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Rawls and the Socratic Ideal

Abstract: John Rawls's recommendation that political philosophy should be kept free of metaphysics has recently come under attack by Jean Hampton. According to her philosophy as a Socratic quest has to orient itself by radical probing and that unavoidingly involves us in metaphysical commitment. Non-Socratic philosophy in the later Rawls, she claims, reduces itself to a mere 'modus vivendi'. In defending Rawls the article makes clear how Hampton underrates the method of reflective equilibrium. Rawls makes a rationally reconstructed use of the Socratic ideal, that can be turned not only against Hampton's critique of Rawls, but also against its relativist appropriation by Richard Rorty.

I

In a series of connected articles published subsequent to his *A Theory of Justice,* John Rawls has developed a unique and, in my view, powerful conception of political philosophy.[1] It is a conception which in important ways is more circumscribed than many philosophers would desire. He gives political philosophy a lesser role than philosophy has traditionally prescribed only to give it at least a putatively firmer role for societies such as our own. It is a role in which a chastened political philosophy might have some real possibility of making a significant contribution to the guiding of conduct in constitutional democracies.

This general view articulated by Rawls seems to me roughly, though not in all particulars, a sound view which political philosophers in our liberal societies should adopt when arguing about the proper design of those societies. That is in arguing about what those societies should be like. It has, however, been strenuously resisted. It has been maintained that it is an account which destroys the

[1] Rawls 1980; 1982a; 1982b; 1985; 1989. For commentary, see Nielsen 1990a and 1990b. See also Pogge 1989.

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fundamental Socratic ideal of doing philosophy, including political philosophy.[2] I want to show that such critiques are not on the mark and then more generally defend and, in doing so, perhaps extend such a Rawlsian conception. Rawls's account does not, I shall argue, reject the Socratic ideal but shows how in a disenchanted, deeply pluralistic world it might reasonably be realized.

Jean Hampton in her "Should Political Philosophy be Done Without Metaphysics?" has perhaps been the most forthright and powerful critic of Rawls here (Hampton 1989). I shall start with her vigorous critique, a critique I suspect many will find compelling, and then move into more general considerations, including touching here on some of Richard Rorty's swashbuckling utilization of Rawls.[3] In the course of doing this, I shall proffer a general defense of a distinctive way of doing political philosophy in a determinate context for certain circumscribed purposes. I shall also argue that such contextualizing is not arbitrary or an opting out of the Socratic ideal so highly prized by philosophers.

II

Among Rawls's recent articles one in particular is very programmatic as well as central. I refer to "Justice as Fairness: Political not Metaphysical". It is the central target of Hampton's critique. It should be noted first-off that the titles of both Rawls's and Hampton's articles suggest an issue between them which is in reality a pseudo-issue. Let me first set this issue aside as something which does not really touch what is at issue between Rawls and Hampton. That is to say, what looks from their titles to be an issue which divides them is not such nor is it an issue which should long detain us, though Hampton's *initial* remarks seem to suggest otherwise. That it will be a stumbling block to some seems to me virtually certain. So I will briefly consider it.

Hampton describes herself as setting out to oppose Rawls's recommendation that we "do only political and not metaphysical theorizing about the structure of our political institutions in constitutional democracies" (Hampton 1989, 792). Hampton boldly announces that she wants, in a good Socratic tradition, to do metaphysical political theorizing and she thinks (*pace* Rawls) that it is an essential task of good political philosophy to do so. It is not just that the choice is ours (792). This sounds very arcane, as if she wanted, following Bradley or Bosanquet or perhaps Hegel and Spinoza, to tie political philosophy to a metaphysical system about the nature of man, society and ultimate reality (whatever that is). But when she gets around to actually describing what she means by

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[2] Hampton 1989. Future references to Hampton will be given in the text.

[3] Rorty 1988. See also his exchange with Richard Bernstein: Bernstein 1987 and Rorty 1987.

