pp 85-9, and "Wide Reflective Equilibrium," pp 258-60, are compatible with this view. But Daniels also goes on to develop a version of reflective equilibrium tilted to emphasize the background theory component.

different results because of different contents or inputs.[25] It has usually been assumed that this equally balanced structure of idealized reflective equilibrium is stable, and that the variations are a matter of plugging in a different conception of the person, or an alternative principle, or a competing considered judgment.[26]

By contrast, post-Rawlsian pluralism, the view that I shall develop, holds that flexibility within the approach to justification (use of a variety of feasible procedures) leads to legitimate differences in the conclusions of critics. Perspectival pluralism (which I shall reject) holds that membership in an interpretive community determines the meaning of historical events, what counts as the facts and evidence, and whether justifications are sound or not. These three kinds of pluralism concern the theory of justification and should not be confused with pluralism as a political ideal of tolerating different ways of life.

By a nonideal equilibrium, I mean a procedure of justification that tends to emphasize one of the three elements of reflective equilibrium at the expense of the other two. It remains a coherentist scheme because no element rests upon anything other than intuitions, beliefs, and theories that rest themselves on other beliefs. But the coherence process is combined with an organizing emphasis which introduces a preference claim for one element at the expense of the others.

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[25] See Rawls, "The Independence of Moral Theory," p 9; or Daniels, "Reflective Equilibrium and Archimedean Points," p 101, and "An Argument about the Relativity of Justice," pp 376-7.

[26] See G. Doppelt, "Conflicting Paradigms of Human Freedom and the Problem of Justification," pp 51-86 or Daniels, "Moral Theory and the Plasticity of Persons," pp 265-87.

I shall refer to this emphasis as a "tilt" toward a justifying procedure.[27]

Nonideal equilibrium can take three main forms: emphasizing appeals to principles, or to background theories, or to our considered judgments. What I shall call "rationalistic criticism" emphasizes the appeal to principles and is exemplified by Ronald Dworkin, Thomas Scanlon, Thomas Nagel and Brian Barry. "Background theory criticism" is illustrated by Jurgen Habermas (in his appeal to the ideal of interactive competence), Thomas Pogge, Norman Daniels, Onora O'Neill, and Gerald Doppelt. "Connected criticism" emphasizes the appeal to our considered judgments as in the practice of Richard Rorty, Stanley Fish, Michael Walzer, Barbara Ehrenreich, and Stuart Hampshire. In Chapters Two through Four, I shall develop these contrasting styles in detail.

Appealing to principles, background theories or our considered judgments can be separated into distinct procedures that remain more or less sufficient as justifications in any particular instance. Consider how one might justify the claim that apartheid is an inadequate scheme of social cooperation because it discriminates in the distribution of primary goods by race. An appeal to a principle of equality of all

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[27] There are many clues in Rawls's work that suggest the possibility of nonideal equilibria. A tilt to principle can be found in "The Independence of Moral Theory," p 8 and A Theory of Justice, pp 17 and 307-8. A background theory tilt is largely characteristic of the later Rawls. See, for example, "Justice as Fairness: Political not Metaphysical," pp 229, 236 (note 19), "The Idea of an Overlapping Consensus," pp 7 and 7 (note 13), "The Basic Liberties and Their Priority," p 12. A tilt to considered judgments can be found in "The Independence of Moral Theory," p 8, A Theory of Justice, p 582, and "Kantian Constructivism in Moral Theory," pp 560, 565-6, and 570-1. The case for Rawls considering these three nonideal procedures of justification at once can be made by interpreting "The Idea of an Overlapping Consensus," p 9 or "Justice as Fairness: Political not Metaphysical," p 250.

races might be sufficient to persuade some audiences. It might also be sufficient to legitimize such criticism by appealing to a considered judgment based on the experience of race hatred by its victims. It might be sufficient to appeal to a background theory such as a Kantian ideal of persons with equal basic liberties to adequately support such criticism.

Adequate support for criticism is usually available under any of the feasible practices of justification. There is no need to justify critical judgment in a knockdown manner that brings every supporting consideration to bear on the problem. It is enough to make a criticism plausible, and then in a debate to react to the counterarguments and maintain that plausibility by expanding the contest in the direction needed to fend off the rival view.[28] This is a more realistic view of justification in criticism than the proposal that we need to go through a time-consuming process of full-scale wide reflective equilibrium in order to set up the legitimacy of criticism in debate. Much less than Rawls's ideal will do well enough, and idealized reflective equilibrium is too cumbersome to be workable in most actual debates.

Nonideal reflective equilibrium is the norm in actual critical practice, and the idealized reflective equilibrium suggested by Rawlsian theory is a philosopher's fiction. My strategy is to revise Rawls's theoretical proposals by carefully observing contemporary critical practice. For example, it is difficult to say how success should be judged in social criticism. However, observation of various contem-

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[28] Dworkin makes this point, in Taking Rights Seriously, p 170.

porary movements suggests that the women's liberation movement in recent years should be taken as the paradigm of successful social criticism.[29] Feminism's success lies in the spread of its vocabularies, its widening of political debates to include personal and intimate life, its impact on thinking about alternative ways of life, its influence on educational institutions and hiring practices, and the production of interesting and massive contributions to social philosophy in new journals and books.[30]

This success should not merely be understood as a matter of its proponents being persuasive to many young people and to university administrators who have opened up women's studies departments. Rather, the movement's corroboration of earlier research, expansion of its initial gains, and cooperative rather than individualistic scholarly approach provide an important example of what I call the soundness of social criticism. These successes are not merely temporary effects but have set new standards of inquiry and political commitment.

My enthusiasm for feminism as a whole does not mean that I do not discriminate among various feminist proposals and strategies. I shall constrain my support with some more systematic remarks on the soundness of critical strategy in modern Western liberal situations. My working hypothesis is that being pluralistic about styles of justification is an indirect way to promote an ideal of participatory democracy.

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[29] Note that this success is relative to the success of other social movements such as the environmental movement, the labor movement, the peace movement, or the success of parties in politics.

[30] For further testimony, see Brian Fay, Critical Social Science, pp 112-6; Stanley Fish, Doing What Comes Naturally, p 25; and Iris Young, Justice and the Politics of Difference, p 87.

A higher threshold of philosophical correctness would encourage elitism and reinforce the myth that criticism is the business of experts alone.

This account of idealized versus nonideal reflective equilibrium helps to support a further objection to Rawls. Certain residues of traditional philosophy survive in Rawls's project and distort his proposals for criticism. I believe that Rawlsians have been misled by the covert foundationalism underlying Rawls's distinction between ideal theory and nonideal theory. The idealization of reflective equilibrium is a product of cutting off the theory of justification from actual critical practice and attempting to develop an acceptable theory prior to any further practice.

The distinction between ideal theory and nonideal theory structures the whole approach in A Theory of Justice. Ideal theory must be dealt with first because it clarifies the basic concepts, whereas nonideal theory is the subsequent application of that fundamental achievement.[31] Ideal theory "is the only basis for the systematic grasp of [the] more pressing problems" of nonideal theory.[32]

Ideal theory "works out the principles that characterize a well-ordered society under favorable circumstances" and "develops the conception of a perfectly just basic structure." Nonideal theory, however, is "worked out after an ideal conception has been chosen; only then do the parties ask which principles to adopt under less happy conditions."[33] This assumes that the ideal standpoint contains the

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[31] A Theory of Justice, p 9.

[32] Ibid.

[33] Ibid., p 245-6.

criteria for modifying principles to use under existing circumstances. But the relevance of an ideal standpoint to this task is not obvious.

It is doubtful that Rawls's original position gives any strategic advice about social improvement. It presents a purely hypothetical scheme of social cooperation under conditions that are not an evolution from existing circumstances but which represent the conceptual limit at which change is no longer necessary. If we have to start from where we are as social critics, then this ideal paradigm does not express a goal for critics. The claims about nonideal theory following from ideal theory suggest that by assuming the original position we will simulate a changed community, and that this simulation provides us with the knowledge of how to change what and who we are into the ideals.

Rawls's actual argument for the transfer of standards from ideal theory to the situation of social criticism is suspicious. Why think that an ideal arrangement defines a standard for judging actual institutions? Instead of arguing for the legitimacy of transferring these standards, Rawls holds that since ideal standards can be used, they should be used to assess existing institutions:

> Existing institutions are to be judged in the light of this [ideal] conception [of a just society] and held to be unjust to the extent that they depart from it without sufficient reason. The lexical ranking of the principles specifies which elements of the ideal are relatively more urgent, and the priority rules this ordering suggests are to be applied to nonideal cases as well. Thus as far as circumstances permit, we have a natural duty to remove any injustices, beginning with the most grievous as identified by the extent of the deviation from perfect justice. Of course, this idea is extremely rough. The measures of departure from the ideal is left importantly to intuition. Still our judgment is guided by the priority indicated by the lexical ordering. ... Thus while the principles of justice belong to the theory of an ideal state of affairs, they are

generally relevant.[34]

I reconstruct this argument as follows. To criticize is to judge that an existing institution departs from an ideal conception of justice without sufficient reasons. Ideal conceptions are needed in order to know precisely and in a systematically defensible way what is inadequate about existing institutions and how they can be made adequate. Thus, criticism is the practice of using standards developed under ideal circumstances in an attempt to modify existing circumstances.

It is helpful to imagine a tree diagram in order to understand Rawls's proposal that his priority rules provide an idealized procedure for criticism. Critics should begin by considering whether or not a policy (A) accords with the most feasible system of equal basic liberties and rights or (B) conflicts with equal basic liberties and rights. If (B) is the case, the policy can be rejected outright. If (A), then critics turn to the second principle of justice: the policy is assessed in terms of whether it (A1) accords with fair equality of opportunity or (A2) conflicts with it. If (A1) is the case, a further assessment is possible in terms of whether the policy (A1a) works to the advantage of the worst off class or (A1b) conflicts with the advantage of the worst off class.[35]

In the distinction between ideal and nonideal theory, Rawls

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[34] Ibid., p 246. See also "Kantian Constructivism in Moral Theory," p 522.

[35] The discussion in A Theory of Justice, pp 195-200 (N.B. 199), and 359, implies this procedure. Note that Rawls is consistently evasive about any criticism beyond this procedure, and asserts that the principles applied in partial compliance theory will be "discussed from the point of view of the original position after those of ideal theory have been chosen" (p 200).

dissociates formulating the correct standards of criticism from the actual practice of criticism. Yet in reflective equilibrium, critics appeal to principles and background theories (which include ideal theories) as well as to considered judgments (which incorporate our experiences with less than happy conditions) in justifying a claim. Thus, in reflective equilibrium, there is feedback from our experience and practice to selection of standards; whereas the former model describes a one-way process of applying pre-established standards.

To show that criticism is better conceived apart from this one-way model, I shall follow an actual attempted transfer from ideal theory to nonideal theory. Rawls offers no principle for modifying the ideal standards so that they might cohere with existing situations in a more realistic manner. It is my claim, then, that an ideal standpoint does not guide practicing critics because guidance is mediated by an understanding of how best to use these ideals under completely <u>reversed</u> circumstances. Furthermore, the impracticality of Rawls's proposals for criticism is condemned in many places by his own explicit standards: "The aim of justice as fairness as a political conception is practical....it presents itself not as a conception of justice that is true, but one that can serve as a basis of informed and willing political agreement."[36]

Rawls's Difference Principle holds that "All social primary goods ...are to be distributed equally unless an unequal distribution

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[36] "Justice as Fairness: Political not Metaphysical," p 230. This passage, and other evidence of Rawls's aim to attain (in Raz's words) "certain practical political goals," are discussed by Joseph Raz in "Facing Diversity: The Case of Epistemic Abstinence," pp 10-14.

of any or all of these goods is to the advantage of the least favor-
ed."[37] To apply this ideal standard, we are faced with the practical
difficulty of identifying the least fortunate group. The "advantage"
of the worst off group is to be interpreted by constructing an index of
primary goods that will both identify who is to receive special treat-
ment and how their position is to be improved. The worst off group is
that group with the least share of primary goods and the way inequalit-
ies work to their advantage is by giving them a more fair share of
certain primary goods.

The conception of primary social goods has five headings;
roughly: basic liberties, equal opportunity, social offices, income,
and social bases of self-respect.[38] Inequalities are not permitted
regarding either basic liberties or equal opportunity by the first
principle of justice and part (b) of the second principle.[39] The "only
permissible difference among citizens is their share of the primary
goods" of social offices, income and the social bases of self-re-
spect.[40] At this point, Rawls reduces the index to considerations of
inequalities of income. He offers this as "an example to fix ideas"
for the larger case. Earlier, he assumed that income and "power and

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[37] A Theory of Justice, p 303.

[38] See "Social Unity and Primary Goods," p 162; or "Kantian Con-
structivism in Moral Theory," p 526, "The Basic Liberties and Their
Priority," pp 22-3; and "The Priority of Right and Ideas of the Good,"
p 257. These are all substantially the same, but the list given in
"Social Unity and Primary Goods" is the most detailed. He also offers
a parallel list of why these goods are preferred, see "Social Unity and
Primary Goods," p 165-6, for example.

[39] "Social Unity and Primary Goods," pp 161-2.

[40] Ibid., p 162.

authority" (what I call social offices here) were "sufficiently corre-
lated" to make additional consideration of those primary goods unneces-
sary.[41]

The candidates considered for the least fortunate group are 1)
unskilled workers and all those with equal or less income than the
average for this group or 2) "all persons with less than half of the
median income and wealth."[42] This transfer of the difference principle
into critical practice illustrates the impracticality of Rawls's stan-
dard. There are many groups with inadequate incomes within his lower
half (such as children, the sick, the elderly, students or housewives)
that compete for help. Yet the difference principle does not address
the requirement to be sensitive to the different needs of distinct
social groups. Critics are supposed to appraise any social system from
the point of view of the lower half of the population and speculate on
whether or not their income could be higher if an alternative set of
arrangements were in place.[43]

When Rawls applies the difference principle to inequalities
arising out of gender, race or culture, he judges that such "inequalit-

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[41] A Theory of Justice, p 97.

[42] Ibid., p 98.

[43] Pogge attempts to systematize the identification of this group
in Realizing Rawls, pp 204-5. I find his account inadequate because he
relies upon a series of stipulations that make it arbitrary who this
group is. The size of the group is stipulated (somewhere between 4-20%
is reasonable, he argues) and their rankings are determined by estimat-
ing (on three separate scales of 1-100) how much their actual state
differs from present and ideal social levels. This is only mere guess-
work dressed up in numbers. The point is to assess whether the society
is geared to meet the needs of the least advantaged, but this standard
seems impractical because the shifting power of redescription makes it
too arguable to justify further arguments.

ies are seldom, if ever, to the advantage of the less favored," and so could never be justified in his scheme.[44] This is another example of his impracticality. It only dismisses the possibility of there being legitimate sexist, racist or ethnocentric societies. It does not offer any strategy for improving the sexism, racism or ethnocentrism existing in society. These ideal standards are blunt instruments and give very limited guidance for actions or activism. It is inadequate for critics to point out that their standard permits no such inequalities when they already exist and something needs to be done about their existence and influence on people.

Perhaps this objection to Rawls is unfair because A Theory of Justice was never intended to be a manual for social revolution. Even so, there are further problems that point to the need to go beyond Rawls in our criticism. Rawls's proposal is that we are to pursue economic redistribution through the difference principle. This requires that we be able to determine at what point harm is being done to the worst off class as further economic redistribution would not be sound according to our principle. But the effects of particular social policies are difficult to determine, and Rawls's proposals do not contain the resources for determining when a certain worst off class (e.g., women) has been helped enough that we can turn our attention to helping the new worst off class (e.g., children of single parents). Thus the proposal about redistribution is not sufficiently worked out in principle, and a well-organized activism requires much more than Rawls's proposals.

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44 A Theory of Justice, p 99.

In addition, Iris Young argues that Rawls is held captive by the "distributive paradigm of justice," and this paradigm focuses on the situation of "persons dividing a stock of goods and comparing the size of the portions individuals have." It "implicitly assumes a social atomism, inasmuch as there is no internal relation among persons in society relevant to considerations of justice."[45] The problem is that this fragmentation is "unable to bring class relations into view and evaluate them," and that it also blocks issues concerning the "organization of government institutions" and questions concerning "methods of political decisionmaking."[46] The focus on arguments about primary goods deflects attention from problems concerning who has the right to decide where a hazardous waste treatment plant is located, or the right to decide when to close down or open work places.[47] Thus Rawls's approach is too narrow to support many compelling critical projects.

Young agrees that the kind of reasoning represented by Rawls's original position is inadequate because his account of justification is not sufficiently pluralistic. She argues that the model of critical interaction presupposed by Rawls is not genuinely democratic:

> [Rawls] interprets the process of choosing principles as a bargaining game in which individuals all reason privately in terms of their own interests. This bargaining game model does presume a plurality of selves; each subject reasons in terms of its own interests alone with full knowledge that there is a plurality of others doing the same with whom it must come to agreement. The constraints on reasoning that Rawls builds into this original position in order to make it a representation of impartiality, however, rule out not only any difference among par-

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[45] Justice and the Politics of Difference, p 18.

[46] Ibid., pp 20 and 22.

[47] Ibid., pp 19-20.

ticipants in the original position, but also any discussion among them. The veil of ignorance removes any differentiating characteristics among individuals, and thus ensures that all will reason from identical assumptions and the same universal point of view. The requirement that participants in the original position be mutually disinterested precludes any of the participants from listening to others' expression of their desires and interests and being influenced by them. The bargaining game model rules out genuine discussion and interaction among participants in the original position.[48]

Young's counterproposal involves a "radically pluralist participatory politics of need interpretation."[49] This model requires emphasizing the self-organization of different social groups and a dialectical process of expressing self-regarding needs while recognizing the needs expressed by others. By combining the pursuit of empowerment with the avoidance of various forms of oppression, Young displaces the residual rationalism of the appeal to a difference principle with a "politics of difference."

TWO OBJECTIONS TO COHERENCE ACCOUNTS

In this section, I shall explain two objections to the coherence account of justification, present an initial defense, and indicate how I deal with them later. In Chapter Two, I argue against Gewirth's rejection of the coherence account in more detail. In the next section, I shall indicate my disagreement with Rawls. Here I explain the aspects of Rawls that I appropriate in my account and how this part of Rawls can be defended against criticisms raised by David Lyons and David

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[48] Ibid., pp 101-2.

[49] Ibid., p 118.

Copp.

Rawls has supported a coherence model for justification; yet certain critics have resisted his proposal. Coherence refers to a broad type of logical structure for an extended argument or set of arguments. Its view of the relationship between connected claims is holistic: they form a system of mutually supporting claims. A procedure of justifying is holistic when it involves showing that one claim A is justified because it is consistent with and evidentially relevant to considerations B-Z that we also think plausible. When we probe further into why B, C, and F are justified, we might say because A and some other considerations are plausible. In a coherence account, no ultimate or unassailable set of claims functions to cut off probes concerning whether a reason offered in justification is itself capable of being justified.

The contrasting view involves a foundationalistic type of logical structure. In this view, some claims justify other claims, whereas other claims are merely justified by that original set. Claims are divided into a foundation which is self-supporting (self-evident, known directly by intuition, indubitable) and claims which are to some degree supported by that fundamental set. The foundation is explained usually by the conception of a privileged point of view which forms the proper starting place for any further knowledge. This involves a hierarchical relationship between claims. Rather than mutual support, the picture involves claims that have a specialized justifying function which allows for a linear type of argument. To justify here is a one-way procedure of showing how claims in the foundation give reasons for any

other legitimate claims.

The leading objections against coherence accounts in the case of social criticism are: (1) Coherence is not an index of justification because it involves circular rather than linear reasoning; (2) Coherence has to do with confidence in beliefs, but confidence is a personal matter, and justification requires a more objective assessment of beliefs.

David Lyons uses the first objection in his analysis of Rawls. His main claim is that it is not clear in what sense coherence accounts can be said to be real justifications. According to Lyons, saying that one set of our beliefs fits together with another set does not answer the question whether any of those beliefs are valid.

> ...we can still wonder whether they express any more than arbitrary commitments or sentiments that we happen now to share. To regard such an argument as justifying moral principles thus seems to assume either a complacent moral conventionalism or else a mysterious 'intuitionism' about basic moral 'data'.[50]

Lyons complains that the coherence strategy is inadequate, yet he does not show why the foundationalist alternative fares any better. Though he defends utilitarianism against Rawls's attack, Lyons's case for justification as an appeal to a fundamental principle versus justification as coherence is not compelling. It is problematic because it is not clear that the demand for more than coherence is reasonable if his standard remains unsubstantiated.

What procedure of justification is better than coherence and why? A foundationalist procedure is better than a coherence procedure

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[50] "Nature and Soundness of Contract and Coherence Arguments," pp 146-7.

because the former is less bound to local consensus and the latter cannot function as an independent test for acceptable or unacceptable consensus. The foundationalist procedure involves non-circular reasoning and depends on more than just agreement between reasoners at a given time and place. Justifying must be more than providing the strongest available arguments for a set of beliefs, for that would rely on the principle "that something is justified when all possible arguments for it have been given." This must be false because it allows "the possibility of justifying unjustifiable assertions" simply by surveying whatever arguments are in fact available. This ignores limitations on the present state of knowledge and reduces justification to consensus. For Lyons, justification must be more than a matter of consensus because an independently valid procedure of justification is traditionally regarded as the proper test for any consensus. A consensus can be "fundamentally arbitrary or accidental," and justification requires a level of certainty that is independent of beliefs that are merely considered legitimate due to local influences.[51]

Lyons's objection is a demand that justification be more than an appeal to our considered judgments or background theory or tentative principle. The appeal to our considered judgments undermines the independence requirement that a justified belief be confirmed in a way that tests it by reference to hard data or facts of the world that make it true. Daniels has considered this type of objection.[52]

He replies to it by developing a view of the process of moral

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[51] Ibid., p 147.

[52] "Reflective Equilibrium and Archimedean Points," p 103.

inquiry in which intersubjective agreement is taken as a kind of sub-
stitute for objective moral truths. His argument is that "though con-
vergence in wide equilibrium is neither a necessary nor a sufficient
condition for claiming we have found objective moral truths, such con-
vergence may constitute evidence we have found some."[53] The standard
view is that we must conceive objective truths as completely indepen-
dent of consensus, and that any overlap between consensus and objec-
tivity would be mere coincidence. On his analysis, the kind of jus-
tification at issue in criticism (whether or not it involves "truth")
is interpersonal justification and it is for good reasons (rather than
just a coincidence) that different persons reach the same judgments.
Unless intersubjective convergence on a principle can be destabilized
by a defensible judgment that this is a case of unjustified consensus,
then the worry that coherence is insufficient is idle and overly skep-
tical.[54]

So Lyons's argument fails as a general objection to the coher-
ence account because it involves an unwarranted generalization. It
overestimates the force of the worry that a particular coherence ac-
count might be inadequate by turning it into the problematic worry that
if it is possible for one consensus to be unjustified, then all conver-
gence is suspect. Lyons has not disqualified the reliance upon con-
sidered judgments within a set of constraints that guard against il-
legitimate consensus. Seekers of reflective equilibrium do not hold
that the coherence we construct today is final, unchangeable and unas-

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[53] "Wide Reflective Equilibrium," p 276.

[54] Ibid., p 278.

sailable but instead they presume it might be further modified.[55] I
continue this argument against foundationalist procedures of justifica-
tion in my discussion of Gewirth's rationalism in Chapter Two.

David Copp argues that coherence accounts of justification fail
because they pay insufficient attention to a distinction between per-
sonal and objective justification. This is an attack on the use of a
personalized element like considered judgments in justification. He
defines a considered judgment in the context of a relationship between
a person and a judgment where "that person would be fully and nontem-
porarily confident of the judgment if he were to consider it in a situ-
ation devoid of occasional epistemic distorting factors."[56] Copp's
charge is that this sort of confidence is not a proper indicator that a
claim is justified.

This complaint depends upon a contrast between a person being
justified in holding a view and a view being justified independently of
any purely personal considerations. Copp argues:

> ...a person's confidence has no obvious bearing on the question
> whether that theory, or those views, are themselves justified
> in any sense that would imply a response to the skeptic. Clar-
> ity in this area requires that we insist on the distinction
> between theories of the justification of persons in their be-
> liefs and theories of the justification of theories and of
> moralities themselves.[57]

Copp explains that personal justification is concerned with "whether
people can be faulted for some kind of irrationality given the genesis

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[55] A Theory of Justice, pp 20-1.

[56] "Considered Judgments and Moral Justification: Conservatism in
Moral Theory," p 145.

[57] Ibid., p 149.

of their views," such as what their contemporaries believed, the state of development of knowledge, and so on.[58] Objective justification is not necessarily non-coherentist according to Copp, rather it takes into account the "suspicious formative factors" of any judgments, and it denies that any kind of judgment already constitutes a standard of justification in the beginning.[59]

Copp's analysis leaves us in a worrisome spot. The task of a theory of justification is to explain justification without assuming that some beliefs are already justified. It must generate justifications out of a background where nothing is already given as justifying. Such a starting point can only be contestable, so no theory of justification can be adequately grounded. How do we develop any standards of justification at all under such stringent conditions?

Copp contends that we must avoid beginning with considered judgments and instead use general theoretical considerations. This involves the assumption that the impersonal point of view is the key to justification. He contrasts "changes in a person's basic attitudes" with changes "in morally pertinent general facts about the world and human society."[60] Changes in attitude can lead to changes of judgment concerning what is to count as the ideal circumstances under which considered judgments are formulated, even when "the pertinent general facts remain unchanged." Thus any standard that relies upon confidence in considered judgments will be subject to the drifting influences of

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[58] Ibid., p 143.

[59] Ibid., p 153 and p 158.

[60] Ibid., p 161.

personality and hence be implausible as an account of justification.[61]

Copp argues for the exclusion of considered judgments on the basis of their role taken in isolation from other justificatory constraints. Suppose that we hold a considered judgment j and that j is not in equilibrium with the rest of our beliefs. Copp's claim is that: "j can undermine the credentials of the rest of one's view on the sole condition that it be a considered judgment."[62] Suppose we remain confident of j "despite the failure of fit." Its standing outside our coherent system of beliefs "impugns the coherent package as insufficiently comprehensive, and the existence of the package does not show its constituent judgments to be justified."[63] Hence:

> A conservative coherence theory is marked by the ability of a judgment to impugn the claim to be justified of the constituents of a coherent package, even though it is not itself justified, simply on the basis that it is and would remain a considered moral judgment.[64]

Nielsen objects that Copp has misrepresented the procedure of reflective equilibrium in supposing that an isolated considered judgment might overthrow the rest of our reasoning. Rejection requires "massive" incompatibility "with the great bulk of reflective considered judgments," and there is reason to reject the characterization of j as a firmly fixed judgment if it is out of phase with the rest of our beliefs.[65] It is not true that one considered judgment has this much

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[61] Ibid., p 161 and p 165.

[62] Ibid., p 156.

[63] Ibid., p 156-7.

[64] Ibid., p 157.

[65] "In Defense of Wide Reflective Equilibrium," p 28.

subversive force in wide equilibrium.

In the next three chapters, I construct a pluralistic range of feasible procedures which, taken all together, constitute a reply to Copp. This range distinguishes the conservative case in which our considered judgments dominate the other elements in a procedure of justification from other cases. Other cases are those in which our considered judgments are themselves dominated by the elements of background theory or appeal to principles. However, I do not follow Copp in assuming that a personal procedure of justification must always be dominated by an objective procedure. These procedures are possible paths of critical persuasion that may or may not turn out to be effective at one time or another.

THE PROBLEM OF THE THESIS

Finally, Rawls tends to think of the nature of justification and the procedure of justifying as if these were a single process. He is not pluralistic enough with regards to alternative practices of justifying. I want to distinguish and develop in a separate manner the various feasible practices that he has bunched together in the idea of a reflective equilibrium.

These criticisms of Rawls should not be taken as meaning that we should not build on his substantial achievements in political theory. I think that Rawls's basic framework for interpreting justification is better than any available alternative. I want to develop the notion of practical reasoning implicit in his proposals that is obscur-

ed by his use of this ideal versus nonideal distinction.

Which procedures of justification are likely to be most useful for critics under contemporary conditions and why? My problem concerns how to be an effective social critic in political conditions such as those found in contemporary North Atlantic democracies.[66] However, this concern for effectiveness can lead away from adherence to a coherence model of justification. When critics become opportunists who rely upon the fact that their immediate audience lacks certain knowledge or has particular prejudices that can be easily manipulated, they betray the democratic ideal of fair persuasion in an open forum. Thus, in order to balance the pressure toward excessive connectedness found in the standard of effectiveness, I include considerations of soundness derived largely from the ideals of principled argument and interdisciplinary inquiry. The integration of soundness and effectiveness considerations is necessary because unsound arguments (that neglect important facts, for example) are seldom widely effective and ineffective arguments are a waste of finite critical energies.

Rawls claims that "the justification of a conception of justice is a practical social task rather than an epistemological or metaphysical problem."[67] My whole project can be understood as an

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[66] Rawls describes these conditions in "The Idea of an Overlapping Consensus," pp 4, 4-5 (note 7), and 22. After omitting certain redundancies and simplifying, they are: (1) pluralism concerning conceptions of the good; (2) opposition to state coercion; (3) majority rule; (4) self-reliance; (5) moderate scarcity; (6) a constitutional political and legal system; and (7) a reasonably fair scheme of social cooperation.

[67] "Justice as Fairness: Political not Metaphysical," p 224, note 2.

exploration and development of this insight. For Rawls, a practical

task does not involve discovering any pre-existing moral order, but

rather rearranging what is already known and addressing an existing

historical community.[68] Rawls recommends this approach for the follow-

ing reasons:

> Justification in matters of political justice is addressed to
> others who disagree with us, and therefore it proceeds from
> some consensus: from premises that we and others recognize as
> true, or as reasonable for the purpose of reaching a working
> agreement on the fundamentals of political justice. Given the
> fact of pluralism, and given that justification begins from
> some consensus, no general and comprehensive doctrine can as-
> sume the role of a publicly acceptable basis of political jus-
> tice.[69]

The coherence approach is better than noncoherence approaches given

"the practical aim of finding an agreed basis of justification."[70] In

pluralistic and democratic conditions, a foundationalist strategy is

likely to be confrontational with those who resist its justificatory

basis and it is not prepared to work out compromises.

My approach shall be to defend a pragmatic version of wide

reflective equilibrium. I shall use reflective equilibrium as a con-

ceptual framework for discussing the approaches of rival critics. My

main claim shall be that three critical stances that resemble the pro-

cedures of reflective equilibrium can be separated from three related

styles that do not, and that these apparently different stances can be

reassembled into a larger, cooperative practice of seeking wide reflec-

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[68] "Kantian Constructivism in Moral Theory," pp 519, 523, 560-1,
and 572; A Theory of Justice, p 21.

[69] "The Idea of an Overlapping Consensus," p 6.

[70] Ibid., p 15.

tive equilibrium. In the next three chapters, I describe three larger families of criticism and then break each down into a feasible "stance" and an "extreme" to be rejected. In Chapter Five, I defend this expanded sense of reflective equilibrium that I call post-Rawlsian pluralism against possible criticisms.

By breaking down, purging, and then reassembling Rawls's approach, I show that his conceptual framework is very useful for explaining the diverging styles of social critics who agree largely in their political aims. This appropriation of Rawls's work should also raise awareness about how much he has influenced contemporary critics. I attempt to construct a map of Anglo-American critical theory by analyzing the details of the claims that these competing critics make about the practice. This attention to detail is more useful than highly abstract discussions of the best available method. Once the demand to exclude competing methods has been shown to be unsound, the way is cleared for the more practical task of expanding and developing our repertoire of substantive arguments for and against particular social proposals.

CHAPTER TWO: RATIONALISTIC CRITICISM

#1: Rationalism and the Rationalistic Stance

1.1 INTRODUCTION

In this chapter, the term "rationalistic criticism" describes a family of critical styles that appeal to principles. "Rationalism" is an extreme style of rationalistic criticism: it is not feasible as a practice. "The rationalistic stance" is a feasible style of rationalistic criticism. Rationalism, as I characterize it, rejects a coherence account of justification, whereas the rationalistic stance accepts a coherence account. Rationalism presupposes a foundationalistic framework as essential for acceptable reasoning. By contrast, the rationalistic stance is that nonideal reflective equilibrium which emphasizes the appeal to principles in justification.

Rationalistic criticism in general contrasts with other families of criticism because it requires an appeal to independent, abstract moral principles. Both rationalism and the rationalistic stance tend to be concerned with human rights. Interpreting a principle is taken by both as categorically different from supporting arguments that rely on social conventions. Rationalism holds that this appeal to principle is a necessary and sufficient condition for justified criticism. The ra-

tionalistic stance only holds that it is a necessary condition.

The rationalistic critic appeals to a general normative criter-
ion. I will restrict my use of the term "principle" to moral maxims
that are 1) abstract enough to provide a basis for comparing classes of
actions and 2) concerned with a philosophically interesting problem of
reasonable choice. For example, Alan Gewirth's main claims are ground-
ed in a Principle of Generic Consistency: "_Act in accord with the gen-
eric rights of your recipients as well as of yourself_."[1] The primary
principle that any government should "treat all those in its charge _as_
equals, that is, entitled to its equal concern and respect" underlies
Ronald Dworkin's criticism.[2]

For example, a rationalistic critic might claim that the prin-
ciple of equality justifies the choice of a practice of one person, one
vote in democratic elections. The principle of equality holds that
"equals should be treated equally, and unequals unequally."[3] To treat
one person as equal to any other person in elections entails giving
equal weight to each person's vote. Since to give one person more than
one vote or to count that person's vote more than once or to allow some
persons to vote but not others would all result in unequal treatment,
these practices are ruled out.

Gewirth, Robert Nozick and R.M. Hare represent rationalism in

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[1] _Reason and Morality_, p 135.

[2] _A Matter of Principle_, p 190.

[3] B. Barry, _Political Argument_, p 152.

social criticism.[4] On the other hand, Dworkin, Brian Barry, Thomas Nagel, Thomas Scanlon and James Fishkin represent the rationalistic stance.[5] In my discussion, I shall refer primarily to Gewirth in the case of rationalism and Dworkin or Barry in the case of the rationalistic stance. I construct an ideal type by referring to some main claims and observing the assumptions that these critics make. For purposes of this project, I pass over most differences among practitioners of a style (such as the differences between Barry and Dworkin[6]) and concentrate instead on the contrasts between the extreme and feasible versions.

When I introduce each family of criticism, I shall characterize each extreme in terms of a sample argument concerning the topic of slavery. The focus on slavery provides a common reference point and helps to situate the six styles of criticism with regards to each other. Sometimes I shall construct the argument for that type of critic, but I shall refer to an existing argument on slavery if it is available. In this chapter, I shall report Gewirth's argument against slavery in Reason and Morality and construct an argument for Dworkin.

