

# Reason and Sentiment: Skeptical Remarks About Reason and the.... 'Foundations of Morality'

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## I

I am interested in the power of reason and its scope. Our moral sentiments are, of course, key elements in our lives and I do not wish for a moment to deny or obscure the fact of their power or their importance or to suggest that in any general way they are set in opposition to reason. But I am interested in ascertaining the authority of reason *vis-à-vis* them. Common moral sentiments are social bonds, but not infrequently diverse moral sentiments divide us and set us in conflict and, again not infrequently, one and the same person is tormented by the clash of conflicting deeply embedded moral sentiments. What is the role of reason in such situations? How definitive can it be in resolutions of such conflicts?

Rawls and Richards make distinguished attempts to establish that there is a cluster or set of uniquely rational moral principles which are to govern our lives.<sup>1</sup> They have in mind principles which any rational agent, no matter what her or his sentiments or pro and con attitudes, situated in any society — even in any non-desert islandish conceivable society — would adopt as principles which are to govern the design of a well-ordered society, if she or he were properly informed, would carefully reflect and would take to heart that reflection. Yet is it not the case that different individuals in different societies with far from identical conceptions of community, with diverse attitudes and differing moral commitments and considered convictions, could agree on common principles of rationality and still find, upon probing, that reason will not unequivocally determine even in reasonably general terms what morally speaking, and everything considered, is the thing to do? That is to say, is it not the case that such people could very well agree on common principles of rationality and still disagree in certain very fundamental respects about how they ought to live and about what a good life and a good society would be like?

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<sup>1</sup> John RAWLS, *A Theory of Justice* (Cambridge, Massachusetts: Harvard University Press, 1971), and David A.J. RICHARDS, *A Theory of Reasons for Action* (Oxford, England: Clarendon Press, 1971).

An examination of cases of fundamental moral disagreement where conflicting moral sentiments come into play is crucial in trying to assess the force of reason in such contexts. (I deliberately choose the vague word 'force'.) My strategy shall be a) to say something about what we are talking about in speaking of rationality and reason and b) to state and examine some putative cases where reason appears at least not to be sufficient to carry the day. What I shall try to show is that reason — the intelligent and informed use of principles of rationality — is less decisive than such neo-rationalistic moral philosophers as Rawls, Richards, Gert and Bond give us to understand.<sup>2</sup>

## II

A rational person will have rational beliefs and will, though perhaps neither she nor we can formulate them, have rational principles of action in accordance with which she will guide her life. I shall first try to say something tolerably non-controversial about rational beliefs and then about rational principles of action.

Rational beliefs are typically in a certain attenuated way critical beliefs. That is to say they are beliefs which are *ceteris paribus* held open to refutation or modification by experience and they are beliefs which will, *ceteris paribus*, not block or resist reflective inspection, namely attempts to consider their assumptions, implications and relations to other beliefs. Rational beliefs are also sometimes beliefs for which there is good evidence or good reasons, and more typically they are beliefs for which such evidence or reasons will be conscientiously sought, when they are seriously questioned, and evidence or reasons (when available and utilizable) will not be ignored in such situations by people who hold such beliefs. Finally, rational beliefs are beliefs which are thought not to involve inconsistencies, contradictions or incoherencies by the persons whose beliefs they are.<sup>3</sup>

Rational persons will also have rational principles of action and it will be irrational of them not to act in accordance with these principles. They are the following:

1. The most efficient and effective means are to be taken, *ceteris paribus*, to achieve one's ends.
2. If one has several compatible ends, one, *ceteris paribus*, should take the means which will, as far as one can ascertain, most likely enable one to realize the greatest number of one's ends.

<sup>2</sup> For Rawls and Richards see the references in the previous footnote. Bernard GERT, *The Moral Rules* (New York: Harper and Row, 1966); E.J. BOND, "Reasons, Wants and Values", *Canadian Journal of Philosophy*, Vol. 3, No. 3 (March 1974); "Ethical Relativism", *The Humanities Association Review*, Vol. 25, No. 4 (Fall 1974); "Critical Notice of *The Moral Rules*", *Dialogue*, Vol. XII, No. 3 (1973), and "Critical Notice of *A Theory of Reasons for Action*", *Canadian Journal of Philosophy*, Vol. VI, No. 3 (September, 1976). The extensive differences between Gert and Bond, on the one hand, and Rawls and Richards on the other, show how very fundamental the differences between even these neo-rationalists can be.

<sup>3</sup> This rather standard conception is attacked interestingly by Norman MALCOLM in his "The Groundlessness of Belief", in Stuart BROWN, ed. *Reason and Religion* (London, England: Macmillan, 1977). But see the response by Colin LYAS, "The Groundlessness of Religious Belief", in the same volume.

3. Of two ends, equally desired and equal in all other relevant respects, one is, *ceteris paribus*, to choose the end with the higher probability of being achievable.
4. If there are the same probabilities in two plans of action, which secure entirely different ends, that plan of action is, *ceteris paribus*, to be chosen which secures ends at least one of which is preferred to one of those secured by the other plan.
5. If one is unclear about what one's ends are or what they involve or how they are to be achieved, then it is usually wise to postpone making a choice among plans of action to secure those ends.
6. Those ends, which, from a dispassionate and informed point of view, one values absolutely higher than one's other ends, are the ends which, *ceteris paribus*, are to be achieved. A rational agent will, *ceteris paribus*, seek plans of action which will satisfy those ends; and plans to satisfy his other ends will be adopted only insofar as they are compatible with the satisfaction of those ends he or she values most highly.
7. *Ceteris paribus*, an agent should prudently maximize, i.e. an agent is to maximize the satisfaction of his or her interests.<sup>4</sup>

Philosophers influenced by Habermas and the Frankfurt School will believe that there is something more to human rationality than what I have summarized above.<sup>5</sup> The above are indeed genuine elements in rationality but such a conceptualization does not encapsulate the entirety of what we are talking about in speaking of human rationality. A rational person will have an enlightened consciousness and while that involves the having of the general principles of rational belief I have described above and involves as well consistently and knowingly acting upon the norms of rational action I have just characterized, it involves something else as well. Fully rational human beings will be emancipated people whose enlightened consciousness will be such that they will either control their own lives, the design of their social existence, with will and self-consciousness (a consciousness involving a historical consciousness as Goldmann uses that conception) or, where their historical situation is such that they cannot so control their destinies, they will acknowledge as a fundamental human *desideratum* the struggle to attain this control.<sup>6</sup> They will also be people who will not be afflicted with false consciousness: that is to say, they will be able to extricate themselves from the distorting effects of their own historically and culturally given conceptions and ideologies and they will reflectively create new and more adequate conceptions. In this way human rationality is very closely tied to the making of history and the achievement of enlightenment and is plainly a thoroughly normative notion.

Rationality involves as well the attaining of adult autonomy. People who have attained such an autonomy will have become reflective about their ends.

<sup>4</sup> I have elucidated and examined these principles in my "Principles of Rationality", *Philosophical Papers*, Vol. III, No. 2 (October 1974).

<sup>5</sup> Max HORKHEIMER, *Eclipse of Reason* (New York: Oxford University Press, 1947); Jürgen HABERMAS, *Toward a Rational Society* (Boston: Beacon Press, 1970), Chapter 6, translated by J.J. SHAPIRO; *Theory and Practice*, (London: Heinemann Ltd., 1974), Chapter 7, translated by John VIERTTEL; Kai NIELSEN, "Can There Be an Emancipatory Rationality?", *Critica*, Vol. VIII, No. 24 (December, 1976), pp. 70-102.

<sup>6</sup> Kai NIELSEN, "Rationality, Needs and Politics: Remarks on Rationality as Emancipation and Enlightenment", *Cultural Hermeneutics*, Vol. 4 (1977), pp. 281-308, and "Distrusting Reason", *Ethics*, Vol. 87, No. 1 (October 1976), pp. 49-60.

They will choose self-consciously and after a cogent examination of the alternatives open to them and with an understanding of their preferences and needs. This most certainly involves reasoning in accordance with the principles of rational action listed above, but it involves something else as well, namely self-reflection and becoming reflective about ends. Rationality consists not only in taking the most efficient and generally effective means to achieve one's ends, but it also consists — and essentially — in controlled and dialectically ramified reflection on the ends of life. An interest in reason, Habermas argues, is an interest in human emancipation, liberation, adult autonomy and enlightenment. A thoroughly rational person will have, what Habermas calls, a coherent total consciousness.

Habermas' rather typical Frankfurt School conception of rationality is obviously a richer conception of rationality than the one I utilized above in articulating what I call the principles of rationality: the principles of rational belief and the principles of rational action. The Habermasian conception plainly indissolubly links rationality with some conceptions of what it is to have a good life, to live in a good society and with the acceptance of certain substantive claims about the ends of life and human emancipation. It is understandable that philosophers will be wary of this richer conception for fear that it involves conceptions which are far too problematic or essentially contested to be theoretically fruitful. The other side of the coin is the worry that the more circumscribed conceptions of rationality, conceptions utilized by Rawls, Richards, Brandt and Gauthier, are so antiseptic that they will not enable us, if we stick with them, to capture perspicuously the ways in which moral norms can be rational and societies, with their embedded *Weltanschauungen*, can be either rational or irrational.<sup>7</sup> Where the *Weltanschauungen* in question are not encumbered by some fairly evident incoherent conceptions, e.g. God or the end of history, assessments and comparative judgments about *Weltanschauungen* would seem at least to be very problematical. (That some reflective and informed people will balk at my examples reflects the tendentiousness of talk of 'evident incoherent conceptions'.<sup>8</sup> By contrast, preferences on the more antiseptic conception of rationality are simply to be taken as givens and as things which cannot in and of themselves be assessed reflectively for their rationality or irrationality, but are rather themselves ultimately determinative of what it is rational to do or avoid. Here we have a modern replay of Hume. Yet pre-analytically, such wholistic assessments seem sometimes to be quite possible, yet, on this neo-Humean account of rationality, they seem at least to be impossible and this should be sufficient to make us wary of that account.<sup>9</sup>

However, for this worry there is a parallel worry about the Habermasian

<sup>7</sup> Mary GIBSON, "Rationality", *Philosophy and Public Affairs*, Vol. 6, No. 3 (Spring 1977), pp. 193-225.

