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LAWRENCE C. BECKER

recruiting and selection, ethical issues in   *see* ETHICAL ISSUES IN RECRUITING AND SELECTION

reflective equilibrium is a coherentist method of explanation and justification used in ethical theory, social and political philosophy, philosophy of science, philosophy of mind, and epistemology. Its initial articulation was made by Nelson Goodman. But its more familiar and extensive utilization is in moral and social philosophy, where it was initiated by JOHN RAWLS and Stuart Hampshire and was later amplified by Norman Daniels and Kai Nielsen.

Its most forceful critics are Richard Brandt, David Copp, Joseph Raz, Jean Hampton, and Simon Blackburn.

As a method of justification in ethics it starts with a society's, or cluster of societies', most firmly held considered judgments (principally their moral judgments) and seeks to forge them into a consistent and coherent whole that squares with the other things that are reasonably believed and generally and uncontroversially accepted in the society or cluster of societies in question. The considered judgments appealed to can be at all levels of generality, though the point of departure will usually be from particular considered judgments which in turn will be placed in a coherent pattern with more general moral principles, middle-level moral rules and with, as well, moral practices. (More strictly with the verbal articulations of the practices.) Suppose a particular moral belief fails to be compatible with a general moral principle in turn supported by many other firmly held particular considered judgments, other general moral principles, and middle-level moral rules. Then that particular considered judgement should either be modified until it is so consistent or be excised from the corpus of considered moral judgments and the moral repertoire of that society. If, by contrast, a general, moral principle (say the principle of utility) is incompatible with a considerable number of firmly held considered judgments, then it should also be either similarly modified or rejected. The idea is to shuttle back and forth between particular moral judgments, general principles, medium-level moral rules, and moral practices, modifying, where there is an incompatibility, one or the other, until we have gained what we have good reason to believe is the most consistent and coherent pattern achievable at the time. When this is attained a reflective equilibrium has been attained.

The idea is to seek to maximize the coherence of our moral beliefs and practices. But there is no assumption that any reflective equilibrium that has been attained will be *final* and will not subsequently be upset. It will be upset (and this is something we should expect to happen, historically speaking, repeatedly) if either we come to have a still more coherent pattern, or because, as the situation changes, new moral

judgments enter the scene which conflict with some of the beliefs in the reflective equilibrium which has been established. When that is so we need to get a new consistent cluster of beliefs and moral practices. So, in such situations, the extant reflective equilibrium is upset. In that case, a new, more adequate one, has to be brought into existence which will contain either a larger circle of coherently related beliefs and practices or will instead, while not enlarging the web of belief, articulate a more coherent package of beliefs and practices. The expectation is that this pattern of reasoning will continue indefinitely, and, in doing so, yield, if it is pursued intelligently, ever more coherent conceptions of moral belief and practice, while never attaining final closure.

Fallibilism is the name of the game. No ultimate critical standards are sought and no principles or beliefs, not even the most firmly held, are, in principle, free from the possibility of being modified or even abandoned, though some moral truisms may always *in fact* be unquestioningly accepted. But this non-Absolutism is not skepticism, for, if a reflective equilibrium is achieved, we will have found a rationale for our moral beliefs and practices by seeing how they are in a consistent and coherent pattern. Justification, on this conception, is attained in this way.

The coherentist pattern of explanation and justification described above is still a narrow (partial) reflective equilibrium. It collects together moral and like considered judgments, moral practices, medium-level moral rules and, as well, moral principles, including very general ones. But this would simply be coherentism that does not take into consideration facts about the functioning of economies and other parts of the social structure, conceptions of human nature, social facts, political realties, and scientific developments. Rawls, Daniels, and Nielsen seek a wider reflective equilibrium which takes these matters into consideration as well. It is called wide (broad) reflective equilibrium. Besides seeking to forge a coherent pattern of the moral matters mentioned above, it seeks – continuing to seek to maximize coherence – an equilibrium which takes into account our best corroborated social-scientific theories and theories of human nature, firmly established social and psychological facts, and political realities,

such as the extent and intractability of pluralism in the society or cluster of societies where the reflective equilibrium is sought. It also should take into consideration what it is reasonable to believe in the society or societies in question and whether the *de facto* pluralism in question is a reasonable pluralism. The thing is to achieve a consistent cluster of moral, factual, and theoretical beliefs that would yield the best available account of what the social situation is, what possibilities obtain in the society, and of what it is reasonable and desirable to do. Such an account is through and through coherentist and holistic, justifying our beliefs and practices by showing the coherency of their fit with each other.

In taking one account of such beliefs and practices to be superior to another, we do so by ascertaining which account yields the superior fit of our beliefs and practices. But, wide reflective equilibrium accounts do not suffer from the defects of pure coherentist theories where any consistent set of beliefs, no matter how unrealistic, is justified simply in virtue of the fact of being a consistent system. In reflective equilibrium, we seek a cluster of *considered judgments* in wide reflective equilibrium. We do not seek just any consistent cluster of beliefs, for we start with considered judgments and return to them as well.