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[4] I shall always name particular texts in order to anchor my account. It is possible for any author to use more than one approach to criticism in extended arguments. I have selected critics who characteristically employ the sets of techniques and presuppositions that I want to examine. I have these primary texts in mind for rationalism: Gewirth: Reason and Morality, and Human Rights; Nozick: Anarchy, State and Utopia; and Hare: Moral Thinking, and Essays on Political Morality.

[5] Dworkin: Taking Rights Seriously, A Matter of Principle, Law's Empire; Barry: Political Argument, Theories of Justice, Vol. I, Democracy, Power and Justice; Nagel: The View from Nowhere, "Moral Conflict and Political Legitimacy"; Scanlon: "Contractualism and Utilitarianism"; and Fishkin: Beyond Subjective Morality.

[6] See Barry, "How Not to Defend Liberal Institutions."

Gewirth's approach to criticizing slavery is to consider what rights would have to be claimed by an enslaving agent. He defines slavery as deprivations of liberty that "make one person the property of another person for the latter's gratification or gain."[7] His main claim is that the "moral wrongness of murder and slavery as thus specified emerges directly from the [Principle of Generic Consistency], since the actions of murdering and enslaving inflict basic harms on their recipients in ways that violate the equality of generic rights."[8]

Gewirth regards the Principle of Generic Consistency as an "egalitarian universalist moral principle."[9] If we are committed to this principle, then we should never support slavery because the enslaving agent must always claim rights that are at the same time denied to the enslaved. This can be deduced from the principle of noncontradiction for human agency.

Consider how Gewirth explains that his supreme principle rebuts the Aristotelian rationale for slavery:

> Even if one concedes, with Aristotle and others, that some agents are superior to others in the abilities listed above, it is not simply the having of these abilities that is the relevant quality determining for each agent his claim to have the generic rights. For if a person of superior practical intelligence had no purposes, he would make no claim to have any right to act and hence to have freedom and well being. On the other hand, as we have seen, he would claim these rights even if he lacked superior intelligence...so long as he was a prospective purposive agent. It is hence by virtue of being a prospective agent who wants to fulfill his purposes that the person of superior intelligence makes this right-claim. To this extent, however, such a person is in no different position from that of

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[7] Reason and Morality, p 275.

[8] Ibid.

[9] Ibid., p 140.

> other prospective agents, and he can claim no rational jus-
> tification, simply as a person of superior intelligence, for
> any rights of action. For in relation to the claim to have the
> generic rights, actually being a prospective agent who has
> purposes he wants to fulfill is an absolute quality, not vary-
> ing in degree.[10]

This sample argument shows the strategy of rationalism. It is a pro-

cedure of showing what follows from agreements that rational agents

must make in order to be logically consistent.[11]

By contrast, the sample argument for the rationalistic stance

puts less emphasis on the analysis of the logical properties of moral

concepts and more emphasis on the weighing of alternative reasons.

Typically, Dworkin identifies a set of most basic rights that are held

as "postulates of political morality."[12] He then interprets what is

morally correct according to the principles that can be generated from

that understanding of rights. This procedure can be illustrated by

interpreting how Dworkin would defend the judgment that slavery is

unjust. In his view, "a particular social institution like slavery

might be unjust, not because people think it unjust, or have conven-

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[10] Ibid., pp 122-3.

[11] Gewirth has been criticized for claiming that rights follow
from necessary goods because the concept of a right involves an idea of
obligation quite different from need. If this criticism works, then
the need to be free does not entail a right not to enslave or be en-
slaved. See K. Nielsen, "Against Ethical Rationalism," pp 65-6. Nozick
argues that slavery is permitted by a principle of freedom, Anarchy,
State and Utopia, p 331. Pogge disputes Nozick's account in detail, in
Realizing Rawls, pp 48-50. See also Hare's "What is Wrong with Slav-
ery," pp 148-66 in Essays on Political Morality. Hare argues that "deep
facts about human nature...always, or nearly always make slavery an
intolerable condition" (p 164), if we really understand the meaning of
moral words and "certain rules of moral reasoning" in our analysis of
the consequences of slavery practices (p 165).

[12] Taking Rights Seriously, p 272.

tions according to which it is unjust, or anything of the sort, but just because slavery is unjust."[13]

This judgment could be established by considering the relevant human rights, such as the right to be treated as an equal, or the right to liberty. According to Dworkin's liberal conception of equality, there is no general right to liberty which outweighs the right to equal treatment.[14] But the view that slavery is just would require appeal to a principle or policy that would override the right to equality. For example, the right to association as master/slave might be defended on the utilitarian grounds that this maximized the slave's participation in a rational and good life.

However, this consideration is trumped by a more abstract and fundamental right to equality. An individual right to be a slave or enslave should only be recognized if "the more fundamental right to treatment as an equal" can be shown to require those particular rights.[15] There is no defensible interpretation of the right to treatment as an equal that shows slavery must be allowed to obtain equality in opportunity or distribution of goods. When we compare the arguments on both sides, the reasons available when we think coherently about rights do not support slavery.

In the next subsection, I shall discuss how these two sample arguments are similar in some respects. This will support my strategy of grouping them together as a family. However, having done that, I

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[13] A Matter of Principle, p 138.

[14] Taking Rights Seriously, p 272-3.

[15] Ibid., pp 273-4.

shall develop an account of how they differ. Ultimately, my position is

that we should carefully separate rationalism from the rationalistic

stance and reject rationalism as an approach to social criticism.

1.2 CLAIMS OF RATIONALISTIC CRITICISM IN GENERAL

Where should critics locate themselves when assessing or defen-

ding a social proposal? Critics should be impartial judges of social

issues. Rationalistic criticism involves positions ranging from

strong, objective detachment to weak detachment in an engaged but im-

partial stance. Detachment is the ability to argue without appealing

to one's desires or personal prejudices. Total detachment does not

discriminate between acceptable and unacceptable reliance on personal

preferences. The semi-detached posture of the rationalistic stance

makes a weaker claim to detachment by emphasizing the necessity of some

reliance on personal judgments and contingent contexts in criticism.

Gewirth illustrates what I call rationalism in his focus on the

generic features of action or the nature of human agency in general.

He argues:

> The concrete historical circumstances that affect persons'
> actual power relations, like the myriad other differences among
> persons, cannot be taken as ultimate independent variables for
> purposes of moral justificatory argument. A standpoint must
> hence be found that abstracts from these circumstances and the
> differences they generate, while at the same time it does not
> deny or ignore the differences, and it must also be able to
> subject the differences or their alleged moral implications to
> moral evaluation. [16]

This stronger sense of impartiality is required in order to avoid beg-

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[16] Reason and Morality, p 128.

ging the question in a practice of full justification. It involves
attaining an ahistorical standpoint or what I call an Archimedean point
of view. Gewirth understands this standpoint in terms of discovering a
principle: "It is necessary to go behind these relations and differ-
ences in order to attain a rationally justified principle for morally
evaluating them."[17]

However, the rationalistic stance involves a weaker sense of
impartiality. Dworkin claims that "interpreters think within a tradi-
tion of interpretation from which they cannot wholly escape. The inter-
pretive situation is not an Archimedean point...."[18] In keeping with my
distinction, Dworkin should say the interpretive situation does not
involve attaining an Archimedean point of view. This impartial yet
engaged stance involves "recognizing, while struggling against, the
constraints of history."[19] He distinguishes his stance carefully from
ethnocentrism as "struggling, against all the impulses that drag us
back into our own culture, toward generality and some reflective basis
for deciding which of our traditional distinctions and discriminations
are genuine and which spurious...."[20]

According to Dworkin, radical detachment is impossible; yet
some constraint on attachment is required in order to be properly reas-
onable. I shall explain below how both Dworkin and Barry develop Thom-
as Scanlon's standard of plausibility in order to explain this con-

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[17] Ibid.

[18] Law's Empire, pp 61-2.

[19] Ibid., p 62.

[20] A Matter of Principle, pp 219-20.

straint.[21] Being reasonable, on a standard reading of the Western

tradition, involves a commitment to avoid certain forms of partiality.

Barry argues that if we take our embeddedness in the Western philosoph-

ical tradition seriously, then it will be normal to aim for a kind of

detachment: "If we pull back from our partial interests, we do so not

as an arbitrary act of will, but because we recognize, on the strength

of some very commonplace moral ideas, that we cannot otherwise be true

to our deepest beliefs."[22]

Both rationalism and the rationalistic stance share the beliefs

that the standards that critics use should be rational principles and

that these standards should be used systematically. Rationalistic

criticism intends to situate any reason that may be used in support of

social proposals in a whole system of reasons. Gewirth follows this

policy in his project of formulating the "ultimate criteria of rational

justification." The project is supposed to show "that morality is part

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[21] See Scanlon, "Contractualism and Utilitarianism," p 109; Barry,
Theories of Justice, Vol. 1, p 289. Dworkin officially rejects the
Scanlon-test because it does not provide the categorical force for
justifying a political morality that he seeks ("Foundations of Liberal
Equality," pp 28-31, 101). Dworkin's strategy is to postulate a fixed
background theory of ethical liberalism and then to interpret what is
plausible according to that structure (Ibid., pp 90-2 and 108). He is
not a foundationalist in the Cartesian sense, and his distinction be-
tween illegitimate external skepticism and legitimate internal skep-
ticism indicates that he accepts a coherence account of justification
(Ibid., pp 54-5). Dworkin employs a Scanlon-test that is founded ex-
plicitly on a liberal account of human nature ("the challenge model,"
Ibid., pp 54, 57-8, 80), and that is more finely structured than Scan-
lon's own test. It asks what is reasonable according to ethical liberal
ideals rather than what is reasonable for people to agree upon regard-
less of their political culture.

[22] "Social Criticism and Political Philosophy," p 371.

of the whole vast area of rationality."[23] He denies that morality is
just another field of inquiry, equivalent to politics, law or econom-
ics, and argues that conflicts within any field should be resolved by a
"critical, justificatory examination of their various principles or
criteria."[24] Thus justificatory inquiries are pursued systematically
because they must ultimately appeal to the moral principles of human
action as a whole.

Dworkin also argues for being systematic in his "doctrine of
political responsibility." He explains this doctrine as the principle
that every political decision should be "brought within some comprehen-
sive theory of general principles and policies that is consistent with
other decisions also thought right."[25] He says directly: "We want our
convictions as a whole to form a system, not just a collection; we hope
that our political convictions are nourished, not merely tolerated, by
our economics, our psychology, and our metaphysics."[26] Critical stan-
dards are thus principles in a systematic relationship.

Both rationalism and the rationalistic stance share the belief
that the motive for pursuing criticism in a strictly principled way is
that it has the consequence that our lives will be better planned. By
promoting awareness of the principles to which we are already commit-
ted, rationalistic criticism hopes that the assessment of existing

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[23] Reason and Morality, p 361.

[24] Ibid.

[25] Taking Rights Seriously, p 87.

[26] "Foundations of Liberal Equality," p 11. Similar pronounce-
ments also appear in Taking Rights Seriously, pp 116-7, and Law's Em-
pire, p 245.

institutions and new proposals will be liberated from unreflective or
irrational influences.[27] The aim is to achieve well-orderedness in a
scheme of social cooperation. This is not a matter of the autonomous
use of reason by isolated and individualized agents, however. It is
rather a question of coordinating social interaction on the basis of
explicit principles that organize our expectations, interventions and
judgments. Being critical is a way of demanding improvements and work-
ing to close the gap among well-developed social plans and current
results.

For Gewirth, the motive is that criticism is the means to be-
coming more reasonable as persons and communities. He understands this
ideal in terms of a prospective purposive agent and a range of accep-
table life-plans for that agent. The ideal is expressed as follows:
"If...one is rationally autonomous in the strict sense, then the gen-
eral principle one chooses for oneself will have been arrived at by a
correct use of reason, including true beliefs and valid inferences."[28]

For the rationalistic stance, this ideal is reflected in what
Dworkin regards as the best attitude to take towards our legal institu-
tions:

> It is a protestant attitude that makes each citizen responsible
> for imagining what his society's public commitments to prin-
> ciple are, and what these commitments require in new circum-
> stances.[29]

This expresses a critical attitude towards legal institutions and prac-

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[27] See Okin, "Reason and Feeling in Thinking About Justice," p 231.

[28] Reason and Morality, p 138. See also Nozick, Anarchy, State and
Utopia, p 49.

[29] Law's Empire, p 413.

tice. The ideal is that assessment of the legal system is open to all who care to pursue it because the principles involved in that practice are public and reasonable considerations.

1.3 KEY DIFFERENCES BETWEEN RATIONALISM
AND THE RATIONALISTIC STANCE

This subsection contrasts Gewirth's position with the rationalistic stance and sets the stage for criticisms of rationalism in section 2.1. My strategy is to compare and contrast concrete alternatives in justification rather than to deliver a knockdown argument derived from the true nature of justification. I say little about the nature of justification itself; instead I am surveying some of the available practices. I shall isolate each alternative procedure of justification in order to facilitate analysis of its relative advantages and disadvantages.

In rationalism, the appeal to a grounding principle is the only procedure that really justifies. The persuasive force of other factors is undesirable because they loosen the reliance on principle. Gewirth claims: "My thesis is a strong one in that I hold that the rational analysis of [the] concept [of action] is both the necessary and sufficient condition of solving the central problems of moral philosophy."[30] For him, rational analysis means showing how basic moral concepts are all grounded in a supreme principle.

His "dialectically necessary method" is idealistic in the sense

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[30] Reason and Morality, p 22.

that it deals with "the generic features that conceptual analysis shows

to pertain necessarily to...actions, including the logical implications

of these features."[31] It relies upon logical necessity rather than on a

contract device or "the variable beliefs, interests, or ideals of some

person or group."[32] Gewirth does not use a coherence account because

he thinks that only a foundationalist procedure is adequate.

Gewirth objects that a coherence account does not provide the

guidance required when principles offer conflicting advice. It con-

tains no priority rules in itself, and only provides grounds for judg-

ments of logical consistency. Because the consistent actions of a vil-

lain will be morally wrong, consistency is inadequate: "the principle

from which the various duties derive must itself be shown to be jus-

tified."[33] But this is an incorrect account of the coherence invoked in

reflective equilibrium.

Coherence is not a matter of mere logical consistency but con-

sistency among three dimensions of moral reflection. How do villains

propose to bypass our standard considered judgments against particular

cases of stealing and selfishness? How do the villains' principles of

coercion and deception stand with regard to principles of integrity and

fair dealing? Can the villains make a solid case for preferring an

ideal of the unjust person over an ideal of the person? Though Gewirth

underestimates coherence theory, this fault only explains why he avoids

it and is no objection against rationalism as such.

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[31] Ibid., p 44.

[32] Ibid., p 43.

[33] Ibid., pp 11-2.

Gewirth's rationalism holds that nothing is fully justified if the ultimate basis for all moral judgments is not itself shown to be justified.[34] The Principle of Generic Consistency is the criterion for all further criticism because it explains the underlying difference between justified and unjustified actions. Full justification involves tracing any social policy back to criteria that follow from the supreme principle of morality. It involves interpreting how any particular situation is "logically related to universal justifying principles and, hence, how one ought to think when the full structure of justification is involved."[35] In contrast, partial justification involves stopping short of this ideal, such as when you appeal to a precedent. That procedure relies upon contingencies and what merely passes for justification in a particular situation.

By contrast, the rationalistic stance claims that an appeal to principle is a necessary, but not sufficient, condition for justifying criticism.[36] Barry argues for including ideals, and the appeal to more than particular intuitions, as "necessary for learning" and "necessary for securing agreement" among different generations.[37]

Principles themselves are not sufficient because the complementing considerations, reminders, facts and rebuttals of anticipated objections are needed for effective persuasion. For example, a prin-

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[34] Ibid., p 7.

[35] "Ethical Universalism and Particularism," p 297.

[36] See Scanlon, "Contractualism and Utilitarianism," p 120. When he discusses his three necessary conditions for making sense of justification to a being (pp 113-4), this is implied in the second condition.

[37] Political Argument, p 57-8.

ciple of need requires supplementation by considerations that make

plausible the ends which the claimed need serves, and these reasons do

not follow from accepting that principle but form the support for it in

the first place.[38]

Dworkin argues that the appeal to principle is necessary for

judges to justify decisions about the law, though not necessary in

cases of legislatures. Generally, justification can take the form of

arguments of policy (over collective goals), or arguments of principle

(over rights), or arguments appealing to virtue (over special political

decisions).[39] Since social criticism cuts across this range of cases,

it would not be sufficient to appeal to principle unless only rights

are at issue.

Dworkin understands justification in this way:

> In each case, the justification provided by citing a goal, a
> right, or a duty is in principle complete, in the sense that
> nothing need be added to make the justification effective, if
> it is not undermined by some competing considerations. But,
> though such a justification is in this sense complete, it need
> not, within the theory, be ultimate. It remains open to ask why
> the particular goal, right, or duty is itself justified, and
> the theory may provide an answer by deploying a more basic
> goal, right, or duty that is served by accepting this less
> basic goal, right, or duty as a complete justification in par-
> ticular cases.[40]

This trades on a contrast between what passes for being justified or

plausible (effective justification) and a limit at which all relevant

points have been considered (ultimate justification).

The suggestion is that the minimal requirement for justifica-

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38 Ibid., p 48.

39 Taking Rights Seriously, pp 82-3.

40 Ibid., p 170.

tion does not have an a priori structure. But recall Dworkin's point that critics think within traditions that they cannot wholly escape. Given our tradition of moral debate, it is highly likely that some principles will enter as competing considerations in cases where effective justification is obtained without principles. The coherence strategy means that considering all relevant reasons will involve appeal to principles, even if it only involves showing it is reasonable to reject them.

The contrast between rationalism and the rationalistic stance is best explained by referring to what I shall call a Scanlon-test. This is Scanlon's idea that justification is a matter of interpreting "what it would be unreasonable to reject as a basis for informed, unforced, general agreement."[41] Because this sense of what is or is not reasonable is not only a matter of calculating what follows or does not follow from an independent principle, but something cultivated and shaped in the process of moral education,[42] I will regard it as an holistic strategy.

Barry argues that this "notion of 'reasonableness' is going to involve an unavoidable reference to intuitions."[43] In another place, Barry regards having a background theory as a requirement for the cri-

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[41] Scanlon, "Contractualism and Utilitarianism," p 117. Scanlon calls this "the test of non-rejectability" (p 112) and states it as a principle on p 110: "An act is wrong if its performance under the circumstances would be disallowed by any system of rules for the general regulation of behaviour which no one could reasonably reject as a basis for informed, unforced general agreement."

[42] Ibid., p 117.

[43] Theories of Justice, Vol. I, p 274. The Scanlon-test is observable on p 292 and also in Democracy, Power and Justice, p 431.

ticism of social institutions.[44] Barry's strategy is never to rely
solely on principles, or considered judgments, or background theories;
but instead he uses each element as a check on the considerations aris-
ing from other elements. This is a process of "assigning different
relative importances" to the various kinds of reasons.[45] He sums up his
view as follows: "We have to show that political principles are consis-
tent with reason, not in the absurd sense that they can be deduced from
laws of logic, but in the sense that they are worthy of the assent of
reasonable people."[46]

Dworkin's actual practice clearly involves systematic discus-
sion of considered judgments, background theories and principles.[47] He
uses a Scanlon-test by invoking a criterion of plausibility to govern
argument: "If the justification [Hercules] constructs makes distinc-
tions that are arbitrary and deploys principles that are unappealing,
then it cannot count as a justification at all."[48] Arbitrary distinc-
tions contrast with distinctions found in plausible readings of social
history which cohere with any other distinctions to be made.[49] Whether
or not principles are appealing is a matter of political morality.[50]

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[44] "Social Criticism and Political Philosophy," p 364.

[45] Political Argument, pp 164-5 and 287.

[46] Ibid., p lxxii.

[47] The best examples are found in Law's Empire, pp 243-9 and Tak-
ing Rights Seriously, p 107.

[48] Taking Rights Seriously, p 119.

[49] Ibid., p 120.

[50] A Matter of Principle, pp 328-9.

Dworkin's commitment to a coherence strategy is also visible in his insistence, contra rationalism, that principle should not be considered categorically superior to policy appeals.[51] Dworkin's practice of justifying rests entirely on comparisons among the best available arguments, and not on anything external to our mundane practice of arguing.

I shall summarize the argument that I have been making in this section by reviewing the four main points of contrast between rationalism and the rationalistic stance. This summary sets up the argument that I make in the next section. There I detail the case against rationalism by entertaining a first set of objections. Then I show that this first set of objections does not defeat the rationalistic stance. I go on to discuss a second set of objections which act as constraints for critics in the rationalistic stance.

1) Rationalism understands itself as starting from an independent, impartial, and universal point of view. The commitment to reason is not a parochial or optional commitment according to Gewirth, but one required for objectivity and truth.[52] Specific moral principles are generated out of a nonmoral background understanding of human agency: "...the generic features of action constitute objective independent variables from which true moral judgments are derived and to which they correspond."[53] This leads to an extremely anti-particularistic approach to criticism: "The awareness of the necessity and universality of these features and the ascertainment of their logical consequences are works

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[51] <u>Taking Rights Seriously</u>, p 96.

[52] <u>Reason and Morality</u>, p 22.

[53] <u>Ibid.</u>, p 365.

of reason."[54]

2) Rationalism is identifiable by the kind of unanimity it expects in some matters. Gewirth argues that his analysis has a rational necessity and this implies that it is legitimate to expect that all truly rational agents will follow it.[55] The unanimity has to do with the set of standards (first principles) by which all personal behavior is to be ultimately assessed, and these principles allow for a legitimate range of particular choices.[56]

3) In rationalism, there is an emphasis on deduction from a supreme principle which is itself considered to be self-supporting. This is not to say that Gewirth exclusively relies on deduction, but only that he resorts to deductive argument whenever possible because he believes that it tracks the truth better. So the aim of rationalism is to maximize the appeal to logical neutrality in arguments purporting to justify criticism.[57]

4) Rationalism aims to provide a decisive solution to problems.[58] The impulse behind this claim is that rational analysis is our only sure way of making progress against the conceptual problems that plague social criticism.

By contrast, the rationalistic stance has the following four features. 1) It aims to be detached only up to a point, but still re-

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[54] Ibid., p 365.

[55] Ibid., p 46 and Human Rights, p 51.

[56] "Ethical Universalism and Particularism," pp 294-5.

[57] See also Hare, Moral Thinking, p 215.

[58] Reason and Morality, pp 24-5.

mains committed to principled judgment. It asks: what justifications are people in fact willing to accept in a case? What objections and replies have already been made on these questions by other inquirers?[59] Independence from our self-interest is attained by exploring what passes for being reasonable among our peers on particular questions.[60]

2) The rationalistic stance holds that there are many competing principles to be weighed relative to each other and tested for coherence with considered judgments and background theories. There is no supreme principle that orders all further reflections on selecting principles. This is directly opposed to rationalism's expectation that reason will enable us to formulate fundamental agreements in order to transcend these disagreements.

3) The rationalistic stance emphasizes a trial and error approach in which standards are adjusted as we proceed.[61] Rationalism's emphasis on deduction uses a one-way approach instead: first, discover the right standards, and second, apply the finished products of this primary process.[62] The applications never force a revision of its standards; instead they confirm their legitimacy and usefulness.

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[59] Scanlon, "Contractualism and Utilitarianism," p 117.

[60] This modified sense of impartiality is visible in Barry, Theories of Justice, Vol. I, p 291 and Dworkin, Taking Rights Seriously, p 128.

[61] Theories of Justice, Vol. I, p 263; see also Political Argument, pp 53-4.

[62] See Hare, Essays on Political Morality, pp 127-8, especially p 128: "My point is that we have to have a method of moral thinking before we start thinking--at least, the method is logically prior; though there may be perfectly good inarticulate intuitive thinking without any prior explicit grasp of method, the method is implicit in any sound thinking that can give reasons for what is thought."

4) The rationalistic stance concedes the continuing controversiality of political judgments and the contestability of many, if not all, basic concepts.[63] This contradicts the aim of rationalism to resolve outstanding problems decisively. The rationalistic stance holds that the conceptual means for addressing such issues are unstable and that an open ended argument is a more realistic expectation than a proof.

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[63] See Dworkin, _Taking Rights Seriously_, pp 126-7, for example.

#2: Objections to Rationalistic Criticism

In this section, I am going to bolster my preference for the rationalistic stance by examining specific arguments for it. My general strategy is to argue against the extreme version of rationalistic criticism (rationalism). I contend that it always involves a strategy of excluding or marginalizing other feasible approaches. The rationalistic stance is to be preferred because it need not exclude or marginalize other approaches. This is not to say that there are no actual squabbles between critics in the rationalistic stance and, for example, critics in the connected stance. In fact, Ronald Dworkin has made such arguments against Michael Walzer.[1] But my account aims to show that their approaches to justifying criticism should be regarded as compatible rather than as mutually exclusive.

I discuss a first set of four objections that together constitute the case for rejecting rationalism as an approach to criticism. Then I explain why the rationalistic stance is not defeated by these four objections. Finally, I consider a second set of objections which constrains the rationalistic stance. This second set is part of my case that no one stance is all purpose, and when taken together with the constraints on the other stances discussed in Chapters Three and Four, show why pluralism about justification is a reasonable position. Note that when I discuss constraints on one stance, I interpret the constraint as derived from one of the other two stances, and that this

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[1] See "What Justice Isn't" in A Matter of Principle and "Spheres of Justice: An Exchange [with Michael Walzer]."

strategy is consistent with my proposal that together the three stances constitute post-Rawlsian pluralism.

2.1 FIRST OBJECTIONS: THE UNFEASIBILITY OF RATIONALISM

The first objection applies to the claim that only an independent principle formulated from an impartial standpoint will adequately justify a criticism. This claim demands a full justification when impartiality is understood as starting from a self-supporting supreme principle. However, it is not obvious that so-called partial justifications are inadequate, as there is more than one purpose to practices of justification. A critic might want to justify a choice between two immediate alternatives facing a people,[2] and this would not require appealing to the full structure of justification involving the Principle of Generic Consistency. Insistence on this "full" structure of justification leads to a truncated view of our actual practice of justifying because it excludes partial justification.

Suppose that justification should be full justification involving the supreme principle whenever possible. When this ideal is too awkward to apply, then whatever is appropriate in particular circumstances should be used. But this practice supports the acceptability of partial justification rather than the need for an ideal transcending it. The situations in which critics have the time and space to perform

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[2] Scanlon argues for this focus on concrete alternatives, especially "how [one] potential loss compares with other potential losses to others under this principle and alternatives to it." "Contractualism and Utilitarianism," p 113.

full justifications in criticism are very rare. There is no reason to think that the procedure of tracing our support for a proposal back to a first principle gives us any sound practical advice. Thus the idealized account of justification in rationalism does not provide comprehensive guidance for critical practice.[3]

But perhaps Gewirth would not disagree with this objection that expediency sometimes requires not making that ultimate connection to the supreme principle. Full justification is our ideal, yet sometimes we fall short of it, and then we accept partial justification. However, this reply is no defense of rationalism as such. It concedes that there are limitations on it, and this supports the point that it is wrong to marginalize other approaches when we often rely upon them in practice.

It is also not clear how commitment to this ideal procedure for justification can be combined with commitment to use other procedures when the ideal is impracticable: if the ideal is ofetn impracticable, then it makes little sense to commit ourselves to using it in the first place. And what guidance does the imperative to trace our proposals back to the supreme principle provide in situations when that cannot be done? Gewirth has not adequately explained how his procedure might be modified to suit everyday critical situations.

Martha Nussbaum has defended Aristotle's view that "internal truth, truth in appearances, is all we have to deal with" and that the external point of view can be rejected because of its "failure of reference" to our actual life.[4] Her account of why the practical sphere

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[3] See Young, <u>Justice and the Politics of Difference</u>, pp 96-7.

[4] <u>The Fragility of Goodness</u>, p 291.

cannot be successfully governed by appeal to timeless principles of reason can be transferred to my reading of rationalism. Rationalism does not negotiate the gap between the practical and the purely ideal sphere adequately.

An all purpose appeal to independent principles does not respect three differences noted by Aristotle. First, practical life has the characteristic of "mutability or lack of fixity." But abstract principles are only general rules designed to fit our judgment concerning previous experiences, whereas the possibility of new experiences due to economic and social development requires that principles be responsive to particular contexts.[5]

Second, the practical is too indeterminate for choice to be guided by predetermined principles: "...excellent choice cannot be captured in universal rules, because it is a matter of fitting one's choice to the complex requirements of a concrete situation, taking all of its contextual features into account."[6] Third, "the concrete ethical case may contain some ultimately particular and nonrepeatable elements," whereas rationalism's reliance upon abstract principle presupposes that one principle can be repeatedly applied to many different cases.[7]

Rationalism supposes that its form of justification, appeal to the supreme principle of morality, is the only sufficient form of justification for criticism. It thus offers an unrealistic and unaccep-

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[5] Ibid., pp 302-3.

[6] Ibid., p 303.

[7] Ibid., p 304.

table model of giving reasons in critical practice. Therefore ration-
alism must be rejected as a basis for understanding argument and inter-
pretation in criticism.

A second objection to rationalism's impartial standpoint focus-
es on the conception of moral reasoning that it presupposes. Recall
Gewirth's claim that his interpretations of the generic features of
action are ultimately "works of reason." The picture provided by Ge-
wirth's agent and "his" (sic) generic features of action refers to an
unrealistic ideal of moral reasoning as involving a free, unaffected-
by-preferences, ahistorical detached observer. This depersonalized
ideal of moral assessment leaves the connection between living a moral
life and making appropriate moral judgments obscure. Moral life is an
"endless" task of self-improvement understood "in relation to the pro-
gressing life of a person," or "a checking procedure which is a func-
tion of an individual history."[8] Rationalism underrepresents the hol-
ism of moral life and its use of a universalized agent ignores or triv-
ializes problems facing only particularized agents.

Onora O'Neill develops a related contrast between nonidealized
abstraction and idealized abstraction. Critics who use idealized ab-
straction assume

> ...accounts of rational choice whose claims about information,
> coherence, capacities to calculate and the like are not merely
> not satisfied by some deficient or backward agents, but are
> actually satisfied by no human agents.... They also assume
> idealized accounts of the mutual independence of persons and
> their opportunities to pursue their individual 'conceptions of
> the good', and of the sovereignty and independence of states,

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[8] Iris Murdoch, The Sovereignty of Good, pp 28 and 26.

that are false of all human beings and all states.[9]
The consequence is not harmless because the idealized versions of the problem of justice "yield theories that appear to apply widely, but which covertly exclude those who do not match a certain ideal, or match it less well than others."[10] An idealized account of rational choice supports false expectations about appropriate procedures of justification as well. Gewirth's use of a universalized agent will tend to trivialize the problems of particular agents such as women or disadvantaged minorities. Young agrees that an emphasis on impartiality denies and represses certain important differences among individuals and social groups.[11]

Part of the problem with rationalism is the use of a single, representative rational individual to provide the framework for justificatory practices. Singling out the rational individual ties the practice of justification to an abstraction and depoliticizes the basis and background of our argument. The purely rational point of view is not interchangeable with particularized perspectives, but represents a different system of supporting considerations. A universalized individual does not have the kind of point of view to which we can justify ourselves by appeal to our prejudices, purposes and particularity. The basis for comparisons that follow the procedure of the Scanlon-test, an ability to imagine the reasonableness of rejecting a principle by exchanging points of view, is lacking in rationalism's procedure of de-

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[9] "Justice, Gender, and International Boundaries," p 446.

[10] Ibid., p 447.

[11] Justice and the Politics of Difference, pp 10 and 100-101.

ducing what is permissible for particular individuals according to the generic features of action.[12]

Young also suggests that the impartial standard of rationalism has a pernicious ideological function in our current context. Because some groups possess more means of social communication and interpretation (media, education, leisure) than others , their particular experience and understanding comes to prevail as "normal and neutral." In a situation where resources are already unevenly balanced, Young argues that impartiality is inadequate for the following reasons:

> It is not necessary for the privileged to be selfishly pursuing their own interests at the expense of others to make this situation unjust. Their partial manner of constructing the needs and interests of others, or of unintentionally ignoring them, suffices. If oppressed groups challenge the alleged neutrality of prevailing assumptions and policies and express their own experience and perspectives, their claims are heard as those of biased, selfish special interests that deviate from the impartial general interest. Commitment to an ideal of impartiality thus makes it difficult to expose the partiality of the supposedly general standpoint, and to claim a voice for the oppressed.[13]

For example, the ideal of impartiality can be applied unfairly in judgments about merit which interpret a man's uninterrupted work history as better than a woman's record of interruption due to caring responsibilities. Young's point is a reminder that what appears to be an impartial principle often tends to favor one social group over others. Her strategy is to situate the appeal to principle in the context of the function of that appeal (understood in terms of the actual consequences of that appeal for existing groups). This produces

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[12] "Contractualism and Utilitarianism," pp 113-4.

[13] Justice and the Politics of Difference, p 116.

a politicized understanding of the appeal to principle and improves upon Gewirth's account by situating his ideals where their inadequacy can best be understood.

The third objection to rationalism concerns this assumption that the bases of social assessment should be understood in a neutral manner. One way that Gewirth and Hare assume this neutrality is by claiming that once the meanings of moral concepts are clearly defined, correct assessment is whatever _logically_ follows from using those words consistently.[14] But the appeal to canons of deductive and inductive logic as defining reasonable evaluation is implausible because the criteria for when meanings of moral concepts are adequately clarifed are always contestable. If definitions remain contestable even after stipulating their meaning for our present purposes because there are other purposes and contexts, then it is unrealistic to expect unanimity.

Bernard Williams has argued for a distinction between factual deliberation (where the impartial standpoint is acceptable) and practical deliberation (where it is not). Rationalism underestimates the dimension of practical deliberation in criticism in its appeal to logical neutrality. In practical deliberation, it is morally appropriate to evaluate from a personal or communal point of view that is not committed from the beginning to a "harmony of all interests."[15] It is likely that these disputes over interests will be handled better if we concede that they are political through and through. This is because it

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[14] Hare, _Moral Thinking_, p 156; Gewirth, _Reason and Morality_, p xi.

[15] _Ethics and the Limits of Philosophy_, p 69.

is too easy for political interests to hide behind claims of neutrality and to retain their already established advantages.

Fourth, rationalism's goal is to resolve moral conflicts by finding the best available independent principle which points to the one right answer for the problem at issue.[16] But it is impossible in practice to achieve such decisive solutions in criticism because many of the standards of judgment themselves are contestable. Rationalism's ideal of conflict resolution gives us unrealistic expectations for criticism.