<sup>8</sup> I have tried to bring this out in my critical notice of Antony FLEW'S *The Presumption of Atheism*, *Religious Studies Review*, Vol. 3, No. 3 (July 1977), pp. 144-150, and in my "Reductionism and Religious Truth Claims", *Dialogos*, Vol. X, No. 27 (November 1974), pp. 25-37.

<sup>9</sup> This very understandable scepticism comes out fully in E.J. BOND'S critical notice of *A Theory of Reasons for Action*, *Canadian Journal of Philosophy*, Vol. VI, No. 3 (September 1976).

account. What is it to become reflective about our ends or to choose reflectively if it is not just to choose in accordance with the principles of rational action I have listed? What more is involved in being reflective about the *ends of life*? One wants, it will be replied, not only to choose dispassionately and informedly from among one's various ends and projects those one values the most highly, one wants as well to be able reflectively to ascertain which ends one should value most highly because they are the ends *which in reality are the most valuable*.

There will, of course, be skepticism about whether anything like that is even a coherent possibility, but while that skepticism should be taken with the utmost seriousness, we should also take with a similar seriousness Habermas' claim that to rule out such reflective knowledge *a priori* may be little more than the unthinking utilization of a persuasive definition of 'knowledge' in which knowledge is identified with empirical knowledge. Such knowledge is essentially knowledge of the instrumental control of nature. Where knowledge is identified with this perfectly legitimate species of knowledge, reflective knowledge is simply suppressed by conceptual fiat.

Scientific knowledge is principally determined, Habermas argues, by an interest in the control of nature. It emerges from and finds its most fundamental rationale in our technical interests. Such an interest in controlling nature is, of course, perfectly legitimate, but it is not the only legitimate human interest. We also have self-reflective knowledge, a type of knowledge which emerges out of another distinctive interest, namely our emancipatory interests or what Habermas sometimes also calls an interest in reason. He takes this to be an interest in self-knowledge, finding its rationale in an interest in escaping those powers both institutional and libidinal which hedge us in and cause suffering and deprivation. Both our technical interests and our emancipatory interests with their respective and irreducible forms of knowledge are essential for human life and for the attainment of the full range of human understanding. There are moreover, no adequate grounds for claiming one is more fundamental than the other; they are just different and fundamentally incommensurable.<sup>10</sup>

Suspicious will naturally run high about this partial cashing in of rationality in terms of enlightenment and emancipation. It will be felt that we are taking something which is already problematical and then foolishly attempting to elucidate it in terms of something which is still more problematical. Consider, on such a model, the ideal type: a fully rational person. Such a person will have attained emancipation and enlightenment, will have a firm sense of self-identity, have attained moral autonomy, an understanding of genuine human needs, a liberation from the various illusions and dogmatisms that fetter humankind and

<sup>10</sup> Sara Ruddick brings out this side of Habermas' work in a way that makes it more available for philosophers in the analytic tradition in her perceptive critical notice of HABERMAS' *Knowledge and Human Interests*, *Canadian Journal of Philosophy*, Vol. II, No. 4 (June 1974). See as well Albrecht WELLMER, "Communication and Emancipation: Reflections on the 'linguistic turn' in Critical Theory", *Stony Brook Studies in Philosophy*, Vol. I (1974).

an acute understanding of the evils of the world. Here morality is plainly not being reduced to a problem of rational choice, for the very understanding of rationality on such a model presupposes a rather profound understanding of morality.<sup>11</sup>

However, it surely will be felt by many that such a conception of a fully rational person is larger than life. We have a very unsure grasp of what moral autonomy is, what genuine human needs are, what self-identity is, what the illusions and dogmatisms that fetter humankind are and what, in any systematic way, the evils of the world are. We do of course understand something of what evil is for we know that the torture of innocent children is vile, that failing to keep one's word is wrong, that betraying another is wrong, that inflicting or permitting (where we can help it) unnecessary suffering is evil and the like. That is plain enough, but, as it stands, rather unhelpful, for we do not have a consensus about 'unnecessary' in 'unnecessary suffering' and, while to have an understanding of morality at all involves understanding that it is wrong to torture innocent children, betray another, fail to keep one's word and the like, there is no general agreement about when, if ever, we can do any of these things to avoid what appear at least to be still greater evils. (That such issues are the stuff of moral life is captured unforgettably by Sartre in *Le Diable et le Bon Dieu*.)

We seem to be at least without any agreed on *systematic* knowledge of the evils of the world and we are, even more evidently, without such knowledge of good or the human goods. Even if we accept, as cross-culturally well founded, Rawls' conception of the primary social goods, there is little agreement about the weighting of these various goods or the setting of them together into a coherent conception of good that would provide a guide for action.<sup>12</sup>

The other unpackings of rationality as enlightenment and emancipation are at least as troublesome. We have no theory of human needs to underpin an account of good and bad or any clear understanding of the relation of morality to needs. And we plainly do not agree about what will constitute moral autonomy or breaking the fetters of false consciousness.

The other elements entering into such an enriched conception of rationality contain equally problematical conceptions. A fully rational person will have critical insight and an enlightened consciousness. This minimally will involve having a good understanding of other human beings as well as having a good understanding of the motivating forces operating on himself and a knowledge of the probable effects of his responding in the various ways that are open to him. To have such a consciousness involves having an understanding of the type of society one is in, the social forces operating on one, the types of distorted communication operating in the culture, and the realistic possibilities

<sup>11</sup> The arguments made in this paragraph and the next several paragraphs have been made in detail and explicated and defended in my "Rationality, Needs and Politics: Remarks on Rationality as Emancipation and Enlightenment", *Cultural Hermeneutics*, Vol. 4 (1977), pp. 281-308.

<sup>12</sup> John RAWLS, *A Theory of Justice*, pp. 90-100, and Mary GIBSON, *op. cit.*, pp. 301-7.

of altering that society. But, given the deep effects of ideology upon our consciousness and self-understanding, and given the magnitude of the task and the problematical nature of its conceptualization, scepticism here is understandable. Why should we think that anyone could attain or even significantly approximate that kind of rationality?

Yet it is easy to make too much of these difficulties, for we do have some understanding of what human enlightenment and emancipation is and we have some understanding of what it would be like to at least partially overcome alienation. We have, as well, some understanding of what divides people and classes and the relative importance of these divisions. Moreover, we have, in spite of our lack of agreement about an index of primary social goods, some partial understanding of what human good or human flourishing consist in and we have, as well, a rudimentary understanding of how to attain these things. We do not need a theory of needs to know that human beings need companionship, love, community, self-respect, meaningful work, security, adequate sustenance, shelter, rest, recreation, sexual gratification and amusement. The list, of course, is incomplete and could easily be added to. Moreover, while these concepts are in various ways vague or problematical — ways that philosophers like to zero in on — they are not so vague or problematic that we cannot sometimes use them to make true statements.

What is seriously at issue is whether they are so vague or are so subject to ideological distortion that there is no basis for agreement about the proper weight to give to the various needs when they conflict or cannot all be satisfied such that a recognition of the ubiquity and embeddedness of these needs give us little in the way of grounds for social critique: for saying what the rational thing to do is and what a rational society would look like.

The concept of enlightenment and emancipation, and thus the concept of rationality, could have objective import without providing us with such a critical yardstick. Yet, even without such a yardstick or (to switch the metaphor) such an Archimedian point, we can still say something tolerably determinate and objective, though perhaps typically rather commonplace, about rational life conditions, i.e. emancipated and enlightened life conditions. Operating with these conceptions, we can sometimes make some objective assessments, e.g. that these conditions are satisfied better in Sweden and Iceland than in Zaire and South Africa and that Noam Chomsky has attained a higher level of enlightenment and emancipation than has the son of Sam. But this hardly gives us the basis for a critical normative theory.

Where such emancipatory conditions obtain, there will be a good self-understanding by the people living under these conditions. They, if they are fully rational individuals, will be people who are informed, perceptive, liberated, self-controlled, concerned to develop their own powers, capable of weighing evidence and assessing arguments and capable of fairness, impartiality and objectivity. Moreover, they will be reflective about their ends, knowledgeable about the means for their attainment, and free of ideology; in

addition, they will have identified the most ubiquitous evils in the world and will have an understanding of the conditions for their elimination or at least their amelioration. Such a rationality admits of degrees and is, as we have remarked, indeterminate in diverse ways, but it is not so indeterminate that we cannot say anything true about the conditions under which it is approximated.

This substantive conception of rationality is very much a Continental import. Yet it finds an interesting partial parallel and reinforcement, coming right out of the analytical tradition, in the positive conception of rationality articulated by Mary Gibson as an alternative to the standard Humean conception, and stated in, what in effect is, an addendum to her powerful and systematic critique of Rawls' conception of rationality and of his employment of it in his theory of morality.<sup>13</sup> (Her critique could readily be extended to Richard's account as well, and with adjustments, to Harsanyi's, Gauthier's and Brandt's.) She argues that a value-neutral conception of rationality is inadequate and "that moral, social, and political theories should treat rationality as a value to be promoted rather than as a property automatically attributed to all normal persons".<sup>14</sup> Against the received, generally Humean conception, followed by Rawls, she contends "that some desires are genuinely irrational even if widespread" and that "no adequate treatment of human rationality can avoid essential reference to such notions as personhood, human good and harm to persons": notions which "inevitably involve values or value judgements".<sup>15</sup>

Unlike Rawls, or anyone with a basically Humean conception of rationality, she argues that it is possible for a course of action to in fact promote a human being's ends and maximize the satisfaction of that person's actual desires and still not promote that person's good.<sup>16</sup> Rawls and Hume to the contrary notwithstanding, such a course of action would still be irrational. However, such a claim could only be justified if there is in reality a genuine distinction to be drawn between an agent's apparent good and his real good, a distinction Rawls, as much as Gibson, wants to preserve. (Though exactly how this is to be understood is another matter.) What we require, Gibson continues, is an account of rationality "which involves an essential reference to the agent's good" (his real good not just his apparent good) and which "links the rationality of an agent to the agent's good".<sup>17</sup>

When we speak "of individuals as rational beings", she contends, we are speaking of them as "having and using a complex set of properties and capacities".<sup>18</sup> She does not list them, but they would, I believe, consist in (a) having and using the rational beliefs and principles of action I listed and (b) in

<sup>13</sup> Mary GIBSON, *op. cit.*

<sup>14</sup> *Ibid.*, p. 193.