"metaphysical" she means nothing so problematic and so offending to modern sensitivities. Rawls (by contrast) doesn't even say what he means by "metaphysical" but Hampton, not unreasonably, takes him to mean "doctrines for which an incontrovertible demonstration is not possible" (794). These are doctrines which "have the potential to arouse controversy and provoke conflict in the community" (794-95). But this, of course, is in effect a low redefinition of "metaphysical" which puts it at some considerable distance from what one would expect in a metaphysics course, in a book on metaphysics or even, á la Bosanquet or Hegel, a book on metaphysical political philosophy. For under Hampton's dispensation certain plainly scientific theories become metaphysical and normative ethics and metaethics (to wit, moral philosophy) as well becomes metaphysical just in virtue of being what they are. Charles Stevenson on this dispensation ends up doing metaphysics as much as Baruch Spinoza. This certainly is not what metaphysics is typically taken to mean.

Still, that notwithstanding, Rawls doesn't say what doing metaphysics is, but I think Hampton at least comes close to capturing *his* meaning. In arguing for certain principles of social justice, for certain social practices and a certain institutional design for constitutional democracies, Rawls wants to set aside, by what he calls the method of avoidance, reliance on any substantive philosophical theories that are in the least bit controversial. He wants, that is, to avoid any appeal, in so arguing, to comprehensive theories of the good or theories of the person or theories about the nature of man and society or any metaethical theories or claims at all. His comments about rational intuitionism and about claims to moral truth in his Dewey lectures makes this clear enough. It isn't that he is committed to rejecting moral intuitionism or denying that there is moral truth, but that his justificatory and explanatory theory in attempting to justify and explain certain principles of justice, practices, and social institutions in a constitutional democracy, do not require and, more than that, cannot available themselves of, any such controversial conceptions. Whether there is or isn't something that could usefully be called moral truth or whether some form of non-cognitivism is more plausible than any form of cognitivism can, Rawls argues, safely be bracketed and indeed should be bracketed by those doing normative political theory for the circumscribed purposes claimed by Rawls.

To utilize any such controversial premises or conceptions is, as both Rawls and Hampton use the term, to do metaphysics in political theory. Hampton thinks this doing of metaphysics, so characterized, is a good and useful thing. Rawls thinks it is a bad thing to be avoided at least if we are doing political philosophy in societies such as our own. On such a characterization of metaphysics, communitarians such as Charles Taylor or Alasdair MacIntyre, who attempt to justify principles of justice and social practices by appeals to comprehensive theories of the good, are doing metaphysics in political theory, as is Hampton herself with her appeals to Hobbesian conceptions. By contrast, John Rawls and Richard Rorty wish to avoid metaphysics. Hampton argues that, as powerful as Rawls's

conceptions and methodology are, they are such that, if he would not stick his head in the sand, he would have to come to recognize they must involve the doing of metaphysics in the sense just specified. What are her arguments and how good are they?

III

Rawls believes that the historical development of our societies over the last two hundred years has shown us the real (sociologically real) possibility of there coming into existence of stable and harmonious pluralist societies. We have, as a matter of fact, seen come into existence in societies such as our own the successful and peaceful practice of toleration. That is, we have seen societies with liberal political institutions come into existence and remain stable. Such practices are far from perfect. There remains a good measure of intolerance and bigotry, but it is everywhere on the retreat and on the defensive in such liberal societies. Indeed it is almost gone in some of the most successful liberal societies of Europe. We see a world in which people become tolerant of disagreements in metaphysical areas while coming to share, when the matter is put in very general terms, a common conception of justice governing their interactions with each other (Hampton 1989, 801). Such a world does not need a Hobbesian absolute sovereign for stability. Stability, through agreement over justice and with toleration over different conceptions of the good life, yields an even more stable society than a Hobbesian one. Here "peace is secured without forcing any person to give up her deeply held views about the good life" where they are compatible with a common acceptance of those principles of justice. The solution, the claim goes, respects the beliefs of everyone.