Rationalism understands disagreement as something that must be overcome, but conflict theorists take the view that moral conflict is a "constitutive feature of our relations with others."[17] Reasonable persons can take divergent yet defensible positions if their points of departure about what is good for them are contingent. This allows for criticism based on conditional judgments that remain arguable, but not for criticism as a deduction from unassailable foundations.[18]

The contestability of moral concepts implies that there are no necessary starting points from which the one correct morality for humanity can be deduced. But rationalism presupposes that all rational

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[16] "One right answer" is Dworkin's phrase, and it would thus seem to situate him in rationalism's camp. However, I agree with Rorty that Dworkin is actually more pragmatic than his official rhetoric allows. Rorty quotes Dworkin's remark that "in hard cases at law one answer might be the most reasonable of all, even though competent lawyers will disagree about which answer is most reasonable" ("The Banality of Pragmatism and the Poetry of Justice," p 1812, note 6). This suggests that Dworkin does not have the unrealistic expectations of convergence that are characteristic of rationalism.

[17] Williams, Ethics and the Limits of Philosophy, p 133.

[18] See Connolly, The Terms of Political Discourse, pp 226-7.

beings should reason in the same way, weigh conflicting claims against a common background or with logical neutrality, and share the same basic moral concepts used in practical judgments.

But does my fourth objection conflate rather than contrast moral anthropology and moral theory? I cannot say that the rationalistic stance and rationalism do not clash because the former is a descriptive theory and the latter is a normative theory. I am examining their appropriateness in the case of social criticism and practicability is a major concern. The assumptions of rationalism are unjustified when compared to our actual moral practice and how that practice presupposes an interpretive attitude towards basic concepts. It is one thing to "fix ideas" in order to argue a point in an ideal moral theory. It is quite another task to try to re-enter the nonideal moral context without provoking controversies about those concepts. Critics are bound to the latter task and we should assess them in terms of the challenges it makes upon them.[19]

Hare might reply that one strength of rationalism is that it does not rest content with the clash of competing political intuitions.[20] He argues that critics must assess intuitions in light of the facts and consequences that particular proposals have in the world as we know it. But this respect for "the facts of our actual situation"

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[19] I agree with Young's point: "While there is a distinction between empirical and normative statements and the kinds of reasons required for each, no normative theory meant to evaluate existing societies can avoid empirical inquiry, and no empirical investigation of social structures and relations can avoid normative judgments." Justice and the Politics of Difference, p 29.

[20] Essays on Political Morality, pp 124-5.

must be combined with rational arguments that "rest on an understanding of the concepts being used."[21] However, Hare assumes that the meanings of moral concepts are not contestable. They can be made determinate in "an ethical theory which is independent of prior moral and political commitments."[22]

This assumption flies in the face of the long history of debate over concepts like "right," "just," "democracy," "rational" and "good." If we follow Hare, we must regard our whole moral tradition as philosophically confused. His proposal to stipulate what justice means is ultimately uncompelling. It reduces open questions about who should decide what is just or what procedures are really fair to a depoliticized notion of impartiality that ignores Hare's own particularity as the definer of moral concepts. It is uncompelling because it is overly simplistic and evades problems concerning choosing among the many possible moral conceptions we already have by begging the question in favor of the principle of utility.[23]

2.2 THE RATIONALISTIC STANCE SURVIVES FIRST OBJECTIONS

My strategy is to evaluate the relative advantages and disadvantages of similar procedures of criticism rather than to deliver a

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[21] Ibid., p 201.

[22] Ibid., p 4.

[23] See, ibid., p 112: "When we ask what moral principles to cultivate, we have to decide this on the basis of what principles, if cultivated, will maximally satisfy the interests of all those people whom we are treating with equal concern." See also p 4.

knockout blow. Since the rationalistic stance does not hold the claims
targeted by these objections, it is not equally undermined by this
first set of criticisms. I shall briefly show this and then turn to a
second set of objections which do apply to claims made by the rational-
istic stance in 2.3.

The first objection does not apply to the rationalistic stance
because the stance makes no claim that the appeal to principle will
constitute a sufficient procedure of justification. Instead, it con-
siders this appeal to principle to be a necessary part of a larger
practice involving considered judgments and background theories.

The second objection, that the ideal of moral reasoning presup-
posed by rationalism is inadequate because it is not holistic, attacks
the claim that a universal agent and generic conditions of action prop-
erly represent persons and how they should think about their moral
deliberations. The rationalistic stance does not require such strin-
gent self-effacement. Particularities of persons can be expressed
through the considered judgments and other convictions used in the
process of seeking reflective equilibrium that it recommends. As Dwor-
kin makes clear on a number of occasions (despite his official rhetoric
about "abstract justice"), there is an irreducible reliance on personal
judgment calls and political choices in these kinds of arguments.[24]
The rationalistic stance attempts to structure a more holistic inter-
pretation of the universalistic and particularistic dimensions into its
preferred procedure.

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[24] For example, Taking Rights Seriously, pp 126-7; Law's Empire, p
203.

The third objection is that the reliance on logical neutrality is implausible. The point is that this is too narrow to capture the full practice of reasonable evaluation. The rationalistic stance uses a coherentist approach and subscribes to canons of logic, but it does not consider them sufficient. It includes such rules and principles of logic in its commitment to argument. However, it allows for adjustments to standards to suit our ongoing experience that are not captured in the notion of an abstract rule. So the claim that makes rationalism implausible is not present in the rationalistic stance.

The fourth objection against rationalism is that its expectations about conflict resolution are unrealistic. The expectations are not shared by the rationalistic stance. Instead it concedes the contestability of political judgments and concepts. It copes with these difficulties by appealing to a flexible standard of being reasonable in an open debate with one's peers.

Thus it is clear that the flaws of rationalism are not carried over into the practice of criticism that I have associated with the rationalistic stance. However, this does not mean that the rationalistic stance is not without its own difficulties. It should only be considered feasible if it operates within a set of constraints that are drawn from rival conceptions of criticism. It is not an all purpose practice of criticism and now I shall point out some of its limitations.

2.3 SECOND OBJECTIONS:

CONSTRAINTS ON THE RATIONALISTIC STANCE

First, the rationalistic stance should avoid expecting too much convergence. The connected constraint on the rationalistic stance concerns a proper balance between the demands of being reasonable and considerations of moral independence. Bernard Williams has developed the following argument expressing this constraint.

To practice convergence in criticism is to seek "the end of disagreement."[25] He thinks that we can legitimately expect convergence in scientific inquiry because the object of study can be regarded as "the absolute conception of the world."[26] This is the set of theories that represents "the world in a way to the maximum degree independent of our perspective and its peculiarities."[27] The application of scientific concepts like mass is world-guided in the sense that this absolute reality guides investigators to the same knowledge about it (the same natural laws). However, the case of ethics is different: only some ethical concepts have a kind of world-guidedness which allows for convergence among users of the concepts, while other ethical concepts do not.

In a "hypertraditional society," "substantive or thick ethical concepts," display an analogous kind of world-guidedness. In this context, thick concepts might include ideas such as unconditional sub-

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[25] Ethics and the Limits of Philosophy, p 135.

[26] Ibid., p 139.

[27] Ibid., pp 138-9.

mission to tribal leaders or that certain sex acts are taboo. In our less traditional society, this category is exemplified by "coward, lie, brutality, gratitude."[28]

There is a convergence in ethical matters because the hyper-traditional society has fixed moral convictions. This has been called the "law conception of ethics" by Anscombe and it presupposes being guided in moral judgment by "God as a law-giver" who prohibits "certain things simply in virtue of their description as such-and-such identifi-able kinds of action, regardless of any further consequences."[29] If we move on to a more reflective society, then the expectation of conver-gence in ethics weakens because there is no taboo on moral inquiry and dissent there.

Another way to argue against too much expectation of conver-gence is to distinguish moral reasons that all agents share from rea-sons that belong to particular agents and counterbalance the "pull" of the former kind. Arguments about reasonableness should be constrained by the recognition that a fully agent-neutral morality is implausible. Thomas Nagel argues that though rationalistic criticism assumes the "hegemony of neutral reasons" over relative reasons, this can be chal-lenged by showing that there are types of agent-relative reasons which might outweigh neutral reasons in certain circumstances.[30]

For example, reasons of moral independence allow persons to pursue special ends in artistic activity or in civil disobedience.

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[28] Ibid., p 140.

[29] "Modern Moral Philosophy," pp 30 and 34.

[30] The View from Nowhere, p 165.

Reasons based on duties and prior commitments constrain the influence of abstract justice in cases involving promises or special obligations of parents. There are interests on this more particular level and they are legitimate for reasons that belong to certain agents rather than every agent.

Second, the rationalistic stance needs to be reminded that its primary emphasis on the soundness of reasons must be combined with the use of effective reasons. Onora O'Neill provides a background theory constraint for the rationalistic stance in her insistence on accessibility in reasoning.[31] This accessibility is not understood as merely criticizing within existing assumptions. Rather, it takes existing assumptions as its moral starting point and uses new considerations to pull those inclined to make those assumptions along to an improved standpoint. This requires cultivating the capacity to shift among grids of critical categories or to "understand and follow varied idioms."[32] This multilingual ideal would constrain the tendency of the rationalistic stance to seek an unbiased viewpoint and redirect it to seek a balance among viewpoints that are irreducibly biased, yet capable of cooperation.

O'Neill is relying upon a background theory of communicative action which attempts to meet various persons halfway by shuttling back and forth between their existing convictions and universalizable maxims of action which can be connected up with those convictions in order to modify them. The point is that critics are reasoning with others and

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[31] Faces of Hunger, p 32.

[32] Ibid., p 41.

this means critical reasoning should not be totally confrontational. We should exercise the restraint needed to be effective in educating persons inclined to resist and disagree.

To include is not to submit to their assumptions but only to let others bring their firm considered judgments to the table and offer them in wider argument. For example, this is not a matter of incorporating sexist assumptions into the debate; rather, it is a matter of dealing with sexists as people inclined to assume that women are inferior by nature and working on the consistency of their beliefs in order to give them reasons to overthrow their sexism.

2.4 CONCLUSION

This is my case for discriminating carefully between rationalism and the rationalistic stance as approaches to criticism. In the next two chapters, I will interpret universalism and the background theory stance, and then ethnocentrism and the connected stance, in the same way. Though the larger families of criticism that I am interpreting are reasonably familiar objects of study, the contrasts that I am drawing between the extremes and the stances have not been sufficiently emphasized in the theory of criticism. For this reason, I document my contrasts in an exhaustive manner.

In Chapter Two, I interpreted Dworkin in a way that seems to contradict much of his official self-image by showing that many of his substantive claims about justification contrast with the more extreme claims made in rationalism. This move shows how attention to detail

pays off: it permits us to situate critics in terms of their practice and to show that there is often a gap between proposed theories of justification and the actual work of justifying a claim to an historical community.

After identifying rationalism and the rationalistic stance and observing their substantive claims, I analysed the supporting considerations for these views. I argued that rationalism should be rejected because there are telling reasons against the feasibility of its strategies in the case of social criticism and that the rationalistic stance survives these objections. In particular, the narrowness of rationalism's account of justification and the availability of accounts of justification that function as a better basis for a wide-ranging critical practice speak against it. Now, I shall turn to criticism that justifies claims by appealing to networks of background theories.

CHAPTER THREE: BACKGROUND THEORY CRITICISM

#3: Universalism and the Background Theory Stance

3.1 INTRODUCTION

Under the heading of background theory criticism, I shall dis-
cuss an unacceptable extreme called universalism and a feasible pattern
called the background theory stance. Jurgen Habermas and Thomas Pogge
will be used to illustrate universalism.[1] Norman Daniels, Onora
O'Neill, Gerald Doppelt and Kai Nielsen will be used to exemplify the
background theory stance.[2]

Note that the difference between rationalism and universalism
is twofold: 1) universalism is a coherence account, but rationalism is

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[1] Habermas: Moral Consciousness and Communicative Action; The
Structural Transformation of the Public Sphere; Communication and the
Evolution of Society; Autonomy and Solidarity; Pogge: Realizing Rawls;
"Rawls and Global Justice."

[2] Daniels: Just Health Care; "Reflective Equilibrium and Arch-
imedean Points"; "Wide Reflective Equilibrium and Theory Acceptance in
Ethics"; "An Argument About the Relativity of Justice"; "Conflicting
Objectives and the Priorities Problem"; O'Neill: Faces of Hunger; "Jus-
tice, Gender and International Boundaries"; "Ethical Reasoning and
Ideological Pluralism"; "Constructivisms in Ethics"; "The Public Use of
Reason"; Doppelt: "Is Rawls's Kantian Liberalism Coherent and Defens-
ible?"; "Conflicting Social Paradigms of Human Freedom and the Problem
of Justification"; "Rawls's System of Justice"; Nielsen: "Searching for
an Emancipatory Perspective"; "On Needing a Moral Theory"; "Grounding
Rights and a Method of Reflective Equilibrium"; "Our Considered Judg-
ments"; and "In Defense of Wide Reflective Equilibrium."

a foundationalist account; and 2) universalism emphasizes the appeal to background theories more than principle, but it allows that appeals to principles have a subordinate function in justification. Rationalism aims to rely exclusively upon the appeal to principle and cultivates an independence from controversial background theories.

Admittedly, the claims of rationalism and universalism overlap and the concepts of universality, impartiality, abstraction and pre-established method are prominent in both. However, as a coherence account, universalism conceives its support for itself in an entirely different manner than rationalism. Recall that rationalism sets itself up as a product of logical necessity after the basic moral concepts have been adequately clarified. Universalism defends itself through the use of a developmental narrative in which gradual enlightenment allows for a paradigm shift to universalist models of reasoning. Because my project is to assess the support for proposed procedures of justification, it is legitimate to treat universalism and rationalism separately even though there is some overlap in their rhetoric and goals. Furthermore, this discussion will allow me to continue to explore the differences between foundationalist and coherence accounts.

Both universalism and the background theory stance involve an emphasis on appealing to background theories in justifying criticism. The key difference between universalism and the background theory stance is that universalism employs a hierarchical sequence that abstractly ranks procedures of justification. The background theory stance discriminates only strategically among alternative approaches to justifying critical proposals. Universalism constructs a so-called

"meta-narrative" or grand plot regarding our historical development as a species: we tend to understand reasons that reflect everyone's interests as more forceful than reasons that reflect the partial interests of social groups. However, this normative schema is not universally compelling in all critical situations and to insist that it should be is to beg the question. By contrast, the background theory stance recognizes differences in the various situations of critical interpretation and makes a virtue out of adaptability.

What criteria unite the set of critics in the background theory stance? They reject the conception of a single background theory necessitated by reason and the notion of a fixed scale for selecting background theories. Instead they argue for selecting one background theory over its rivals and appeal to the balance of considerations drawn from our considered judgments and principles. Thus they deny that there are any knockdown arguments for singling out the preferred background theory and that there is any fixed hierarchy among background theories that all critics must respect.

In Chapter Two, I presented sample arguments for rationalism and the rationalistic stance and then went on to explain the differences between these sample arguments. Here I shall do the same for universalism and the background theory stance. I interpret Pogge in order to illustrate universalism and O'Neill to introduce the background theory stance.

Pogge would likely criticize slavery by appealing to a universal standard of basic liberties or by appealing to theoretical considerations which cohere with the difference principle. Unlike Gewirth,

Pogge accepts a coherence account of justification. Pogge's coherentism does not appeal to what follows necessarily from a self-supporting supreme principle; rather he uses the difference principle to complement his analysis of the basic social structure.

Gewirth's criticism depends upon whether he can make the connections between rejecting slavery and his supreme principle compelling for any rational agent. Can he show beyond a reasonable doubt that the rejection of slavery follows from a conceptual analysis of human action in general? Pogge's criticism imposes no such burden of extended logical interpretation on itself. The point is rather to compare and contrast slavery and alternative schemes of social cooperation and to reach a judgment after considering all relevant reasons. This involves a much wider network of support than either Gewirth's or Hare's approach.

Pogge might begin to make such a case in the following way. First, an institution of slavery entails recognizing property rights over other persons. But all persons have the right to basic liberties. Possessing other persons as property deprives that person of basic liberties and is therefore wrong.[3] A theory of basic liberties is the background theory in this argument, and it presupposes a hierarchy of rights and relationships among right-claims.

One might argue that "...the position of slaves is much worse than any position must unavoidably be."[4] A society with slavery is one possible type of institutional scheme. There are feasible alternative

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[3] _Realizing Rawls_, p 27.

[4] _Ibid._, p 41.

societies without slavery. Social positions should be evaluated in terms of their effective liberties and actual standard of living relative to other positions in the same scheme. This presupposes a hierarchy among reasons for choosing one way of life over another, or a liberal narrative of social development. Slavery is that social position in which a person has no effective liberties and works only to serve the master.

The slave's position is maximally unjust relative to the master's position. The slave/master relationship of positions will always be more unjust than any other interdependent representative social positions because the master has total liberty over the slave and the slave has no liberty. One institutional scheme is preferred to feasible alternative schemes when the worst position it tends to produce is superior to the worst positions they tend to produce.[5] Therefore any society without slavery is to be preferred to any society with slavery, other things being equal.[6]

By contrast, the background theory stance avoids presupposing a hierarchical network of pre-understood reasons that are then applied mechanically to the case at hand. O'Neill argues, following Kant, that only maxims that can be universalized are acceptable guides to action.[7] This insight can be used to construct an example of how someone in the

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[5] Ibid.

[6] There are imaginable situations, such as a choice between slavery or certain death, that make it possible for life in societies with slavery to be better for those in the least advantaged position. See Rawls's argument for such cases, A Theory of Justice, p 248.

[7] Faces of Hunger, p 132.

background theory stance might criticize slavery. Consider the maxims that underlie the positions of the slave and the master: the slave must obey the master's will; the master always dominates the slave. These maxims are asymmetrical and can never be universalized because they require inequal comportment. The master always coerces the slave and O'Neill rejects any maxim of coercion:

> ...a policy of coercion, which seeks to destroy or undercut others' agency and independence, cannot (without incoherence) be universally prescribed by one who seeks to coerce, since its universal adoption puts any coercer's agency and plans to co-erce at risk. Those who are the victims of coercion cannot (while victims) also act on the principles on which their co-ercers act. ...nobody whose own principles of action hinge on victimizing some, and so on destroying, paralysing or undercut-ting their capacities for action, can be committed to those same principles holding universally.[8]

This argument against slavery is meant to appeal to persons who already prefer self-determination over domination by others. It is arguable, however, whether the consequences of a master/slave relationship are beneficial or not, and there could be alternative descriptions of this relationship.[9] So the argument that slavery is always coercive and therefore wrong does not hold for all situations. The value of coerc-iveness versus noncoerciveness is not hierarchical in the sense that maxims of noncoercion are not always preferred over maxims of coercion. In situations of war or great social disasters, an effective and or-ganized response could well require some form of slavery.

O'Neill's claim is that slavery can be contested by making universalistic arguments. Her attention to context is not ethnocentric

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[8] "Justice, Gender and International Boundaries," p 453.

[9] Faces of Hunger, pp 128 and 133.

because she only takes our considered judgments as starting places for moral argument. The fact that universal arguments against slavery are not recognized in a local context is a reason to introduce them and to show those people that they should be recognized. There is no guarantee of success, and O'Neill rejects the notion of any "Archimedean point" for critics.[10] In Chapter One, I argued that Rawls's characterization of background theories as Archimedean Points is an exaggeration made in order to establish an absolute difference between background theories and considered judgments. On my nonabsolutist reading, background theories do not constitute a separate Archimedean point of view, but only utopian reference points within an always embedded perspective searching for wide reflective equilibrium. As human beings, we cannot escape history; but as critics we can send and receive claims from other critics located in other times and places.

3.2 CLAIMS OF BACKGROUND THEORY CRITICISM IN GENERAL

How do critics in this family of criticism usually interpret the social standing of critics? They hold that critics require distance from particular contexts to perform rational assessments. The rationale is that disagreements that seem intractable at the level of moral judgments concerning particular cases can be "reduced" to more tractable disagreements about background theory.[11] For example, one of the roots of conflict may be that we are arguing at cross purposes. By properly

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[10] Ibid., pp 46, 127 and 133; "The Public Use of Reason," p 544.

[11] Daniels, "Reflective Equilibrium and Archimedean Points," p 102.

formulating the exact source of our disagreement, we will be in a better position to resolve it than if we continue to be mistaken about why we disagree. If locating disagreement among critics in differences over background theories improves our ability to cope with it, then this approach has the advantage of making the interpretation of conflict among critics more systematic than before.

Habermas makes such claims for detachment in his support for a universalistic discursive framework which has developed beyond the appeal to merely local conventions of the right and good. For example, in order to be critical, one must step back from one's lifeworld.[12] He goes on to argue that "Only at the postconventional stage is the social world uncoupled from the stream of cultural givens." So the best position for all critics is that distance made possible through the "reference point" of "general pragmatic presuppositions of argumentation as such."[13] Pogge argues that only a global original position provides the required distance from all local institutional schemes. It prevents us from ignoring the effects of economies separated into nationalized units by insisting upon "a moral point of view."[14]

Daniels argues for critical detachment as a consistent and vital aspect of moral experience: individuals should "adopt an independent or impartial perspective in assessing the reasons for their basic preferences."[15] O'Neill argues for detachment by trying to steer a

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[12] Moral Consciousness and Communicative Action, p 161, also p 107.

[13] Ibid., pp 162-3.

[14] Realizing Rawls, pp 25, 253-4, 256-7.

[15] "An Argument About the Relativity of Justice," p 370.

middle course between criticism that assimilates itself to local preju=
dices and criticism that remains inaccessible to actual agents with
locally rooted perspectives. She says: "Accessible practical reasoning
often has to work by means of transformations of consciousness and
ideology. It does not have to stick to established terms of discourse
but may aim to revise them."[16] Thus, background theory critics all
share the conviction that critics must be detached.

Second, they argue that the standards used by social critics
should be universalistic standards. Background theory criticism holds
that criticism should not stop at national borders because the proper
scope of criticism is universal. Any particular regime is subject to
independent critical assessment; and the whole international scheme of
regimes itself can be criticized by appropriately extending the same
standards. The guiding idea here is that national borders are subject
to criticism rather than being "welcome blinders for our moral sen-
sibilities."[17] Note that this belief overlaps with rationalistic crit-
icism. The two families diverge in how they explain the support for
standards that are universal prescriptions rather than in the require-
ment.

For Habermas, critical standards should reflect the "general
interest" or "rationality according to the standard of a universal
interest."[18] It is a central part of Habermas's account that the "ap-
peal to presumably universal standards of rationality may, to a certain

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[16] <u>Faces of Hunger</u>, p 42. See also pp 41, 45 and 72.

[17] Pogge, <u>Realizing Rawls</u>, p 254.

[18] <u>The Structural Transformation of the Public Sphere</u>, p 234.

extent, be inescapable for the dedicated interpreter."[19] Pogge develops

universal standards that apply to "any comprehensive social system" or

"all essentially self-contained social systems existing under the cir-

cumstances of justice."[20]

Daniels strongly implies that critical standards should be

universal in his discussion of apartheid and rejects any merely "local"

standards.[21] O'Neill argues for these universal standards for critics:

maxims of noncoercion and nondeception, obligations to respect, to help

and to develop talents and other capacities. She cautions that "These

obligations are once again universal, although the forms that each will

take must vary with context."[22] It is notable that background theory

critics also claim that their universalistic standards remain compat-

ible with the idea of a range of legitimate interpretations.[23]

Third, background theory critics are motivated by the belief

that criticism should challenge the most important institutions or

"basic structure" of society in order to improve lives systematically.

More precisely, background theory criticism allows for systematic anal-

ysis of social proposals at the level of ultimate assumptions whereas

other approaches do not. This claim is best explained with reference

to Daniels's concept of a "framework" of criticism: "A framework is

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[19] Moral Consciousness and Communicative Action, p 31.

[20] Realizing Rawls, pp 245 and 212-3.

[21] "An Argument about the Relativity of Justice," pp 361-2.

[22] Faces of Hunger, pp 145-6 (quote) and 144 (standards).

[23] See O'Neill, Faces of Hunger, pp 90-1, 163; Habermas, A Theory of Communicative Action, Vol. I, p 180, Moral Consciousness and Communicative Action, p 63; Pogge, Realizing Rawls, p 232.

determined by how much of the basic fundamental political, social, and economic institutions we take to be fixed and how much we allow to be revised in the social system under question."[24] What is taken to be fixed or not fixed in the basic structure is characteristically an implicit or background assumption in the social debate. But background theory criticism specializes in making us more aware of these framework assumptions. Therefore it is better to criticize as a background theory critic because it provides more direct access to commonly neglected questions.[25]

Habermas claims that philosophy as critique should fulfill four conditions: it should dispense with claims to ultimate grounding, it should understand itself as the reflective part of social activism, it should appropriate the utopian aspirations of the religious tradition and it should avoid elitism by becoming fallibilistic in its partner- ship with movements to improve actual lives.[26] He focuses much of his research on the public sphere of communication and media in order to expose the causes of inadequate political organization and resistance to social improvement. This inquiry focuses critical attention on the neglected possibilities of communication and questions about political decision making that existing democracies ignore. Pogge conceives his criticism as clearing the way for the "interdisciplinary development" of ideas. This concerns how reforms might actually be achieved given an

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[24] "Conflicting Objectives and the Priorities Problem," p 150.

[25] See Chomsky, Necessary Illusions, pp 142-5.

[26] Philosophical-Political Profiles, p 14.

understanding of what justice requires.[27]

Daniels wants his social criticism to "provide a general framework within which planners and legislators can make more specific public policy decisions."[28] O'Neill emphasizes that her approach of emphasizing a background theory of obligations is very practical:

> Since different views of the problems of famine and hunger reflect the varying lenses of social and ethical theories, a critical assessment of these images must look at the theoretical instruments that shape them. Paradoxically, a _theoretical_ turn is needed if famine and hunger are to be seen as _practical_ problems, and also if we are to determine what sorts of practical problems they raise.[29]

The theoretical turn is necessary in the context of many competing perspectives which prevent any consensus. The commitment of background theory critics to fundamental improvements in contemporary societies is observable in such remarks.

3.3 KEY DIFFERENCES BETWEEN UNIVERSALISM
AND THE BACKGROUND THEORY STANCE

In this subsection, I shall begin by sketching the account of justification that characterizes universalism. Then I shall develop the contrasting account of the background theory stance in order to prepare for an evaluation in section #4. I shall conclude by reviewing four points of contrast that function as criteria for identifying these styles of critical justification.

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[27] _Realizing Rawls_, pp 277 and 260.

[28] _Just Health Care_, p 4.

[29] _Faces of Hunger_, p 26.

Habermas understands justification as having hierarchical lev-
els which match up with the historical stages of knowledge and learning
for the species. His primary claim is that there is a universalistic
or postconventional stage of justification that is superior to all
other procedures. He does not assert this as a transcendental a priori
truth, but points to Kohlberg's theory of moral development as empiri-
cal corroboration for his claims.[30] The appropriate kind of justifica-
tion under modern conditions has three steps.

First, there is conceptual analysis to suggest some candidates,
or "presumed universals," for further investigation. Second, there is
empirical investigation into the presumed universals to check whether
they actually do function as presuppositions of argument. This investi-
gation includes historical analysis and developmental hypotheses.
Third, there is the transition to the "perspective of real-life argu-
mentation," in which the universal standard is proposed and we check
whether people agree or disagree with its application.[31] Justifying
social criticism is a matter of checking whether critical claims about
what is in the universal interest pass the test of a free and open de-
bate.[32]

The key assumption in Habermas's account is that a univers-
alizable standard is always preferable to a non-universalizable stan-

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[30] Moral Consciousness and Communicative Action, p 117.

[31] Ibid., p 66.

[32] Ibid., pp 66-7 and 71.

dard.[33]   The test of any standard is constrained by this conviction

about the proper hierarchy of justificatory procedures.   Habermas de-

fends this assumption in three ways: by providing an historical narra-

tive of levels of justification, by referring to Kohlberg's stages and

by arguing that certain presuppositions of argumentation are unavoid-

able.

The historical sequence of levels of justification is roughly

as follows: 1) appeals to myth/stories; 2) appeals to cosmic orders; 3)

appeals to dogma; 4) appeals to natural law or theories; and 5) appeals

to universal interests.[34] Habermas understands this sequence hierarch-

ically:

> The legitimations of a superseded stage, no matter what their
> content, are depreciated with the transition to the next higher
> stage; it is not this or that reason which is no longer con-
> vincing but the _kind_ of reason. ... My conjecture is that these
> depreciatory shifts are connected with social-evolutionary
> transitions to new learning levels, learning levels that lay
> down the conditions of possibility for learning processes in
> the dimensions of both objectivating thought and practical in-
> sight.[35]

There is another way to look at these alternative justifications and

Habermas is well aware of it. This is the internalist view that if a

justificatory system is actually accepted, then what passes for a jus-

tified claim will be relative to that system of assumptions.[36]   Haber-

mas never adequately defends his choice of the hierarchical view over

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[33] I shall dispute this assumption when it is made in the context
of critical practice in 4.1.

[34] Communication and the Evolution of Society, pp 183-4.

[35] Ibid., pp 184-5.

[36] Ibid., p 204.

this internalist view of justification.

Pogge's book also contains a hierarchical sequence of justifi-
catory procedures, though it is submerged and scattered throughout his
text. It involves a sequence of procedures leading up to a preferred
universalistic account of justified criticism. The stages are:
1) appeal to self-interest or nationalism; 2) appeal to self-evident
principles; 3) appeal to the best consequences on a local scale; and
4) appeal to the best consequences on a global scale.

The appeal to self-interest is quickly dismissed at the begin-
ning. It is obvious that the consequences of successful appeals to
self-interest will "benefit the more advantaged persons and groups at
the expense of the less advantaged."[37] This is obviously not acceptable
from the moral vantage point of the disadvantaged class. Further, the
approach to justification that appeals to self-evident principles is
not likely to be effective. Recall Nozick's bold opening remark: "In-
dividuals have rights, and there are things no person or group may do
to them (without violating their rights)."[38] Pogge argues:

> If Nozick protests that his ground rules are somehow natural or
> obvious, he is unlikely to prevail. There are just too many
> pretenders to these attributes, and only if there were some
> convergence upon one set of ground rules might these be used to
> test (and reject) the Rawlsian criterion.[39]

This is an observation about what one can and cannot get away with in
argument today. "Self-evidence" is not a plausible plea in making a
case under these conditions and so that approach to justification is

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[37] Realizing Rawls, p 5, note 4.

[38] Anarchy, State and Utopia, p ix.

[39] Realizing Rawls, p 62.

outdated.

Pogge's last two stages are coherentist and involve the use of reflective equilibrium in either a partial or full manner. The appeal to the best consequences on a local scale would justify a claim in criticism if it supported an institutional scheme which optimized the worst social position in a particular society.[40] But the appeal to the best consequences on a global scale is superior to this proposal. There is no principled reason for a Rawlsian social critic to stop at borders in considering who is in the least advantaged position.[41] Pogge argues:

> Yet if excessive social and economic inequalities are unjust domestically, how can like inequalities arising internationally be a matter of moral indifference? The grounds on which Rawls holds that fair equality of opportunity and the difference principle constitute requirements of background justice militate against confining these requirements within national borders.[42]

To sum up, the hierarchy of a global original position over an ethnocentric original position and the other procedures is a matter of following through on the assumptions of Rawls's theory and applying his principles fully. Pogge ranks approaches to social criticism according to who they represent in their criticism. His assumption is that criticism that represents the universal interests of humanity is always better than merely partial criticism. I will argue against this assumption in 4.1.

By contrast, the background theory stance does not employ this

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[40] Ibid., p 43.

[41] Ibid., pp 256-8.

[42] Ibid., p 250.

notion of a hierarchical sequence among types of justification. This

does not make it value any type of justification equally however.

Instead, it uses a strategic ranking of procedures of justification

according to their soundness and likely effectiveness. The coherence

procedure of justification is held to be better than any foundational-

ist procedure in both respects. The difference from universalism is

that the background theory stance does not idealize the audience of

criticism but rather adapts criticism to fit the target audience.

O'Neill's account of the need for accessible categories and concepts

which are "taken to be appropriate" by the "presumed audience" has

already been discussed.[43]

A notion of being practical deeply informs the theory that she

constructs: her criticism avoids presupposing any idealized deliberat-

ing capacities and instead addresses "the actual and varied capacities

for agency of different individuals."[44] So she avoids excessive ideal-

ization by constructing a theory which presupposes that critical prac-

tice adjusts itself to existing agents rather than vice versa:

> Accessible ethical reasoning arises only in actual social con-
> texts, where agents and agencies not only have limited benevo-
> lence, but depend on a limited cognitive repertoire, which de-
> fines the problems and the sorts of reasoning which they find
> salient.[45]

O'Neill's view is based on a rejection of Habermas's claim that ideals

are presupposed by imperfect agents:

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[43] Faces of Hunger, p 32. See also "Ethical Reasoning and Ideolog-
ical Pluralism," p 705, note 1. See also Doppelt, "Rawls' System of
Justice," p 301, and Daniels, Just Health Care, pp 108 and 162.

[44] Faces of Hunger, p 37. See also pp 29-30.

[45] Ibid., p 78.

> Reasoning which assumes a total transformation of the terms and
> categories of the agents or agencies it addresses will be inac-
> cessible. Such transformations may at best be the products
> rather than the premises of accessible practical reasoning.[46]

There is an important contrast between the rhetoric about being practi-

cal in universalism and the adjustment of the critical practice to

existing conditions in the background theory stance.

Thus, the background theory stance's account of justification

is less oriented to notions of formal justice and more concerned with

making a case in terms of substantial justice.[47] Universalism's grand

narrative of development that leads up to the concept of universal

interests functions to depoliticize procedures of justification in an

undesirable way. However, justification remains a political struggle in

the account of the background theory stance because it concerns itself

with addressing substantially different social groups on the basis of

both overlapping and diverging interests.

I shall now summarize the four points of contrast that I have

used to interpret the relationship between universalism and the back-

ground theory stance. 1) Universalism takes a hierarchical view of the

relationship among formal procedures of justification, and ranks the

appeal to universal interests as the highest possible argument in any

larger dispute.

2) Universalism uses a highly idealized model for criticism.

Habermas insists on an ideal of "consensus" as opposed to mere "com-

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[46] Ibid., p 41.

[47] This distinction is used by Hare, Moral Thinking, p 157, to
differentiate claims supported on the basis of logical considerations
of moral concepts from claims supported by empirical analysis of the
consequences of policies and political judgments.

promise." The result is an unrealistic notion that fairness among part-
ners as a standard is not itself subject to negotiation:

> Participants in a practical discourse strive to clarify a com-
> mon interest, whereas in negotiating a compromise they try to
> strike a balance between conflicting particular interests.
> Compromise too has its restrictive conditions. We must assume
> that a fair balance of interests can come about only when all
> concerned have equal rights to participation. But these prin-
> ciples of compromise formation in turn require actual practical
> discourses for justification, and thus they are not subject to
> the demand for compromise between competing interests.[48]

Habermas leaves room for particular interests to be asserted, but in-
sists that only particular interests that meet universal standards will
be legitimate. The result is that agents are not considered in their
actual unequal powers.