<sup>15</sup> *Ibid.*, p. 209.

<sup>16</sup> *Ibid.*, p. 213.

<sup>17</sup> *Ibid.*, pp. 213 and 221.

<sup>18</sup> *Ibid.*, p. 221.



being enlightened and emancipated in the ways I have set out following Habermas.

Gibson contends that the full development and exercise of the properties and capacities, so constitutive of an individual's rationality, form a component or complex of components of a person's good. Moreover, a thing can be the rational thing to do quite apart from an individual's or even a group's desires or aims, if it is such a component of an individual's good or the good of a group of individuals. Indeed we can speak of institutions, laws, systems, acts, choices, ends and desires as rational insofar as they meet the needs or suit the purposes or promote the interests of rational (in the sense just characterized) individuals. This latter notion, in which we can properly ascribe rationality or irrationality to whole social systems and ways of life, is derivative from a characterization of individuals as rational beings in virtue of having and using a complex set of properties and capacities. Similarly we can speak of rationality in an impersonal sense — as the rational thing to do — whether or not the agent does or does not do it and independently of whatever pro or con attitudes he has toward it, if it meets the needs or suits the purposes or promotes the interests of rational (in the sense characterized above) individuals. If the desires, attitudes and ends that are dominant in a society are such that their satisfaction or promotion distracts from the good of the members of that society, then this should be said, to that degree, to weaken the rationality of that society; where the frustration of the good of their members is pervasive and deep then the desires which promote this and the institutional arrangements which sustain it should be said to be irrational and indeed the society itself should be labelled 'an irrational society'.

Where an individual's aims or ends are such components of his good that they are in his real interests (meet his genuine needs), but the institutional structure makes it impossible for him to pursue them effectively, then, *ceteris paribus*, we should say the individual is rational and the society irrational. To the extent that an individual's aims are incompatible with his own good and the institutions of the society promote the individual's good in the face of his contrary desires (including his reflective desires), then we should speak of the individual's irrationality and of institutional rationality.<sup>19</sup> Societies are irrational when they encourage in their members ends which, pervasively and for most people most of the time, conflict with their good and individuals are irrational when they, in situation after situation and for no overriding moral reasons, promote ends which detract from their good (which do not answer to their genuine interests or needs).

To flesh out and give substance to this conception of rationality, a convincing account of the good of persons would have to be given and the complex set of properties and capacities, the having and using of which constitutes the rationality of individual human beings, would have to be satisfactorily specified. (These two are linked tasks.) Most of the work here, as Gibson recognizes, still needs to be done.<sup>20</sup>

<sup>19</sup> *Ibid.*, p. 222.

<sup>20</sup> *Ibid.*, p. 225.

What I am suggesting is that something eclectic here may have some merit at least as a starter, namely that we fill in Gibson's skeletal framework (deliberately left unspecified) both with the hopefully unproblematical properties I specified for rational beliefs and rational actions and that we should add, as well, the additional properties constitutive of the Habermasian conception of rationality as enlightenment and emancipation. Together they provide the beginning of an adequate characterization of that complex set or cluster of properties and capacities which specify what it is for an individual to be a thoroughly rational human being.

### III

What I want now to examine is whether in either the richer normatively non-neutral conception of rationality just sketched or the more traditional essentially Humean conception of rationality, utilized by Rawls and Richards, as well as by most philosophers in the Anglo-American and Scandinavian traditions, and captured in my characterization of principles of rational belief and action, it is the case that people could very well agree on common principles of rationality and still disagree in fundamental respects about what an adequate normative ethical theory would look like or about how they ought to live and about the design of a good society? My argument shall be that they can so differ where they employ the Humean model and that on the richer model of rationality there will be cases of intractable moral dispute which will *at the same time* involve a similar dispute about what is the rational thing to do.

Rawls and Richards think they have gone some of the way toward showing that at least highly central parts of a normative ethic can be reduced to a problem of rational social choice.<sup>21</sup> They believe that it will not be the case that fully rational and correctly informed individuals can agree on principles of rationality and still disagree about how, morally speaking, they ought to live or how perfectly just societies ought to be designed. I want to initiate an examination of whether, on either of the conceptions of rationality discussed or any plausible modification or combination of either account, we are justified in claiming such a direct line from rationality to morality: that if we know what rational principles are and know the relevant facts about the world we will know what to do and how to live. I shall argue that we are not justified in making this rationalistic assumption.

I shall proceed by examining in tolerable detail, in the context of Rawls' theory, which is the most detailed and distinguished of the neorationalistic accounts, two cases of fundamental moral disagreement where conflicting moral sentiments come into play. With respect to these disagreements I shall see if we have good grounds for believing that reason, together with adequate empirical information, will provide sufficient grounds for a resolution of these moral conflicts. My claim shall be that it does not.

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<sup>21</sup> John RAWLS, *A Theory of Justice*, pp. 16-17.

Both Rawls and Richards believe they have found “an Archimedean point for judging the basic structure of society”.<sup>22</sup> That is to say, they have been able, they believe, to articulate objective principles of justice in accordance with which we can justifiably assess in moral terms whole social structures. For conditions of moderate scarcity, the principles of collective action that rational persons would accept in circumstances (counter-factual circumstances) in which they were disinterested, uninfluenced by a knowledge of their own particular situation, their natural endowments, their individual life plans or aspirations but in which they did have *general* social science and psychological information about human nature and society are (in order of priority) the following: “(1) Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar liberty for all” and (2) “social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.”<sup>23</sup> Now (a) above (the *difference principle*, i.e. the principle that inequalities to be just must benefit the least advantaged) has been thoroughly criticized, but it remains a distinctive and crucial element in Rawls’ account.<sup>24</sup> David Copp, among others, has developed some plausible counter-examples which, particularly given Rawls’ methodology, seem at least to be very telling.<sup>25</sup> I do not want to return to that dispute but to consider against the *difference principle*, two far less decisive, yet morally and politically more significant candidate counter-examples, which, I shall argue, indicate how very intractable moral disputes can be and how knowledge and rationality are far less decisive in moral disputes than Rawls and a great many moral philosophers suppose.

Rawls argues (to take up the first example) that in sufficiently favourable but still hardly affluent circumstances, where his two principles of justice are taken to be rational ordering principles for the guidance of social relations, it could be the case that justice, and indeed a commitment to morality, would require the acceptance as just, and as through and through morally acceptable, a not inconsiderable disparity in the total life prospects of the children of entrepreneurs and children of unskilled labourers, even when those children are equally talented, equally energetic and the like. A perfectly just society, he claims, could under certain economic conditions tolerate such disparities.

Such a judgment galls me — it seems to me that such a society could not be a just society, let alone a perfectly just society.<sup>26</sup> There might under certain

<sup>22</sup> See Steven LUKES discussion of Rawls in his “An Archimedean Point”, *Observer* (June 4, 1972) and in his “Relativism: Cognitive and Moral”, *Aristotelian Society*, Supplementary Volume, XLVIII (1974), pp. 179-88.

<sup>23</sup> John RAWLS, *op. cit.*, p. 302.

<sup>24</sup> Brian BARRY, *The Liberal Theory of Justice* (Oxford: Clarendon Press, 1973), pp. 50-51; the essays by R. M. Hare, David Lyons and Benjamin Barber in Norman Daniels, ed. *Reading Rawls*, (New York: Basic Books Inc., 1975), and Robert Paul WOLFF, *Understanding Rawls* (Princeton, New Jersey: Princeton University Press, 1977), pp. 62-3 and 81-4.

<sup>25</sup> David COPP, “Justice and the Difference Principle”, *Canadian Journal of philosophy*, Vol. IV, No. 2 (December 1974), pp. 229-240.

<sup>26</sup> Here I am indebted to Wesley E. Cooper’s criticism of Rawls’ conception of a perfectly just society. Wesley E. COOPER, “The Perfectly Just Society”, *Philosophy and Phenomenological Research*, forthcoming.

circumstances be pragmatic reasons of expediency for accepting such inequalities as unavoidable expedients. In that way they could in those circumstances be *justified inequalities* but they hardly could be *just inequalities*. When people, whose only relevant difference is that one group had entrepreneurs as parents and the other had unskilled labourers as parents, have, simply because of this difference, life prospects so different that one group's entire life prospects are considerably better than the other, then that difference is unjust.

My moral sentiments are quite engaged here. I have strong con-attitudes toward societies which enshrine such societal arrangements as just. Indeed, my moral emotions are such that I feel rather extensive moral disapprobation toward a society or moral scheme of things which accepts such disparities not only grudgingly as unfortunate expediencies necessary under certain distinctive circumstances to maximally improve the lot of the most disadvantaged, but as disparities which, even a perfectly just, human society could accept. The witting acceptance of such disparities just seems to me evil. It may be an evil that we might in certain circumstances have to accept because we realize that under those circumstances the undermining of that state of affairs will bring about a still greater evil. But it is and remains an evil all the same. The moral ideal embedded in a conception of a just and truly human society — a perfectly just society — must be to eradicate such differences.

Rawls or a Rawlsian could reply that I am being unnecessarily and mistakenly sentimental and perhaps a little irrational, or at least confused, to boot. It is bad enough that such inequalities in life prospects must exist but it is still worse by narrowing them to make the children of the unskilled labourers even worse off.<sup>27</sup> It is better and indeed more just to allow the considerable disparities of life prospects and apply the *difference* principle. Otherwise, in absolute terms, these children of unskilled labourers will be still worse off. It can never be right or just to knowingly bring about or allow that state of affairs where it could be prevented. To achieve greater equality at such a price is to do something which is itself morally indefensible.