The principle of toleration, Hampton remarks, which is the substantive heart of liberalism, is the central "background assumption of Rawls's non-Hobbesian way of pursuing stability" (802). Coercive state intervention to end differences and establish a received view of the good life is, Rawls stresses, an unacceptable way of settling discord. Reasonable people, Rawls claims, who are tolerably reflective, would not accept state intervention where discord could be resolved instead by negotiation and compromise where people deliberate together or through proxies and in doing so have respect for others' differing views which they show by the public acceptance of a principle of toleration. This principle of toleration, so central to liberalism, can be endorsed for moral reasons as well as for prudential reasons. We, when we get our considered judgments (concrete and abstract) into wide reflective equilibrium, we will come to see the deep value of living in a world in which people respect each other even when they profoundly differ, where they are willing to listen to others, to reflect on what others have to

say and take what they say to heart and not, as True Believers, violently attack their opponents, even from positions of strength. This commitment to tolerance, a commitment justified by wide reflective equilibrium, affords Rawls (or so it might seem) a "non-Hobbesian method for achieving cooperation in a community of people with differing conceptions of the good" (802).

Hampton, surprisingly, asks of this conception: How is it more than a *mere modus vivendi?* Hampton reads Rawls as responding as follows: though each may have different moral reasons for doing so, they still have an allegiance to an overlapping consensus because they believe that what they have is a consensus about what is right and not merely about what is instrumentally valuable. This being so, Rawls claims, it is then the case that they have a consensus that is more than a mere *modus vivendi.* This claim of Rawls's seems to me well taken. The political conception of justice, or so it seems to me but not to Hampton, is a moral conception and it is affirmed on moral grounds *as well as on* prudential grounds (802-3). (Indeed part of its strength is that it is defendable on both grounds.)

Hampton believes that this liberal conception of Rawls's would work only if there were a sufficiently extensive overlapping consensus in the society such that there was *no* substantial minority in the society advocating intolerance towards beliefs other than their own. But that, she responds, is not the real world of pluralist societies such as our own. We have - to see how deep the social conflict can go - the phenomena of religious fundamentalists. For such people "a central component of the overlapping consensus, the principle of toleration" is accepted *merely* as an expedient *in the circumstances in which they find themselves.* They, as a matter of fact, lack sufficient power to stop infidels with their (among other bad things) pro-choice commitments on the abortion issue. This is our real world and in this real world - because of these differences - our toleration of each other remains a *mere modus vivendi.* There is no stronger commitment to tolerance.

IV

Hampton next asks ignoring the considerations urged above: could a political philosophy change the minds of such religious fundamentalists if it eschewed metaphysics and used only Rawls's political method? (803) The principle of toleration, for such a fundamentalist, is only an *instrumental* good. As a moral principle it is *not* one of his considered judgments. It is not a part of an overlapping consensus fundamentalists have with us non-fundamentalists. It looks as if, with such persons, Rawls would have to argue for toleration by showing (if he could) that the principle of toleration was desirable because it was necessary to achieve a cooperative and stable society. But this only gives the fundamentalist a

prudential, pragmatic reason, not a moral reason, for accepting the principle of toleration. Hampton asserts:

"The upshot of this argument is that the creation of an overlapping consensus in a pluralistic society cannot guarantee, even if members of this society accept toleration, that they do so because they believe it to be intrinsically right. The only argument for its acceptance that a practitioner of Rawls's method can give to one whose metaphysical beliefs do not endorse it as right is that in the circumstances it is instrumentally valuable for achieving peaceful cooperation. So either the principle of toleration is endorsed by a person's comprehensive moral conception, or it is endorsed as a mere *modus vivendi.* There is no political method that will allow one to argue for its endorsement as more than the latter when the person's comprehensive moral conception opposes it. In these situations, Rawls can either keep his political methodology, in which case he has allowed political philosophy in pluralist society only the job of articulating a *modus vivendi,* or he can give political philosophy the role of arguing in these societies that the principle of toleration is right, in which case he has committed the philosopher to doing metaphysics. There is no intermediate 'third way'." (804)