In Pogge, there is much rhetoric about the need to connect
political theory to practical achievements and consequences.[49] However,
his project of calculating the practical and concrete commitments that
follow from Rawls's theory of justice ends in a failure when he sug-
gests that an international ethics conference is needed to determine
the shared values of the proposed global institutional scheme, and that
an interdisciplinary panel of politicians, jurists and economists is
really required to come up with strategies for implementing his vis-
ion.[50] His actual proposal for critics is anything but concrete:

> The idea is to understand the existing framework of interna-
> tional relations as a basic structure... and then to inves-
> tigate how various morally significant macrophenomena vary with

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[48] Moral Consciousness and Communicative Action, p 72.

[49] Realizing Rawls, pp 4-6.

[50] Ibid., pp 235 and 277.

variations in the features of the global basic sphere.[51]
As in the case of Habermas, the emphasis on being practical is purely
rhetorical, and ends up having no effect on the proposed theory. Ex-
isting agents and their features are not adequately taken into account
in either Habermas's theory of communicative action or Pogge's theory
of a global original position.

3) There is a connection between this problem with critical
agency and the extreme abstractness of the standards that universalism
proposes critics should use. Habermas proposes a principle of discourse
ethics for selecting standards for critics: "Only those norms can claim
to be valid that meet (or could meet) with the approval of all affected
in their capacity as participants in a practical discourse."[52] The
principle is supposed to underwrite only those standards that reflect
the universal interests of the agents, but it is not clear how debates
over what is in the universal interest will be resolved first.

Pogge's main criticism is that we should replace the current
international modus vivendi of hostile states and power blocs with an
international order based on shared values like a commitment to basic
human rights, tolerance, and mutual aid that lowers rates of malnutrit-
ion, infant mortality and government violence.[53] He concedes that this
idea of a central global institutional scheme is "highly abstract."[54]
It is difficult to see how the standards for judging nationalism and

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[51] Ibid., p 236.

[52] Moral Consciousness and Communicative Action, p 93.

[53] Realizing Rawls, pp 227-39.

[54] Ibid., p 9.

the "internal affairs" of separate nations will be any different from Habermas's proposal. Only those aspects of national sovereignty that are compatible with the global scheme are to be permitted, in order to make the global scheme effective as a global scheme.[55]

The effect of his universalistic standard (much like rationalism) is to deny any independent force for particularistic standards in resisting arguments based on purely universalistic considerations. So, though he argues for the plausibility and realism of "international pluralism," what is to be permitted or not by this standard remains vague. Thus his account remains unhelpful for critical practice.[56]

4) Universalism's plan for coping with the tensions between these universalistic and particularistic dimensions of moral inquiry is to institute a one-way, two-step process: 1) justification is set up by discovering universal standards and 2) interpretation is a matter of applying those standards in particular cases. The main problem with this proposal is that conflicts between processes of interpretation and justification are neither so easily separated nor contained. I explore this point in subsection 4.1 below.

Habermas's dissociation of justification and interpretation is particularly obvious:

> The question of the context-specific application of universal
> norms should not be confused with the question of their jus-
> tification. Since moral norms do not contain their own rules of
> application, acting on the basis of moral insight requires the
> additional competence of hermeneutic prudence, or in Kantian
> terminology, reflective judgment. But this in no way puts into
> question the prior decision in favour of a universalistic posi-

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55 Ibid., p 25 and 256.

56 Ibid., pp 230-2.

tion.[57]

This position underestimates both the problem of interpreting the concept of justification and that of justifying particular interpretations against alternative backgrounds. It assumes the logical priority of universal norms in any correct procedure of justification, and this begs the question against proposals for justification appealing to particular interests. Second, it proposes that adapting critical judgment to particular applications will not affect our understanding that universal norms are all-purpose standards. Habermas concedes that human needs and wants are "open to various interpretations in the light of changing theories using changing systems of description." But he then argues that needs will not provide a solid enough basis for argumentation and cannot be taken as our standards of criticism.[58] This is a non sequitur.

Pogge similarly aims for an "integrated solution" that allows for "a distribution of basic rights, opportunities, and index goods that is fair both globally and within each nation."[59] Any "objections and counterproposals from other cultures or from within our own" should be dealt with "as they actually arise."[60] His actual proposal, then, is to deal with these particular interests ad hoc, from the point of view of already being committed to the universal scheme. This is the same one-way, two step process found in Habermas.

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[57] Moral Consciousness and Communicative Action, pp 179-80.

[58] Ibid., p 63.

[59] Realizing Rawls, p 256.

[60] Ibid., p 271.

By contrast, the following four points characterize the back=
ground theory stance. 1) It takes a strategic and shifting view of the
relationship among alternative background theories. It does not con-
sider any type of justification necessarily to outweigh other types.

2) The background theory stance employs a more realistic model
of critical agency than universalism. O'Neill, like Habermas and
Pogge, is committed to avoiding abstraction in criticism. In contrast
to their universalism, however, her commitment is not rhetorical.

3) There is a contrast between the excessive abstractness of
critical standards in universalism and the aim for accessible standards
in the background theory stance. O'Neill avoids positing or presuppos-
ing any ideal background for communication:

> At best [actual deliberation] must use what are taken to be
> typical accounts of problems and situations and treat them as
> illustrative of a broader range of arguments that may be per-
> tinent in actual contexts. ... even if these typical accounts
> are later seen as inadequate or defective, they are neverthe-
> less what we have to begin from.[61]

When O'Neill practices her own criticism, she uses a very different
kind of standard (actual needs) than those proposed by universalism:

> The details of human justice must take account of the most
> basic needs that must be met if other human beings are not to
> be fundamentally deceived or coerced. Any just global order
> must at least meet standards of material justice and provide
> for the basic material needs in whose absence all human beings
> are overwhelmingly vulnerable to coercion and deception.[62]

This contrasts with Habermas's purely formal standards as a direct
opposite. It is the kind of standard that he rejected because it was
too open to interpretation.

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[61] Faces of Hunger, p 50.

[62] Ibid., p 141.

4) Finally, there is no one-way process which dissociates justification from further interpretation in the background theory stance. Instead, there is a process of mutual correction between particular and universal interests:

> First, [Kantian deliberation] is a decision-procedure for detecting forbidden and obligatory action, and does not aim to rank all possible actions. Secondly, its deployment in contexts of action depends upon the far from mechanical processes of working out in a given context whether specific acts, policies and institutions are ruled out or required if a particular maxim is to guide action.[63]

She argues further that basic needs and abilities to meet them vary so much that they "cannot be stated abstractly but must be worked out for specific contexts of action."[64] She distinguishes the cases of 1) a just world with one set of universal principles and 2) a "Kantian just world" with many possible sets of universalizable principles.[65] The influence of particularity is thus part of O'Neill's process of deliberation and not something that must be cancelled out as far as possible by universal standards.

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[63] Ibid., p 136.

[64] Ibid., p 147.

[65] Ibid., p 159.

#4: Objections to Background Theory Criticism

In this section, I shall make my case for preferring the background theory stance over universalism. First, I discuss four objections that together support the conclusion that universalism is an unfeasible approach to criticism. Second, I argue that this first set of objections does not defeat the background theory stance. Then I present two objections that function as reminders for critics in this stance.

4.1 FIRST OBJECTIONS: THE UNFEASIBILITY OF UNIVERSALISM

The first objection concerns the claim that universalism relies upon a hierarchical account in which arguments for universal interests outweigh any other type of argument. The difficulty with this view is that it does not address disagreements over what the universal interests of the group should be. Habermas's idea is that the universal interests, if there are any, should be the actual consensus of that group. They are produced in a fair process of open debate. Habermas has offered two examples that apply to contemporary humanity: 1) it is in our universal interest that the nuclear arms race be stopped; and 2) that the "unconquered state of nature in international relations" should be replaced by a Kantian universal cosmopolitan state.[1]

There are two main ways to dispute his type of claim. First, one can consider it as a priority claim and argue that something else

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[1] The Structural Transformation of the Public Sphere, p 235.

is more urgently in everyone's interest. This raises the question as to how one can establish priorities for objectives on which people agree in principle. Second, one can oppose the claim with claims concerning interests of particular groups that do not share (and can be counted upon to dissent from) this universal.

Consider the first case. A plausible argument might be that mutual assured destruction makes the arms race a gigantic bluff. Since the widespread scare is unfounded, the more calamitous problem is with the global environment. If nuclear weapons are never used in war, then they will hurt virtually no one (the exceptions are those harmed by testing and manufacturing), and so they can be safely ignored. Arguments against new spending on stockpiles and updating the arsenal could be supported because these funds will decrease our capacity to clean up the environment, and research better technologies of production. There is no choice about whether or not to use the global environment, and thus its destruction and protection cannot be ignored. Therefore, it is in the universal interest to tackle urgent environment problems prior to worrying about nuclear weapons or unmaterialized threats.

Second, consider a debating group that includes representatives of the military-industrial complex and the international arms trade. Their interest is in a continued Cold War and an arms race that does not annihilate but enriches them. It is doubtful that every representative group should interpret their interests simply as human beings, or think that the interests they share with all other human beings should always dominate over their special interests as particular agents. It is clearly rational for the militarists to try to continue their domin-

ation of Western society. Why must we think that these agents should be convinced by a "better argument" that only begs the question against them?

However, this second line of argument is problematic because it supports a form of perspectival pluralism. Iris Young makes a case against "interest-group pluralism" that rejects the legitimacy of a process in which various interests "compete with one another for people's loyalties" and the "distribution of tax dollars."[2] Habermas's aim of blocking interest-group pluralism is acceptable even if his explanation of why it is blocked it not. Young's main argument is that interest-group pluralism promotes unacceptable political interaction:

> In its process of conflict resolution, interest-group pluralism makes no distinction between the assertion of selfish interests and normative claims to justice or right. Public policy dispute is only a competition among claims, and "winning" depends on getting others on your side, making trades and alliances with others, and making effective strategic calculations about how and to whom to make your claims. One does not win by persuading a public that one's claim is just. This strategic conception of policy discussion fosters political cynicism: those who make claims of right or justice are only saying what they want in clever rhetoric.[3]

The militarists in my example should be interpreted as asserting their selfish interests, and it is correct to judge that their Cold War posture is normatively unacceptable if there are more reasonable ways of dealing with political struggles. Yet this latter condition, about the reasonableness of alternative political strategies, remains an open question as the best means for attaining an enduring, world-wide peace are not so obvious. What is objectionable in Habermas is that he as-

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[2] Justice and the Politics of Difference, p 72.

[3] Ibid., p 72.

sumes the homogeneity of the public and the unequivocality of his no-
tion of generalizable interests, and both assumptions are empirically
false.[4]

Universal interests are far more contestable in real life
argument than Habermas supposes. There is no guarantee that any set of
agents will be motivated more by claims of universal interest than by
claims of more particular interest. There is no argument pointing to
the claims of universal interests that critics can effectively rely
upon in open debates. Contrary to Habermas's plan, questions of jus-
tification cannot be protected or isolated from interpretive challen-
ges.

The support that Habermas offers for his hierarchical view is
not convincing for the case of social criticism. The historical narra-
tive is oversimplified and Habermas pays insufficient attention to
competing narratives of moral development.[5] The cumulative model in
which the latest type of justification subsumes the earlier types does
not explain the open-ended (and largely nonhierarchical) debate that
continues among moral theorists. Indeed, this continuing rivalry is
evidence against any process of cumulative development. For Habermas's
model to work, there has to be a cut-off point for moral progress in
universal interests expressed in the Enlightenment. But he has not
established this point and it is not clear that this could be estab-
lished. It is just as plausible to suppose that recent history shows

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[4] Ibid., pp 7 and 107.

[5] See Okin's account of the disputes among feminists on moral
development in "Thinking Like a Woman," pp 151-9.

that disgruntled minority claims by particular interest groups are the next stage. There has been no cancelling out of one type of justification by higher types but a proliferation of alternative approaches to justification.

The hierarchical sequence does not represent rival accounts of justification adequately, and it does not offer any basis for discriminating among diverging interpretations of the universal interest at issue. The root of this problem is the unsubstantiated requirement to separate the justification of critical standards from the application of such standards in justifying particular decisions.

Habermas observes that "Kant's achievement was precisely to dissociate the problem of justification from the application and implementation of moral insights."[6] He follows Kant by attempting to justify critical standards apart from any merely local conventions ("decontextualization") and without reference to the present desires of actual agents ("demotivation"). His idea is that real life argumentation should refer back to those universalistic standards. Acceptable particular arguments are separated out from unacceptable arguments by whether or not (or to what degree) they embody the universalistic rules of argumentation.

Consider these two propositions: 1) Critics should use universalistic standards because they are better than any other standards. 2) Agents are or are not motivated by the critics' uses of universalistic standards. The problem with 1) is that it ignores the consequences of criticism when it claims that universalistic standards should be

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[6] Moral Consciousness and Communicative Action, p 206.

regarded as better than other standards. But "better" in what sense? If the consequence of using universalistic standards is a case where they prove not to be compelling, then they were not better in the sense of "more effective." If an oppressed social group's interests and special needs are at stake, then it would not be a sound strategy to argue in a way that assumes this group's needs must be judged without reference to their particular purposes and pursuit of a distinct way of life. On the other hand, 2) respects the consequences of actual argument and political struggle. It is a more realistic normative strategy all things considered.

Though Habermas denies that there is any a priorism in his position, there is a covert idealism in this dissociation of justification from further interpretation. Instead, critics should attend to the consequences of certain lines of argument and shift their approach to justification according to results. Under the less than ideal conditions that are generally to be expected, a politicized account of moral strategy is needed to adapt to actual expectations and real life dynamics.

For example, in the campaign for improved employment for women, the arguments should be politicized so that they reflect the differences in women's lives (in our social context) that generally result in more career interruptions, less qualifications and experience, and inferior "connections." The standard of merit must not be applied in a universalistic way because this would ignore the different challenges in different lives. Applied impartially, it would replace a "hierarchy of caste" with a "hierarchy of intellect and skill," while preserving a

framework of "scarce highly rewarded positions and more plentiful less rewarded positions."[7]

The second objection is that the excessive abstraction of universalism makes it predictably unconvincing as a supporting background for a whole range of criticism.[8] The focus on discovering one unifying framework for all legitimate moral reasoning makes it too utopian to give significantly different agents guidance in many practical matters.[9] Universalism cannot meet its own expectation that it should be an all purpose model of moral reasoning. Starting from any reasonable moral anthropology, it will be the case that we should make some adjustments to the standards by which universalism requires moral theories to be judged. Why should universalistic standards be valued exclusively if they are ill-suited for many purposes relevant to critics?

Habermas has tried to accommodate this kind of objection. But his modifications introduce unresolved tensions and an underlying instability to his critical approach. He recognizes that reasons are reasons within a tradition, that "weapons or goods" affect what agents believe is legitimate and so influence assent, and that norms endure or not according to background cultural conditions.[10] He emphasizes that his theory of communicative action is no substitute for the actual political process of argument among democratic agents in particular,

[7] Young, Justice and the Politics of Difference, p 200.

[8] See O'Neill, "Ethical Reasoning and Ideological Pluralism," p 712.

[9] See Barry on Rawls's assumption of compliance, Democracy, Power and Justice, pp 421-2.

[10] Moral Consciousness and Communicative Action, p 62.

real life contexts.[11] Critical agents "are not Kant's intelligible
characters but real human beings driven by other motives in addition to
the one permitted motive of search for truth."[12]

The difficulty is that instead of promoting a kind of criticism
adapted to imperfect and real agents, Habermas insists that conditions
for argumentation be enforced that change the agents to fit his theory:

> ...institutional measures are needed to sufficiently neutralize
> empirical limitations and avoidable internal and external in-
> terference so that the idealized conditions always already
> presupposed by participants in argumentation can at least be
> adequately approximated.[13]

Proposals for such institutions are to be selected by reference to his
ideal standards, rather than the feasibility of the proposal to exist-
ing agents. Thus, Habermas does not propose a kind of social criticism
that might suit existing agents but instead proposes that we first
change the agents and their conditions of argument, and then let the
open debate begin.

The third objection concerns the claim that all social crit-
ics require a theory to guide their political judgments. In univers-
alism, this appeal to theory deflects attention from experience and
promotes a paternalistic relationship among critics and the people.
It is not necessary for critics to use supporting considerations that
produce a paternalistic relationship. There are non-paternalistic al-
ternatives to such critical postures such as the emancipatory theories
of the feminist movement. Universalism aspires to possession of the

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[11] Ibid., p 67.

[12] Ibid., 92.

[13] Ibid., p 92.

best theory of political action or a prior theory of justification that sets up further critical practice. It is not that we do not need any theory at all but rather that theory should not be given the kind of dominance over other elements and hierarchy that it has in universalism.

The claim in universalism is that theory gives us the required distance from local traditions and interpretive strategies. Consider the Marxist theory of false consciousness as the paradigm for this universalist type theory.[14] Distance from local influence is obtained by inventing a set of standards that are dissociated from all local ideologies. Recall that a theory of justification forms the basis for further interpretation in Habermas's proposal for critical interaction. Only if there is prior agreement on the standards of criticism can relativism and perspectivism in interpretation be avoided.

However, it is not possessing a theory of justification governing further political action that is necessary to be a good critic but only empirical theories that explain how the society at issue really works.[15] Generally, empirical theories concern causes and effects; whereas background theories are networks of proposals concerning procedures of judgment and supporting considerations for rational choices. Accurate knowledge of the relevant social facts and everyday moral decency are sufficient for much, if not most, criticism. Possessing one theory of justification rather than another has been much overrated in

[14] See H. Marcuse, <u>One-Dimensional Man</u>, pp xi, 11-2, 134 and 145, for example.

[15] See Doppelt, "Conflicting Social Paradigms of Human Freedom and the Problem of Justification," p 84.

our intellectual history.[16]

So the claim that critical authority is based on possessing a theory of justification which is prior to all further interpretation is misleading. No higher knowledge than the accurate facts about society is needed for criticism. We need to discriminate between true statements and false statements about our society and history; but we do not need claims to know "the truth" about the best scheme of social organization. What our peers take or do not take to be justified can be sorted out in an open debate. It is not something that must be agreed upon first in order to have criticism.

Fourth, a background theory that concerns essential features of all human beings, such as Habermas's theory of communicative action, aspires to construct an Archimedean point of view for criticism. Habermas's theory is a model that expresses and captures a historically observable trend toward the acceptance and use of universalistic standards.[17] If we understand permanence in terms of degrees, then such meta-historical theories are part of an attempt to produce a more enduring understanding of human affairs.

Following Rorty, we can connect universalism to the traditional philosophical search for a "permanent neutral framework" of thought. For example, the way that Rawls contrasts his list of primary goods with a "more specific index" suggests that it is the work of the philosopher to produce the neutral framework and the separate work of the

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[16] See Walzer, The Company of Critics, p 229.

[17] Moral Consciousness and Communicative Action, p 208.

historian or politician to specify the ranking of goods further.[18]
Rorty argues that any such "division of labor between the philosopher
and the historian" betrays a problematic "overambitious conception of
philosophy."[19]

Universalism is an attempt to secure a degree of permanence in
its hierarchical account of justification. We do not know whether it
is possible to attain consensus on a permanent neutral matrix. Haber-
mas's work in communicative theory is an important proposal that we are
still working to properly assess. But for universalism to be sound, it
must be the case that the search for a permanent neutral framework is
not in vain.

There are alternative styles of supporting considerations in
criticism that do not wait upon this question. Rorty's objection is
that criticism does not need to be derived from a permanent basis.[20] We
should concentrate on comparing and contrasting the available alterna-
tive critical styles. This task does not require referring to a uni-
versalistic style that may become more defensible in the future. If we
agree that late capitalist societies need all the criticism we can
muster to make them fairer for the worst off classes, then waiting for
the case of universalism to become sound is irresponsible.

However, Habermas makes some attempt to mitigate this "for-
malism" of his proposals. Formalism is designed to eliminate "as non-
generalizable content all those concrete value orientations with which

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[18] "The Priority of Right and Ideas of the Good," pp 259-60.

[19] Philosophy and the Mirror of Nature, p 272 and p 123.

[20] Ibid., p 179.

particular biographies or forms of life are permeated."[21] He relies upon a form/content distinction in which moral validity is a matter only of form and particularity is only content.

The difficulty with this is that it begs the question against any moral principle of particularity. The attempt to mitigate his abstractness is an attempt to reverse the effects of decontextualization by arguing that certain ways of life will "meet universalist moralities halfway" as particular approximations of the ideal.[22] But there is no reversal of the disqualification of particular commitments in this modification. Habermas does not meet particularist procedures halfway at all.

4.2 THE BACKGROUND THEORY STANCE SURVIVES
THE FIRST OBJECTIONS

To sum up, universalism is brought seriously into question as a feasible approach to criticism by these four objections. The argument against the hierarchical account of justification promoted by universalism is enough to show that it should not be preferred. Universalism produces artificial and loaded evaluations of the relationships among the claims of rival critics by decontextualizing them. It is not plausible to measure the force of a critical claim in this way because it does not consider effectiveness in persuasion as one of the ingredients supporting choice of a critical style.

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[21] Moral Consciousness and Communicative Action, p 121.

[22] Ibid., p 109.

The first objection does not apply to the background theory stance because there is no strong hierarchical claim about levels of justification in it. The background theory stance tends to emphasize appeals to background theory over appeals to either principles or considered judgments by definition. This is not a strong but only a weak hierarchical account because it is a claim about the contingent rather than necessary superiority of background theory over the other elements of justification.

The difference is subtle but important for two reasons. First, what is wrong with universalism's hierarchical account is the claim that appeals to universal interests necessarily or logically outweigh other claims in all cases because only they are valid. This is too strong. By weakening the claim so that the superiority of background theory over the other elements is understood as an interpretive strategy, rather than a truth about the practice of justification, it becomes at least plausible. The tendency to favor an appeal to background theory in this stance is only a gamble.

Second, the background theory stance does not steer clear of interpretive challenges from other approaches. It is conceived (in my account of post-Rawlsian pluralism) as one feasible style in a field of three alternatives. Post-Rawlsian pluralism weakens the hierarchy claim further by holding that the best available formal theory of justification (wide reflective equilibrium) does not force us to choose among the three feasible styles.

There is no ranking of the other two in a hierarchy underneath the favored mode by a critic who characteristically uses one but not

others. After we have cleared the way for these three sound alternatives, there is no ranking them by general type or formally. What will work in a particular context is a matter of trial and error, not principle. This integrates considerations of soundness and effectiveness in a pragmatic approach to criticism. First, we identify the patterns of supporting considerations in criticism that survive careful analysis. Second, the tendency to favor one element is subject to pragmatic considerations: favoring one kind of appeal over another makes no sense when the other works better.

It is also clear enough from O'Neill's and Doppelt's work that the excessive abstraction of universalism is not carried over into the practice of the background theory stance. The efficacy motive is stronger in the background theory stance and this makes it adaptable where universalism is merely rigid. There is no aiming for permanence in the background theory stance because it eschews any timeless notions of justice. For these reasons, the background theory stance is not defeated by the first set of objections.

4.3 SECOND OBJECTIONS:

CONSTRAINTS ON THE BACKGROUND THEORY STANCE

This is not to argue that we should not discriminate between proper and improper use of the background theory stance. I shall now discuss the objections drawn from the other two stances. These constraints show how critics in the background theory stance must avoid certain temptations that would make their work incompatible with the

connected stance and the rationalistic stance.

The connected constraint on the background theory stance is
that some sense of the priority in effecting social change must hold
sway over the tendency to focus on selection of background theories.
The background theory stance must still guard against the tendency to
become entangled in meta-philosophy that arises from its practice of
making the choice among alternative background theories its main theme.

Nielsen has criticized Daniels for an emphasis on background
theory construction that results in a product that looks like metaphys-
ics rather than relevant social criticism.[23] The excessive focus on
theory itself deflects attention from issues that could be resolved if
finite energies were directed towards a concrete problem. There are
pressing issues which do not depend on one theory being selected over
another because any plausible theory will condemn them. So any priority
given to selecting the right background theory is suspicious.[24]

In discussing the conditions that should constrain agents mak-
ing considered judgments, Nielsen has suggested that theoretical know-
ledge may not be as crucial as "non-rational things, such as sympathy
or the ability to empathize or just knowing from experience what it is
to be exploited, racially assaulted, or treated as a sex object."[25]
This kind of view suggests that having the best background theory is
not a sufficient condition for sensitive criticism; one must also be
connected with the situation.

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[23] "Searching for an Emancipatory Perspective," p 153.

[24] "On Needing a Moral Theory," p 102.

[25] "Our Considered Judgments," p 45.

Nielsen believes that having adequate theories about what happens and what is possible in our society is a necessary condition for good criticism.[26] What is really important is that a wrong institution be changed rather than it be rejected by reference to the best reason. It is a mistake to think that you must determine which one theory is best. Good criticism depends upon an understanding of human needs and what place theorizing has within that picture.[27]

A rationalistic constraint on the background theory stance is that there should be room for particularistic standards as much as universalistic standards. This is because particularistic standards are themselves an important constraint on inappropriate claims to universality. Young argues:

> In a political struggle where oppressed groups insist on the positive value of their specific culture and experience, it becomes increasingly difficult for dominant groups to parade their norms as neutral and universal, and to construct the values and behavior of the oppressed as deviant, perverted, or inferior.[28]

This is a rationalistic constraint because it emphasizes the peer-oriented procedure of reasoning. It is important to preserve an independent role for the claims of particular interests in order to resist any totalizing ideology.

O'Neill argues that the universalistic scope proper to the Western tradition after Kant can become imperialistic when it is imposed on others:

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[26] "On Needing a Moral Theory," p 101.

[27] Walzer develops the same objection. See The Company of Critics, pp 19 and 229, and "Philosophy and Democracy," pp 380-1.

[28] Justice and the Politics of Difference, p 166.

> When claims to universal scope are (supposedly) vindicated in
> terms that could not be made universally accessible, liberal
> internationalism is uncomfortably based on intellectual im-
> perialism. ... Those whose liberal traditions allow arguments
> for liberal principles of justice cannot impose these prin-
> ciples on others without embracing forms of (at least ideologi-
> cal) imperialism or paternalism that liberalism itself shuns.[29]

The idea of "imposing" here should be interpreted in terms of British
rule in India or the Canadian government's use of residential schools
to "civilize" the native populations during the early 20th century.
The point is that we must accept some disagreement because rational
persuasion will not always be effective. Where it is not, the dissent-
ers are protected by the basic universalistic value of self-determina-
tion.

One of the limitations on the universalistic scope of the back-
ground theory stance is thus the legitimacy of some forms of self-de-
termination. Recognition of both universal and particular dimensions
of argumentation is a condition of well-balanced criticism.

4.4 CONCLUSION

Background theory criticism has been analyzed as two contrast-
ing practices. Universalism, as represented by Habermas and Pogge, is
inadequate as an approach to the activist type of criticism. It is
unlikely to work due to its dissociation of justificatory and interpre-
tive strategies. This dissociation is a product of the attempt to set
standards prior to practicing criticism and to claim their soundness
irrespective of their consequences. Thus universalism idealizes jus-

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[29] "Ethical Reasoning and Ideological Pluralism," p 709.

tification and presupposes an unacceptable dichotomy between the practices of justification and interpretation.

The proposals for criticism by Daniels, O'Neill, Nielsen and Doppelt are far more likely to yield interesting and practical criticism. This is due to the more interactive conception of justification that can be observed in their work. They are prepared to shuttle back and forth among their local prejudices and wider experience. There is more room for the role of these particular beliefs, such as criticism based on love of a nation or a cause such as the liberation of a long oppressed minority, in the background theory stance than in the scheme of universalism.

There is considerable overlap between justifying and interpreting in social criticism. For example, justifying a policy of affirmative action in university hiring practices might involve interpreting the causal factors being addressed, the best way to achieve goals, how to assess candidates, and the desirability of certain consequences. However, the concepts should not be collapsed into each other. To justify is to attempt to satisfy the demand for reasons that back up our claims, or to defend other supporting considerations against objections that may be raised against them. The paradigm of justification is thus a process of objection and reply by argument.

On the other hand, interpretation involves a different intention: "To interpret is to put forward (under suitable conditions) something (such as a performance or a statement) as being or rendering the meaning of something."[30] Interpretation is not centered on reasoning

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[30] Raz, "Morality as Interpretation," p 405.

and argument in the same way as justification. The paradigm for inter-pretation is not a dialogue of adversaries but a process of narration and elucidation.

This is not to argue that conflicts of interpretation are not adversarial, nor that interpretation never involves objections and replies. But to ask for a justification from one's interlocutor is to ask for something different than an interpretation, and the difference is a matter of intention, standards of argument and conventions of interaction. The fact that justification and interpretation sometimes overlap should not be used to obscure the difference between defending your reasons and explaining meaning.

CHAPTER FOUR: CONNECTED CRITICISM

#5: Ethnocentrism and the Connected Stance

5.1 INTRODUCTION

The basic idea of connected criticism is that the critic is best conceived as attached in practice to a particular social movement, public or community.   Connected critics practice criticism for a particular public and aim to persuade a distinct audience rather than any rational being that might hypothetically consider the argument. However, connected criticism does not rest upon a commitment to any form of attachment whatever. Rather it involves the defence of a sometimes dismissed class of justificatory strategies. I shall discuss connections such as loyalty to a particular cause (social movement activism or nationalism) that the tradition of detached criticism rejects as inappropriate.

Connected criticism is my term for the whole approach, and it breaks down into two styles. Michael Walzer, Barbara Ehrenreich, Stuart Hampshire, and Chantal Mouffe characteristically employ the connected stance.[1] Stanley Fish represents an extreme, which I call ethnocen-

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[1] Walzer: _Just and Unjust Wars_; _Spheres of Justice_; _Interpretation and Social Criticism_; _The Company of Critics_; "The Moral Standing of States"; "Philosophy and Democracy"; "A Critique of Philosophical Con-

trism, within connected criticism.[2]

I shall interpret Richard Rorty as a critic who occupies the connected stance as well. I am aware that the account of justification that I criticize in Fish resembles the accounts that can be found in many places in Rorty before 1987. However, it is my view that Rorty has developed a better account of justification in order to counter the claims of his main critics.[3] Rorty experimented with Fish-like views on justification and interpretation, but has since realized that the experiment failed, and moved on to a far more straightforward defense of liberalism. I am not going to comment directly on Rorty's earlier views because they have been superseded. However, my analysis of Fish's account should be understood as contributing to the case that "ethnocentrism" is a misleading label for how Rorty ultimately approaches polit-

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versation"; and "Nation and Universe"; Ehrenreich: The American Health Empire; The Hearts of Men; Remaking Love; Fear of Falling and For Her Own Good; Hampshire: Morality and Conflict and Innocence and Experience; Mouffe: "Rawls: Political Philosophy without Politics," and Hegemony and Socialist Strategy.

[2] Fish: Is There a Text in this Class? and Doing What Comes Naturally.

[3] The most careful of these critics are William Connolly, "The Mirror of America" (in Politics and Ambiguity); Richard Bernstein, "One Step Forward, Two Steps Backward"; Nancy Fraser, "Solidarity or Singularity?"; Milton Fisk, "Intellectuals, Values and Society"; Thomas McCarthy, "Private Irony and Public Decency"; and Cornell West, "The Limits of Neopragmatism." They attack Rorty's ironic stance, his postmodernism, his denial of the notion of facts and his lack of attention to the differences between benign and pernicious senses of ethnocentrism. In another place, I hope to construct a more definitive account of this development. It is my claim that this better account is found in "Thugs and Theorists" and afterwards. Contingency, Irony, and Solidarity (written 1986-89) is a transitional text with hints of the new account (p 5) and reassertion of the simplistic, older account (p 57). The best examples of the new account are the "Introduction" to Objectivity, Relativism, and Truth, "Feminism and Pragmatism," "Intellectuals in Politics," and "Just one more species doing its best."

ical argument.[4]

Walzer's <u>Spheres of Justice</u> illustrates a nonideal reflective equilibrium tilted to emphasize our considered judgments. It includes background theories on the right to democratic self-determination, the autonomy of social goods, and a liberal democratic ideal of persons.[5] It involves a universalistic and "open-ended distributive principle" of sphere separation and three particularistic, distributive principles (free exchange, desert and need).[6] The concept of "our considered judgments" is equivalent to Walzer's basic notion of shared understandings or social meanings of goods.

The priority of shared understandings is found in the declared "radically particularist" nature of his argument. It aims "to interpret to one's fellow citizens the world of meanings that we share."[7] When the social meanings of just distribution in an Indian village conflict with Walzer's own vision of the "appropriate arrangements in our own society," Walzer lets the Indian shared understandings have priority in their own sphere of life in "a decent respect for the opinions of mankind."[8] Walzer's doctrine of philosophical restraint is the primary

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[4] "Ethnocentrism" is Rorty's own label for his approach. See <u>Objectivity, Relativism, and Truth</u>.

[5] <u>Spheres of Justice</u>, pp 312-20, 6-10, and 272-80.

[6] <u>Ibid.</u>, pp 20 and 21-6.

[7] <u>Ibid.</u>, p xiv.

[8] <u>Ibid.</u>, pp 313, 318, and 320.

expression of this priority given to considered judgments.[9]

I shall now discuss sample arguments for ethnocentrism and the connected stance. I construct an argument for Fish because I am not aware of any actual case for or against slavery in his work. On the other hand, I report and interpret the case against slavery made by Walzer.

Fish would likely start with a preamble disqualifying any objectivist type of arguments about slavery being against Reason, or against human nature itself, as extravagant attempts to occupy a neutral ground for preferring freedom to slavery. The justification of slavery, or the rejection of slavery, depends instead

> ...on the degree of homogeneity in the relevant community, the relation of available argumentative resources to skillful advocates, the pressures for generating a conclusion in one direction or another, the routes by which that decision might be reached, and innumerable other contingencies that may or may not meet together in a happy conjunction.[10]

Slavery, then, is one of those views that the Western liberal community agrees is not justified. It is only possible to justify proposed social institutions by comparing them with feasible alternatives against the background of experiences and resources available to people like us. Our ancestors experienced both societies with slavery and societies banning slavery and they ended up committed to anti-slavery.

In the case of the American Civil War, this was a matter of weapons and luck, not because Truth and Reason were on the Union side.

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[9] See "Philosophy and Democracy," pp 396-7 or "The Moral Standing of States," pp 228-9.

[10] "Almost Pragmatism: Richard Posner's Jurisprudence," p 1448.

It is for <u>purely political and historical considerations</u> that we West-
ern liberal intellectuals oppose slavery. It is not something to be
explained in terms of epistemology, metaphysics or transcendental mor-
ality. It is simply an historical contingency that we have been social-
ized to oppose slavery, and nothing more than that.[11] Thus standing
unflinchingly for the conviction that slavery is wrong is a matter of
identifying oneself with the Western liberal community that triumphed
over the Antebellum slave-holding community.