It might in turn be responded that Rawls is, in spite of himself, being too utilitarian here. Talk of increasing the advantages of such a group with lower life prospects is not the only thing which is morally relevant, even in those circumstances where, as Rawls would have it, his principles of justice are to hold in their proper lexical order. Even when it is to their advantage, the working class people, who are or were children, have had, by the very existence of this extensive disparity, their moral persons assaulted and their self-respect damaged. That that is not just rhetoric can be seen from the fact that they suffer, among other things, with such a loss of equality, the loss of effective equal citizenship. Their continuing to have these formal rights (including rights of equal opportunity) is cold comfort here. Moreover, their effective moral

<sup>27</sup> Brian BARRY, *op. cit.*, convincingly argues that there are good empirical reasons to doubt whether the narrowing of such inequalities would in fact have the effect of making the worse off parties still worse off.

autonomy is undermined by such disparities in power; and these disparities in power are inextricably linked to their different life prospects. (I am speaking, of course, of representative people.)

Rawls, it might be thought, in turn could respond that there is, if this is so, no actual conflict with his account for then his equal liberty principle would be violated and his principles of justice would not be satisfied after all.

That this is so is not so clear, for I spoke of *effective* rights of equal citizenship and the *effective* moral autonomy of people, while Rawls seems at least to be talking about something which is more formal and which could be satisfied in such a circumstance. Moreover, by utilizing his attempted distinction between liberty and the *worth* of liberty — a distinction effectively criticized by Norman Daniels — Rawls would try to account for what I have been talking about under the *worth* of liberty and not under the equal liberty principle.<sup>28</sup>

However, without trying to sort the above issue out, I think that Rawls has available a still more fundamental reply, namely the reply that such class divisions are *inevitable* and that since rational principles of justice, whatever they may be, must be compatible with the 'ought-implies-can-maxim' such disparities in life prospects must simply be accepted as something which is just there in the nature of things much in the same way as are differences in natural endowment. We can hardly reasonably complain about them as unjust when it is impossible to do anything about them. One might as well say that the cosmos is unjust.

There is an inclination within me to say that if those are the alternatives, then one should say that the cosmos is unjust. More seriously, and less tendentiously, one can reasonably follow C.B. Macpherson and Benjamin Barber in questioning whether Rawls has done anything more than uncritically and unhistorically assume the inevitability of there being classes determining differences in whole life prospects.<sup>29</sup> There is, as I remarked earlier, in spite of the length of Rawl's book, no supporting argument at all for this key assumption and yet it is a governing one in his work and it is the basis for appealing to the ought-implies-can-maxim in this context. It may well be that a certain social stratification is inevitable — that there will be in any complex society some differences in prestige, authority and income — but there is no good evidence that these differences must result from or result in institutionalized differences in power — including ownership and control of the means of production — which will serve as the basis of control and exploitation such that the whole life

<sup>28</sup> That such an argument does not fight with a strawman and gives proper scope for the role of equal opportunity in Rawls' account is argued in my "Class and Justice", in John ARTHUR and William H. SHAW, eds. *Justice and Economic Distribution* (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1978).

<sup>29</sup> C.B. MACPHERSON, *Democratic Theory* (Oxford: Clarendon Press, 1973), Chapter IV and in his "Rawls' Models of Man and Society", *Philosophy of the Social Sciences*, Vol. 3, No. 4 (December 1973), and Benjamin R. BARBER, "Justifying Justice", in Norman Daniels, ed., *Reading Rawls*. See also my "On the Very Possibility of a Classless Society: Rawls, Macpherson and Revisionist Liberalism", *Political Theory* (1978). Note also Macpherson's response in the same issue.

prospects of people will be radically different. It is where such differences obtain that we have the reality of classes, but Rawls has done nothing at all to show that such class differences are inevitable such that we would just have to accept — as not unjust, since they are inevitable — the differences in life prospects between the children of entrepreneurs and unskilled labourers.

The fact is that Rawls and many others think that such differences are just where his principles of justice hold and I and many others think, where envy is not at all the issue, that such differences in life prospects are indeed grossly unjust, even where Rawl's principles are supposed to apply. Yet it is important in trying to sort out the respective roles of reason and sentiment in such contexts, to see that we are not just differing in attitude about such situations or having different moral sentiments which cannot be relevantly argued about. Our differing beliefs about classes are quite capable of being held by both of us as *critical* beliefs open to refutation and modification by experience and reflective examination. Where they are held in this way, they are rational beliefs open to critical assessment. Perhaps we do not know what it is that 'reason requires' us to believe in such a circumstance, but we have no good reason to believe that such talk of reason has become a wheel that turns no machinery and that no further evidence, analysis or reflection could provide us with determinate answers. Such a case does not show that reason is helpless here and that, over such a crucial issue, rational critique of strongly held moral sentiments is impossible.

What we have seen from an examination of this first candidate counter example is that there are sharp, not easily resolvable differences in moral belief — differences about what the just thing to do is — which are reflected in differing considered judgments and, perhaps more importantly in this context, in differing political beliefs and differing conceptions of political sociology. It is not evident that Rawls' own judgements about what justice requires in such circumstances are well-taken. But what is more crucial for our present purposes is that a consideration of this key example, while not vindicating my suspicions about the 'power of reason' in such contexts, does show that Rawls may very well be mistaken in believing that there are a cluster of moral principles set in a lexical order which are uniquely rational and fundamentally determinative of what is to be done. Yet, a consideration of this case still leaves the issue in limbo, for while there are sharp conflicts in moral sentiments and while what is the just thing to do is indeed contested, no adequate reason has been given for believing that what is at issue is *essentially contested* such that we just have differing moral beliefs rooted in conflicting moral emotions — emotions which in turn cannot be argued about or reasoned out so that one can be seen to be justified and the other not. It has not been shown that we are in a situation where we can only appeal to these emotions. Our discussion indeed suggests that if a number of other things obtain, it might very well be the best construal to put on such conflicts, but the above arguments do not establish that over such moral issues we must be in such dubious battle.

If another turn is taken in arguing about such a case, the essential contes-

tedness of fundamental moral principles will attain a firmer support. Imagine that neither disputant thought there was much prospect of achieving classlessness but that one still takes the more egalitarian posture I took (now taken as a heuristic ideal) and another the Rawlsian position. Yet, given those assumptions about classlessness, is not the Rawlsian position more reasonable and juster? It is, of course, true that there are greater inequalities if we reason in accordance with the *difference principle* but the *proletarian* or *lumpen proletarian* in such a circumstance is still in a certain plain sense better off. Moreover, it could be argued that people in such a position have the chance, given the way the primary social goods hang together, to achieve a greater self-respect due to the fact that they will have larger incomes and — in that way — more power than they would otherwise have. Yet, in another way, they would have less power and not as great a realization of certain of the primary social goods articulated by Rawls, including most fundamentally the good of self-respect. That can be seen if we reflect on the following. In terms of income and the power that that income provides, it is true that in the more egalitarian society the most disadvantaged strata would be still worse off than they would be in the less egalitarian society in which Rawls' *difference principle* is satisfied. But it is also true that there would, in the greater equality that that society provides, still be more in the way of effective equal citizenship and in that way a more equal sharing of power and a greater basis for realizing the good of self-respect, than in the Rawlsian well-ordered society. In a society in such a circumstance, ordered on Rawls' principles, the least advantaged would have more power *in the sense of more wealth* than they would have in the more egalitarian society, but, in the more egalitarian society, they would have more power in the sense that equality, or a greater equality, would make it the case that no one person would have power over another in virtue of his greater wealth and consequent greater power. In determining how things are to be ordered everyone stands in a common position of power.

It remains the case that in reflecting on these two possible social orders, some would be more than willing to trade their equal *comparative* power and consequent equal effective citizenship for greater wealth and some would not. But there seems at least to be no purely rational grounds — no conclusive or even firmly reliable arguments — to push one in one way rather than in another. Reflective and knowledgeable people go in both directions such that it at least appears to be the case that what is the right and through and through just thing to do in such a situation cannot be objectively resolved. And this suggests, and partially confirms, the belief that justice is an essentially contested concept and that equally rational people even in situations of full information and vivid recall might continue to differ about the principles of social justice.

Moreover, this belief could survive a clear recognition on the part of both parties to the dispute that it is unfair that such differences in life prospects exist because there are no morally relevant differences between such children of entrepreneurs and such children of unskilled labourers. Yet the Rawlsian, utilizing the *difference principle* and taking, what is in effect, a rather utilitarian

turn, is committed to saying that this unfairness in such a circumstance does not, everything considered, create an overall injustice, for, if the *difference* principle is not in effect, it will be the case that in such a society, for such people, still more harm and a still greater injustice would result. Rawls' opponent will challenge him on one or both of those scores, but it appears at least that here they are in an intractable and dubious battle — a dubious battle that involves giving different weights to the different primary social goods that are commonly accepted by both parties. Reason does not seem to guide us here in deciding what our commitments should be.

#### IV

Let us turn now to my second case designed to show the limitations of rationalism in morals. Suppose impressionist paintings worth two million dollars are stolen and the thieves, after the fashion of kidnappers, ask for ransom. I heard someone once, in discussing such a hypothetical case and expressing conventional wisdom, remark that unfortunate as this would be it was better that they 'kidnap' paintings than human beings. I think in most of us there is a rather strong tendency to say something like that, but suppose, what Rawls would call an extreme perfectionist, responded: 'Not at all! Those paintings represent high points in civilization. They preserve something extremely important for us and for the generations that come after us. We must not, if we would be non-evasively moral and rational, be sentimental about this. We in reality, as is particularly evident in Asia, Africa and South America, actually regard human life with considerable indifference. Millions starve, wither away from malnutrition, or get slaughtered and most people remain largely indifferent or at least passive. We are being sentimental and morally evasive in getting so exercised about some kidnap victim — a victim in reality as expendable as the others and indeed as expendable as all the cannon fodder down the centuries. But these works of art, they are not so expendable; they quite literally cannot be replaced and they have not been perfectly copied; they are a record of human achievement that unlike most human lives, precious as they are, cannot be replaced and it is such achievements that make us distinctively human.'