V

Rawls, Hampton claims, would not disagree with any of this. If there are a substantial number of people who are like the religious fundamentalist is portrayed to be, then we simply would not have in that society a genuine overlapping consensus. Such a world would, if that were so, be similar to the sixteenth century when Catholics and Protestants struggled with each other and only came slowly to realize that they could not defeat each other. Taking this lesson to heart, they learned to live with each other initially as a mere *modus vivendi.* We get a genuine overlapping consensus only when the bulk of the population endorses the idea of mutual toleration for moral, religious or philosophical reasons where they "regard toleration as the right thing and not merely the expedient thing" (804-5). But - or so Hampton maintains - Rawls *only* "wants this sort of reason to explain the citizen's belief in these ideas because the stability of the community will thereby be enhanced" (805). That basically Hobbesian reason is indeed *one* of Rawls's reasons and is a very good reason. But it is not the only reason why Rawls thinks such a consensus is a such a good thing. Hampton's failure to see this results from her failure to give attention to the way that wide reflective equilibrium works in Rawls's theory, the import for him of a public political culture (as a source of value), and the way that free public reason works as a part of a common public reason for people with different comprehensive conceptions of the good. She simply fails to take into consideration the way these

conceptions work in Rawls's account. People of diverse persuasions in our culture get, like people with different axioms from which they derive the same theorems, to a firm belief in the *moral* value of toleration as something more than a matter of attaining stability and security. Reflecting on the way, sometimes validly, the same theorems can be derived from different axioms, they can see how what they once thought only had a single rationale has a more diverse and nuanced rationale. And, *reflecting on the import of these common theorems themselves,* they can come to see how self-respect, respect for others, integrity, the values of kindliness and love and of mutual concern can play an important role in the moral life and they can see, as well, how they can be detached (as common theorems) from their not infrequently differing comprehensive conceptions of the good. They come to see that these common theorems - these shared values - can be derived from these differing comprehensive conceptions. And they thus come to see that they have in that way additional support. Even where one does not accept one or another of the traditional comprehensive doctrines in question but makes the derivation of the theorems from one's own comprehensive doctrine, one can still see that *if* one did accept those other comprehensive doctrines that from them one could also derive and in this way justify these commonly accepted values. This recognition indicates additional support for them. But people also come in time to acknowledge (particularly given such observations) that these commonly held beliefs are worth committing oneself to *just on their own* whether backed up by a comprehensive doctrine or not. They can come to see that these moral conceptions stand on their own apart from these comprehensive conceptions. This is exactly what Rawls argues in the essays that Hampton discusses. That there is an appeal here to considered judgments is true, but that is equally true of the comprehensive doctrines - they also involve an appeal to higher level considered judgments - and at least with the former considered judgments they are considered judgments which are widely shared.

Hampton tries, it seems to me not very effectively, to undermine this argument (805-7). She thinks the proper understanding of what it is to seek more than a mere *modus vivendi,* if one is to be found, is to be found by finding in each of the different comprehensive conceptions of the good of the different groups in the society the 'metaphysical reasons implicit' in their respective comprehensive conceptions. But this is precisely what Rawls's method directs us not to do. What we should do instead is to find common moral ground in the commonly accepted practices, principles and other moral beliefs themselves over and above their grounding in these comprehensive conceptions. We come to see, in good holistic fashion, the rationale of these commonly accepted practices, principles and other moral beliefs. We come to see how they hang together and why. Again Hampton just ignores the moral resources of a public political culture, of the determined use of free public reason in assessing evidence and reasons and the use of wide reflective equilibrium. A kind of Hobbesian ideology blinds her to these features in Rawls's thought. She can only see his appeals to stability.