Such arguments anticipate the futility of arguing against an-
other culture's firmly embedded standards permitting slavery. Unironic
ethnocentrism is a matter of redescribing that right not to be enslaved
as nothing <u>natural</u> or more than an accident of our history. The crucial
consequence for social criticism is that Fish's view rules out any
appeal to principles, background theories, considered judgments, or
goals that pretend to be anything more than an appeal to convictions
rooted in our historical experience.

Walzer recognizes that slavery's acceptance is contingent upon
local beliefs. What passes for a justified course of action involves
understanding the concrete alternatives. In war, slavery has been re-
garded as justified relative to a policy of death to captives:

> Not so very long ago, a prisoner was thought to have forfeited
> his life by surrender. And then his slavery was justified as
> the result of an exchange made possible solely by the benevo-
> lence of his captor, an exchange of life for perpetual ser-
> vice.[12]

This is a contextualist defense of slavery and it shows Walzer's recog-

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[11] <u>Contingency, Irony, and Solidarity</u>, p 177.

[12] <u>Obligations</u>, p 148.

nition of the particularistic dimension in criticism.

Walzer's view is in accord with Rawls's own argument that slavery can be understood as justified when it is considered as an advance on an established institution of death to prisoners of war: "There may be transition cases where enslavement is better than current practice."[13] This is in no way an argument that slavery is justified by its benefits to slave-holders, or by putative natural limitations of slaves relative to masters. Rawls's view integrates the idea that slavery could pass for being justified under some conditions with the idea that certain particular (utilitarian or perfectionist) justifications of a practice of slavery should never be allowed. The view that there are particular conditions under which slavery can be justified is not the whole of Walzer's stand, however.

The further aspect of Walzer's position against slavery manifests the universalistic dimension of criticism. It concerns slavery as an institution of actions among human beings at large. It generalizes from known human experience with slavery (from human beings at large) and is not a transcendental argument premised upon human beings as such:

> The whole point of enslavement...is radically to degrade and dishonor the slave, to deny him a social place, a "stage of his own." Slaves, in the eyes of their masters, are base, irresponsible, shameless, infantile. They can be whipped or petted, but they cannot, in the proper sense of the words, be praised or blamed. Their value is the price they command at auction, and they are denied any other value or any recognition of value. But they do not themselves participate in this denial. "There is absolutely no evidence from the long and dismal annals of slavery," writes Patterson, "to suggest that any group of slaves ever internalized the conception of degradation held by

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[13] A Theory of Justice, p 248.

> their masters." Slaves and masters do not inhabit a world of
> shared meaning. The two groups are simply at war, as Hegel
> claimed, and the morality of their encounter is best approached
> through the theory of just and unjust wars, not through the
> theory of distributive justice.[14]

The background for Walzer's comments is the empirical research of Or-
lando Patterson on slavery--not Kant's Categorical Imperative, Chris-
tianity or Marx. The facts of human psychology combine to suggest that
it will always be just for slaves to fight and obtain recognition for
their basic human rights.[15] It will *always* be legitimate for slaves to
resist their masters, and this is a contingent universal arising from
the implications of the practice of slavery for human relationships.[16]

It is worth considering why Walzer's views are not just two
unrelated arguments which I have imagined to be integrated because
Walzer has defended both. Recognition of temporary conditions which
restrain what will or will not work in criticism is only the other side
of recognizing a larger process of social change in which those par-
ticular conditions are overcome. Behind the realistic choice between
slavery or death now, there is the demand for a wider range of pos-
sibilities in which freedom can be chosen over slavery. So the initial
contingency that forces us to accept slavery is integrated with the
realization that those conditions are *not* universal and there is a

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14 Spheres of Justice, p 250, note.

15 See Just and Unjust Wars, pp xv-xvi.

16 This universalistic view is confirmed by Walzer's argument that
slavery is a case in which the rule of nonintervention in the internal
affairs of other states can be disregarded: "...interventions can be
justified whenever a government is engaged in the massacre or enslave-
ment of its own citizens or subjects" ("The Moral Standing of States,"
p 217). See also p 218: "...we can always assume that murder, slavery,
and mass expulsion are condemned, at least by their victims."

possibility of developing other background conditions in the long run.
So the particular justification of slavery can also be reasonably re-
jected from the point of view that alternatives to the forced choice,
in the long term, are possible.

5.2 CLAIMS OF CONNECTED CRITICISM IN GENERAL

In this subsection, I shall develop an overview of the similar-
ities between ethnocentrism and the connected stance and begin to show
their differences. Connected criticism claims that critics belong to
networks of shared experience. In connected criticism, the critic is
characteristically conceived as a member of a social movement, or as
belonging to a particular community, or as participating in a network
of shared experience. Connection in criticism can be understood as
membership in a group or as a matter of sharing meanings. Connection as
membership means that the critic is a collaborator who writes books
with others, or a concerned citizen who represents a group in a social
debate, or a nationalist, or an ethnic representative with obvious
loyalties to particular causes.[17] Ehrenreich and Deirdre English des-
cribe their method of writing as follows: "We debated, we corresponded,
we participated--and what we have written reflects not just our solit-
ary research, but a whole milieu we have been lucky enough to inhab-
it."[18] This connection to a body of personal experience is particular-

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[17] See Rorty, Objectivity, Relativism, and Truth, pp 200-1; Conse-
quences of Pragmatism, p 202; or Ehrenreich, The American Health Em-
pire, p vii.

[18] For Her Own Good, p xiii. See also Re-making Love, pp 201-2.

ly characteristic of feminist criticism.

To be convincing as a critic doesn't only require solidarity and respect, but also being able to make oneself understood. Though it is not difficult to make oneself understood, it is interesting to study the devices by which critics operate because it shows how much of the practice is pre-understood. Ehrenreich's "experience," Walzer's "shared understanding,"[19] Hampshire's notion of a "way of life,"[20] Rorty's "solidarity"[21] and E.D. Hirsch's "cultural literacy" all represent this claim that critics are best conceived as connected to a network of experience.

Second, for connected critics, critical standards are subject to interpretation and can be endlessly contested. Fish asserts:

> ...standards of right and wrong do not exist apart from assumptions but follow from them; they are standards that are decided upon, not standards that decide--notions in dispute rather than notions that settle disputes.[22]

For Fish, there is no transcendental or universal standard of human freedom, but only interpretations of freedom as a "local, particular, and contestable concept."[23]

Walzer argues for pluralism concerning standards as contrasted with a totalizing theory with one set of standards fit for all situa-

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[19] Spheres of Justice, pp xiv, 9, 28-9, 82, 313, and 320.

[20] Morality and Conflict, pp 91-4.

[21] Objectivity, Relativism, and Truth, p 22.

[22] Is There a Text in this Class?, p 296.

[23] Doing What Comes Naturally, p 448.

tions.[24] His pluralism is only a certain kind of respect for certain differences of opinion, not an attitude of indifference to all opinions.[25] Walzer claims that "standards get reiterated too," and so expects a plurality of critical scales for argument.[26]

The third point concerns the motivation which distinguishes these critics from other families. What motive should critics have according to connected criticism? Criticism expresses the political struggles of particular people in order to empower that group or further its goals. Fish thinks that one criticizes in order to mark oneself off from previous critics or to remedy the deficiencies in their criticism.[27] The motives of criticism in "a world of difference" are always "political."[28]

Walzer conceives his proposals for criticism against a background narrative describing "the collapse of Marxist internationalism," suspicion about Enlightenment universalism and the rise of national liberation.[29] Walzer's motive as a theorist is to rehabilitate the notion of a self-identifying critic, or someone with what Rorty calls

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[24] The Company of Critics, p 232.

[25] "Philosophy and Democracy," p 396. See also Spheres of Justice, p 320.

[26] "Nation and Universe," p 532. For Hampshire's views emphasizing endless conflict in moral theory, see Morality and Conflict, pp 117 and 160.

[27] Is There a Text in this Class?, p 350.

[28] "Almost Pragmatism," p 1454.

[29] "Nation and Universe," p 538; see also Interpretation and Social Criticism, pp 56-61.

"contingent spatio-temporal affiliations."[30] Walzer's style as a nar-
rator of democratic struggle is explained in part by his belief that
this style makes criticism more accessible to a broader base of people.

5.3 KEY DIFFERENCES BETWEEN ETHNOCENTRISM
AND THE CONNECTED STANCE

The underlying claim in ethnocentrism's model of justification
is that "there is no way of testing our beliefs against something whose
source is not also a belief."[31] But Fish doesn't provide any useful
guidance concerning testing beliefs against other beliefs. He con-
ceives persuasion as a "contingent rather than a formal matter." He
goes on:

> There exists no certain correlation between the exertions of
> persuasive pressure (of whatever kind) and the certainty or
> even the likelihood of success. One can, of course, set out to
> persuade someone else, but both the career and the success of
> that effort will be unpredictable; you can never be sure what
> will work, or if anything will.[32]

This is a one-sided account of persuasion in that no norms of proper
persuasion enter into the picture and it permits whatever one can get
away with. A more plausible view will involve both effectiveness and
soundness of arguments in a critical strategy.[33]

Fish claims that no argument can properly refer to an indepen-

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[30] Objectivity, Relativism, and Truth, p 208.

[31] Fish, Doing What Comes Naturally, p 322.

[32] Ibid., p 463.

[33] I shall say more on this point in section #9.

dent standard in order to make its case. He contrasts an excessively

rationalistic model of justification and his own model of realistic

persuasion:

> The only thing that drops out in my argument is a standard of
> right that exists independently of community goals and assump-
> tions. Within a community, however, a standard of right (and
> wrong) can always be invoked because it will be invoked against
> the background of a prior argument as to what counts as a fact,
> what is hearable as an argument, what will be recognized as a
> purpose, and so on.[34]

In the assumptions to be debated, Fish includes what is or is not to

count as evidence or "evidentiary procedures."[35]

This account entails that critics have autonomy in deciding

what moral practices are justified for them and there is a prima facie

prohibition on criticizing the decisions they make about the principles

fit for their kind of life. However, even if a conception of humanity

must be banned from the picture, this claim of autonomy can be unpacked

in different accounts concerning how the experiences and judgments of

other particular communities interact with the immediate particular

community or communities.

Ethnocentrism claims that there is nothing more than internal

justification. For instance, Fish regards procedures of justification

as internal to particular disciplines:

> Disciplines should not be thought of as joint partners coopera-
> ting in a single job of work (one world and the ways we des-
> cribe it); they are what make certain jobs (and worlds) pos-
> sible and even conceivable (lawyering, literary criticism,
> economics, etc., are not natural kinds, but the names of his-
> torical practices). And if we want this or that job to keep on

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[34] Is There a Text in this Class?, p 174.

[35] Ibid., p 199.

> being done--if we want to use notions of fairness and justice in order to move things in certain directions-- we must retain disciplinary vocabularies, not despite the fact that they are incapable of independent justification, but <u>because</u> they are incapable of justification, except from the inside.[36]

This view, like William G. Sumner's criterion of self-validation (that the "tradition is its own warrant"), emphasizes the circularity of reasoning in justification.[37]

The key feature of Fish's account is that he understands justification as a matter of internal consistency rather than as a practice structured around articulated appeals to principles, background theories, and considered judgments. Fish ignores the category of background theories and operates with a two-tiered process involving moral principles and our considered judgments. The definition for narrow reflective equilibrium is that it drops any reference to theories and concerns the internal consistency of the particular intuitions and general principles of any particular group. Fish understands criticism as a matter of playing off one part of an ethnos's beliefs against another part without reference to nonethnocentric elements. Fish seems to suggest that there is no role for theory at all in a clearheaded critical practice.

There is a general similarity between ethnocentrism's account and the connected stance's account. For example, justification does not have to do with whether a whole narrative corresponds to what is really out there in an independent world. However, it makes sense to assess

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[36] "Almost Pragmatism," p 1473, see also p 1468. Note that Rorty also makes this claim in <u>Contingency, Irony, and Solidarity</u>, p 57.

[37] <u>Folkways</u>, p 28.

whether an individual claim or sentence fits the best available evi=
dence about the world or whether an alternative sentence is to be pre-
ferred to it. This "correspondence" does not refer to the fit among our
moral judgments and an a priori moral order but rather to the fit among
proposed descriptions and our empirical evidence.

Justification concerns the relationship among actions and moral
judgment. An action can be justified with reference to one set of
principles but not another because the judgment that it is justified
can be derived from the fact that it follows from the accepted set of
principles. If it does not follow from the already accepted prin-
ciples, then it is not justified with reference to those principles.
This is a matter of coherence among actions and sets of principles and
not a matter of correspondence to an independently existing, a priori
moral order. Justification involves only relationships among beliefs,
not a relationship between beliefs and something else that makes be-
liefs true.

Rorty's account of justification differs from Fish on two major
points. First, Rorty accepts that there is a universalistic dimension
in criticism because he promotes a division of labor between "connois-
seurs of diversity and guardians of universality."[38] Rorty recognizes
this dimension as a convention of Western culture and so accepts (for
example) that, to be effective, feminists may have "to speak with the

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[38] Objectivity, Relativism, and Truth, p 206. Reformist liberals
speak in this universalistic (yet not transcultural and ahistorical)
way when they claim: "We are good because, by persuasion rather than
force, we shall eventually convince everybody else that we are" (Ibid.,
p 214).

universalist vulgar."[39]

Second, Rorty aspires to wide rather than merely narrow reflec-
tive equilibrium. Rorty emphasizes the need for a utopian ingredient in
social criticism: "[An ideally liberal polity] would regard the jus-
tification of liberal society simply as a matter of historical com-
parison with other attempts at social organization—those of the past
and those envisaged by utopians."[40] Rorty accepts that there is a role
for political theory in justification: "My attitude is not 'theory is
dead,' but rather 'as things have been going, it looks as if we could
use a bit less theory and a bit more reportage.'"[41] Theory is useful

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[39] "Feminism and Pragmatism," p 237. Rorty recognizes this univer-
salistic aspect of the Western tradition, and claims to be offering an
alternative to it, in "Truth and Freedom," p 637.

[40] Contingency, Irony, and Solidarity, p 53. I interpret this
utopian element as nonethnocentric. Earlier, Rorty thought of it as
another part of our particular ethnos: "The only way we can criticize
current social rules is by reference to utopian notions which proceed
by taking elements in the tradition and showing how unfulfilled they
are" ("From Philosophy to Post-philosophy: An Interview with Richard
Rorty," p 3). There is a difference in kind, not just in degree, be-
tween Rorty's reformist comparisons between our institutions and "the
actually existing competition" (Essays on Heidegger and Others, p 179
and many other places) and Rorty's utopian despair over the gap among
present socioeconomic setups and "theoretically possible worlds" (Con-
tingency, Irony, and Solidarity, p 182). The utopian notion of a world
without systematic violence against women makes no reference to anoth-
er, actually existing, ethnos and so it is not ethnocentric in the
sense of displaying loyalty to the beliefs of a particular, historical
ethnos.

[41] "Truth and Freedom," pp 640-1. Rorty recognizes the strategy of
appealing to "cultural universals," but predicts that it will be fruit-
less (Contingency, Irony, and Solidarity, p 51). In the same place, he
recommends appeals to "different paradigms of humanity" and "the point
of view of an ethics of kindness," and both are patterns that fall into
the category of background theories. The utopian appeal to an imagined
alternative community does not refer to a "deep reality" but to a "pos-
sibly less painful, dimly-seen, future" ("Feminism and Pragmatism," pp
239-40).

"in imagining a liberal utopia" and "in thinking through our utopian visions," but not "in thinking about the present political situation."[42]

However, let us leave these differences between Rorty and Fish aside. My aim is to discuss the contrast between ethnocentrism and the connected stance in general. Hampshire and Walzer present a more straightforward account of justification that attempts to adapt connected criticism to meet any charge of excessive conservatism. Their idea is to divide the sphere of culture into matters that are legitimately determined in an ethnocentric way and other matters that are legitimately determined according to standards that are not merely ethnocentric. These latter standards are based on a notion of collective human experience with different particular institutions.

Past cultures and our own civilization's history provide a data base. Generalizations about people's experience under particular institutions allow us to make reliable predictions about whether we should live by those practices. To borrow a phrase from Thomas McCarthy, these "contingent universals" provide a larger framework for criticism and can be used to support constraints on particularistic

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[42] "Thugs and Theorists," p 569. Rorty's point is that "we already have as much theory as we need," and that certain theories have been "indispensable for moral and political progress" ("Truth and Freedom," p 642). It is clear that Rorty accepts the role of outside influences in spurring conceptual revolutions (Essays on Heidegger and Others, p 15) and the ideal of tolerance for both "a plurality of subcultures" and "willingness to listen to neighboring cultures" (Objectivity, Relativism, and Truth, p 14).

political projects.[43] Rorty would agree that it would be better, as a matter of principle, if all peoples settled their differences by persuasion rather than force, even if it is unrealistic to expect Hitler to be persuaded to abandon his plans.[44]

For Hampshire, particularistic justification involves an "appeal to the agent's sense of his own identity and character as a person" and "the appeal is not to the necessity of having some established convention or rule, no matter what, as with traffic rules; the moral claim rests on attachment to these particular rules with their particular history and associations."[45] The basic idea is that the justification points to a way of life. The agent is already committed to that way of life, and this sort of standing between agent and way of life constitutes a relationship of justification in the sense that, under these circumstances, the agent's commitments constitute sufficient reasons to legitimize the practice.[46] But his view is that "neither side, the universal or the customary, can be known a priori to be always and in all circumstances overriding."[47]

There is a robust policy of nonintervention behind Walzer's

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[43] "Ironist Theory as a Vocation: A Response to Rorty's Reply," p 649. McCarthy notes that this is only a "universalist component" in inquiry, and that this component can be regarded as working in tandem with the more ethnocentric forces of identity-formation, rather than a factor which displaces all particularity. Ibid., note 5.

[44] Objectivity, Relativism, and Truth, p 67, and "Truth and Freedom," pp 636-7.

[45] Morality and Conflict, p 8.

[46] Ibid., p 118, see also pp 136 and 143.

[47] Ibid., p 164, see also pp 161 and 163.

stance rather than an epistemological thesis of strong internalism.[48]
Walzer's earlier views on intervention and nonintervention are con-
tinuous with his later views on detached and connected criticism.
Initially, Walzer's view was that foreigners and members can equally
advance critical arguments. But criticism concerning the legitimacy of
the fit of a government for a community "must be addressed to the peo-
ple who make up a particular community" and "only subjects or citizens
can act on them." By contrast, criticisms concerning the legitimacy of
a regime in international society "are properly addressed to foreign-
ers, for it is foreigners who must decide to intervene or not."[49]

Walzer holds that these two kinds of judgments of legitimacy
must be distinguished. First, judgments (where intervention is not
considered) concerning the fit between an "illiberal or undemocratic"
regime and a people belong to singular (or detached) criticism. This is
because local "opinions are not relevant, for whatever they think, we
can argue that such a government does not and cannot represent the
political community."[50] This is an appeal to a background theory of
democratic community which presupposes a universalistic dimension in
criticism.

Second, judgments where intervention is being considered must

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[48] Internalism is the view that only claims capable of motivating
agents, or claims that cohere with their self-understanding, constitute
legitimate moral reasons. Strong internalism holds that all assessment
and evaluation should be relative to such self-understanding; weaker
forms of internalism specify that only some assessments follow this
practice. See Daniels, "An Argument about the Relativity of Justice,"
p 372.

[49] "The Moral Standing of States," p 214.

[50] Ibid., p 215.

be more "pluralist." The state should be presumed to be "the arena in which self-determination is worked out." The "opinions of the people" that constitute "the form and character of their state" should be respected even if they do not result in our conception of a liberal democratic state.[51]

The second kind is an appeal to their considered judgments in contrast to our own considered judgments. But Walzer constrains his pluralism by stating the conditions for disregarding sovereignty in a way that coheres with the appeal to a background theory of democratic community. Foreign intervention is allowed in struggles for national liberation where there is active revolt, during civil wars when other powers have already intervened, and in cases of government massacre, enslavement or expulsion of large numbers of people.[52]

Walzer argues that "murder, slavery and mass expulsion" can always be condemned and implies that it is not plausible to hold that these practices are fair ways of treating members of your community.[53] This universalistic use of independent standards contrasts with "foreigners" (or detached critics) who deny the fit of a regime with its community via an ethnocentric set of independent standards. This latter detachment does not take into account that community's history and refuses to presume that this might be "a people governed in accordance with its own traditions."[54]

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[51] Ibid., pp 210 and 215-6.

[52] Ibid., pp 216-7.

[53] Ibid., p 218.

[54] Ibid., p 212.

It is thus clear that Walzer's view does not fall into the category of strong internalism. He only rejects a certain kind of use of independent standards. He actually proposes the use of independent standards in determining the framework for legitimate intervention. Walzer concedes that other forms of criticism will have some force against the ethnocentric style. Since "not all arguments are similarly internal," a critic might try a "minimal code" and see if it works when explained to the natives.[55] In this way, Walzer will never claim that all criticisms are ultimately ethnocentric.

I shall now summarize three points of contrast between ethnocentrism and the connected stance that form the framework for my assessment in the next section. 1) Ethnocentrism is a strongly particularistic approach to criticism and it claims that particularity is an inescapable condition of criticism. The only universalistic dimension for criticism that it allows is a particular community's convention that their standard is universal. Ethnocentrism is a form of what Daniels calls "strong internalism." Recall that strong internalism is the view that the only claims that are reasons for moral agents are those which motivate them to do things because they have already been internalized. Ethnocentrism claims that justification must be internalistic.

2) Ethnocentrism is committed to perspectival pluralism. Perspectival pluralism is the view that there is no sense in talking about the straightforward facts of the matter in criticism, because the significance of any facts depends upon the world-view already internalized by the interpreters. Since there are many possible world-views, we

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[55] Interpretation and Social Criticism, pp 44-5.

should expect a plurality of different reactions to the same set of events.

Fish advocates perspectival pluralism through his conception of interpretive communities. He argues against any model of demonstration that would take a text as a "free-standing object," and for a model of persuasion in which "prejudicial or perspectival perception is all there is."[56]

The following claims provide the details of Fish's version of perspectival pluralism: a) the perspectives involved are public and conventional, not those of isolated subjects; b) perspectives are constituted by a community's "assumed purposes and goals," members of one community agree because they share the same set of assumptions; while members of different communities disagree because they do not share the same assumptions; c) perspectives are not chosen once and for all but are "made and remade again whenever the interests and tacitly understood goals of one interpretive community replace or dislodge the interests and goals of another," and these changes are to be understood as acts of political persuasion that cannot be judged according to any "test of disinterested evidence,"; d) perspectives are understood as foundations for interpretation which are "local and temporal phenomena, and are always vulnerable to challenges from other localities and other times,"; and e) "...each of us is a member of not one but innumerable interpretive communities in relation to which different kinds of belief

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[56] Is There a Text in this Class?, p 365. The best site for observing Fish's claims for perspectival pluralism are on pp 14-6.

are operating with different weight and force."[57]

Fish's ethnocentrism permits fanaticism in situations of political interpretation. He repeatedly reminds us that one is not necessarily trapped within an interpretive community.[58] However, one can inhabit a specific community, and defend one's interpretations by maintaining its assumptions in a way that deflects all outside challenges as irrelevant to one's standpoint. Thus he gives permission to fanaticism: "...one believes what one believes, and one does so without reservation."[59] Fish does remind us that "no one can claim privilege for the point of view he holds and therefore everyone is obliged to practice the art of persuasion."[60] But what resources are left to use against those fanatics who refuse to be persuaded? Fish has already levelled off all reasons into equally weighted units of your reasons versus my reasons.

Fish's slogan, that "interpretation is the only game in town," expresses a misleading attitude towards argument.[61] Fish accepts that there are claims that something is a fact, but never any hard data or facts floating outside all discourse:

> I am not claiming that there are no facts; I am merely raising a question as to their status: do they exist outside conventions of discourse (which are then more or less faithful to them) or do they follow from the assumptions embodied in those

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[57] Is There a Text in this Class?, a: p 14; b: p 15; c: p 16; Doing What Comes Naturally, d: p 30; e: p 30.

[58] Is There a Text in this Class?, pp 307, 314-5, or 361.

[59] Ibid., p 361.

[60] Ibid., p 368.

[61] Ibid., p 355.

conventions?[62]

This is a misleading rhetorical question in my view. What is at issue is the role of fact claims in arguments, not some metaphysical thesis about the world itself.

Facts function as constraints on rival interpretations in argument, and they do not exist where there is no language or arguers. To say, with Fish, that facts are nothing more than interpretations under a different name or "an interpretive construction," is a red herring.[63] To make a factual claim is to say something that one can show is true according to a number of recognized ways. A factual claim has a different function in critical discourse in the sense that it is a primary resource for sorting out proposed interpretations. Our practice of stating the facts does not require any out of body experiences but is our normal way of introducing governing claims into our controversies.

The paradigm for critics should be the way evidence is handled in courts. Suppose that a politician makes a speech in which she takes a stand for the public funding of all abortions on demand. Then years later, in order to get elected, the politician claims she has always opposed abortion on demand. But she has entered her earlier beliefs into the public record, and a critic can compare her claims now with her earlier stand.[64] Reasoning with facts and by appeal to facts should not be controversial in itself, and Fish has said nothing to

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[62] Ibid., p 237.

[63] "Almost Pragmatism," p 1464.

[64] See Chomsky and Herman, Manufacturing Consent, pp 73-9, on exposing lies about Guatemala's human rights record.

show that it is.

It is on this point that I find ethnocentrism underestimates

the usefulness of carefully documented reasoning. Simple "persuasion"

is not adequate because it does not address issues of proper and im-

proper strategies of convincing others. Fish fails to consider the

usual norms of fair interpretation:

> It is always a temptation to conceive of persuasion as either
> too regular or too rational. One simply cannot tell in advance
> what will work a change in someone's views; and the range of
> possible change-producing agencies extends far beyond formal
> argumentation to include family crises, altered financial cir-
> cumstances, serious illness, professional disappointment, bore-
> dom, and so on, ad infinitum.[65]

But these are distorting influences that should not be allowed to af-

fect argument, or should be avoided as far as possible. In contrast,

the connected stance considers reasoning not just as another method of

persuasion but as a set of principles of fair persuasion.

3) Ethnocentrism idealizes the boundaries between participants

and non-participants in a particular ethnos, and supposes the opinions

of the participants are all that counts for the purposes of justifica-

tion. It maintains an unnecessarily reduced range of critical strategy

that understates the variety of possibilities in moral persuasion.

In this context, idealization refers to ignorance about or

neglect of causes and factual circumstances. Ethnocentrism overest-

imates the separateness of communities and underplays the causes that

operate globally and beyond reference to individualized nation states.

There is a narcissistic tendency in ethnocentrism to ignore criticism

with an international scope. Fish's focus on particular interpretive

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[65] Doing What Comes Naturally, p 461.

communities leaves no space for discussing issues of global concern like nuclear disarmament and pollution. It is overhasty to throw away such concerns as the futile passions of the Enlightenment.

By contrast, the connected stance holds opposite positions on these three key points. 1) It integrates particularistic and universalistic dimensions in a piecemeal practice of justification. It holds that appealing to particularity is one reasoning strategy among others. For it, there is an interaction among particular perspectives and a wider perspective of shared experience.

In this remark, Rorty emphasizes this wider perspective:

> We did not learn about the importance of [bourgeois liberal] institutions as a counterweight to the romantic imagination by thinking through the nature of Reason or Man or Society; we learned about this the hard way, by watching what happened when those institutions were set aside.[66]

The "hard way" concerns experimenting with different social policies and keeping a record of our experience. Rorty's view is that "There is no method or procedure to be followed except courageous and imaginative experimentation."[67] Acceptable political theorizing can be regarded as shorthand reminders about this experience. If so, the appeal to theory belongs to a larger critical practice which is primarily focused on generating and testing practical scenarios. The results of many experiments are compressed and expressed in a perspicuous way by reference to rival theories. For example, J.S. Mill's appeal to tolerance compresses many years of religious conflict and tyranny into an account in which a liberal theory of government is to be preferred to any illiberal theo-

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[66] Essays on Heidegger and Others, p 190.

[67] "Feminism and Pragmatism," p 242.

ries.

Walzer has become much clearer about his integrated stance recently: "...I want to take my stand among the universalists and suggest that there is another universalism, a nonstandard variety, which encompasses and perhaps even helps to explain the appeal of moral particularism."[68] This integration is explained as a matter of reiteration, which is Walzer's term for distinct groups using general or abstract standards in their own autonomous deliberations:

> Independence, inner direction, individualism, self-determination, self-government, freedom, autonomy: all these can be regarded as universal values, but they all have particularist implications. ... Reiterated acts of self-determination produce a world of difference.[69]

We can advance universal standards like "oppression is always wrong, or that we ought to respond morally and politically to the cry of every oppressed people...or that we should value every liberation."[70] These critical standards are "learned from experience, through a historical engagement with otherness" and "they impose upon us a respect for particularity, for different experiences of bondage and pain, by different people, whose liberation takes different forms."[71] Walzer develops two "rights of reiteration": "the right to act autonomously and the right to form attachments in accordance with a particular understanding of the good life."[72] It is clear that Walzer's criticism integrates the

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[68] "Nation and Universe," p 509.

[69] Ibid., p 518.

[70] Ibid., pp 514-5.

[71] Ibid.

[72] Ibid., p 535.

particular and universal dimensions.

2) The connected stance rejects perspectival pluralism con-
ceived as the total denial of a common factual, historical record of
events. Rorty rejects the label "postmodernist" and the avant-gardism
that avoids recognizing an overlapping consensus on the facts.[73] He
does not generate alternative pictures of South Africa, Paraguay and
Albania or see any need for Foucauldian "unmasking" when "power swag-
gers naked, and nobody is under any illusions."[74] To indicate his sup-
port for more activism, Rorty censures any "cultural politics" that
would distract us from redressing "the balance of power between the
rich and the poor."[75]

Rorty employs a distinction between empirical questions and
philosophical (or theoretical) questions. "Whether Soviet imperialism
is a threat is a paradigm of a non-'ideological', unphilosophical,
straightforwardly empirical question."[76] This distinction allows him to
speak of "the facts" quite apart from any philosophical discussions of

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[73] Essays on Heidegger and Others, p 175; "Thugs and Theorists," p
578, note 23; Objectivity, Relativism, and Truth, p 16; and "Feminism
and Pragmatism," p 253, note 17. Rorty's main complaint is that post-
modernists like Lyotard, de Man or Foucault "have given up on the idea
of democratic politics, of mobilizing moral outrage in defense of the
weak, of drawing upon a moral vocabulary common to the well educated
and the badly educated" ("Intellectuals in Politics," p 489).

[74] Contingency, Irony, and Solidarity, p 63, note 21.

[75] "Intellectuals in Politics," p 489.

[76] "Thugs and Theorists," pp 578-9, note 25 and 579-80, note 29.
Rorty's paradigm for a nonempirical strategy is "campaigning against
the prevalence of 'binary oppositions'" (Ibid., p 570). Rorty does not
develop this distinction systematically or at length.

the fact/value or the empirical/conceptual distinctions.[77] For the

purposes of social criticism, it would be crippling to drop any appeal

to facts of the matter.[78] Rorty reminds us:

> ...you can only describe or propose radical social change if
> you keep a background fixed--if you take some shared descript-
> ions, assumptions, and hopes for granted. Otherwise, as Kant
> pointed out, it won't count as change, but only as sheer, inef-
> fable difference.[79]

Thus it appears that Rorty has retreated from the conceptual revolution

that he earlier seemed to be proposing (in which we were to drop all

talk of facts).

There is still a certain amount of pluralism in Rorty and it is

best seen as connected to his anti-Marxism. Rorty avoids any reliance

on the appearance/ reality distinction that is central to classical

Marxism.[80] Marxism is rejected as a whole vocabulary. For example, it

is described as a nineteenth century political vocabulary that is not

worth reworking today.[81] In particular, Marxism must be rejected be-

cause it posits "deep historical necessity" and stages of dialectical

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[77] Rorty's normal discourse which refers to the facts is not con-
sistent with his earlier abnormal discourse about these distinctions in
Philosophy and the Mirror of Nature, pp 178, 360-65 and 375. This might
be explained by the division of labor entailed by being a "revolution-
ary in philosophy" but a "reformer in politics" (see "Just one more
species doing its best," p 6).

[78] See Contingency, Irony, and Solidarity, pp 5, 84-5, and 188;
Essays on Heidegger and Others, pp 136 and 190; "Thugs and Theorists,"
p 574; "Truth and Freedom," p 642; and "Intellectuals in Politics," p
484, for appeals to the facts or equivalent notions.

[79] "Thugs and Theorists," p 574, note 4.

[80] See, for example, "Thugs and Theorists," p 578, note 21; Essays
on Heidegger and Others, p 25.

[81] "Thugs and Theorists," p 571.

development (from capitalism to socialism to communism).[82] Rejecting

Marxism as what Rorty calls "scientism" means rejecting its claim to be

the essential vocabulary for every critic who wants to expose the real-

ity of oppression. It does not mean rejecting whatever is useful in

Marxist experiments with social institutions.[83]

Rorty would not think that there is "One Right Description" of

the 1990-91 Gulf War. Rather, he would look at it as if he were a group

of competing novelists who don't emphasize "the ability sternly to

reject all descriptions save one, but rather the ability to move back

and forth between [the plurality of descriptions of the same e-

vents]."[84] In short, Rorty regards the overall assessment of the big

historical picture as underdetermined by the facts available to em-

bedded creatures like ourselves at the same time as he regards individ-

ual sentences as subject to verification.[85]

3) The connected stance recognizes cultural boundaries as only

[82] Ibid., p 568.

[83] Essays on Heidegger and Others, pp 24-5.

[84] Ibid., pp 74 and 76.

[85] Contingency, Irony, and Solidarity, p 5. This anti-Marxism and
verificationism have very deep roots in Rorty's world-view. A key, and
hitherto neglected, source for Richard Rorty's politics and views on
social criticism is McCarthy and the Communists by James Rorty and
Moshe Decter. James Rorty, Richard Rorty's father, was a radical social
critic and journalist in early 20th Century America. This book is a
document of early Cold War Liberalism. It is inspired largely by Sidney
Hook (see pp 146-7, where Hook's ten rules for political controversy
are listed) and the desire to clarify the difference between liberals
and communists. It formulates criteria for sincere and effective crit-
icism. It then interprets the factual record as showing that Senator
Joe McCarthy was the paradigm of a bad social critic in his campaign
against Communism in the American government. (For information on James
Rorty, see Alan Wald's The New York Intellectuals, pp 54-5 and 272-74.)

relatively self-enclosed.[86] Explicit connectedness creates expectations
for interaction among those critics who identify themselves with one
cause rather than alternative causes. Rorty rejects the exclusivity
implied in the claim that different cultures are incommensurable, and
argues that people with very different beliefs just require more time
to adjust to each other before engaging in common projects.[87] He is
capable of global worries, but despairs over the lack of "liberal sce-
narios" for systematic social change.[88]

Walzer uses the notion of "family resemblance" to explain in-
terpretations of general requirements of justice that are "always in-
corporated within a particular cultural system and elaborated in highly
specific ways."[89] It is awareness that a process is being reiterated
in the moral deliberations of another group, as it interprets the re-
quirements, that facilitates interaction.[90] This contrasts directly
with the literal sense of ethnocentrism as an inability to exchange
one's own world-view for another.