A 'human-rights-advocate' could respond that indeed human beings do get treated as expendable but it is just that tendency that morally speaking we must resist. It is this all too common behavior which is morally odious. We must realize that all human beings, great and small, have intrinsic worth and have rights which they can rightly claim simply in virtue of being human.

To the charge that no adequate support can be given to such talk of *intrinsic* human worth, the human-rights-advocate can in turn respond, that the perfectionist is in no better position, for he will be caught up at some point with just assuming the intrinsic worth of these great human achievements.<sup>30</sup> In this dimension we seem at least to have something equally problematical.

<sup>30</sup> On problems about such assessments, see my "On Ascertaining What is Intrinsically Good", *The Journal of Value Inquiry*, (1976) and my "Skepticism and Human Rights", *The Monist* (October 1968).



It is evident that the disputants are severely at logger-heads and it would at least appear to be the case that there is no rational basis — no set of rational considerations — in accordance with which their dispute can be resolved. We seem at least to have no objective purely rational ground which can show us where 'the truth lies' or whose views are correct. We are very likely to have strong feelings about the matter one way or another but we are short on the capacity to justify the having of those feelings and seem unable to specify which attitude is the more reasonable attitude. Our 'common sense', which is here — as Nietzsche perceptively saw — primarily our Jewish-Christian background talking, cuts more in the direction of the human-rights-advocate. But there is nothing in the principles of rationality to support our common sense convictions here.<sup>31</sup> And we have no adequate justificatory grounds for relying on *our* considered judgments rather than on the considered judgments of people, who, from our commonsensical moral point of view, are eccentric.<sup>32</sup> The extreme perfectionist need not be indifferent to human life, it is just that he has different priority rules than those of the human-rights-advocate. That is, he has a different order of priorities.

It does begin to look as if for the above case, even more evidently than for the first case, moral sentiments are king and that people with accurate, perspicuously displayed factual information, under vivid recall, and while utilizing with equal skill and fidelity the principles of rationality, will not be able to determine what is the uniquely rational thing to do in such a circumstance. And it very much looks as if this inability does not turn on lack of sufficient information. That is, further factual information, will resolve neither the above dispute about what morality requires nor will it tell us what reason requires in such a circumstance. People coming down on both sides of the moral issue generated by my example can come out equally well in terms of the principles of rational action I stated. They both can take the most effective means to achieve their ends. Similarly there is no adequate reason for believing that either moral commitment would of necessity bring one in conflict with the other principles of rational action (2, 3, 4, 5, 6 and 7). It is possible it could bring one in conflict with 7, but whether it would or not would depend on where one stood in society. There is no necessity that it would. But with respect to the other principles of rational action, there is very little likelihood of such a conflict. To take an example, both the extreme perfectionist and the human-rights-advocate can and — if they are rational — would operate in accordance with 6. But they will value different things absolutely higher and 6 says nothing about *what* to value absolutely higher. Indeed, none of the rather Humean rational principles of action adumbrated by Rawls and Richards say anything about that. And while my seventh principle does, it, by itself, is of limited value in such contexts. In fine, as far as rational principles of action are concerned (or at least those that I have articulated), they are neutral with respect to these quite

<sup>31</sup> Kai NIELSEN, "Skepticism and Human Rights", *The Monist* (October 1968).

<sup>32</sup> Kai NIELSEN, "On Philosophic Method", *International Philosophical Quarterly*, Vol. XVI, No. 3 (September 1976), and my "Morality and Commitment", *Idealistic Studies*, Vol. VII, No. 1 (January 1977).

different moral postures.<sup>33</sup> That is to say, a person taking either moral position could satisfy these conditions of rationality equally well.

What about conditions for rational belief? Both positions, like all fundamental moral postures, sit uneasily with the notion of their being critical beliefs. It is not clear what counts as evidence or good reasons for either or how exactly they are held open to refutation or modification by experience or reflection. Yet, given the generality with which critical beliefs are characterized, the beliefs that go with either posture do not rule out such criticalness — particularly where reflection is stressed — and they certainly do not rule out consideration of the assumptions involved in such postures or the implications of them or the relations to other beliefs. Still involving, as they do, judgments of intrinsic value, it is unclear what if anything would count as evidence or grounds for them. Both postures with their conflicting judgments of intrinsic value stand on an equal footing here and it is not evident how we could confirm or disconfirm, establish or disestablish, vindicate or fail to vindicate, either or come to know whether they are true or false. So both have a rather shadowy criticalness.

Still the criticalness is not so shadowy that we are utterly at a loss. Dewey and Stevenson have taught us to recognize that in normal circumstances it is not only the clash of intrinsic values that is at issue in even very central moral disagreements.<sup>34</sup> Other considerations enter as well and they may be more readily subject to procedures of rational adjudication such that we might, while continuing to disagree over judgments of intrinsic value, come to agree about them and this rational consensus might be sufficient to attain agreement about what is to be done without a resolution of our disagreements concerning intrinsic values.

Let me, sticking with the second example, give an artificial illustration of what I had in mind in making the above remark. It is necessarily artificial or it would in fact point the way toward the resolution of the above issue — something which I am not claiming I can do. What this artificial example does show is the sort of considerations which could rationally resolve such disagreements about what is to be done even without an agreement concerning what in these instances is of intrinsic value or has the most intrinsic value. In my second example there is an appeal on the part of the perfectionist to certain beliefs (opinions) of a reasonably determinate factual sort, e.g. these paintings really give, at least to sensitive people, a heightened and more finely grained perception of their world; likewise there is an appeal by the human-rights-

<sup>33</sup> The non-neutral conceptions of the Frankfurt School have not been articulated as rational principles of action. If such an articulation were to be carried out, it is not clear what form it would take, but it is clear enough that many of the principles would themselves also be moral principles and it is very likely they would also be contestable moral principles.

<sup>34</sup> John DEWEY, *Human Nature and Conduct* (New York, 1922), and *The Quest for Certainty* (New York, 1929) and Charles STEVENSON's elaborate discussion of focal ends and the relation of intrinsic to extrinsic values in his *Ethics and Language* (New Haven, Connecticut: Yale University Press, 1944), and his discussion of Dewey in his *Facts and Values*, (New Haven, Connecticut: Yale University Press, 1963).

advocate to beliefs of a similar logical type, e.g. all sorts of people, in all conditions of life, are capable of friendship and warmth and the pleasure of human association. Both of these beliefs are in some broad sense testable: we know how to establish their truth or falsity. If, as seems evident, they are both true or probably true, we have made no advance toward rational agreement. But if it were otherwise and (say) the first belief was shown to be false, then the perfectionist's position would be very much weakened. If these paintings do not occasion an enhanced perception of the human world, then why value them so highly? Similarly, if most people in fact lack the capabilities pointed to by the human-rights-advocate, then that position is weakened.

The situation is, of course, artificial. The truth of these matters is rather evident, but nonetheless we can see the sort of consideration which would count for or against one posture rather than the other. Nothing, of course, is decisive here, but we are not, at least in principle, at an utter impasse.

However, if the above empirical belief either of the perfectionist or of the human-rights-advocate were in fact false, then we would not be at an impasse. When, on the contrary, it is the case, as it is here, that there seems at least to be a significant agreement about the relevant facts in the case coupled with such a different weighting of those facts, then we at least appear to be at an impasse. In the above moral dispute we are stalemated in just this fashion.

In an attempt to break out someone might very well claim that the very idea of there being intrinsic values is itself an incoherency. Since this is so, it makes no sense to claim either that human beings or certain works of art have intrinsic worth. But, it should be said in response, while the elucidation of these notions is a complex matter, Georg von Wright and C. I. Lewis, among others, have, though in rather different ways, given us a purchase on these terms of art such that it is rather unlikely that they are incoherent conceptions on such readings.<sup>35</sup> The flourishing of human beings and the existence and preservation of great art is something which it is rational to want in itself quite independently of its consequences. The burden of proof rests heavily on those who would claim that beliefs involving such conceptions must rest on incoherencies, contradictions or inconsistencies.

Again we have a standoff unless something more can be made, than I have succeeded in doing, of those differences of belief that are plainly differences in opinion and/or attitude about matters of fact. The extreme perfectionist and the human-rights-advocate seem to be on equal footing as far as satisfying the conditions of rational belief are concerned. They seem generally, given our criteria of rationality, to come out equally well. We seem at least to have no grounds for claiming that one of these postures is more rational than the other.

<sup>35</sup> Georg VON WRIGHT, *The Varieties of Goodness* (New York: The Humanities Press, 1963), and C. I. LEWIS, *An Analysis of Knowledge and Valuation* (La Salle, Illinois: The Open Court Publishing Company, 1947).

Different sentiments, different commitments, go into these postures and they would be supported by different considered judgments, but we seem at a loss to show why, or even that, rational, impartial, fully informed and vividly aware human beings must, should or even uniformly would, go one way rather than another<sup>36</sup>.