Rawls assumed, plausibly enough, that our societies are pluralistic. Moreover, he also assumed that for the foreseeable future they are permanently so and that *only* by an unacceptable use of state power could that pluralism be ended and that we (as a society) could come to have a unitary moral conception: a shared comprehensive theory of the good. But if Rawls really assumes this, Hampton argues, there is in fact no need for a moral defense of toleration that is any stronger than one moral skeptics could accept. We can, she maintains, be quite content to accept such a weak argument rooted merely in expediency. We need not transcend skepticism.

Again it seems to me that Rawls has a ready answer. If we had a society of such moral skeptics there would no longer be any grounds or even strong resources for continuing to believe that it was wrong (morally unjustified) to use state power to enforce morals where it is plausible to believe that such enforcement might work. What is securely thought to be an unacceptable use of state power by appealing to the rationale of justice as fairness, and some other moral rationales as well, would be deprived through moral skepticism of its rationale. Why, after all, should the skeptic be set against the use of state power, particularly where it was a rather benevolent despotism operating with a paternalistic efficiency? It is true that Rawls takes the pluralism to be permanent, but one of the reasons he believes it to be permanent is that it is rooted in an overlapping consensus which in turn is rooted in various comprehensive conceptions of the good and (arguably) as well in justice as fairness. (It is vital to remember that that is not itself a comprehensive conception of the good.) If skepticism over morals and politics became widespread in our society, the social cement of the overlapping consensus might be weakened and the permanence of the pluralism less secure. (Rawls surely need not be taken to be claiming it would hold no matter what.)

VI

Begging the issue with what has been argued above, Hampton remarks that since "Rawls's justification of the project of developing an overlapping consensus is instrumental, then no matter what turns out to be required for stability, his project is, and will always be, Hobbesian" (806). But, as we have seen, Rawls gives both instrumental and non-instrumental reasons for developing such an overlapping consensus. And he does not claim, when push comes to shove, the instrumental reasons are the more fundamental or the more basic. Moreover, he does not just argue as an anthropologist or a purely descriptive ethicist, citing the reasons of others but making no arguments for any of them himself. Quite to the contrary, he argues for justice as fairness using, as well as a contractarian method, the method of wide reflective equilibrium (Rawls 1974; 1980). He does

not, let me repeat, only appeal to stability. Hampton would have to show, to make her case, that the non-Hobbesian, non-expediency arguments all rest on contestable metaphysical premises. But she shows nothing of the kind. She has not shown that Rawls can *only* offer Hobbes-style expediency arguments, albeit of a rather sophisticated kind, for the generating and sustaining of the overlapping consensus. The moral reasons that Rawls appeals to could have force even for the fundamentalist who does not start by valuing tolerance for its own sake. Rawls's argument inside justice as fairness, for (for example) the good of selfrespect, is for a good appreciated by fundamentalist and its value for him might be such that he might, if a tight link with tolerance could be established (as it arguably could), very well come to modify his comprehensive conception of the good to include tolerance as something to be valued for its own sake. Rawls in arguing with him need not argue against his comprehensive conception of the good or appeal to a comprehensive conception of his own. There could be a sound morally based argument here with the fundamentalist which eschewed metaphysics. After all the core of the fundamentalist's comprehensive conception of the good is not an anti-tolerance plank. Valuing self-respect, as one of the theorems derivable from his own comprehensive conception, the fundamentalist could be led by Rawls's argument - an argument not designed to attack or question his comprehensive theory of the good - to modify an inessential element of it, so that it would square with the value he himself attaches to the good of self-respect. Where he goes beyond the Hobbesian he is not trapped into, against his own methodological rationale, offering metaphysical views.