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[86] Walzer, "The Moral Standing of States," p 227.

[87] Objectivity, Relativism, and Truth, p 218.

[88] Contingency, Irony, and Solidarity, pp 181-2.

[89] "Nation and Universe," p 525.

[90] Ibid., p 527.

#6: Objections to Connected Criticism

6.1 FIRST OBJECTIONS: THE UNFEASIBILITY OF ETHNOCENTRISM

In this subsection, I discuss the six objections to ethnocentrism that make up my case for rejecting it. My argument is that restricting the resources of criticism to ethnocentric claims is both politically undesirable and unnecessary. Since there are alternative practices that do not result in excessive conservatism or pernicious partiality, we should avoid ethnocentrism in justification.

First, ethnocentric criticism is conservative because of its assumption that society already contains the institutions for its own improvement.[1] Ethnocentric criticism appeals to local norms and because it involves associating further claims with those beliefs already held justified, it will not be able to challenge and reconsider those beliefs. My objection is that tensions within the ethnos's fabric are not good enough to provide critical toeholds. Playing off parts of what ordinary persons believe against other parts of what they believe will

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[1] Note that Rorty makes the more specific claim that "contemporary liberal society already contains the institutions for its own improvement" (Contingency, Irony, and Solidarity, p 63). Rorty never defends ethnocentrism in general, but only liberal ethnocentrism or loyalty to the "sociopolitical culture" of the "rich North Atlantic democracies" (Objectivity, Relativism, and Truth, p 15). It is not entirely clear what "loyalty" means, as continuing to "identify" with it, or playing a role within it, do not discriminate between acceptable and unacceptable loyalty. Further, Rorty says very little about the relationship among liberal ethnocentrism and other forms of ethnocentrism (see, for example, Ibid., p 214). Though Rorty never directly underwrites ethnocentrism in general, critics such as William Connolly have perceived Rorty as defending "social foundationalism" (Politics and Ambiguity, p 176). I agree with these critics that Rorty does not carefully distance himself from the larger sense of ethnocentrism.

only replicate the relations that already hold between those sets of beliefs. Locally prevailing beliefs will continue to dominate when unpopular beliefs are set against them because the means of assessment will only be what is already at hand.

Joshua Cohen has argued this point: "If the values of a community are identified through its current distributive practices, then the distributive norms subsequently 'derived' from those values will not serve as criticisms of existing practices."[2] The main implication is that ethnocentric criticism is

> ...either empty or conservative. When social practices support a particular, coherent value interpretation--that is, when we have determinate values--it is conservative. When our practices do not support such an interpretation, it gives conflicting advice and, as a result, no advice at all.[3]

The complaint about conservatism presupposes that one task of critics is to guard against ideological bamboozlement. Critics have not finished their task when they refer to local traditions to settle a dispute over social policy because those traditions might themselves be corrupt. So critics need to be able to protect their analysis from the repetition of already established mistakes.

Ethnocentric criticism is an incomplete proposal because its emphasis on a tradition's ability to alter its direction from the inside underplays the need for a community to alter itself according to the reactions and experience of other communities. The complaint is not

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[2] Review of Spheres of Justice, pp 463-4.

[3] Ibid., p 466. Cohen, like Daniels and Barry, interprets Walzer as an ethnocentric critic by overplaying certain sentences in Spheres of Justice and isolating them from Walzer's concrete criticism. I side with Warnke, Thigpen and Downing, and Galston in my alternative reading of Walzer's criticism.

that any critic must either naively presuppose conventional standards
or subject them to scrutiny by ideology-critique as there are many
possible approaches to criticism rather than merely two. Instead crit-
ics should be cosmopolitan and recognize that a tradition does not
exist in a vacuum but only along with many other actually existing and
possible traditions. Traditions have influence outside their immediate
community and visitors from other places introduce us to new possibil-
ities. Critics should be wider ranging in their critique than merely
playing off one conventional standard against another conventional
standard. Achieving equilibrium among our conventional standards is an
indicator of narrowness and disregard for other possibilities; whereas
achieving equilibrium among our standards and the set of standards
which are unconventional for us indicates a wide open experimentalism.

The second objection concerns the inadequacy of perspectival
pluralism. My position is that political pluralism, or tolerance and
encouragement of alternative visions of the good life that do not harm
others, is healthy and democratic. However, it should not be confused
with perspectival pluralism that has the consequence of fragmenting all
processes of justification. Perspectival pluralism combines the inter-
pretive claim that the meaning of all events is "constructed" from the
perspective of a distinct interpretive community with the justificatory
claim that there are many legitimate interpretive communities available
to us. This adds up to the position that there are many legitimate ways
to understand historical events such as a war, and no overriding per-
spective that gives us one right analysis. However, Fish's perspectival
pluralism does not allow for an adequately robust practice of political

argument because it undermines any agreement on a common factual rec-
ord.

Consider the case that the 1990-91 Persian Gulf War was a just
war. This would make sense to those who believe it is plausible that
Iraq's invasion of Kuwait was a clear-cut case of aggression, and that
the American led coalition was motivated by its commitment to moral
principles and not national or corporate self-interest. Furthermore,
they might hold that the war was fought justly. "Smart" (or laser-
guided) bombs were used to minimize civilian casualties. No damage was
done that was not necessary to minimize coalition casualties and speed
up the victory. The Iraqis' right to life was respected as far as
possible. And the reprisals of the Kuwaiti regime against collabora-
tors in the war were justified. Suppose that those who tended to
settle for this perspective were the American TV watchers.

Now consider the opposite case that it was unjust. The motives
of the American state were not principled, but selfish and part of a
pattern of very selective foreign policy initiatives to maintain the
move to a global capitalist economy. The war was not fought justly,
and the lionizing of the Iraqi forces as the "fifth largest army in the
world" was only a ploy to pre-empt the perception that this was the
disciplinary action of a vastly superior coalition of established im-
perialist powers. More "dumb" bombs than smart bombs were used in the
punishing air war. To minimize the perception of a one-sided slaughter,
Iraqi casualties were buried in mass graves and never counted. The
bloody civil wars that followed the main conflict and the epidemics
show there never was any respect for the Iraqi right to life or liber-

ty.[4] Suppose that those who tended to hold this kind of perspective were readers of the alternative press in America.

Perspectival pluralism involves the claim that, depending on where you stand politically (by hypothesis this would affect your media consumption), you will find the pro-American or anti-American interpretation more attractive and legitimate. This is a confused view for the following four reasons. First, it presupposes that one's selection of the information relevant to one's analysis is legitimately guided only by one's prior commitments. But this is not sufficiently holistic: it does not require that one's account square with the factual record. Such arbitrary selection is not a defensible method of inquiry as it begs the question by rigging the task of gathering data about causes, effects, timing of events, responsibilities, historical background, and consistency among reports.

Second, the current incompleteness of the factual record and the expectation that the internal state planning records will be kept hidden from public scrutiny makes closure irrational at this point. There is not enough solid information to have a sound and carefully considered perspective yet. The judgment that the rival perspectives are equally valid inverts this point. The concept of a perspective is being used to displace and undermine the discipline of argument. While supporting or opposing the Gulf War was something you had to decide about before all the arguments were in, the legitimacy of such positions can only be properly judged much later. Perspectival pluralism

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[4] Chomsky presents this kind of case in "'What We Say Goes': The Middle East in the New World Order."

inclines us toward hasty conclusions about the relative validity of political positions.

Third, perspectival pluralism does not account for the dialectic between the pro and contra views as further information is exposed and connected to the original debate. Gathering true statements about the Gulf War does not imply that there was only one reality happening there and until we discover the total picture, our criticism will be unjustified. There were many events happening at the same time, and the linear separation required to make these stories individually intelligible complicates the task of overall assessment. The set of true statements that critics like Chomsky seek involves comparing the media record (as well as the official state information) to the larger record that emerges as critics perform a proper post mortem on the war. This dialectical process does not involve any controversial metaphysical claims to an absolute truth but only a contrast between what passed for true during wartime and what passes for true when more careful and extensive inquiry is possible.

Fourth, perspectival pluralism does not concern itself with the structure of justificatory practices but focuses primarily on the relationships between fundamental and secondary beliefs which it takes as the crucial variable. Its view is that certain beliefs are ultimate for any perspective, and it is predictable that these beliefs will lead to certain kinds of conclusions. So, for the perspectival pluralist, justification is a matter of assessing the adequacy of the connection between these fundamental beliefs and any further beliefs. However, this is only a kind of narrow reflective equilibrium.

The case against narrow reflective equilibrium applies to ethnocentrism because of its perspectival pluralism. Recall that narrow reflective equilibrium is the kind of practice that involves seeking simple coherence among ethnocentric elements without reference to nonethnocentric elements. By nonethnocentric, I mean beliefs that do not belong to our particular ethnos (but may belong to another existing or past community) and beliefs that belong to an imagined, alternative, utopian community. Narrow reflective equilibrium filters all other elements through the notion of our considered judgments, so the principles involved will only be generalizations of our judgments about particular cases rather than independent constraints on our assessment of particular cases. By definition, wide reflective equilibrium involves seeking a complex coherence among nonethnocentric and ethnocentric elements. It follows that ethnocentric criticism is not compatible with the search for wide reflective equilibrium practiced by Rawls.

Fish claims that the relevant perspective is constituted by a community's assumptions and purposes. This set of beliefs cannot be checked, however, because it is the basis for all judgment within that interpretive community. So justification is understood as a matter of simple coherence between these underlying communal assumptions and whatever principles can be generated from them. Daniels argues rightly that this will not work because it does not guard against bias in the original set of assumptions:

> If we have reason to suspect that the initial judgments are the
> product of bias, historical accident, or ideology, then these
> elementary coherence considerations alone give us little basis
> for comfort, since they provide inadequate pressure to correct

for them.[5]

So the problem with perspectival pluralism, when it is combined with a commitment to strong internalism that excludes what is independent of the immediate perspective, is that it does not contain the means to guard against its own prejudices.

The third objection is that ethnocentric criticism denies the possibility of detachment for critics, but "we have a significant capacity to detach ourselves from some of our social attachments."[6] Note the difference between saying "We are able to detach ourselves from all our particular beliefs at once, and assume an Archimedean point of view" and "We are able to detach ourselves from some of our beliefs some of the time, but not all at once." Recall that the network of background theories in wide reflective equilibrium allowed for a greater detachment because it provided an independent constraint for checking both our principles and considered judgments.

Ethnocentrism is the expression of attachment to our prejudices and the denial of our ability to detach ourselves from them. But this does not fit our actual moral experience. Daniels argues:

> In general, people can and do detach themselves from actual desires, including shared social meanings, when engaging in moral deliberation. If this is true, then strong internalism is an implausible restriction on the process of justification, including the process of justifying principles of justice.[7]

But it is one thing to claim the possibility of detachment, and another to claim its necessity for proper criticism. Daniels makes the latter,

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[5] "Wide Reflective Equilibrium," p 258, note 3.

[6] Daniels, "An Argument about the Relativity of Justice," p 375.

[7] "An Argument about the Relativity of Justice," pp 373-4.

stronger claim. Note the singularity of Daniels's claim: he is talking about the process of justification, not merely a process of justification about which we must remain agnostic because we are not sure that it is itself justified. He is saying: internalism is one form of justification, and externalism another approach, but there is a structure to the theory of justification that allows us to adjudicate between these proposals. But the weaker claim, which I think is correct (detachment is an available reasoning strategy), is all that is needed to counter ethnocentrism.

Strong internalism is a strategy of drawing moral boundaries that separate communities into distinct critical territories and prevent one moral code from being applied where it would intrude upon another code's area of influence. The claim that certain boundaries cannot be legitimately crossed amounts to an evaluative incommensurability among moral systems. Strong internalism is implausible because it blocks criticism concerning uncontroversial human needs at the same time as it blocks objectionable meddling in the internal affairs of another people.

Fish does not argue enough about politics in order to tell us whether he is inclined to stop at interpretive communities' borders as a critic. So there are two possible interpretations here but both are problematic. If Fish isn't committed to strong internalism, then his proposal that critical persuasion is a matter of community homogeneity lacks the conditions to make it workable.[8] If Fish is committed to strong internalism, then his proposed practice is unnecessarily limited

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[8] "Almost Pragmatism," p 1448.

by its idealization of community separation.

Suppose Fish does not consider community borders relevant to criticism. This is plausible because his claim is not that we belong to only one interpretive community. It is rather that we are potentially members of "innumerable interpretive communities."[9] But any critical practice is tied to the assumptions and purposes of a particular interpretive community, even if we can belong to many as persons with multi-dimensional identities. This suggests that there is tension between Fish's assumption that critical success is tied to the homogeneity of interpretive communities and his conception of persons as able to move in and out of these interpretive communities relatively freely.

Why assume that any set of assumptions could form the background for persuasion and conversion if this picture of freewheeling critics is the case? If there is no strong internalism of separate interpretive communities, then the practice of conversion by the weight of local expectations that Fish proposes is unworkable. On this reading, Fish's proposals are self-refuting: if interpreters are fully mobile, then the critic can't rely on any background to sustain the practice of persuasion by appeal to shared assumptions.

Suppose that Fish does think community borders restrict interpretive practices. Then the following objection to strong internalism applies. Onora O'Neill has argued against critics (her examples are Rawls and Walzer) who erect boundaries around single communities and discuss justice as if it stopped at political borders. States are no

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[9] Doing What Comes Naturally, p 30.

longer the only actors in international affairs, as there are also "international agencies, regional associations and above all transnational corporations" that require critical assessment. "A world that is partitioned into discrete and mutually impervious sovereign states is not an abstraction from our world, but an idealized version of it, or perhaps an idealized version of what it once was."[10]

This idealization is inherent in criticism that claims to be relative to self-determining communities. Such criticism imposes unnecessary limitations on analysis and blocks the use of non-idealizing principles of justice that express the needs of large classes of "vulnerable agents" like "poor women in poor economies."[11] The consequence of accepting ethnocentrism is that criticism is cut off from global conceptions of social problems.

Philippa Foot makes a related argument that borders are often best ignored. She thinks that there are certain basic human needs, and if a social arrangement does not satisfy them, then it can be criticized for that reason.

> All need affection, the cooperation of others, a place in a community, and help in trouble. It isn't true to suppose that human beings can flourish without these things--being isolated, despised or embattled, or without courage or hope. ...We do not have to suppose it is just as good to promote pride of place and the desire to get an advantage over other men as it is to have an ideal of affection and respect. These things have different harvests, and unmistakably different connexions with human good.[12]

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[10] "Justice, Gender and International Boundaries," pp 448-9. Walzer and Rawls are discussed on p 445.

[11] Ibid., p 455.

[12] "Moral Relativism," p 164.

The point of these examples is that there can be no boundary that blocks the sort of criticism that concerns whether uncontroversial human needs are being satisfied within a society. Strong internalism attempts to block this kind of "meddling" criticism in all cases.

However, it is one thing to meddle by sending in military forces, and another thing to meddle by speaking out critically. For example, as Raz points out, Western criticism of the Chinese regime for the June 1989 massacre of students in Tiananmen Square, is normal, intelligible and cogent criticism.[13] But this is not to say that it would be equally legitimate to send our troops to Beijing. We should draw a line between persuasion and force, and allow the free exchange of information across political borders in every case where that exchange exposes government or ruling class hypocrisy and oppression. Meddling by military intervention should be reserved for the extreme cases that Walzer has outlined. In short, strong internalism is an inadequate account of the scope of social criticism given our common practice.

Fourth, Fish holds that partiality is inevitable in criticism, and that objectivity is a myth.[14] However, partiality is neither inevitable nor a desirable feature for criticism. Brian Barry makes this objection against Walzer, but I argue that it should be redirected at Fish. Walzer anticipates this objection in his account of appropriate intervention, human rights and just war. Barry objects:

In one sense, identification is a sense of belonging to a

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[13] "Morality as Interpretation," pp 396-7 and 401.

[14] "Almost Pragmatism," p 1459.

> group, caring about what happens to it, and wishing to play a
> part in its collective life. This kind of identification is a
> part of being human. It is hard to conceive of life without
> it, and impossible to imagine that life could be lived well in
> its absence. The other sense of identification is far less
> benign. Identification is here a form of collective selfish-
> ness. It means refusing to judge the interests of one's group
> by the same standards as the interests of others--favoring
> one's own group simply because it is one's own.[15]

The second sense of identification means that the critic is not being

fair but using double standards. Barry argues that even the first

sense of identification is not necessary for good criticism. But, in

Walzer, there is never any legitimate identification among critics and

communities that commit aggression, suppress struggles for secession,

or massacre and enslave their citizens.

Walzer prefers the connected critic because, among other rea-

sons, the audience is more likely to be moved by criticism from someone

who values their form of life.[16] How should we criticize in order to

attain our goals? Rorty asserts that this question "can only be answer-

ed experimentally--by reference to local conditions, the situation in

which alternative tools are proffered."[17] However, Barry cautions that

there should be constraints on this pragmatic criterion: "But efficacy

among the members of the society being criticized is not the only cri-

terion of good criticism."[18] He suggests that independence from the

systematic blindness of their belief system would be the criterion in

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[15] "Social Criticism and Political Philosophy," p 367.

[16] The Company of Critics, pp ix-x.

[17] "Truth and Freedom," p 641.

[18] "Social Criticism and Political Philosophy," p 367.

some cases.[19] Furthermore, criticism can be aimed at obtaining outside
intervention, and conformity to local prejudices only preempts the
international struggle for justice of groups like Amnesty International.[20]

Though I believe that Rorty has recently improved his account
of justification, I think that his partiality for American-style demo-
cracy remains problematic. He argues that solidarity as identification
with "humanity as such" is really impossible and that we must settle
for solidarity with one human group or another. He hopes that partial-
ity to Western liberal culture will result in "self-doubt" and humility
rather than excessive pride and hypocrisy.[21] But his proposal for the
invidious comparison of alternative social systems might just as well
lead to chauvinism about liberal democracies and ignorance about ties
between prosperity in the West and exploitation of Third World nations.
In critics like Connolly, there is self-doubt about liberal democracies
that focuses more on their dark side and an exploitative narrative
about North-South relations.[22] That self-doubt would undermine the
partiality to liberal accomplishments that Rorty recommends in his
"standard, patriotic, upbeat narrative about our society, its history

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[19] Rorty agrees as he views "the 'critique of ideology' as an
occasionally useful tactical weapon in social struggles, but as one
among many others" (Essays on Heidegger and Others, p 135). See also
"Thugs and Theorists," p 577, note 16.

[20] "Social Criticism and Political Philosophy," pp 367-8.

[21] Contingency, Irony, and Solidarity, p 198.

[22] Politics and Ambiguity, p 122. See also F. Cunningham, "Demo-
cracy and Socialism," p 271.

and its values."[23]

We are supposed to believe that partiality in liberal ethnocentrism is not a problem because authentic liberals have a tradition of self-doubt and "curiosity about possible alternatives" that guards against overidentification with existing democracies.[24] Yet Rorty seems willing to let liberalism take care of itself, that is, to assess itself in terms of a mythopoetic self-image[25] rather than in terms of its consequences for the nonliberal hinterland that feeds its economy.

Information about these consequences is not fed back into the American self-image by those who own and control the means of mass interpretation and communication.[26] The result is a covert idealism concerning the relationship among existing liberal democracies and the rest of the world. As Richard Bernstein argues, this tendency "to downplay the significance of imperialistic policies practiced by liberal democracies" plays into the hands of American neoconservatism.[27] We need to distinguish between benign and pernicious forms of partiality by critics in order to avoid such consequences.

The fifth objection is that ethnocentric justification is in-

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[23] "Two Cheers for the Cultural Left," p 230. A more critical view of America can be found in "Intellectuals in Politics" and Objectivity, Relativism, and Truth, p 15, note 29.

[24] Contingency, Irony, and Solidarity, p 198.

[25] See "The Banality of Pragmatism and the Poetry of Justice," pp 1815-17.

[26] See Young, Justice and the Politics of Difference, p 59.

[27] "One Step Forward, Two Steps Backward," p 563, note 27.

adequate because no community consensus is self-validating.[29] Jeremy

Waldron makes the following argument against connected criticism from

the point of view of rationalistic criticism:

> To validate it, one must see whether it measures up to abstract
> principles drawn out of the very idea of individual fulfillment
> and the respect people owe to one another. These principles
> are arrived at and formulated in a way that is supposed to be
> applicable to _any_ society, applicable to the interaction of _any_
> beings like ourselves. If the communal consensus measures up
> to these principles, then it is considered just. But if it
> does not, the liberal test condemns the norms and the community
> that embodies them as oppressive and inhumane.[29]

The claim here is that a purely particularistic justification cannot be

adequate because it does not test the beliefs in the expected way.

Furthermore, the ethnocentric reasoning strategy (comparing the claims

at issue with what the people concerned already think) presupposes that

there is a settled consensus in the community which acts as a test.

This is not an accurate view of justification because moralities are

always in flux and people are not the "unthinking bearers of timeless

convictions."[31] Our paradigmatic practice is to go beyond self-valida-

tion and appeal to independent constraints. Ethnocentrism offers us a

new paradigm, but more of our reasons as social critics cohere with the

normal procedure than its abnormal proposal.

The sixth objection is that ethnocentrism leads to chauvinism,

rather than pluralism, tolerance and peaceful social progress, and so

it is unhelpful for improvement of relations between different peoples.

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[29] Fish makes the claim denied here in _Doing What Comes Naturally_,
pp 159-60.

[29] "Particular Values and Critical Morality," p 562.

[31] _Ibid._, p 586.

For example, the British rule in India led to widespread resentment and

exploitation. We should not be confused about the meaning of ethnocen-

trism. Either a critic is ethnocentric and partial to local standards,

or not. If critics are ethnocentric, then their preference for their

ethnos and any dissenting preferences of those affected (or other ob-

servers) will create controversies that their ethnocentrism has inade-

quate resources to resolve. Waldron argues against any irony in being

ethnocentric:

> In as much as a given set of moral rules constitutes the dis-
> tinctive character of community A, it is presumably part of
> that communal identity to take those rules as seriously as
> possible, and not to entertain them simply as "something we
> happen to do around here."[32]

If ethnocentrism cannot be ironic and still be ethnocentrism, then it

has the peculiar consequence of guaranteeing the one-sidedness of crit-

icism. It deflects criticism of one's preferred standards and framework

so that there can be no process of give and take in international ex-

changes. It makes it harder to compare and assess different claims

rather than facilitating deliberation about the relative attractions of

concrete alternatives.[33]

The commitment to ethnocentrism also does not necessarily pro-

vide a distinct alternative to the universalistic approach. For ex-

ample, universalizing a moral principle can be a particular community's

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[32] Ibid., p 575.

[33] Note that Rorty's claim is that liberal ethnocentrism is dif-
ferent from any other form of ethnocentrism because it holds that there
is no contradiction between being serious and allowing for the contin-
gency of its rules. This suggests that it is misleading to regard loy-
alty to liberal democracies as a form of "ethnocentrism" because it
does not share a definitive feature. This is why I have re-labeled
Rorty's approach and emphasized its differences from Fish.

shared standard, and so commitment to particularized justification is not incompatible with holding a universalistic morality if that is your proper cultural heritage.[34] Comparing and contrasting universalism and ethnocentrism in general is a red herring, and assessments of liberal ethnocentrism versus universalism in general are also misleading. What requires evaluation are substantive forms of ethnocentric and universalistic criticism rather than a substantive ethnocentric approach versus an abstract universalism.

Waldron argues that the ethnocentric approach has a certain location in our tradition (of Western philosophy). A commitment to ethnocentrism means a commitment to one's own traditions as the source for standards for all occasions. A commitment to the Western tradition of assessment, however, leads beyond ethnocentrism because that tradition is objectivist:

> Since our communal heritage is diverse and volatile, since it embodies in itself questioning and controversy, one does not betray community values by taking the practice of critical reflection seriously. Indeed by immersing oneself in that practice a person keeps better faith with our traditions than someone who appeals plaintively and nostalgically to an imagined past of moral unanimity.[35]

However, this tradition of liberal criticism is not on an equal footing with any other critical tradition. The ethnocentric proposal that different approaches to criticism are just different, not better or worse, is problematic. Consider the contrast between a Western ethnocentric, morally outraged assessment of the 1989 riot in Tiananmen Square and

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[34] This is the main claim behind McCarthy's criticisms of Rorty in "Ironist Theory as a Vocation," p 649 and "Private Irony and Public Decency," p 361.

[35] "Particular Values and Critical Morality," p 587.

the official Chinese interpretation that the social order was being threatened. Claiming that they refer to their standards of law and order, while we refer to our standards, provides no basis for interaction and leads to the hasty conclusion that cross-cultural political argument is unsound. Ethnocentrism does not name a coherent strategy, and it contains no rational plan on how best to interact with other traditions.

One could object that strong internalism tends to permit fanaticism concerning one's own community and so would be compatible with the Nazi philosophies of nationalism and racism. The Nazis are a paradigm that any plausible practice of social criticism should reject. Foot claims that "it is clearly an objective moral fact that the Nazi treatment of the Jews was morally indefensible, given the facts and their knowledge of the facts."[36] So the strong internalism of non-ironic ethnocentrism gives permission to obviously repugnant practices, and legitimizes "scoundrels and fanatics" like "Khomeni and Qaddafi and Botha."[37] Since we always require some defence against such evil, and straightforward ethnocentrism deprives us of this resource, it must be rejected.

One explanation for this weakness in ethnocentrism is that it does not allow for our practice of assessing actions apart from any reference to particular agents.[38] The fact that a prejudice is widely

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[36] "Moral Relativism," p 163. The notion of a paradigm is from Dworkin, Law's Empire, p 72.

[37] Stout, Ethics After Babel, p 14.

[38] See Harman, "Moral Relativism Defended," p 21, and The Nature of Morality, p 106, for an account of this practice.

shared does not give it any more legitimacy if it is paradigmatically wrong in the first place. The objection to the Nazis is directed at the very act of genocide, and the reference to a background ideology used by the Nazis to legitimize their practice is irrelevant. Ethnocentrism can be used to shield acts that are regarded as so wrong, according to what has been discovered through human political experience, that they can be criticized whenever they occur.

6.2 THE CONNECTED STANCE SURVIVES FIRST OBJECTIONS

These objections do not equally defeat the connected stance because of substantial differences between it and ethnocentrism. It is plausible to situate Rorty and Walzer together because they echo each other on important points such as "we have to start from where we are" and promote an internal model for criticism.[39] Both recommend that we should choose a democratic politics over philosophy.

There are some differences worth noting. Walzer supports a weaker version of philosophical justification than traditional philosophy as a matter of shaping political inputs. He argues that the supporting considerations within democratic debate should be formally constrained by democratic principles.[40] For example, the question about using a "morally repugnant weapon to end a morally horrific war" is not

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[39] Rorty, Objectivity, Relativism, and Truth, p 29; Walzer, Interpretation and Social Criticism, p 17. Rawls also says this in "Kantian Constructivism in Moral Theory," p 534. For Rorty's agreement with the internal model, see Contingency, Irony, and Solidarity, pp 60 and 63 or "Education and Dogma," p 203.

[40] "Flight from Philosophy," pp 43-4.

determined "in advance by some foundational truth known only to philo-
sophers," but requires a "political judgment." Walzer insists that good
political judgment will rely upon an understanding derived in part from
philosophical arguments because "[p]olitics is sovereign, but it isn't
self-sufficient."[41] By contrast, Rorty claims that liberal democracy
does not need any philosophical justification or back-up.[42]

If Walzer were merely ethnocentric, then he would not also be
committed to the view that a democratic socialist scheme of social
organization is best (for any society). He qualifies this by noting
that not all peoples are ready for it because democratic socialism
requires a tradition of strong participation in political life. This
is not a matter of abstract justice for Walzer, and he pretends to
offer no conclusive justification for his hunch about socialist demo-
cracy. His noninterventionist arguments are supposed to respect the
different schedules involved in the various social struggles. He is
very explicitly committed to avoiding ethnocentrism in his doctrine of
philosophical restraint.[43]

Walzer also allows for exchanges among foreign and domestic
critics. His notorious example of village justice in India is not
meant to show that we cannot offer criticisms of their life.[44] It is

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[41] Ibid., p 43.

[42] Objectivity, Relativism, and Truth, pp 178-9. I agree with
Bernstein that Rorty is being simplistic about justification and that
there is a need for assessing different versions of liberalism and
sorting out government obligations. See "One Step Forward, Two Steps
Backward," pp 546-7 and 551-3.

[43] Spheres of Justice, p 320; "Philosophy and Democracy, pp 396-7.

[44] Spheres of Justice, pp 313-4.

only meant to redirect us away from the ideas that there must be one system of food distribution, that our job as philosophers is to discover the all purpose scheme, and that we then move from community to community with the good news.

Georgia Warnke argues that there are various ways to criticize village justice. First, we could search for resources in their own cultural heritage. Second, we could share our experiences with them so that their self-understanding comes to include a contrast with our practice. Self-understanding is neither one-dimensional nor static. By reminding the villagers of suppressed critical resources, or by participating in a network that integrates a wider experience with their experience, there can be criticism of village justice.[45]

Warnke argues further that Walzer is not an ethnocentric critic because he accepts the alternative of external social criticism and does not intend internal criticism to replace it entirely.[46] On this point, Walzer has been sorely misunderstood by Barry and Daniels.[47] Warnke argues that Walzer "accepts the legitimacy of social criticism that is 'external' to one society because it is immanent to another."[48]

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[45] "Social Interpretation and Political Theory," pp 218-9.

[46] See Interpretation and Social Criticism, p 35: "I do not mean to argue that it is the single possible or correct definition, only that if we imagine the dictionary's usual list, this one should come first."

[47] Barry, "Social Criticism and Political Philosophy," p 368; and Daniels, "An Argument about the Relativity of Justice," p 361.

[48] "Social Interpretation and Political Theory," p 219. The discussion in Interpretation and Social Criticism, pp 44-48, is a clear statement of this stance. He does not aim to replace the conventional view of the detached critic with an unconventional view which will become the new convention. Rather, he wants to provide us with alternatives to the conventions of radical theory that navigate the gap

He is open to any arguments that help build a network of collective
human experience with particular institutions. For example, the ex-
perience of one people with an institution like a secret police or-
ganization is relevant to us. Western criticism of Russian bureaucracy
is relevant to Russians who seek to improve their society.

Furthermore, Walzer argues for generalizations concerning how
certain spheres of justice should be structured: the political sphere
should be democratic; there should always be one citizen/one vote; "the
rights of the poor" should not be violated by taking resources away
from them to give to the rich; and the best scheme of social organiza-
tion is one that supports "the full participation and self-respect of
individuals."[49] Warnke's examples suggest that there is a dimension to
Walzer's account of justice that Daniels has misread by seeing such
points as contradictory rather than complementary to Walzer's explicit
pronouncements.[50] They suggest that the _surface_ account of justice as
relative to social meanings is connected to a _deeper_ account of justice
as the piecemeal evolution of democratic socialist societies.

In view of this evidence, Walzer cannot be said to limit crit-
icism to an internalist, conservative approach. His claims are only
weakly internalistic in the sense that they are related to a background
theory of democratic communities. His view of persuasion is that what-
ever is philosophically sound and works should be used to justify crit-
icism. Though he criticizes detached criticism for its tendency (not

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between expert and mass better.

[49] Warnke, "Social Interpretation and Political Theory," pp 220-4.

[50] "An Argument about the Relativity of Justice," p 366.

necessity) towards elitism, he does not reject it, as an ethnocentric critic would. He thinks that justification is inconclusive, so he must agree that no consensus can be self-validating. The objections to ethnocentrism do not apply to the connected stance because of these many differences.

6.3 SECOND OBJECTIONS: CONSTRAINTS ON THE CONNECTED STANCE

However, a second set of objections do apply to the connected stance. The rationalistic constraint on the connected stance is that a criterion of legitimate and nontrivial connection must be recognized. The idea of connection is too ambiguous to be useful as a feature for discriminating among good and bad kinds of criticism.[51] Barry has argued that the very idea of connection is trite because connection, in Walzer's sense, is a condition that is too easily satisfied.[52] It is not as difficult to make oneself intelligible as Walzer implies in his stereotype of the detached critic. Intelligibility will not do as a criterion to discriminate justified from unjustified criticism.

I am focussing only on the senses of connection that are denied in a detached practice of criticism. For example, this would include loyalty to a particular cause like a political party or social movement, nationalism, partiality towards family and friends, or commitment to a distinctive way of life. Does this denial also extend to the need

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[51] Raz makes an analogous point about the interpretative thesis of Walzer, "Morality as Interpretation," p 401.

[52] "Complaining," p 12.

to operate from a tradition? It is more plausible that detached crit-
icism makes no such denial.

Waldron argues that the typical rationalistic critic is un-
deniably connected to the cultural heritage of the West. It is an
oversimplification to claim that the problem with detached criticism is
a lack of connection to traditions.[53] The solitary, detached philo-
sopher is a "travesty" with no sociological reality.[54] Similarly, the
connected critic is likely also a caricature without discriminating
value for assessing actual critics.

My proposal for a criterion to separate trivial from interest-
ing senses of connection must take into account this false Platonic
dichotomy between critics as cave dwellers and critics as isolated Sun
seekers.[55] The best way to do this is to conceive criticism as a prac-
tice that integrates detachment and connection. The interesting senses
of connection will be those that are compatible with detachment under-
stood as a possibility of practical reasoning. These connections are
appeals to connection which can function as supporting considerations
within a social debate.

For example, this would include a claim to have experienced a
particular form of oppression and thus to be in a position to criticize
it. It would include the claim that to be one of those affected by a
political decision supports the right to speak out on it. The contrast

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[53] "Particular Values and Critical Morality," p 588.

[54] Ibid.