Some critics of reflective equilibrium have argued that there is no coherent system of moral beliefs and practices *to be discovered* by careful reflection and analysis. Instead we have inherited from history a mass of conflicting views, unreflectively gained, held, and persisted in. These views are views which are not infrequently ideological. They often are the non-principled result of brute compromises between contending parties, of religious biases and class, ethnic, racial, and gender prejudices. This unrationalized mélange is not supportive of (the objection goes) the idea of there being an underlying coherent whole, whose deep underlying structure is to be unearthed by careful investigation. What we have instead is simply a clutter of conflicting beliefs and practices revealing a jumble rather than a coherent pattern. To this it has been, in turn, responded that philosophers who are defenders of reflective equilibrium are also *constructivists*. The pattern of consistent beliefs, including very

centrally moral beliefs, is *not* a structure to be discovered or unearthed, as if it were analogous to a deep underlying "depth grammar" of language, but something to be *forged* – constructed – by a careful and resolute use of the method of reflective equilibrium. We start from our considered judgments which involves the seeing of things by our own lights. Where else could we start? We can hardly jump out of our cultural and historical skins. But that is no justification or excuse for remaining there. If we use the method of reflective equilibrium, we will, after careful examination, reflection, and a taking of the relevant moral considerations to heart, modify or excise some considered judgments, persistently seeking a wider and a more coherent web of beliefs and practices. We will so proceed until we have constructed a consistent and relevantly inclusive cluster of beliefs and practices. But it is not a question of discovering some underlying moral structure that has always been there. Such "moral realism" is mythical.

Other critics of reflective equilibrium have argued that reflective equilibrium, both narrow and wide, is ethnocentric, relativist, and conservative. Similar responses to those made to the previous criticism can be relevantly made here. There is no escaping starting with our considered judgments. But the very fact of such a starting point is not a manifestation of ethnocentrism. In seeking to maximize coherence and to get the full range of relevant considerations into as coherent and inclusive a pattern as we can, the moral and empirical beliefs and conceptions of others – sometimes, culturally speaking, very different "others" – need to be taken into consideration. If our particular considered judgments are in conflict with either well-established factual claims, well-grounded and established social theories, or carefully articulated moral theories, they must be up for critical inspection and for at least possible rejection. If they conflict with the considered judgments of other peoples whose considered judgments square better with a careful appraisal of the facts or the most carefully articulated social, biological, and natural-scientific theories as well as with reflectively articulated general moral principles, then we have good reasons to accept these considered judgments rather than our own. This is true even of our more general considered judgments where they conflict with such massively supported considered judgments. The method of reflective equilibrium is a *self-correcting* method which gives us, as we repair or rebuild the ship at sea, a critical morality. So, though we start inescapably with our considered judgments, if we apply reflective equilibrium resolutely, our account will not be, or at least need not be, ethnocentric. Similar considerations obtain for the claim that reflective equilibrium is relativistic or inherently conservative.

A somewhat different criticism of reflective equilibrium claims that it does not push questions of justification far enough. It does not come to grips with the foundational, or at least fundamental, epistemological issues that would show us what moral knowledge really is or what warranted moral beliefs really are, so that we could defeat a determined global ethical skepticism. An underlying *assumption* of reflective equilibrium is that our considered judgments have an *initial credibility*. But unless we can show how we could establish these considered judgments to be true or warranted that assumption will not be justified and we will not really have faced the epistemological questions that need to be faced if we are to come to have a genuinely objective ethical theory philosophically defended. Defenders of reflective equilibrium will in turn respond that such a foundationalist quest is both impossible and unnecessary. There is no just knowing moral propositions to be true or warranted. There is no just noting that they rest on some direct correspondence of moral propositions to the facts (moral or otherwise). There are no such fact-like entities for moral propositions to correspond to. But the recognition of this should not, they argue, lead to the abandonment of all notions of objectivity in morality. Cross-culturally agreed-on considered judgments set in a wide reflective equilibrium give us an inter-subjectivity, reflectively sustainable, that is all the moral objectivity we can get and all that we need.

This brief account cannot do justice to the complex issues that divide defenders of wide reflective equilibrium and their critics. These issues are now at the forefront of discussions concerning justification and explanation in ethics and social philosophy. Rawls and Hampshire provide the classical articulations of

reflective equilibrium and Brandt and Hare the classical statements of its critique. Daniels, Nielsen, and Rorty provide cutting-edge defenses of wide reflective equilibrium and Raz, Copp, and Hampton cutting-edge statements of its critique. It is to these writings that the reader should turn for a more thorough analysis of these issues.

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regulation   As defined in the classic treatise of Alfred Kahn (1970, p. 3), "regulation is the explicit replacement of competition with governmental orders as the principal institutional device for assuring good performance" (from an industry). Several aspects of this definition are important. First, systems of regulation are imposed by law through the political-choice process because some segments of the population prefer the outcomes that emerge from an administrative process to those resulting from the operation of unfettered markets. These groups may also prefer some aspects of the regulatory process itself, such as their sense of its fairness, to the market process of resource allocation.

Second, industries, and the businesses and consumers who comprise those industries, are regulated in order to improve upon the performance of the industries, at least as measured or perceived by some segments of the population. WELFARE ECONOMICS focuses on policies for maximizing social efficiency defined as the sum of the benefits to consumers and companies from markets, whereas political economists tend to stress the distributional gains and losses resulting from regulation.

Finally, regulation operates through agencies who act as the agents of the administrative and legislative branches of the government in carrying out laws. Regulatory agencies are constrained by their enabling statutes, by procedural restrictions such as the US Administrative Procedure Act (in the US context), and by the political forces which act upon the agencies. They carry out their missions through setting rules, or regulations, and by adjudicating requests from affected parties such as an electric utility company.

One of the most famous results in economics is ADAM SMITH's (1776) observation that economic welfare can be maximized by organizing the distribution of goods and services through perfectly competitive markets. Much regulation can be justified as responses to so-called "market failures," that is, social inefficiencies arising from the operation of imperfectly competitive markets. From a political point of view, the logic is straightforward. If a market fails due to a market imperfection, then society can improve aggregate economic welfare by imposing regulations that force the market to