VII

Hampton sees, though rather through a glass darkly, Rawls's rationale for doing political philosophy in a distinct way in and indeed for limiting his attention to constitutional democracies (809). But she is deeply offended by it as well. It runs, as she understands it, against her Socratic ideal of philosophy, including political philosophy, as a search for truth. She remarks, "I ... want to argue that political philosophers must do more than simply engage in consensus building; they ought also to engage in Socratic philosophizing." (810) What most deeply worries her is Rawls's conception of what political philosophy amounts to. Philosophers, Hampton argues, are not to behave like mere politicians and centrally concern themselves with an ideas acceptance; what they should want is a proof of its truth. That is the Socratic ideal and that is something that is part of the very vocation of philosophy. "Socrates", she remarks, "the founder of our discipline, characterized philosophy as the pursuit of truth ... " (807). Rawls, she has it, abandons this ancient and noble philosophical ideal when he does political

philosophy. "Not truth", she remarks, "but non-coerced social agreement is to be our goal" (808). The thing that really bothers her is Rawls's eschewing "attempts at philosophical proof through argumentation that involves commitment to controversial metaphysical premises" (808). Hampton thinks that Rawls does succeed in showing that there is plainly a place for his style of political philosophy with its stress on rational consensus building, but, that notwithstanding, he still unjustifiably restricts the scope of political philosophy even in a well-ordered liberal society. Political philosophers, even in constitutional democracies, can and should go beyond such rational consensus building in doing political philosophy.

Suppose we have such a society with an extensive overlapping consensus and a well-defined conception of justice. Still, the consensus will not be complete (810). It would be unrealistic to expect that. There will be controversy even in a well-ordered society. Hampton's examples are about "whether people should be accorded free health service supplied by the state or about whether a ban on pornography is a violation of freedom of speech" (810). There is no consensus in the United States on those things. Even if there was, as there is in Canada but not in the USA, a consensus on the free provision of health services by the state, there will always be *some* important moral political issues in such liberal societies concerning which there will be no consensus. Yet these are very typically issues - think here of the abortion issue - that cannot be removed from the political agenda. They have to be, if we would be reasonable, argued out somehow. Why not in such a circumstance "engage in metaphysical political philosophy when publicly discussing these issues?" (810). In doing so we need neither be contemptuous of our opponent's ideas nor be prepared to use force to make our particular ideas prevail. All the participants, if they genuinely accept the Socratic ideal, should be prepared to listen to all sides of the argument and be guided by the force of the better argument. Why, Hampton asks, should arguing controversial political metaphysical theses under those circumstances and in that manner "spell trouble for political community?" (810). To the degree that people can be reasonable, there is no reason to think that it should. If, no matter how the argument goes, no argument is politically enforced, pursuing such a Socratic political ideal should not be politically upsetting or destructive of community. "A society", Hampton remarks, "has nothing to fear from a group of people who are earnestly committed to working out what is true and who are respectful of one another's attempts to formulate answers - even if those answers are ones with which they disagree. Indeed, such respect seems to be what Mill argued that liberalism was all about." (811) It is indeed true that sometimes appeals to truth over controversial matters have been invoked to justify intolerance. But in a liberal political culture appeals to truth could not be used that way. It would violate the principle of tolerance of persons and respect for persons which is at the substantive heart of liberalism.

It isn't Socratic philosophy that society, particularly liberal society, has to fear but the True Believer. True Believers are not philosophers but rather the

enemies of philosophy for they are people committed not to the search for truth but rather to *their own cause.* True Believers, unlike Socratic philosophers, would block reform justified by sound arguments where it did not square with their cause. They are not prepared to hear the truth of the matter nor the best reasoned case for a matter where it runs against their cause. "Since the death of Socrates philosophers have believed that they owed it to their communities to fight such resistance [the resistance of the True Believers] and examine the theoretical foundations of society as much to overturn what is unjustifiable as to find shared bases for agreement." (812)