## V

Rawls shows, I believe, that a being with a radically different psychology than that which is common to at least the overwhelming majority of us would not even be capable of taking anything recognizably like the moral point of view. The core element here is that human beings are beings who reciprocate, who have an active and functional sense of reciprocity, i.e. a tendency to answer in kind. This tendency is a very fundamental part of our moral psychology and if this were not a deep psychological fact among humans, human community and human society would be impossible. Fruitful human cooperation would at best be very tenuous without it. Our capacity for a sense of justice is rooted in our sense of reciprocity and if this tendency to reciprocity were not a deeply embedded working element in our psychology, human sociability, morality and indeed human life as we know it would be quite impossible.<sup>37</sup>

However, the existence of such an effective sense of reciprocity is perfectly compatible with the continued existence of deepseated moral disagreements exhibited in the two cases given in the previous sections. People who are set against each other in these deeply contested moral postures can quite freely recognize, as Rawls does, that the laws or (as I would prefer to call them) tendencies of moral development are not merely in a regular sequence but partially constitute a progressive development of human maturation. While remaining at loggerheads over moral issues such as those we have discussed, both parties could agree about the existence of laws (tendencies) of moral development. They could agree that human beings in the natural course of their socialization come to see how certain central moral conceptions answer 'to their deeper interests', and they could further recognize that these moral conceptions come to be accepted by them, as they are not by children, as something which is embedded in coherently conceived standards which answer to their collective good. That is to say, they would agree about some rather basic moral principles and not see them as they are seen by a child, merely as imposed constraints. Yet even with such an agreement they could still be at loggerheads about cases such as the ones I have discussed. Neither an understanding of the ways in which moral psychology works nor an appreciation of and agreement about the underlying rationale for moral institutions is sufficient to indicate to us the way in which the moral impasses we have discussed can be surmounted. Indeed, they do not even suggest a way toward such a surmounting. An understanding,

<sup>36</sup> See the essays noted in footnote 32 and my "The Choice Between Perfectionism and Rawlsian Contractarianism", *Interpretation* (1976).

<sup>37</sup> John RAWLS, *op. cit.*, pp. 494-95.

acceptance and even a sensitive application of the principles of rationality, even when linked to a good factual understanding, do not seem to be sufficient to resolve some very central and traditional moral disputes. Sentiment — human fellow feeling — may be far more decisive than our rationalistic philosophical impulses would lead us to believe.

## VI

There is, however, still room for a further unfolding of the argument about the scope of reason and sentiment in morality. It might be thought that the above argument goes through only if we are reasoning in accordance with a basically Humean model of rationality such as that utilized by Rawls and Richards. If we keep firmly in mind — it might be claimed — the other richer normatively non-neutral model I adumbrated, then we should recognize that we do not have adequate grounds for thinking that rationality is so indecisive with respect to what it is that ought to do or so inconclusive with respect to an articulation of the basic norms of a just or a good society.

I think such a response is at least misleading. There was, if my reading was right, a breakdown in the moral arguments in the two cases I discussed. Yet my principal arguments for the claim that conflicting moral sentiments seem at least to be decisive for any decision one way or another in such contexts did not turn on any particular analysis of reason. Moral argument, employing reason in an unanalyzed sense, was indecisive; conflicting moral sentiments seemed at least to determine the way. If, however, we take a conception of rationality in which what the rational thing to do is partially specified in terms of one's conception of the good, then it turns out that even informed and reflective people not only disagree, in such circumstances, about what they ought to do, they also disagree about what reason requires. Alternatively, if they conceive of rationality à la Hume in a normatively neutral way, then they will, while agreeing about what reason requires, say that reason is indecisive in these matters: that people can be equally well informed and equally rational and still have such rationally irresolvable conflicts in moral sentiment. What remains at least a seeming implication of my examination of these two cases is that at crucial points in fundamental moral disputes conflicting moral sentiments are decisive and they remain decisive whether they in turn 'infect' our conception of what it is to be rational, whether they are judged on reflection and with full information to be equally compatible with what reason requires or whether there simply are no grounds for establishing which moral posture, if indeed any of them, is required by reason.

As a kind of *addendum*, I want, in a way that will be rather cryptic and thus perhaps misleading, to try to block certain ways in which I am confident that my intent will be misunderstood. It may be thought that what I have been saying is but a replay of ethical skepticism or subjectivism and that we all know what is wrong with that. While I believe, as I have argued in various places, that skepticism or subjectivism in morals is more difficult to defuse than is usually

believed by philosophers, I am not an ethical skeptic or subjectivist and I am not, as a bit of eristic, defending such views.<sup>38</sup> I think that sometimes we can perfectly well know that certain things are good or bad, right or wrong, just or unjust. What I have challenged is a certain kind of rationalism in ethics which claims a systematic knowledge of morality and purports to have established an Archimedean point which will reveal a lexically ordered rational foundation of morality. I have tried to suggest a larger scope for sentiment than such a rationalism allows and I have tried to limit the pretensions of reason vis-à-vis morality. Nothing I have said or suggested implies that it has no scope at all. There was a time, twenty years ago, when rationalism in moral philosophy was practically dead.<sup>39</sup> Now, perhaps partially by way of reaction there has been a resurgence of rationalism in ethics. I have tried to engender a certain amount of skepticism about that, but, even if the concepts of justice and rationality are essentially contested, it does not follow that we cannot objectively make crucial social assessments or engage in significant social critique.

Marx has often been criticized for, on the one hand, not having a moral theory and regarding moral claims as ideology and, on the other hand, for condemning capitalism roundly. If morality is ideology and there can be nothing like a moral theory, then how can one justifiably condemn capitalism or anything else? I think such a claim rests on a misunderstanding.<sup>40</sup> My argument, like Marx's, is that we can know or justifiably believe certain things to be right or wrong without a theory, just as we knew or justifiably believed certain factual claims to be true or false before the rise of natural science or know them in utter innocence of science.<sup>41</sup> We can know something of good and evil, and know full well that certain institutions are unjust, while recognizing how often moral theories are really moral ideologies and while remaining skeptical about the very possibility of a traditionally conceived normative ethic, i.e. a systematic moral philosophy à la Kant, Mill, Sidgwick or Rawls.

Finally, one last point: I have raised skeptical questions about a certain kind of moral theory but I have not thereby given to understand that we cannot develop a moral philosophy. I was rather attacking a certain conception of the subject. My own view is that a more adequate moral philosophy will be

<sup>38</sup> Kai NIELSEN, "Varieties of Ethical Subjectivism", *Danish Yearbook of Philosophy*, Vol. 7 (1970), pp. 73-87; "On Locating the Challenge of Relativism", *Second-Order* (July 1972); "Does Ethical Subjectivism Have a Coherent Form?", *Philosophy and Phenomenological Research*, Vol. XXXV (September 1974), and "Morality and Commitment", *Idealistic Studies*, Vol. VII, No. 1 (January 1977). See also R. L. SIMPSON, "Nielsen on Ethical Subjectivism", and my response, "Ethical Subjectivism Again", both in *Philosophy and Phenomenological Research*, Vol. XXXVI, No. 1 (September 1976). Bernard WILLIAMS in his *Morality: An Introduction to Ethics*, succinctly and intelligently tries to defuse subjectivism. That his effort, as closely reasoned as it is, does not quite work is well argued by D.H. MONRO in his critical notice of Williams' book in the *Canadian Journal of Philosophy*, Vol. III, No. 2 (March 1974), pp. 469-473.

<sup>39</sup> This shift in intellectual climate is well understood by Stuart Hampshire and is worked into his discussion of Rawls and what I have called neo-rationalism. See his "What is The Just Society?" *The New York Review of Books*, Vol. XVIII (February 24, 1972), pp. 34-40.

<sup>40</sup> Kai NIELSEN, "Class Conflict, Marxism and The Good-Reasons Approach", *Social Praxis*, Vol. 2 (1974), pp. 89-112, and Allen WOOD, "The Marxian Critique of Justice", *Philosophy and Public Affairs*, Vol. 1, 3 (1972), pp. 244-282.

<sup>41</sup> This is a lesson well hammered in by G. E. Moore and Norman Malcolm.

integrated with the human sciences, will be much less abstract and will become something which is very like critical theory.<sup>42</sup>

## DISCUSSION

PERELMAN

I want to tell professor Nielsen that I wouldn't call what he presents a "Skepticism", because if we compare what he has done with a legal framework, with positive law, where things are much more precise than in Ethics, we find still disagreement: in the application of the American Constitution or in so many other fields. Why should he be astonished that, in practical matters, we cannot exclude disagreement and that it is for that reason that we need authority. If we need authority in practical matters it is because all the problems cannot be solved in such a manner as in mathematics, where we have the answers. The idea of authority is just a complementary idea to the fact that such questions cannot be solved in a univocal way.

NIELSEN

First, I'm not astonished that we don't get such resolutions, it seems to me what realistically one might expect. My point was against a pervasive tradition in philosophy, what I called, perhaps tendentiously, rationalistic philosophers, who try to define an Archimedean point, in virtue of which one could make assessments utilizing what Rawls calls priority rules. I'm skeptical about that. As I said in my final addendum, I'm not skeptical about knowing certain things to be right or wrong. Moreover, and coming to your point about authority, as Kurt Baier once argued: It doesn't make sense to ask whether the law is legal but it does always make sense to ask whether a given moral claim is indeed moral. While I understand the role of authority, in legal matters, I don't see how we can appeal to authority in moral matters. Maybe that's too Protestant a view of ethics, but I just don't see where there is a role for authority in moral matters.

PERELMAN

We are the authority.

NIELSEN

That's what I self-legislate. But then the notion of authority has been evacuated of any significant contrast. I mean, authority refers — if it has any force — to a certain social institution: it can, in the case of legal authority, tell you, — no matter what your view of the law is, whether you think it is right or wrong, good or bad, — "That's the law!" But there's nothing like that, as far as I can see, in morality. Maybe long ago there once was, but now there isn't. I don't know what to say about morality in the period of the Icelandic sagas: maybe in their morality there was such an authority. But the morality that we now understand, that is operative with us, in that morality, if we coherently speak of authority at all it is self-legislative.

PERELMAN

You didn't understand me. I want only to say that, if the Supreme Court, on some

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<sup>42</sup> If it is possible to follow the argument through the many printers' errors in an article I never had an opportunity to proof read, some of the methodology for such an approach can be gleaned from my "Radical Philosophy and Critical Theory", *Philosophic Exchange*, Vol. 2, No. 1 (Summer 1975), pp. 81-109. See also my "On Moral Expertise", *Midwestern Journal of Philosophy* (Spring, 1978). See also Bernard WILLIAMS, "The moral View of Politics", *The Listener*, (June 3, 1976).

very precise questions, may show disagreement between the judges, who are the last authority in legal matters, why should there not be such a disagreement in moral matters? That's all.