[55] Walzer appeals to this comparison in Spheres of Justice, p xiv
and The Company of Critics, pp ix-x. Barry criticizes this false di-
chotomy in "Social Criticism and Political Philosophy," p 366.

to connection as a recognized reasoning strategy is connection under-
stood in irrational, unconscious, nonintentional or deterministic terms
(connection as an unnegotiable relationship).[56]

Walzer's attempt to rehabilitate Albert Camus after the attacks
of Sartre and de Beauvoir aims to avoid any critical connection involv-
ing a double standard. Walzer wants to neutralize the problems with
ethnocentrism by combining it with a practice of "reiteration": as a
French Algerian, Camus defends the pied noir cause with partiality; but
Camus understands that the commitment of Arabs in Algeria to "their own
self-determination" is "equally legitimate."[57] The connected stance is
not, as Barry argues, a posture of "wishing its good at the expense of
injustice to others."[58]

Instead, struggling for justice as a connected critic is a
matter of negotiation and compromise from a position of primary loyal-
ty. For example, critics engaged in one project of national liberation
should operate with the awareness that their arguments can be reiter-
ated for other causes. Their selfishness should be moderated by the
respect for the rights of others which underlie their own claims that
others respect their common life. Thus Walzer's connection with the
Jewish cause in Israel is moderated by his advocacy of a Palestinian
state on the West Bank.[59]

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[56] On critics negotiating the terms of their attachment, see The
Company of Critics, p 226.

[57] Ibid., p 146.

[58] "Complaining," p 12.

[59] See "Israeli Policy and the West Bank," p 235.

So what is this nonethnocentric sense of partiality? It combines an awareness of one's own particularity as an internal viewpoint with an awareness of others' particularity from an external standpoint. This is an attempt to establish an equilibrium in a back and forth movement among concrete commitments and a theory of pluralistic commitment. It understands partiality not as a failing or a vice but as a common negotiating position in actual debates.

Nonethnocentric partiality is not a total denial of impartiality. Rather it attempts to constrain one's particular loyalties with impartiality and to restrain the universalistic perspective by respect for partiality. It attempts to conceive the practice of criticism within the framework of an ongoing conflict among reasons that pull in impartial directions and reasons that pull in partial directions.

The criterion for distinguishing illegitimate and legitimate relationships of connection must take this integrated notion of partiality into account. The acceptable forms of partiality are compromised forms that interact with competing forms of partiality. Legitimate relationships will be open-ended in the sense that they are not predetermined but always open to further interpretation. The contrasting class here is an illegitimate relationship of connection where critics can only confront each other from within their predetermined commitments, or where connection has become a dogma rather than something subject to further negotiation. Connection is not an all or nothing relationship, but a matter of degrees.

Second, a general presumption for democracy constrains the connected stance as a social condition for free, vigorous inquiry and

respect among rival critics.[60] This presumption helps separate legitim-
ate from illegitimate appeals to connection. Given this background
theory, any critic who is connected to a murderous fascist regime as
its apologist is not a legitimately connected critic. Because we can
sometimes assess a cause from a firm consensus, we can base a judgment
about loyalty to a particular cause on this reflective assessment of
the cause itself. The manner of connection is secondary to the cause
because there is no defensible relationship to an indefensible cause.
If the cause is legitimate, then criticism that serves it effectively
should also be legitimate.

> Barry develops this challenge in the following way:

> If we allow a social critic to say that, although he is not
> offering the most authentic reconstruction of the whole cul-
> tural tradition, he is picking out the bits worth preserving,
> we cannot avoid asking: How does the critic decide which are
> the good bits, and how does he defend his decision to other
> members of his society? To do these things seems to call for
> discursive resources that Walzer has no room for.[61]

This is an argument against the claim that our shared understandings
can serve as criteria, because we need to determine what understanding
we _should_ share concerning the proper objects of our loyalty. The
required criterion must discriminate at the level of supporting con-
siderations for any particular commitments, or involve the interpreta-
tion of the general conditions for acceptable commitment.

An account of _shared_ understandings does not provide the re-
quired discriminations. For one thing, it does not discriminate between
acceptable and unacceptable ways of reaching consensus because it does

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[60] See Cunningham, "Democracy and Socialism," p 278.

[61] "Social Criticism and Political Philosophy," p 369.

not address the "microprocesses that go into the formation and sus-
tenance of beliefs" adequately.[62] Barry argues that what is needed is
a contrast between an ideal, hypothetical procedure of belief formation
and the actual dynamics of belief formation.[63] He implies that Walzer
denies this idealized dimension totally, and that as a result his type
of criticism is doomed to fail.

But there is a universalistic dimension underlying Walzer's
criticism, and he attempts to put a particular type of an ideal account
of human relations into equilibrium with a more descriptive account of
our lives. The criterion for legitimate objects of connection is a
principle of participatory democracy. There is a difference between
beliefs that contingently arise in a process of participating in a
democratic debate and the norms that give a structure to that kind of
debate itself. These formal requirements of participatory democracy
provide the clue for discriminating among objects of connection. Pro-
jects that fit the requirements are legitimate, projects that do not
are illegitimate.

What are these formal requirements of participatory democracy?
William Galston has observed that a "deep antipathy to coercion" is an
underlying impulse in Walzer. The formal requirements are mainly con-
cerned with the open-endedness of democratic debate and they are pat-
terns of justification necessary for sustaining a democratic community.
This open-endedness is supported by the claims that there is "no ra-
tional science of ends" and that "knowledge has no special authority

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[62] Barry, "Intimations of Justice," p 814.

[63] Ibid., pp 814-5.

beyond the assent it can win through the process of democratic discuss-ion."[64] There is a requirement that debate be self-directed and local-ized. The norm that gives structure to the process is a principle of free and equal participation in the creation of a common life.[65]

Galston also mentions certain "enabling conditions" that any community must meet before critics can be legitimately connected to it:

> [Social criticism] requires the ability to speak and be heard, which implies some community commitment to freedom of expres-sion. It rests on the proposition that contradictions between principles and practices are a social (not merely logical) problem, which implies some public commitment to rationality. And if social criticism is to have any effectiveness, it must be addressed to public authorities and dominant groups that are not in the last analysis willing to rule by force alone.[66]

This is a minimal code for participatory democracy. This sense of demo-cracy defines no political system but only a view of people able to talk to one another with mutual respect.[67] The conditions under which participation in political life is encouraged provide a baseline for assessment of the communities or other groups to which critics connect themselves. Certain economic conditions (income levels, adequate lei-sure time) would also have to be met in order to provide for equal opportunity of citizens to participate as well.

Third, another background theory constraint on the connected stance concerns the holistic pattern of justification that appeals to a wider experience than local experience. The pattern in piecemeal jus-

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[64] "Community, Democracy, Philosophy," p 129.

[65] Warnke also notes this criterion, see "Social Interpretation and Political Theory," p 224.

[66] "Community, Democracy, Philosophy," p 124.

[67] See Cunningham, "Democracy and Socialism," pp 280-82.

tification is that one attempts to justify one's reasoning on a case by case basis. This means that, given one audience and its beliefs, sometimes one type of claim is effective, and other times it is not. This localization of justification means that there is no single procedure of justification, but only many scattered and isolated reasoning strategies.

But this is not a plan for justifying by achieving coherence. Instead, it isolates beliefs as much as possible, and passes them off as if justified in front of people prepared to accept those claims. Thus connected criticism does not involve a coherence account of justification.

Certain claims about how contrasting ways of justifying work together in a piecemeal view are questionable. For example, the claim that universalistic and particularistic justification work in tandem is absurd. The idea that sometimes the critic would use a particularistic reasoning strategy and at other times a universalistic strategy does not show them working together at all. Saying that it is the subject matter that determines the application is inadequate. Does one intuitively know that only particularistic justification applies to friendship and family life?[68]

Furthermore, the way they are supposed to work together is suspect because it is circular. The universalistic framework is supposed to set up limits of acceptable particular practices. It underdetermines practices in that sense. However, the substantial inter-

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[68] For a counterargument to Hampshire, see Okin, "Justice and Gender," pp 63-4.

pretation of this universal framework involves consideration of our

particular and collective experience. Therefore particularity under-

lies the interpretation of which universalistic framework is suitable

for us. So what is acceptable in the range of particular practices is

determined by a universalistic framework which is itself constructed

out of our particular, historical experiences.

Warnke confirms this circle: "there appears to be no way out of

interpretation."[69] She recommends that the connected critic try the

following strategy here:

> How well does a specific interpretation cohere with other val-
> ues, norms, and self-interpretations we hold? How well does it
> suit our conception of what we are and would like to be? Cer-
> tainly we can have debates about this, but they might prove
> more fruitful than debates over which interpretation of social
> meaning is "objectively" right.[70]

The desire to escape this hermeneutical circle in justification is bad

faith and wishful thinking. We should expect to argue over political

matters and attempt to improve our lives as much as the expansion and

contraction of agreement and disagreement allows at any time.

The connected stance is an attempt to moderate this conflict

among ways of justifying. It aims to restore the balance between

particular and universal considerations. The fact that tensions remain

does not imply that it is an inadequate strategy. The relevant com-

parison is not with a strategy that resolves all conflict, but only

with other strategies that moderate the remaining conflicts in alterna-

tive ways.

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[69] "Social Interpretation and Political Theory," p 214.

[70] Ibid., p 217.

6.4 CONCLUSION

In Chapters Two through Chapter Four, I have laid out a scheme of three feasible practices of criticism against a background of objections and replies that locate them in relation to three inappropriate styles of criticism. I have shown that the three feasible styles have an ability to interact with each other, unlike the inappropriate types. The latter make claims that exclude or marginalize alternative styles of criticism. I shall consider the feasible styles together as a larger practice of criticism called post-Rawlsian pluralism. In Chapter Five, I shall interpret and justify this larger practice against objections that might be raised against it.

CHAPTER FIVE: PLURALISM IN SOCIAL CRITICISM

INTRODUCTION

Suppose that it is plausible that the three "stances" that I have discussed are the only feasible types of critical justification. Are we forced to choose among the three remaining feasible procedures? The point of this chapter is to show that we are not. Rather, we are forced only to choose among feasible and unfeasible procedures of justification. We are forced to sort out feasible and unfeasible types because we want criticism to be effective and sound. My analysis has explained the differences among unfeasible and feasible types. My working hypothesis has been that this is as far as inquiry needs to go regarding the bases of critical practice.

One might want to go beyond this threesome for the reason that conflicts could arise. More than one right procedure makes it likely that critics will sometimes work at cross-purposes. However, there can be just as much conflict within a type, and so the possibility of conflict would not be eliminated by singling out one approach as most reasonable, all things considered. It is quite likely that, for example, critics in the rationalistic stance will dispute each other's reasons even if they agree that _some_ appeal to principles is required. Even if they start from the same principle, they can end up in rational

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disagreement. So a criterion designating one right procedure would not allow escape from interpretive conflicts.

The search for a criterion expresses a kind of "bad faith" in critical theorists. It is a desire for a sharp dissociation between justification and interpretation which permits those with investments in a method of justification to profit from that capital in the production of further interpretations. There is no need to conquer the problem of justification first in order to set up a tribunal to oversee rival critics. There is a feasible alternative to this general framework in a democratically committed, pragmatic approach.

This kind of pragmatic approach is defined by its focus on a many sided and unpredictable dispute about human needs, and its strategy of balancing effectiveness and soundness in argument. Focusing on needs engages critics with persons who express their own particular interests directly. My proposal is that compromises between these demands should be approached in a democratic and principled manner. Such criticism is a cooperative venture among persons with different social roles and responsibilities.

Section #7 will consider the problem of adjudicating among rival practices of justification. First, I shall situate post-Rawlsian pluralism among rival conceptions of pluralism. Then I shall consider three objections found in the secondary literature and argue that post-Rawlsian pluralism is not defeated by these objections.

In section #8, I shall consider whether the demand for a criterion can and should be satisfied. My strategy will be to show that none of the proposed criteria function adequately. The demand for a

criterion can only be satisfied in ways that manage controversy by stipulating the dominance of soundness considerations over effectiveness considerations. Post-Rawlsian pluralism, with its many constraints and considerations, permits a better balance between effectiveness and soundness. Therefore the demand for a supreme criterion for criticism should not be satisfied because it introduces an unnecessary hierarchy into the relationship between interpretation and justification.

#7: The Adjudication Problem

7.1 POST-RAWLSIAN PLURALISM IS DIFFERENT
FROM OTHER FORMS OF PLURALISM

Post-Rawlsian pluralism involves two main claims: (1) Foundationalistic or noncoherentist justification is an implausible practice in contrast to coherentist procedures; and (2) Justification is an essentially contestable concept but this contestability is limited to those feasible procedures that adapt themselves to criticism from rival styles. The extremes of rationalism, universalism and ethnocentrism do not pass the dialectical test that I have constructed.

We should not assume there is an incommensurability among the three styles of justification. Though the patterns of making one appeal rather than another are distinct enough for my purposes, the difficulty of separating principles from ideals shows that overlapping conceptions underpin Rawls's proposal that we should seek reflective equilibrium. Certain authors exemplify one style better than others. Any coheren-

tist justification will be holistic and thus leave room for appeal to
alternative reasoning as further support. My rationalistic critics
tend to favor the appeal to abstract principles as the clinching factor
in an attempt at justification, but they are also ready to support
their choice of principle with any considered judgments and background
theories that also point to it. When the elements used in justifica-
tion are in conflict, any particular style will appeal to what it be-
lieves to be the key element to break the stalemate.

Nevertheless, I left room in my account for the possibility
that these three styles are incommensurable. Fanatical commitment to
only one practice of justification expresses a kind of incommensur-
ability. I have identified this commitment with my "extremes." I used
arguments drawn from alternative practices to indicate why I think they
are inadequate. In general, it is precisely their inability to take
other practices as possible justifications that makes them defective.
The attempt to monopolize justification by insisting on only one style
only begs the question of the right procedure.

The points of view that take the contestability of justifica-
tion seriously are not isolated from each other. My account separates
the three styles in order to highlight their differences and to better
consider their main claims. In practice, they overlap and critics will
tend to use that mode of justification which they believe to be both
sound and most effective on their target audience.

Are the three feasible styles conceptually compatible? Appeals
to principles, considered judgments and background theories are con-
ceptually compatible in that they are various supporting considerations

that can be used in constructing compound arguments. As three different

conceptions of critical support, there is no need to claim that one

must be the correct way and the other two must be erroneous. If we drop

the idea that there must be truth behind all legitimate justification,

then these strategies are compatible enough. We need to dissociate

truth and justification and to avoid dissociating justification and

interpretation in a way that reduces the contestability of criticism.

However, it does not follow that we should dissociate facts and

justification in the same way. Facts, or true and verifiable statements

about the world, are relevant to social criticism and necessary for

discriminating between good and bad criticism. Philosophical truth was

never the set of all true statements taken as a whole but the claim to

have reached an otherworldly, non-embedded, privileged standpoint such

as the unnamable place beyond "the cave" in Plato's Republic.[1] I agree

with Cunningham that critics should drop this sort of "philosophical

pretense" and pursue argument in a peer-oriented way that leads to "a

gain in political efficacy."[2]

Rawls expands the concept of justification in political theory

in a way that leads to the atrophy of the traditional concept of truth

in political interpretation.[3] This accomplishment gives rise to an

alternative to the classical Marxist practice of social criticism.

Rawls has helped to overthrow the influence of Marx and overly strong

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[1] 514b-519, or pp 168-71.

[2] "Democracy and Socialism," p 284.

[3] See "Justice as Fairness: Political not Metaphysical," pp 224,
note 2 and 230; "Kantian Constructivism in Moral Theory," pp 518-9.

claims of truth in the politics of need interpretation.

The Marxist theory of ideology requires a foundationalist account of truth as an Archimedean point of view for assessing interpretations of events and classifying them as appearances or realities. Any such foundationalist account must rely upon a privileged point of view that is in some way self-evident or not itself in need of justification.[4] This is not to deny Marx's importance as a social theorist and his role in Western intellectual history. I only question the epistemological strategy that he proposes for the proper practice of social criticism.[5]

I am not saying that no particular line of argument should emerge as the best available response or solution to a social problem. The pluralism that I am defending does not undermine the possibility of commitment to a particular solution to improve our lives. We do not have any criteria to help us decide when one general approach will be better than its rivals. The only defensible criteria that we have help us select among particular lines of argument. The criteria do not work at the general level of choosing one method for criticism from among

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[4] See Sartre's appeal to the "point of view from below" in "A Plea for Intellectuals," for example. Iris Young agrees that Marxism underestimates the differences among forms of oppression and instead argues for "democratic cultural pluralism" (Justice and the Politics of Difference, pp 63 and 163).

[5] The alternative model is supported by latter day socialists such as Walzer or Milton Fisk: "The organic intellectual does not impose or impute a conception of the good on or to the group, but by his or her link with the group lives [their evolving] conception and tests out ways of making it more explicit" ("Intellectuals, Values, and Society," p 160). I agree with Cunningham's dissent from the "form" of "official-line Marxist philosophy" in "Democracy and Socialism," p 283. My position is no more anti-Marxist than Cunningham's position in this paper.

the available ways of justifying criticism.

7.2 THREE OBJECTIONS TO POST-RAWLSIAN PLURALISM

There are a number of standard objections to "pluralism" in the secondary literature. Some of these can be used to challenge the specific type of pluralism that I defend. I have separated my post-Rawlsian pluralism from any pluralism that denies basic factual constraints on the plausibility of substantive lines of argument in criticism. Political commitment is not an appropriate substitute for the responsibility to be as well-informed as possible. When the best available knowledge is not good enough to support sound critical analysis, then the temptation to criticize should be avoided. Post-Rawlsian pluralism is not perspectival pluralism or an uncritical relativism. The pluralism that I defend contains arguments against the extreme of cultural relativism in the rejection of ethnocentrism.

Recall that I have distinguished among three main kinds of pluralism. Political pluralism is the liberal position that people have the right to pursue their own conceptions of the good in their own ways, as long as this does not harm others. It represents a formal restraint on philosophical justification of various political and religious commitments. Perspectival pluralism, like what Young calls "interest-group pluralism," incorporates a picture of adversarial interpretive communities.[6] Though it is often regarded as a position which is not attached to any politics, I agree with Young that

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[6] Justice and the Politics of Difference, pp 72-3.

perspectival pluralism functions as a fragmenting influence on democra-
tic criticism.[7] If interpretive communities compete with each other for
market shares of different consumers' world-views (as Fish's picture of
rival professoriates fighting for student loyalties suggests), then
perspectival pluralism is not emancipatory for social groups but a form
of egoism or individualism. Post-Rawlsian pluralism is a position about
justification in political argument and it is intended to function as a
democratic influence on debates among social groups.

The first objection is that post-Rawlsian pluralism may be
thought to be indeterminate in the sense that it recommends, not one,
but three ways of justifying criticism. It offers no way of adjudicat-
ing among these styles of criticism. It advises that we need to look to
the available substantive arguments to adjudicate among lines of crit-
icism. The main proposal is that critics may employ any of three
patterns as long as they attend to the details of substantive argument.
But this is confusing. Can critics follow all three styles at once, or
are they forced to practice one at a time? It does not give us a clear
picture of correct criticism because its emphasis on coherence does not
allow for determinations concerning what it is best for us to do.

This objection holds that if the position is that all three
stances are equally sound, then we have no way of knowing which prac-
tice is to be preferred in our present circumstances. Richard De George
has developed a reply to this claim that a criterion of internal con-
sistency does not allow for selection among views that are equally

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[7] Ibid., pp 20, 55 and 72-3.

coherent with different sets of experiences, intuitions and facts.[8]
He distinguishes between internal and external coherence: internal
coherence concerns the consistency among the various elements and
claims that support any ethical theory; whereas external coherence
concerns the fit of proposed theories with our total moral and general
experience.[9]

The dilemma does not involve deciding between one theory which
coheres with a selection of human experience and another theory which
coheres with a different selection of experience. Wide reflective
equilibrium expresses the requirement that external coherence with all
relevant experience is needed to make a good case. I have described
the ways of justifying as nonideal versions of wide reflective equi-
librium. They combine a criterion of coherence with a criterion that
expresses a preference among the elements used in justification. But
some selection of experience is presupposed in this preference of one
stance over another and this determines what kind of evidence counts
within a particular practice of justification.

My proposal that soundness and effectiveness be balanced is
another way of saying that external coherence and preference of style
should constrain each other. A commitment to all three stances is pref-
erable to a commitment to only one stance because the former promises
to encompass our total experience. But critics should understand their
skills, limitations and available resources in deciding to pursue one
pattern of justification rather than another. All three are reasonable

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[8] "Ethics and Coherence," p 44.

[9] Ibid., pp 39-40.

strategies, but critics should also experiment with them and develop their repertoire of particular arguments in all three fields. Audiences can be very different, and being effective means being able to adapt to your audience. So there is nothing confusing about the indeterminacy of my proposal. It just leaves critics to make their own judgment call after their choices have been framed and clarified.

But perhaps this reply does not quite answer the charge. For while I have indicated how the three patterns of justifying propose to break ties by claiming different bodies of experience are more or less relevant to the case at hand, I have not offered any way of adjudicating among these procedures. The overall position that I advocate is indeterminate even if the three positions offered as options in particular practice are not. So I have evaded the issue by merely abstracting away from it, and the problem is relocated but not resolved.

I do not deny that reasons can be given to prefer one style of justifying over others in particular contexts. Fitting style to context is a trial and error affair. Critics should use their experience in developing a pattern and trying it out on a kind of audience to guide their future strategies. For example, a critic may find herself ill-suited to develop background theories of the person that are convincing to a Christian school club because her education was totally secular. Trial and error should permit critics to take stock of their personal resources and limitations. It should also give them some pre-understanding of how a kind of audience reacts to a particular pattern of justification.

What if a critic finds out that what I call an unsound strat-

egy, such as a dogmatic appeal to the authority of the Bible, is effective for a certain kind of audience? The reason this is unsound is that it is not an appeal to the coherence of one claim with the rest of our beliefs but an appeal to an untested and unverifiable judgment. I distinguish between this opportunism and good criticism as follows. It is not criticism for an arguer to cater exclusively to an audience's prejudices but only rhetorical posturing. For example, it is paradigmatic that presenting a set of political proposals and then allowing only hand-picked members of the audience (usually the party faithful) to question the speaker is a rigged discussion.

This opportunism exploits a situation in which challenging opinions are excluded and sophisticated arguments are not circulated. There is a form of what Margaret Radin calls "bad coherence" in this dependence upon a select group as one's audience.[10] So critics that resort to unsound strategies to win a case only follow their audience and do not improve them. In my example, the assumed hierarchy of believers over unbelievers can be cogently challenged by showing that the dividing line between those groups is neither clear nor morally significant. Good criticism only becomes possible when there is an open rather than rigged exchange of opinions.

This first objection suggested that pluralism was too inclusive to be a useful approach. By contrast, the second objection contends that pluralism tends to be exclusive. Pluralism excludes those who

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[10] "The Pragmatist and the Feminist," p 1709, note 26. Bad coherence "collapses coherence into conventionalism." Rorty, by the way, agrees that critics should avoid bad coherence and cites Radin's argument. See "The Banality of Pragmatism and the Poetry of Justice," p 1818.

would choose a more homogeneous, traditional community. So it is not uncontroversial that everyone would prefer pluralism, as it is a preference that eliminates nonpluralistic lifestyles.[11] This general criticism can be applied to post-Rawlsian pluralism. The idea that there is more than one feasible pattern of justification is not what those who are committed to only one form believe. Their very commitment to the rationalistic stance or the connected stance means that they are not literally pluralistic about the options for criticism. Post-Rawlsian pluralism underestimates the force of this commitment in understanding the practitioners as "open" to the products of other types of justificatory procedures.

This point suggests a further problem for the would be pluralist. Commitment and pluralism appear to be at odds. Commitment to pluralism itself cannot be based on a principle of pluralism, but only on a higher order principle which, for example, justifies liberal neutrality as better than its alternatives. The main thesis of post-Rawlsian pluralism is that, on the practical level, there are at least three feasible ways of justifying criticism if a broad coherence account is accepted on the theoretical level. The three feasible patterns would be sound for any rational audience that is properly open to persuasion in these matters.

This assumption about the openness of people to persuasion is what Ellen Rooney understands as a naive expectation about the possibilities of conversion. It is questionable because the separation of pluralism and commitment into different levels does not recognize that

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[11] Galston, "Pluralism and Social Unity," pp 713-4.

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many people are already fully committed to pursue one kind of good life, but not others. The assumption bypasses certain limits on persuasion and represents a covert idealism concerning justification.[12] The critic does not start with any such malleable audience. The account which depends on a malleable audience excludes justification that operates by appealing directly to various experiences of oppression. Instead it assumes that appeals to rational principle, or background theory, might all work as well as the appeal to personal experience.

Post-Rawlsian pluralism incorporates Marxist criticism in background theory criticism (if it emphasizes theory and the role of the vanguard) and connected criticism (if it emphasizes joining in the ongoing struggles of some oppressed people). But these are only diluted versions of Marxist criticism because they have dropped the strong claim to express the truth of experience for the oppressed. The post-Rawlsian critic treats such truth-claims as too strong in social criticism. But Marxism is a paradigmatic form of social opposition in actual practice. So there must be something wrong with that proposal.

Rooney has located a problematic assumption in the case for my pluralism. I have assumed that people are vulnerable to persuasion regarding conceptions of the good life and the best scheme of social cooperation. Or better, I have assumed that they should be open to controversy in such matters, because otherwise they are mere fanatics who do not understand the contestability of their ultimate beliefs.

My pluralism depends upon some measure of self-doubt about

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[12] Seductive Reasoning, pp 2, 4-5. Rooney's basic thesis is that "historically irreducible interests divide and define reading communities" (p 6).

one's current practice. One is not usually inclined to think that other critics who propose contradictory claims on the basis of different procedures of justification are somehow right in their own way. This would endanger one's own commitments. The picture of the feasible patterns adapting to criticisms by alternative types is overly optimistic about the dialectic among rival critics.

Any advocate of social change must presuppose some degree of openness to persuasion. So it is not a flaw peculiar to the post-Rawlsian pluralist approach. Rooney is relying upon the usual Marxist reminder that material power is always necessary to overthrow material power. Her point is that not only are there limits to any critic's ability to persuade, but also that there are limits to what persuasion itself can achieve in social change.

Critics should not be naive about their ability to persuade others. I have proposed a trial and error test for critics to learn from their experience. One should not naively presuppose that people are waiting to be persuaded to change their views. My proposal concerns what is to be done within a situation in which people might be persuaded. I am developing an understanding of criticism rather than starting a revolution. So this objection is a reminder for my approach, not a criticism that defeats it in principle.

The third objection is based on the suspicion that I have watered down the criterion of soundness in order to make room for efficacy. Joseph Raz is a prime example of a theorist who is inclined to discount efficacy entirely. He argues for a very different understanding of reflective equilibrium as internal (subjective) examination of one

person's moral sense and rejects that doctrine.[13] His aim is to argue that an impartial examination of social institutions or practices on the basis of general moral truths and facts is the one right method for moral inquiry.[14] His main argument is that reflective equilibrium cannot be the method of moral argument because Rawls, and Rawlsians such as Nielsen, are too vague about the process to enable us to discriminate between good and bad moral self-examination.[15]

I agree that it is best not to think of reflective equilibrium as the new method of moral argument; but I disagree with Raz that we need to follow a method in social criticism. The proposal of post-Rawlsian pluralism is that we should be consistent and stick with the pedestrian techniques of critical thinking. Further, critics should be well-informed about the facts and clear about exactly which reasons they propose to support a claim. Finally, I propose that we recognize three main paradigms of justification: justifying a conclusion to a person or social group; justifying a conclusion theoretically or justifying a conclusion by appeal to a principle.

However, Raz dissents from the pluralistic part of my proposal by insisting that there is one right method of justifying a conclusion. In one place, he defines justification as "the explanation of the truth of a value judgment."[16] This is rather vague, and we need to consider another passage to interpret his proposal:

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[13] "The Claims of Reflective Equilibrium," pp 307 and 316.

[14] Ibid., p 325.

[15] Ibid., pp 309 and 314-5.

[16] "Facing Diversity," p 32.

One justifies a conclusion to a person by producing a valid
argument which starts from premises agreed to by that person
(either because he accepts them initially or because he comes
to accept them as a result of contemplating the argument). But
it does not follow that by justifying the conclusion to that
person (who may be oneself) one has provided a justification of
that conclusion. The person may be very gullible and happy to
accept rather silly premises. All that has been established is
that he believes that the conclusion has been justified. It
does not follow that it has been justified.[17]

The implied contrast is between justifying a conclusion to a person and
justifying a conclusion impersonally or impartially. Raz's thesis is:
"Morality provides reasons for certain actions and beliefs which do not
directly and exclusively depend on the fact that we already believe
that there are reasons for such actions and beliefs."[18] Thus Raz ob-
jects to reflective equilibrium, and what I call the connected stance
in particular, as failing to perform the required task.

Raz dissents from Rawls's proposal that the moral consensus of
existing society (in the form of the considered judgments of competent
judges) should be included in the method of moral justification. He
argues that the class of reasons that are advanced to gain a consensus
of opinion are not adequate as justifications because they are not
true, or genuinely philosophical, but merely politically expedient.

His argument against "the sort of politics where the only thing
that counts is success in commanding general agreement" is targeted at
the liberal pluralism of Rawls and Thomas Nagel.[19] His main claim is
that a "consensus at any price" view is a departure from a tradition of

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[17] "The Claims of Reflective Equilibrium," p 312.

[18] Ibid., p 325.

[19] "Facing Diversity," p 11.

philosophical inquiry that should not be abandoned. His strategy is to show that claims concerning an overlapping consensus are claims about what is true for us.

Raz argues that there must be truth claims underlying the claims of justification for an overlapping consensus in the following way:

> To recommend one [theory of justice] as a theory of justice for our societies is to recommend it as a just theory of justice, that is, as a true, or reasonable, or valid theory of justice. If it is argued that what makes it the theory of justice for us is that it is built on an overlapping consensus and therefore secures stability and unity, then consensus-based stability and unity are the values that a theory of justice, for our society, is assumed to depend on. Their achievement--that is, the fact that endorsing the theory leads to their achievement--makes the theory true, sound, valid, and so forth. This at least is what such a theory is committed to. There can be no justice without truth.[20]

Raz does not think that a critic can claim that a theory of justice is justified and abstain from also claiming that the evaluative assumptions which it presupposes are general moral truths. This is a feature of moral theories rather than theories in general. For example:

> [Rawls's theory of justice] recognizes that social unity and stability based on a consensus--that is, achieved without excessive resort to force--are valuable goals of sufficient importance to make them and them alone the foundations of a theory of justice for our societies. Without this assumption it would be unwarranted to regard the theory as a theory of justice, rather than a theory of social stability.[21]

Raz is building a connection between truth and justification: If a theory really is justified, then a critic must believe that it is true and also lay a claim to its truth. According to this account, the ap-

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[20] Ibid., p 15.

[21] Ibid., p 14.

propriate reasons or constraints on justification are themselves gen=
eral moral truths.

But Raz's notion of truth is extremely obscure. It appears that
truths are beliefs that have been adequately verified, such as by look-
ing out the window to check if it is dark outside. But it remains puzz-
ling because Raz does not explain how it comes to be "given" that cer-
tain tests are valid in the first place:

> ...to be personally justified in believing a proposition one
> must accept that one's belief is in principle subject to imper-
> sonal, impartial standards of correctness. Those who comply
> with this condition do subject their beliefs to valid imper-
> sonal tests. It may be that others do not see it that way, and
> deny the validity of those tests. But given that the tests are
> both valid and publicly, objectively, and impartially avail-
> able, it seems impossible that others can reasonably deny the
> validity of those tests, unless they lack information.[22]

Raz has collapsed the distinction between an unconditional, detached

sense of validity (for example, the validity of geometrical proofs or

modus ponens type arguments) and a more conditional sense of "validity"

that depends on having specific experiences, history and understanding.

The problem with his argument is that it relies upon an ambiguity (that

a just theory of justice is a true theory of justice) in the notion of

truth that the distinction between justification and truth is designed

to bring to the surface. To assess this argument, I need to discuss

the supporting arguments for the switch from claims to truth from an

eternal view point to claims to justification from various social

standpoints.

Raz thinks that it is not misleading to describe justification

in social criticism in terms of the traditional philosophical notion of

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[22] Ibid., p 43.

truth. Those who abstain from this say that, because political argu-
ment involves historical and contingent interpretations, it should be
marked off as an area where less certainty is available. It helps to
have some examples of the "truths" Raz thinks that Rawls and Nagel
should not hold back from claiming for themselves. The handiest ex-
ample of a truth for Raz is this remark:

> If p is an acceptable reason for a certain action, or for the
> adoption of a certain principle or the institution of certain
> political arrangements, then while there may be disagreement
> over whether p is the case, whether it is not overridden or
> defeated by other reasons, and so on, it is nevertheless agreed
> that p, if true, is a reason for the claimed conclusion.[23]

Any conclusion that follows from a sound argument deserves to be called
true. The problem with this proposal is that it does not discriminate
between cases of ambiguity and simple cases. There can be two kinds of
problems here: a) when the terms of argument are essentially contes-
table rather than unambiguous or b) when the evidence and factual cir-
cumstances for the claim are susceptible to a range of plausible inter-
pretations. In both cases, justification and interpretation are not
dissociated but in tension calling for reflective judgment.

These factors are separable from the structural validity that
Raz wants to emphasize. A general pattern of reasoning can be valid
but the terms of the reasoning or the evidence in a particular case
could affect our confidence in its coherence in that case. Raz assumes
that good reasoning depends upon eliminating any problematic ambiguity
in the terms and selecting the best available interpretation of evi-
dence. Handling the ambiguity usually requires reaching some agreement

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[23] Ibid., p 39.

on the meanings of terms and the evidence, or consent among reasoners
that is not abstract but factual and detailed. Raz's position is that
we can do without such agreements, and that we can eliminate this poli-
tical element in justification.

But Raz's notion of validity in critical justification is not
the same as my criterion of soundness. At one point, Raz remarks that
people should not merely "realize their own conceptions of the good,"
instead they should realize "the sound conception of the good."[24] For
him, it does not matter what people do or do not find acceptable as
conceptions of the good because his conception of soundness is indepen-
dent of politics. "Sound" means "true," "reasonable," "valid" and "jus-
tified."[25] These notions form a circle in Raz's account and are never
defined in a way that reduces their ambiguity or contestability as
concepts. Ultimately, these terms function as empty rhetoric with a
familiar (because traditional) and comforting ring to it. Yet they also
represent a denial of the political dimension of social criticism.

My conception of soundness is based on justification that does
not deny this political dimension because it is argument addressed to
peers in social situations. Raz's view is that there is no way to in-
tegrate rational justification with appeals to consensus.[26] This is an
unacceptable argument because there is no contradiction in drawing on
considerations that appeal to consensus and considerations that appeal
to principles, and then deciding which kind of reason is better for us.

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[24] Ibid., p 29 and note 58, p 29.

[25] Ibid., p 15 and note 34, p 15.

[26] Ibid., p 46.

Raz's fear is that if we admit any considered judgments as reasons, then our whole system of reasons will be distorted.