NIELSEN

My point is, there can be disagreement in moral matters, but in some very fundamental way; there seems to be no set of rational principles with which to resolve it. Rawls thinks you can reduce the problem of morality to the principles of rational choice, and you don't choose rational principles, you discover them. And given those rational principles, and given certain factual knowledge, you could determine what it is that you ought to do. I want to say, perhaps sometimes, and at other times, no. And that's where sentiment comes in.

HABERMAS

I have four remarks. *First*, when I listened to the first part of your paper, referring to me, I had the same impression I had when reading several other papers of yours, namely that you mistook epistemological arguments for ethical ones. I cannot recall ever advocating values or virtues, like emancipation or being emancipated. There is nothing like a "Tugendlehre", a doctrine of virtue or the like. As to the arguments in *Knowledge and Human Interest*, however well taken or badly taken they may be, my intention was just to show that, when we engage at all in certain types of inquiry, then we cannot avoid at least implicitly, let me bluntly say, adhering to certain basic norms or according with certain basic interests. But this is not at all meant to contribute in the first place to, let's say, establishing a moral philosophy.

Now the *second* point. If it comes to moral philosophy, or moral theory, then I think it is misleading to start the way you start — following most of the empiricist and rationalist positions in ethical theory — namely with the question: what should a rational person do in the face of dilemmas? I think that the more adequate starting-point is to ask what it means that a certain norm should claim to be valid or become established as valid. That is quite another situation; and in this situation you refer not simply to persons, be it philosophers, or non-philosophers, who are just reasoning freely, out of touch with the situation; if you start as I propose, you are immediately faced with the question: How can norms of action or competing norms of action, in the face of a concrete problem which has to be regulated or solved within a concrete community, how can the recommendation or acceptance of such norms be justified? And this means that you immediately have to deal with a situation of, let's say, moral deliberation within the community of those who are affected by such a normative regulation. Then it may be possible — I think that Apel will come back to this to-night — to show that precisely in such a situation of moral deliberation or argumentation you cannot avoid making certain presuppositions that may indeed have normative implications. And these would be, in my opinion, the only formal normative implications which could be made the basis of moral theory — and nothing else.

I think, *thirdly*, that your whole strategy of asking: "Isn't it probable, or can't it be shown, that there are cases of final disagreement?" is inadequate with regard to our problem. The opposite strategy seems to me more adequate, namely to ask: "Is there a possibility, are there at all cases where rationally motivated agreement can be reached?" And if there were only one case for which this could be shown, that is, if it could be shown that there is no a priori argument against such a possibility, then it seems to follow that there is a cognitivist core in this matter, since we could not a priori know whether in a given situation we were dealing with interests and with normative problems for which we could or could not come up with a common interest and a corresponding norm, an



interest that might be generalisable for those involved. If this is the case, then we have good reason to distrust any claim to the effect that in a given situation there are only particular interests involved, so that from the very beginning we should go ahead with compromising or other means. We have good reason then to assume that we should first try to find out whether there are or are not generalisable interests involved. Now as to your case — if we adopt the standpoint of such a procedural communicative ethics — where we have just one basic norm, namely that there should be no norm of action recognised as valid, if there could not be counterfactually achieved, among these who are affected by it, a rationally motivated consensus or at least a compromise — and then you have to specify what a compromise is — if you take such a stand, then, of course, such an undertaking as Rawls' theory is not very plausible. To lean back in a chair and to try to find out which institutions are best suited for any society whatever, that makes no sense at all. One has to take into account the historical situation, since the interests come into moral argumentation from outside. Now, applying this to your case, this is a case which is relevant only to societies in which there are impressionist paintings; there are very few societies in which such a question could be raised. I have not the slightest doubt — but I cannot know this a priori, I can only advance arguments for a possible discourse — I have not the slightest doubt that there would be no rational consent to sacrificing people to paintings, since everybody must suppose that he might be a possible victim.

Just one *concluding* remark regarding your thesis that we can have both a non-cognitivist position in ethics and social criticism. I do not think that we can have both. What does it mean to say "My argument, like Marx's (I don't find this in Marx, but anyhow), my argument is that we can know certain things to be right or wrong without a theory." What does "know" then mean? If there is any serious connotation to the term "know", then we are, in certain circumstances, obliged to give reasons for what we seem to know. Yours is a very dangerous position, since it seems to converge with a position which is basically decisionist — everybody claims to know what is right or wrong and at the same time declines to give reasons, and yet acts upon it, so to speak, on a world-historical scale. The effective consequences would be horrible. So I don't think that you can read such a thing into Marx.

NIELSEN

Well, let me start from the last remarks and work back to the first. I may have well misunderstood you in certain respects and I think you've importantly misunderstood me, but that may very well have been my fault! I wasn't in any place defending any meta-ethical thesis and I didn't suggest any commitment to any form of non-cognitivism. I was making a very Moorean argument. When I say: just as we know that certain factual claims can be true or false, before we have any scientific theories, so we can know certain things to be right or wrong independently of any normative ethical theory. Now I know that such a Moorean argument can be used in a ideologically destructive and distorted way. But it doesn't follow, because it *can* be used in this way, that it's wrong to say what I said or even misleading. It just shows that like almost any other kind of claim, it can be used destructively and ideologically. Let me give you two sorts of claims, which were in the back of my mind when I made that claim; one of them is in Wittgenstein's *On Certainty*. Wittgenstein says there that it is difficult to realize the extent of the groundlessness of our believing. He doesn't suggest that there is anything unreasonable about this. The other thing I had in mind is that there are many things that we reasonably believe, that we do not believe for a reason. Both of those remarks seem to me to have a point, when we think them through. And they are involved in the claim to

which you took exception. I want to say: just as I know certain empirical facts, say, that I have two hands, where I don't need science to teach me these facts or to corroborate them, so, it seems to me, that I know that it's wrong to torture the innocent.

HABERMAS

Many do.

NIELSEN

I know that many do. But I'm saying, I know that it's wrong to torture the innocent, to break needlessly my promises, and so forth. Suppose you ask me, "How do you know these things?" What I want to say is that in such circumstances, where you get pushed, you can reasonably be more confident of the rightness of such convictions than of any skeptical philosophical theory which would reject them or say that accepting them is an arbitrary act. Wittgenstein's arguments about justification coming to an end should be taken with the utmost seriousness. And my convictions here do not rest on either non-cognitivism or any form of intuitionism. I am not giving any meta-ethical thesis for this at all. But in philosophical argument about ethics you do get pushed at certain points, just as you can get pushed in epistemological arguments of the skeptical sort. For the latter you can take a Moorean turn and it seems to me realistic to say that you also can legitimately take a similar turn in ethics. If you don't know, for example, that it is wrong to harm other people for no reason at all, I don't see how you can get moral arguments off the ground. I mean, if we don't know things like that, what counts as a stopping point or a starting point in morality? If you reply that nothing counts as a stopping point, then it seems to me everything is up for grabs. It seems to me simply a matter of realism to take a Moorean turn here. I grant you that this can be dangerous. You can come up with Hitler or some other monstrous fanatic and they can make the same sort of claims. But often those other claims — the claims of the fanatic — are ones which can be shown to be manifestly false, because of certain background beliefs which are plainly factually false. It seems to me that it's a matter of tough-mindedness and honesty — and not a matter of commitment to intuitionism or decisionism or anything like that, — to recognize that you have to take that starting point. If you don't take a starting point of that sort, how could you even have a meta-ethical analysis? How could you even understand what counts as having a morality? If someone said to you in all seriousness "I don't see why it's wrong to harm people", I don't think that that person, as long as he was so perplexed, could even know what it would be like to take a moral point of view. That it is wrong without cause to harm people is presupposed in taking the moral point of view. It's internal to the concept of morality. That's what I would argue, at least.

I take these remarks to be conceptual remarks, rather than moralistic remarks, I'm not moralizing about a certain kind of ethics. I'm rather trying to make an internal, in a broad sense epistemological, remark. You say that I confuse your doing epistemology with making moral remarks. I didn't think you were making moral remarks — remarks in normative ethics. I thought what you were doing was showing that the concepts of emancipation and enlightenment were internal to the concept of rationality. That is: if you understand what it is to be rational, you'll understand that these are some of the defining properties of rationality. I guess you can call that epistemology if you like, but I think it is less confusing to call it a conceptual display of a concept. I certainly didn't take you to be moralizing. To do that, at such a level of abstraction and in such a context, would be a kind of trivial thing. But it never occurred to me for a moment to think that you were doing that. I thought you were engaging in such an elucidation of concepts. Isn't that what you were doing?

HABERMAS

Yes. But this takes us somewhere else. My intention was to give an argument with a transcendental twist. That is, when one does something like develop nomological theories, or try to get rid of self-deceptions by arguments, then one cannot but make certain presuppositions. Indeed the explications of these presuppositions may be very loose, too loose, so that I offered you a bridge for extracting this word "emancipation", giving it an aura, and then playing on it.

NIELSEN

What I was trying to do was not that, but to try to show the internal connections — the conceptual connections — between being rational and being emancipated. And I thought that was being faithful to your intent. If it is not faithful to your intent, it seems to be something which could stand on its own feet. If that is an Ersatz-Habermas, then I think that the Ersatz-Habermas is a useful notion in trying to display what normative rationality is.

HABERMAS

O.K.

NIELSEN

Now, you had a middle set of points.

HABERMAS

How to start in ethics.

NIELSEN

Yes. I agree with you that one should not start with a kind of dramatic example, like Sartre's. I agree that one wants to work, initially, with cases where we do achieve agreement, and I think there are all kinds of cases where we achieve agreement. I was rather assuming that kind of background. In actual moral reasoning we start with something called considered judgements and we test them against principles of rationality. We shuttle back and forth in the way similar to the way that evidence is related to theory in the natural sciences, trying to get our considered judgements into reflective equilibrium. All this is done in a determinate social context where people are engaging in moral reasoning. And we can try to show what it would be like to so derive moral principles. That's not the only starting place, but it is a useful starting place; and it is social and it does stress agreement. But it's also important, I think, to carry out certain thought experiments. Suppose we have this agreement, even with it, isn't there also at least the possibility of through and through disagreement. That is to say, isn't it possible that moral argument, even with the acknowledged background of such agreement will break down at key points? And if there is a possibility of serious, through and through disagreement, doesn't this show something about the limitations of rationality or at least of what you call normative rationality? I wasn't defending skepticism. I'm not trying to say that there is always disagreement. I'm saying rather that sometimes moral arguments break down even when carefully conducted. Now, if you're right in saying that there are only a few trivial, rather unrealistic examples, then there is no problem. But if there are many examples, of a more realistic sort — the middle-section of my paper is devoted to giving a more realistic example — then we should be more seriously worried about the extent of the rational foundations of morality. Perhaps moral theories and *Weltanschauungen* are underdetermined with respect to rationality?

KOCKELMANS

First, I would like to make a set of positive remarks. I do think that within the

perspective of the tradition to which you personally refer, you have built up a very strong case for the thesis you would like to defend. Within that perspective, I would not share the position of the extreme skeptics, nor would I share the view of the so-called neo-rationalists; I would probably tend to go in the direction you are arguing for. I do have one reservation, though, the one already made by Habermas: it seems to me that if you had chosen a positive tack instead of a negative one, then probably you could have made your case even stronger. Yet it seems to me that, having made these remarks, we also should examine the consequences of the phrase 'within this tradition'. There are other philosophical traditions, and it seems to me that if your argumentation has a weakness, then it is that you never referred to these other traditions.

It seems that you are willing to give the status of rational discourse to what comes close to Plato's *episteme*, or perhaps better his *dianoia*, but certainly to nothing beyond these two possibilities. The subject matter of such a strongly defined conception of rational discourse, therefore, comes very close to what Plato called the Forms. Now in view of the fact that on empiricist grounds, you have to deny that the latter can be accepted in rational discourse, it seems to me that you are left with the conviction that the only form of rational discourse that you are capable of accepting is one that comes very close to the one found in the formal and empirical sciences. Thus I take the last four lines of your paper very seriously. There you say that, if you would have had enough time, you would have appealed to the social sciences, in order to give concreteness to the arguments you have developed in the paper.

Another assumption you make is that we begin in an individualist perspective. As far as this assumption is concerned, I feel that it is high time that we began here at the *real* beginning: people find themselves in societies, societies do have their traditions, in these traditions there are basic ends already predelineated. Here I tend to agree with Habermas. One cannot argue about ends in an absolute sense; one has to take them in the concrete situation in which they occur. Now, I think that, if we look at the ends that are highly valued in a given society, it would be rather peculiar to argue that no form of reasonable discourse could ever be developed in regard to these ends. I do grant that the type of discourse you have defined in terms of the sciences and which 'works' really only in regard to means, obviously is *one* genuine form of rational discourse. But it seems to me that another type of rational discourse is possible as well, namely that type of discourse which is capable of subjecting ends accepted in a given society to a meaningful form of critical analysis, which is able to sort out which ones of the ends accepted by a community and its tradition, are ends that indeed can be valued on reasonable grounds, because they rest on assumptions which today can still be justified reasonably.

Again, within the perspective in which you tend to think, you argued very strongly. Yet it seems to me that your argumentation suffers from certain assumptions which are inherent to that particular perspective.

NIELSEN

I should never have mentioned the word "analytical philosophy"! My remarks, in sympathy with Professor Habermas, about the critique of *scientism* indicate how far I am from thinking that one should stay only within the limits of what Professor Hempel called "analytical empiricism". It happens to be the tradition I grew up in and have a lot of respect for, but it's also a tradition I've become very suspicious about, though I don't want to throw the baby out with the bath-water! I first gave this sharp instrumentalist conception of rationality characteristic of that tradition and then said that perhaps one should go further and utilize a richer conception of rationality. But I also tried to show, in

reflecting about the foundations of morality, that whichever conception of rationality one took there were problems. I'm deeply ambivalent about it, but I most emphatically did not say that we could not argue about the rationality of ends. I think it's much harder to say exactly how to do it than most people think, but I didn't say that we could not do it and I don't think that we can't. I have in various places argued against this Humean or Russellian conception of rationality.

APEL

I'm not quite sure who was the object of your attack against rationalism, or rationalists. There was talk about an Archimedean point, deducing reasons from that Archimedean point, and so on. I do not know whether I perhaps should take myself as somebody who now is under attack, and I leave this for this evening, because in a sense I am perhaps such a man who starts out from an Archimedean point, — although I'm not sure whether this is exactly that type of Archimedean point which you could have in mind, and whether I'm such a rationalist. But I would like to approach the whole matter now from quite another point, namely from the point of starting out with the concrete. I would like to focus on your distinction between reason and sentiment, moral sentiments. It looked as if you sometimes made the point that in practice those questions you focused on, those difficulties where reasons come to a limit, are solved by moral sentiments, and is a sense should be solved in that way. And so it is interesting here to ask the question: What really is meant by moral sentiment? It looks to me as if here one should become still more concrete than you tried to do by your examples. I think there is a certain tradition which takes the moral sentiments as something which is a starting point for Ethics, and which delivers in a sense yardsticks which reason does not deliver. And sometimes it looked as if you would say: Well, we have to start with certainties like that, you should not hurt somebody, etc. But what really are the moral sentiments? I wish to repeat this question. I think there is one deep, very deep level in the moral sentiments which goes back to our affinities with the animals. That is what ethologists today bring out very clearly and very impressively: Konrad Lorenz sometimes said that he would prefer to be together with people who are, say, healthy with respect to those instinct residuals which we have in common with the animals, namely the relationship of the mother to the child, of the father to the family, and schemes like that, which are still very important in human beings. This is a morality of residual instincts, and Lorenz said he would rather rely on that than on great principles. I say that only in order to characterize, to illustrate that very deep level. But this level, of course, is not the whole content of moral sentiments, — not to speak of the idea that it could give us the yardsticks which would solve those problems which are beyond the limit of rationality. But I think the next level is that the moral sentiments have been super-formed, so to speak, by conventional, institutional morals, and have become very different in different cultures, but they are still moral sentiments, they have become the habits, the "substanzielle Sittlichkeit" in the sense of Hegel. Then, again the next level was that people were suffering from the different conflicting appeals which were inherent in their moral sentiments: on the one hand, the right of guests, for example, on the other hand, the duty to take revenge; they were suffering from the conflicting claims inherent in their moral sentiments. So they tried to mediate them, to mediate them religiously, by a central conscience, to mediate them by universal types of morals, and this went on and on, and this always sedimented into the very moral sentiments. The moral sentiments we have are already very complex; they are not on the first level I mentioned, they are influenced by all these levels, and there is not such a thing, as fixed moral sentiments, that might help and spring into the gap, so to speak. There is not such a thing: quite to the contrary, there is a very complicated hierarchy, and this is constantly itself transformed by our effort to mediate the different claims of these appeals of moral sentiments by rational

procedures. Now I would suggest, there is a crucial difference between: taking the problem as a problem of the solitary man who has just in this moment to mediate all the claims alone for himself, in his conscience, and to decide: What should I prefer, rescue the paintings or rescue the man? — and bringing in, as a new point in the attempt of rational Ethics, the idea of the mediation between the interest of all the affected people, by the very prescription of certain procedures implied in the idea of the practical discourse which had to perform that mediation. And now one has again to be very concrete, much more concrete than even the examples were: I'm not sure what would happen if we would really be able, for example, to carry through such a postulated discourse where the interests of the people, the affected people, were really mediated with respect to the question, "Rather the paintings or rather the man", — some suggestions were already made by Habermas. But I'm not able at the moment to find here a decision; I have to think about your difficulties, I take them very seriously. I was only saying that one has then to be even more concrete, with respect to the idea of moral sentiments, — which works, so to speak, as a foil in your approach, as an alternative, as something which could help — and more concrete with respect to the question of rational mediation of claims, with respect to such an example, as the one you proposed.

#### MARCIL-LACOSTE

It seems to me that you are attacking reason, but on the basis of a consensual view of reason. So my question is: What epistemological status do you give to the argument from consensus in your argument against a rational account of morality?

#### NIELSEN

I think one cannot escape in moral philosophy appeal to considered judgments, to the considered judgments of the community. I do not see any realistic way of escaping that. You see, it is not a question, Professor Apel, of saying: "I want to use sentiment instead of reason. Here are the various elements: what can we appeal to?" It seems to me that considered judgments, and the consensus that goes with it, play a role rather like evidence does in factual domains. And there's just no getting around that. I mean you can have the reflective equilibrium device and a number of other devices, but still considered judgments, considered convictions, have to be appealed to. Now as soon as we appeal to that, then we have to face the criticisms that are made by people like Steven Lukes or Rawls. He says something like this: "But there are all kinds of considered judgments in different communities and indeed even within single complex communities such as our own. And what do you do with those different considered judgments?" When you shuttle back and forth between the moral theories and the principles of rationality and the considered judgments, somehow the considered judgments will wag the tail, to put it metaphorically. They still have the most decisive role. I see no way of getting around that. Professor Apel, I believe, would have us go back to very high-level intuitions. But I need to understand the epistemology of that. What is gained by talk of synthetic *a priori* judgments or necessary truths? I don't understand the epistemology of that, nor do I see that that's very helpful, because they're so general that they're compatible with quite different functioning, substantive moral conceptions. And I don't see any *independent* basis for making perspicuous the contention that moral claims are either true or false, — or reasonable or unreasonable, if for some reason you think that we should not use the word "true" or "false" for moral claims. I am skeptical about such appeals. The whole matter seems to me more problematic than most people recognize. My perplexities link up with, and perhaps really do make contact with, Professor Habermas' "How do you get from consensus to *rational* consensus?". I worry here — remember the remarks I made about Wittgenstein — about whether the

words 'rational' or 'reasonable' are not just being used in such contexts as ideological clubs to beat your opponents. That bothers me, and I can't understand why it doesn't bother other people. I don't see why it is not more standardly felt that the appeal to reason here is problematic.