My account of the three nonideal versions of reflective equilibrium is designed to banish such fears. Raz appears to regard good reasons as a natural kind, and seeks to exclude certain kinds of considerations from the field by definition. Rather than exclude appeals to consensus, the rationalistic stance includes reasons based on firm considered judgments while giving more relative weight to reasons of principle. This proposal has all the advantages of Raz's approach, and lacks the flaw of disqualifying what many critics would recognize as reasons.

7.3 CONCLUSION

The common complaints directed at forms of pluralism do not defeat the kind of pluralism that I want to defend. My pluralism is not too vague, not exclusionary in an indefensible way, and not incoherent or unsupported. It does, however, allow for division in the opposition to the status quo, and it aims to balance political compromise with philosophical correctness. Post-Rawlsian pluralism is a good option to take because it permits us to shift to a rationalistic stance when we need to emphasize philosophical correctness, or to the connected stance when we represent a group's claim. We can shift away from any blind spot associated with one approach by taking another approach.

#8: Analysis of Some Possible Criteria for Criticism

8.1 INTRODUCTION

This section considers four criteria that have been or might be proposed to adjudicate among rival kinds of criticism: a political criterion; a criterion of subject specificity; a validity criterion; and a truth criterion. I shall give examples of each and explain why they might be taken as resolutions. My argument is that not one of them is sufficient for all critical situations and they raise additional problems which indicate their weakness.

They are the wrong kind of criteria for criticism in the sense that they are designed to function in a way that squeezes out judgment calls by emphasizing only principled judgment. The demand for this rationalistic kind of criterion artificially dissociates justification from interpretation by instituting all purpose guidelines for judgments. They overshoot our need for guidance in criticism by smuggling in what Stout has labelled the "illusions and pretensions of philosophical transcendence."[27]

To argue that no one of these is adequate for criticism is not to argue that there are no constraints on rational argument in criticism. It is rather to note that the role of rational criteria for giving reasons in criticism is ambiguous. If one argues that A is a more rational reason than B, that claim still needs to be explained. The three paradigms of feasible justification are ways of explaining reasons

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[27] *Ethics after Babel*, p 282.

without reference to a common evaluative faculty of reason. They ex-
plain "more reasonable" in terms of particular social practices and
coherence with other claims already accepted as reasonable claims of
competent judges.

The position that any one of these criteria makes up an in-
dependent, impartial test for reasons is not plausible. An independent
test relies upon the fact that all situations are similar enough to
allow one approach to assessment. Yet there is considerable diversity
in critical situations: different audiences, different resources and
skills of critics, different political aims, and different relation-
ships among rival critics. The consequences of using one class of reas-
ons rather than another will vary in these situations, and it is im-
plausible to hold that there is a natural kind of good critical reasons
which can be specified prior to actual critical practice.

It does not follow that there is no such thing as a good reason
in criticism but only that drawing the line between acceptable and
unacceptable critical reasons is better regarded as an experiment. The
class of sound reasons is not identical with the class of effective
reasons; and exploring the overlap of these classes is never a matter
of letting a priori considerations govern our practice.

8.2 FOUR CRITERIA

A political criterion proposes that the criticism that is most
clearly connected to the best political ends will be more justified
than alternative criticisms. Political correctness can serve as a

criterion only where there is agreement on what justice requires. But judgments of political morality are notoriously controversial. The dichotomy of politically correct/incorrect is too simplistic and rigid to capture the dynamics of actual argument and the complex nuances of sophisticated commitment. Politics cannot be the criterion because politics is what is at issue and affirming commitment to a political position as support for a claim only begs the question.

I am attempting to produce the underlying formula or principle of what is most justified in social criticism. However, the criterion that what is politically correct will be most justified is not a criterion at all, but a postponement of the problem. Because it gives one no independent reason or support for saying one criticism is more justified than another, this proposal must be inadequate if it is supposed to provide a rational mechanism for eliminating further disputes in criticism. Accusations of being "politically correct" or "politically incorrect" are attempts to argue by innuendo and intimidation. Much more needs to be said about acceptable and unacceptable political commitment than the reactionary skepticism disguised in these popular buzz words.

I have already distinguished certain political claims that I understand as required by any defensible conception of justice from other political claims. Archimedean points in politics are presuppositions derived from wider historical experience and political struggles. For example, we should aim for political institutions that 1) allow for the development and exercise of one's capacities as well as the expression of one's experience; and 2) encourage participation in "determin-

ing one's action and the conditions of one's action."[28] These "universalist values" are designed to counteract the harm of oppression which involves inhibiting "the ability of individuals to develop and exercise their capacities within the limits of mutual respect and cooperation" and the harm of domination which involves determining the "conditions under which other agents are compelled to act." Young's proposals constitute a further specification of J.S. Mill's prohibition on harms to others.[29]

Of course, it is arguable which institutions and practices have the consequences that meet these goals. But it is clear enough that a society that condones wife-beating (by taking insufficient actions to stop it) is not doing what is required for justice. We should not be confused about whether we want a society with systematic violence against women or not; nor should we be confused about whether or not it is good to reduce existing violence. There are many issues on which philosophical neutrality is cowardly and misguided. The facts of violence against women in our social context and any reasonable principles of social improvement combine to invalidate any perspectival pluralism on this issue.

This does not reduce moral decency to a one-dimensional, dogmatic posture. Rather it situates the neutrality required to consider the different sides of political debates in an open manner within a larger context involving commitment to action once reasonable doubts have been removed. Liberal neutrality should never function as a shield

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[28] Young, Justice and the Politics of Difference, p 37.

[29] Ibid. and pp 250-1.

against removing what is not working in existing liberal democracies. In my view, the attempt to paralyze the commitment to political action by turning back the clock of experience so that we all revert to a state of political innocence is a paradigm of pseudo-rationality.

However, political commitment does not function as the criterion of better reasons in criticism here. It is rather a commitment to act upon our experience and judgment about the reasons that are advanced in political arguments. No single factor or reason makes it better to agree with the women's movement's criticism rather than the neo-conservative backlash against feminist activism. There are many clearly nonpolitical considerations involved in such criticism, such as the facts about violence, and other considerations which any defensible political position should also hold. Therefore the attempt to isolate political considerations as the only reason behind certain criticisms does not cohere with our actual moral practices.

The second proposal is that certain kinds of justification will match up with specific subjects. This type of view can be traced back to Aristotle's claim that one should only seek "that degree of precision in each kind of study which the nature of the subject at hand admits."[30] Justification is determined by our understanding of the subject at issue. There is no procedural consistency as different types of subject will require different types of justification.[31]

But it is doubtful that there is a "nature" to the particular issues debated by social critics that corresponds to what commentators

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[30] Nicomachean Ethics, p 5 or 1094b24.

[31] See Nagel, "Moral Conflict and Political Legitimacy," p 233.

regard as the proper method for scientific inquiry or for ethical in=
quiry. This would assume that an issue has a certain fixed location
within a culture that determines how people approach it. While it is
plausible to think of such locations in terms of contingent and fluc-
tuating prejudices, it is not plausible to think that there is any
permanent requirement to justify an institution by appeal to rational
principle rather than by appeal to our considered judgments.

Playing to audience expectations about a subject has only lim-
ited significance. The difficulties of applying subject-specific
claims without running into a "checkerboard" type situation of incon-
sistent public policies militates against its standing as a criterion
for criticism overall. The problem with a checkerboard strategy, Ronald
Dworkin argues, is that it involves the inconsistent application of
general principles. Some principles are used to justify actions in one
place, while contradictory principles are used on other occasions, and
no attention is paid to formulating "a single coherent scheme of prin-
ciple."[32]

Fish argues for a criterion of subject specificity by tying it
to the relative autonomy of disciplines. He draws a simplistic contrast
between total interdisciplinarity and a division of labor among sover-
eign disciplines. By denying that all disciplines are united around the
basic task of "getting the empirical facts right," Fish supports an
anarchistic picture of each discipline believing in its own interpre-
tive presuppositions without regard for coherence with other inquiry.[33]

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[32] Law's Empire, p 184.

[33] "Almost Pragmatism," p 1473.

Ultimately, Fish's reason is that "difference" is an irreducible "fact of the human condition," and he simply does not believe in the picture of the unsituated self required by the interdisciplinary program of inquiry.[34]

My objection to this claim that total coherence among disciplines is impossible is that we are not required to hold any such unrealistic ideal. It is counterintuitive to think that the information that sociologists gather about existing family violence, or the data that economists gather about employment and production, should never be used by inquirers outside those disciplines. Social critics do not have to become completely unsituated in order to take advantage of this kind of research. Social criticism is perhaps the most interdisciplinary and cooperative discipline going rather than a separate discipline with its own territory, rules and prejudices.

Fish's position does not support the view that each discipline has its own criteria of better or worse reasons with any argument. Rather he simply asserts this belief as a personal conviction. It is not compelling, however, because we are not stuck with a choice between total positivism about the facts and total commitment to interpretation. Fish is arguing for a paradigm shift away from the normal practices of social criticism and the burden is on him to show that subject-specific criteria are better than the alternatives. He has not made this case or adequately clarified why we should rely exclusively on subject-specific reasons by asserting that there are simply no other kinds of reasons.

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[34] Ibid., pp 1474-5.

The third proposal is that any criticism will be more justified than other criticism if its arguments can be assessed as valid and its rivals as invalid. This is a judgment concerning the relative quality of sets of arguments and would involve both formal and informal analysis. A valid form of argument is justified, whereas a known invalid pattern is unjustified. This is known in an objective and indisputable manner. Further, informal analysis would concern which arguments make better use of the relevant evidence, which arguments are better able to answer counter-examples, explain the phenomena, and cohere with our best knowledge.

The problem with this proposal is that it takes part of the story and claims that this is all that being "most justified" means. What more does being justified mean? In describing the informal part of assessing the arguments, I suggest that it is much more than a matter of looking at the relationship between premises and conclusions. There are many judgment calls involved. Some are a matter of discovering accurate information about the world. Others concern interpreting human needs, representing particular needs, and allowing for interaction among experience of states of affairs and arguments about their value.

I have argued against Raz's proposal that we should take validity as our criterion. Recall that my point was that we should not use considerations of validity to exclude other kinds of considerations in assessing the support for social proposals. My position is that the validity of arguments should be included in our account of justification, and that as a strategy of assessment, this is compatible with

other paradigms of sound inquiry. The suggestion that we should focus exclusively on the validity of various critical arguments oversimplifies the tasks that face us in comparing alternative social proposals. For example, sorting out reasons based on an ideal of self-reliant persons from reasons based on ideals of mutual caring and dependence involves participating in democratic processes of self-determination rather than purely logical exercises.

The fourth proposal is that criticism which is closer to the truth than other criticism will be more justified. This is a straightforward, empiricist position and is exemplified by the kind of Marxism that understands criticism as social science that has overcome all ideological influences. The point of this criterion is to contrast well-informed and badly informed accounts. Better criticism uses our best available knowledge and the most plausible hypotheses about how things happen in our social world.[35]

It is not necessary to take this criterion as a matter of unassailable propositions or correspondence to ultimate reality. Being properly informed is a responsibility of critics. Consider the difficulty in getting the factual record of government commitments right. It includes, for example, accessing what was said during an election campaign by officials and comparing it to what they now claim to have promised. Such comparisons are important because the constant rush of information erodes memory of key points by flooding us with particulars. Selective control of what information gets repeated and estab-

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[35] Nielsen, "Searching for an Emancipatory Perspective," p 149, points to this criterion while explaining wide reflective equilibrium.

lished in popular culture allows for reshaping of what passes for the factual record in public discourse.

I do not want to underestimate how far one can go in criticism by fact-checking and contrasting today's official pronouncements with yesterday's records. If there is a lot of clear cut lying going on, this practice should be a high priority for social critics.

But this truth criterion is not fit for adjudicating all conflicting interpretations. In cases where there are agreements on historical events but differences in how best to respond to them based on different conceptions of human needs, the appeal to truth is insufficient. In such cases, Walzer observes that people might well "choose politics over truth."[36] Claims to better or worse self-understanding are in order, and this is no longer a case of accessing information. The ideal of being in full possession of the factual record expresses an ideal starting place, but it is not a feasible measure for justified criticism.

8.3 CONCLUSION

I have shown, then, that there are problems with these criteria. My argument is that each one, taken in isolation, is insufficient for sorting out justified from unjustified criticism. Some way of combining them is required, and my coherence account of justification proposes to combine versions of these criteria which are conceptually compatible into one practice.

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[36] "Philosophy and Democracy," p 395.

Taken in isolation, these proposals for an ultimate criterion are all attempts to provide an overall formula or test for justification in criticism. They are the best candidates for any such test that I can find in the secondary literature. If the leading candidates for a test fail, then this suggests that there is something wrong with the demand for one all purpose test in the first place.

My view is that there is no general test for justification in criticism. The criteria examined above cluster around the notion of a single, consistent procedure of justification which can be applied to all forms of criticism. The problem with the attempt to reduce justification to one procedure is that it oversimplifies and loses sight of what actually passes for justified criticism in our societies. Normative theories about what should be justified apart from actual practice are not helpful unless they can be shown to be capable of effecting social agreement. The priorities of radical social critics should be balanced between developing a defensible scheme of social cooperation and effectively improving the lives of people in determinate, justifiable and substantial ways.[37]

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[37] See Connolly, _Politics and Ambiguity_, pp 47-8.

CHAPTER SIX: CONCLUSION

#9: Effective Criticism and Sound Criticism

Pluralism about justification in social criticism emphasizes
the virtue of adaptability to the particular situations of critical
argument. The key question is whether I have adequately supported the
claim that these different kinds of considerations are conceptually
compatible. I have argued that the demand for a foundationalistic epis-
temology for criticism is not compatible with open and democratic pol-
itical debates. Such debates require transparency, or clarity, con-
cerning how a claim is being justified, and not transcendental guaran-
tees for such claims. This is because defending the reason being pro-
posed in support of a claim tends to make us address the relationships
among reasons rather than assuming a preordained hierarchy.

Asking whether a reason offered in the rationalistic stance is
conceptually compatible with reasons offered in the connected stance is
a question concerning the relationship between these kinds of reasons.
One might argue that reasons based on appeals to impartial principles
would always be incompatible with reasons based on appeals to prin-
ciples derived from attachment to particular social movements. Any
straightforward understanding of these conceptions would argue that
they are opposites, and subject to the law of noncontradiction.

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My reply is that, in the context of considering alternative social proposals, reasons offered as based on impartial principles can point to the same conclusion as reasons offered as fulfilling the purposes of a particular social movement. They provide independent lines of support for the same proposal, and are compatible not as decontextualized kinds of conceptions but in the sense that they fit together as conceptions about what should be done. This compatibility is not merely accidental but rather a product of adherence to a common factual and historical record.

For example, Young argues for the position that various oppressed groups should be allowed to organize themselves, develop their different identities and exclude members of privileged groups from their separate organizations.[1] The case for this position involves two quite distinct lines of argument. On the one hand, there is appeal to a general principle of empowerment: "All persons should have the right and opportunity to participate in the deliberation and decisionmaking of the institutions to which their actions contribute or which directly affect their actions."[2] The support for this principle is that it has the consequence of developing the capacities "for thinking about one's needs in relation to the needs of others, taking an interest in the relation of others to social institutions" and instilling "a sense of active relation to social institutions and processes, a sense that social relations are not natural but subject to invention and change."[3]

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[1] <u>Justice and the Politics of Difference</u>, pp 167-8.

[2] <u>Ibid.</u>, p 91.

[3] <u>Ibid.</u>, p 92.

On the other hand, Young appeals to her experiences in the feminist movement and the value of being a member of this sisterhood. Here, her concern is to avoid any standard that assimilates women's struggles to the ideal of a common humanity and to emphasize the discovery and reinforcement of the "positivity" of women's "specific experience."[4] She argues that "contemporary emancipatory social movements have found group autonomy an important vehicle for empowerment and the development of a group-specific voice and perspective."[5]

I cannot see how any sense of conceptual compatibility beyond this compatibility of mutual support for a course of action is relevant to the case of social criticism. Do ideas have logical properties which forbid such separate use in independent lines of argument? Justifying social criticism is a practical social task and we should avoid this obscurely formulated epistemological problem concerning whether different _conceptions_ of criticism are inconsistent even if different _practices_ are not. I suspect the objection rests upon the idealist tradition of purely conceptual analysis and that social critics are in no way bound to meet objections couched in the idiosyncratic terms of shopworn epistemological mysteries.

My counterargument is that there are many contemporary instances of an alternative practice that breaks out of that tradition. The approach I defend is exemplified in books like William Connolly's _Politics and Ambiguity_, Iris Young's _Justice and the Politics of Difference_, David Braybrooke's _Meeting Needs_, Brian Fay's _Critical Social_

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4 _Ibid._, p 167.

5 _Ibid._, p 168.

Science, Nancy Fraser's <u>Unruly Practices</u>, Milton Fisk's <u>The State and Justice</u> and Susan Moller Okin's <u>Justice, Gender and the Family</u>. These books pay particular attention to conflicts of interests arising from distinct social roles and perspectives. As Marsha Hanen argues, this concern with conflict theory affects the search for coherence dramatically:

> Part of the problem involves an account of theory choice that would allow us to claim that we have a basis for rejecting certain views as incorrect while at the same time recognizing that we may not be able to choose from among the remaining positions, even when these are incompatible with one another. One possibility is that we do not have to choose, for different ones of these positions may be acceptable in different contexts and for different purposes. Acceptance of the need for this kind of theoretical tension may simply be an inevitable consequence of a recognition of pressures on our life and thought that reflect incompatible allegiances, both moral and intellectual. If so, learning to live with the conflicts may at least provide a more accurate (dare I say authentic?) if more complex representation of reality than will our tidier theories.[6]

The possibility that Hanen mentions corresponds to what I have called the pragmatic approach to criticism. Her position is that we should look at this proposal as an experiment that might be more fruitful than the mainstream rationalism of our philosophical tradition.

Young agrees with this experimental stance in political argument.[7] Note that acceptable experimentalism in political theory includes a retrospective understanding of past social experiments. So it is not a fetishization of novelty that is being proposed, but a dialectical process of historical and yet creative social criticism.

This approach fits the situation of contemporary political

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[6] "Justification, Coherence and Feminism," p 50.

[7] <u>Justice and the Politics of Difference</u>, p 190.

debate and struggle better than the alternative, all purpose criterion approaches. More specifically, it avoids commitment to any exclusive method of justifying. It is open-ended and can be used for libertarian, liberal, socialist or conservative purposes. Its guiding idea is that to justify criticism is to connect and interpret the needs of any particular people with their experiences and present realities. It allows for the sharing of human experience across cultural gaps and is not locked into an isolated standpoint. It involves determining what is happening in a community in an accurate and defensible way; understanding the experiences that lead up to that scheme of social cooperation as well as experiences with any alternatives; and interpreting the needs that they understand themselves to have (given their reality, their history and their hopes).

There are four main features of this effective and sound practice of critical justification. 1) It requires a coherence-type epistemology, but allows for varying emphases within the basic structure of reflective equilibrium. 2) It focuses on expressions of human needs, experiences and realities and the task of coping with conflicts arising for particular audiences from these phenomena. 3) It is a pluralistic dialectical practice because of its view of justifiability. Claims are treated as rebuttable presumptions, and always put to the test of the discipline of argument. "Objectivity" in criticism is only a consequence of judgments regarding which arguments are decisive among the available arguments. 4) The recognition of the contestability of critical standards is not carried over into an acceptance of freewheeling interpretation of factually determinate events.

Why not drop the issue of philosophical correctness entirely and assert that effectiveness is the only mark of good criticism? The reason is that a defensible approach is not amorphous, but instead involves the rejection of certain alternative approaches such as foundationalism and other extremes. The best critics seek to avoid conceiving the justification of criticism as an epistemological problem that can be treated in complete abstraction from any particular group. What distinguishes the effective and sound approach from other philosophical traditions is the political commitment to treat justifying as the task of interpreting claims and schemes of social organization as a member of a particular, self-determining, historical community.

Consider the question whether critics should use "noble lies" in justifying their claims. A noble lie involves telling others something that you know to be factually incorrect because getting them to believe that claim is effective in making them act in a way that is good for the community. This represents an approach in which effectiveness is emphasized at the expense of soundness.

Suppose that some critics support a policy of universal free medical care with the noble lie that there is a terrible new class of diseases infecting the world population. Their case is that our citizens will seek early treatment only if free care is available, that we need to improve present methods of care by aggressive research and experimentation, and that the only way to prevent an epidemic is to provide medical care to all who need it in the hope of finding a cure. Suppose that there is no such new class of diseases, and that these critics make up this narrative because they know that their community

can be scared into providing free care in this way.

One could regard these tactics as a kind of shortcut. It is better, according to a principle of fair equality of opportunity, that medical care be distributed to those who need it rather than to those who can afford to pay for it.[8] However, suppose that this kind of appeal to principle does not wash in this community because there is a lot of selfishness and alienation among the economic classes. To be effective in reforming the national health system, critics must take the selfishness of their audience into account and use it for their higher purposes. If it is really the consequences of actions that count, all things considered, then the means of lying here is excusable.

This is a tempting picture, but I want to back away from it. There are two main weaknesses in this strategy. First, it presumably relies upon certain falsehoods about these new diseases, and it must also block inquiries about them in order to remain effective. It holds fast to a manipulative system of information circulation as opposed to a wide open system. This is ultimately counterproductive, for we need a better form of media and access to the best available knowledge in order to govern ourselves in an excellent way. In particular, we need media in which answers to particular factual inquiries are provided free, opportunities are available to share the latest research, and penalties against polluting this public resource are uncompromising.

In this example, the noble critics are making a case against rivals. Suppose that the rivals are able to show that there is no such

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[8] See Daniels, Just Health Care, pp 33-4.

new epidemic as a matter of fact, and demonstrate that the noble crit-
ics were manipulating the public for their own good. The second weak-
ness is that excessive emphasis on effectiveness leads the critics into
a paternalistic relationship with their audience. In this situation,
paternalism is hypocritical because they pretend to offer a sound argu-
ment in support of a change in policy while suppressing certain prem-
ises that show their position is not sound.

Both weaknesses add up to a lack of trust in the relationship
among advocates of social change and people subject to such changes.
This is an anti-democratic strategy because it replaces the requirement
of cogency in argument with an opportunism by critics who take advan-
tage of their audience's ignorance or lack of opportunity to know bet-
ter. Yet critics are supposed to be our guardians against corrupt poli-
ticians and any other opportunists who abuse social power. If integrity
in argument is not a moral requirement for all social critics, then the
process of peaceful political reform of existing institutions is with-
out reasonable constraints.

Finally, this emphasis on effectiveness presumes that social
good can be known in abstraction from the citizens engaged in projects
of self-determination. Such ideological arrogance can only have the
effect of devaluing the existing political processes within that com-
munity. Walzer is correct to emphasize the need to exercise philosophi-
cal restraint in democratic political struggle. This restraint is best
understood in the following minimalist way. It is a matter of commit-
ment to listening to all sides and arguing through all the objections

and replies the parties can muster.[9] In the final section, I shall
argue for this approach by emphasizing the need for an inclusive pro-
cess of social policy debate.

#10: An Argument against the Supercritic

I shall conclude by summarizing my main proposal in an argument
contrasting two aspects of Rawls's own practice. This involves a con-
ception of critical practice defined by what I call the Supercritic and
an opposite conception defined by a self-identifying, particularistic
critic. Rawls mixes these kinds of practice together and the result is
an unstable conception as well as inadequate guidance for substantive
action in social criticism. I shall define these conceptions, indicate
how Rawls is entangled in them, and show what is wrong with this
stance. My purpose is to summarize the background for constructing an
alternative, post-Rawlsian conception of critical practice.

Supercriticism involves a strategy of systematic selflessness
and detachment by the critic. As a practice, it requires human critics
to conceal their true identities or treat them as irrelevant. The Su-
percritic has no gender, no class, no race and no natural limitations.
It attempts to assume a universalistic posture from which any
complaints about the basic structure of society can arise. Though
individual, it aims to be our collective conscience. As a godlike voice
of dissent, it is supposed to assimilate whole groups of persons and
represent their common complaints about their current scheme of social

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[9] See Hampshire, Innocence and Experience, pp 72-8.

organization.

The contrasting conception involves self-identifying, particularistic critics. They are never anonymous, but rather identify themselves as members of some oppressed group or as representatives of a dissatisfied group. They are motivated by personal experience of oppression and injustice, and appeal to that experience in order to establish their authority to speak out against a problem. They identify themselves through their gender, their class, their race, their sexual preference, and their natural limitations (and sometimes more than one of these at a time). This is not an individualized conception of critical practice. Instead critics are a company or family of complainers rather than an inward-looking conscience. These critics really represent their particular groups in the sense that they speak out as members of those groups directly.

This particularistic practice may seem to suggest that you must be a woman to be a legitimate critic on women's issues, or black to be a legitimate representative of black persons' problems, or an unskilled or unemployed worker to understand what is really wrong with capitalism. But particularism does not have these implications. Once the experiences of any such group are gathered together and properly articulated, a critic with a different identity can borrow or repeat their arguments on their behalf. If their arguments are really valid, then it does not matter who argues their case as long as their experience is adequately expressed. There is more solidarity among critics of existing society than this conception allows.[10]

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[10] See Young, Justice and the Politics of Difference, p 14.

It is easy to make too much of this self-identification, but the main point behind the self-identifying approach remains important. Without some basis in personal experience of injustice, either direct or indirect, a primary motive for criticism is lacking. Furthermore, the idea of participatory democracy suggests that self-identification is better than Supercriticism as a way of getting many different people involved in social struggles.

Rawls's Supercritic is the figure who has evolved out of the original position, the constitutional session, the legislative session and the judicial session or the critic who has transferred the ideal standards to everyday life situations.[11] Anonymity, in the form of the "veil of ignorance," is the key feature of the original position.[12] Rawls justifies this anonymity by regarding it as necessary to "nullify the effects of specific contingencies which put men at odds and tempt them to exploit social and natural circumstances to their own advantage."[13] Self-interest is an irrepressible fact of human psychology for Rawls: "...persons with different interests are likely to stress the criteria which advance their ends."[14]

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[11] Though the ideal standards are constructed in the original position, several intermediate stages are needed to explain how these standards will be modified and applied to everyday life. See A Theory of Justice, pp 195-201. I understand Ronald Dworkin's "Hercules" as another expression of this Supercritic (though "he" is male, see Law's Empire, p 396). See Taking Rights Seriously, pp 105-130. Walzer also notes that "Marx has been read as if he were a universal social critic, a Hercules among critics" (The Company of Critics, p 18, see also p 17).

[12] A Theory of Justice, p 137.

[13] Ibid., p 136.

[14] Ibid., p 35.

His solution is to structure detachment right into the situa=
tion of deliberation:

> For example, if a man knew that he was wealthy, he might find
> it rational to advance the principle that various taxes for
> welfare measures be counted unjust; if he knew that he was
> poor, he would most likely propose the contrary principle. To
> represent the desired restrictions one imagines a situation in
> which everyone is deprived of this sort of information. [15]

This example is interesting for my purposes because it illustrates the

asymmetry between ideal theory and social criticism. Neither point of

view, most advantaged or least advantaged, is adequate by itself for

deliberations concerning first principles of justice. But the situa-

tion is quite different for critical practice, because the perspective

of the least advantaged is a legitimate position for assessing existing

society (as Rawls himself argues when applying his Difference Prin-

ciple). [16] This suggests that the critique of self-interest cannot be

extended to the practice of criticism because it is legitimate for

those with personal experience of injustice to demand social improve-

ments.

Other well-known features of Rawls's arguments fit the Super-

critic profile. "The original position is so characterized that un-

animity is possible; the deliberations of any one person are typical of

all." [17] The idea of sessions of experts at each stage determining

social policy is indicative of a non-participatory view. The restric-

tion of his theory to assessment of the basic structure of a modern

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[15] Ibid., pp 18-9.

[16] Ibid., p 98.

[17] Ibid., p 263.

constitutional democracy shows his deep detachment well.[18] This restriction leaves aside as secondary any criticism of the military, the police, civil service, schools, prisons, hospitals, racist institutions or associations and the family. Furthermore, it stops short of criticism for nonconstitutional and nondemocratic regimes. The result is an artificial scope for the sake of manageability of the theory, and an evasiveness that makes the wideness of Rawls's wide reflective equilibrium suspect.[19] Part of the conception of the Supercritic is a foundationalistic concern: the Supercritic works out the fundamental problems, and leaves the clean up operations to others.

There are aspects of both the Supercritic and the self-identifying critic in Rawls, but the conception of the Supercritic is dominant. The Supercritic is visible in this description of goals: "...to guide change towards a fair basic structure...[to] specify the requisite structural principles and point to the overall direction of political action."[20] It is expressed in this warning: "The way in which we think about fairness in everyday life ill prepares us for the great shift in perspective required for considering the justice of the basic structure itself."[21] The foundationalistic ambition is asserted here: "...the choice of the first principles of a conception of justice is to

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[18] "Justice as Fairness: Political not Metaphysical," pp 224-5; "The Basic Liberties and Their Priority," p 15.

[19] See "The Basic Liberties and Their Priority," p 42, for example.

[20] "The Basic Structure as Subject," p 66.

[21] "Kantian Constructivism in Moral Theory," p 551.

regulate all subsequent criticism and reform of institutions."[22] Further: "...the two principles of justice provide an Archimedean point for appraising existing institutions....These criteria provide an independent standard for guiding the course of social change...."[23]

A more particularistic version of critical practice can be found elsewhere. The concept of separate stages and gradually modified principles suggests he does not support an all purpose critic: "There is no attempt to formulate first principles that apply equally to all subjects. Rather, on this view, a theory must develop principles for the relevant subjects step by step in some appropriate sequence."[24] The dropping of the "perspective of eternity"[25] in favor of a conception of justice designed for liberal democracies under modern conditions indicates a scaling down of critical ambition in the later Rawls.[26] He recognizes that fully justifying any conception of justice requires "connecting the moral doctrine's model-conceptions with the society's particular conception of the person and of social cooperation."[27] The detailing of background conditions facing contemporary political theorists indicates his recognition that criticism largely involves react-

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[22] A Theory of Justice, p 13.

[23] Ibid., p 520.

[24] "The Basic Structure as Subject," p 47.

[25] A Theory of Justice, p 587.

[26] See "Kantian Constructivism in Moral Theory," p 518.

[27] Ibid., pp 537-8.

ing to contingent and particular circumstances.[28]

On an optimistic reading, the trajectory of Rawls is away from the Supercritic conception. First, Rawls distinguishes his view from the "ideal observer" or "impartial spectator" found in classical utilitarianism. The ideal observer view is the most extreme version of the Supercritic, and Rawls's argument against the ideal observer suggests a corollary. He argues that the starting point of an ideal observer does not adequately guide deliberations because it does not assume enough to derive substantive principles of right and justice.[29]

The corollary, applying this point to the case of criticism, is that impartiality is an inadequate basis for substantive criticism because it is an empty posture rather than a starting place for legitimate opposition to the status quo. The original position is not strictly empty, but includes much general information. However, Okin has argued that we should drop its anonymity and discuss justice from various distinct standpoints, and that Rawls's program of criticism bypasses this need to dwell on our particularities.[30] The anonymity of the Supercritic is a handicap insofar as it suggests an innocence, or what Okin labels "false gender neutrality," and lack of attention to existing and past oppression.[31] The requirement of direct or indirect experience militates against any claims of innocence by critics.

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[28] See "The Idea of an Overlapping Consensus," pp 4-5, note 7 and 22. I list these on page 33, note 66, above.

[29] A Theory of Justice, p 185.

[30] Justice, Gender and the Family, pp 106-7.

[31] Ibid., pp 10-3.

Second, the claim that parties in the original position are
"representatives" of the other citizens is purely metaphorical.   Rawls
says:

> For example, the parties are symmetrically situated with re-
> spect to one another and they are in that sense equal; and what
> I have called "the veil of ignorance" means that the parties do
> not know the social position, or the conception of the good
> (its particular aims and attachments), or the realized abilit-
> ies and psychological propensities, and much else, of the per-
> sons they represent.[32]

How do they properly <u>represent</u> various classes of interests then?   The
idea is that a kind of indirect representation takes place because the
parties know what it would be like to be in specific social positions,
and the arguments that could hypothetically be made from those starting
places.

This is inadequate for the following reasons.   Rawls ignores
the difference between an all purpose representative and a full-time
particular representative.   The all purpose representative has an over-
view but not a comprehensive view of everyone's needs and lacks direct
understanding. Though one can borrow arguments based on the experience
of others, it is also desirable that all kinds of people actually par-
ticipate directly in social policy arguments. As democrats, we want our
political processes to be inclusive, and the history of exclusion of
women and others demands special sacrifices to affirm the plurality and
openness of our institutions. The special representative is superior as
a direct repudiation of that historical record of oppression.[33]

One can't "represent" the rest of humanity from an individual

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[32] "The Basic Liberties and Their Priority," p 19.

[33] See Young, <u>Justice and the Politics of Difference</u>, p 105.

position because there is simply too much divergence among lives. All purpose representation does not represent irreducible particularities but only an overlapping center of interests that belong to all while being less than a full story of any one person's real interests. The problem is not with representation in criticism, but with the substitute for representation in democratic debate that Rawls inserts into his ideal. It falsifies the dynamics of debates among committed persons.

Third, Rawls moves too hastily from the idea that selflessness is a requirement of good theory construction to the idea that selflessness is a requirement for critical practice. He assumes that a key considered conviction is that "the fact that we occupy a particular social position is not a good reason for us to accept, or to expect others to accept, a conception of justice that favors those in this position."[34] This implies that a strategy of selflessness is essential to legitimizing criticism. Unless the standards presupposed by critics have support independent of their self-interest, there is no connection to principles that apply equally to all.

Personal experience is a key ground for complaint. Criticism that asks for some improvement for those suffering a particular injustice is not invalidated just because it is articulated by one of the victims. The procedure of using one's particular social position as a point of departure for critical practice shows that an abstract conception of justice is not the only resource for critics.

Is it a good thing that the universalistic Supercritic wither

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[34] "Justice as Fairness: Political not Metaphysical," p 237.

away and be replaced by a particularistic company of critics? I am

inclined to think of both types of critics as our cultural heritage,

rather than of the Supercritic as a relic of the Enlightenment and the

company of critics as the next stage of cultural enlightenment. The

point is that one should not pretend to be both at once. I am sus-

picious of the continuing usefulness of the Supercritic but enthusias-

tically support a particularistic company of critics.

The experience of oppression is a key condition for authority

and authenticity in particularistic criticism. But there are problems

of space and time, limits on public attention and media resources, that

suggest that the more critics we have does not mean the better off we

will be. But, even as a shortcut, the Supercritic is a dehumanized

creature that expresses a kind of denial of the history of exclusion

and elitism in Western criticism. Checking that distance and denying

innocence should allow for a more self-empowering style of coping with

problems of race, gender and class. My proposal is that we regard the

cooperative activity of many particular critics as social criticism

enough for our democracies, and give up the idea of the Supercritic as

someone beyond all of us.

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