However, as should be apparent from the above, the True Believer is not only the enemy of philosophy; the True Believer is also the enemy of liberal societies. He will neither respect his opponent's attempts to formulate ideas that run contrary to his own nor will he reflect on his opponent's ideas, considering whether, after all, they might be justified. Any reflection that he will do will be purely instrumental to the predetermined task of defeating them (812). Knowing he has "the truth", he has scant respect for the beliefs of others and with that scant respect, for them. (People, Hampton claims, are too closely linked with their beliefs to have much in the way of respect for others without having respect for the beliefs of others.) But such respect, Hampton maintains, is both at the foundation of philosophy and of liberal society. Without it neither can function. "One who is committed to philosophy must also be committed to remaining intolerant of others' intolerance. To attempt to reach consensus with intolerant True Believers would be to betray one's belief in the respect that grounds one's very philosophizing." (812) What philosophers must be prepared to stick with - and it is clear that Hampton recognizes that Rawls also affirms this side - is the belief that if one is to do philosophy, one must pursue "truth through philosophical argumentation that respects equally the disputants who participate in it" (813). This is plainly an essential element in the vocation of the philosopher.

It is not clear how this spirited defense of the vocation of a philosopher is meant to conflict with Rawls's conception of political philosophy. I guess it is supposed to do so in the following way. In her final summary, Hampton takes herself to have been defending a conception of philosophy, including a conception of political philosophy, that views philosophy as an activity that is "based upon substantive metaphysical beliefs about the nature of human beings" (814). Rawls, by contrast, wishes, in doing political philosophy in and for constitutional democracies, to, with his method of avoidance, set aside all controversial metaphysical beliefs for the purposes of doing political philosophy in such a context. For Hampton this comes to a denial of the vocation of a philosopher: *a philosopher must, to be a philosopher, be prepared to follow the argument where it will go.* But this contrast is misleading. Rawls early and late is centrally concerned with justification. He wants to make sense of our disparate moral and political beliefs, to show how many of them can at least reasonably be seen to fit together into a coherent web of belief and to articulate underlying moral-cum-

political claims, such as justice as fairness, which will reveal their underlying rationale and show how this rationale is reasonable (indeed, more than reasonable), powerfully attractive, perhaps even compelling, to people situated as we are (see references in note 1). In doing this, Rawls is both doing an explanatory and a justificatory job. (Justificatory reasons and explanatory reasons are not conceptually identical but sometimes they are extensionally equivalent.)

Rawls, it is true, brackets, for the purposes of developing a public philosophy for a constitutional democracy, the question of moral truth (truth or falsity). He does not deny, like a non-cognitivist, that in any helpful sense there can be moral truth; he just side-steps the issue for the purposes of developing a political philosophy for constitutional democracies. But this is not (*pace* Hampton) failing to follow the argument wherever it will go, for Rawls is after the rational justification of moral and political beliefs. He wants centrally to show how certain of them (ones central to constitutional democracies) can be justified. He wants to show which principles of justice for the structure of society are the most reasonable to accept here and how for human beings constituted as we are or as we could become if we would become somewhat more informed and reflective.

What we are justified in believing to be true is what we are most rationally justified in believing. Rawls in the domain of politics for our societies is concerned with that and in that very crucial way he is concerned with truth. He assumes (perhaps mistakenly) that in the domain of morals (including normative political beliefs) that for us to be confident that our beliefs are justified requires as a necessary condition that there be some reasonable consensus. Like Hegel and the communitarians, he takes seriously the shared values, beliefs and traditions of our society without, keeping faithful to his method of avoidance, adopting (or for that matter rejecting) the communitarian metaethical thesis that community is the source of value. But he does take it to be thoroughly implausible that, like the Lone Ranger, we could somehow stand free of our at least culturally shared considered convictions and just ascertain, without at all relying on at least some of the shared considered convictions of our society, what the moral truth is or (if 'moral truth' is senseless or otherwise unhappy) what should be done or believed in the domain of morals-cum-politics. If Rawls is on the mark about that, then, since some consensus is necessary for the rational justification of political and moral beliefs, Rawls's arguments about how this is to be achieved in pluralistic societies (though perhaps mistaken) are exactly to the point in trying to ascertain what it is reasonable to believe and do in the domain of morals and politics. (I refer here to his holistic turn with wide reflective equilibrium.) But this means that he is prepared to follow the argument wherever it will go. Where the argument is about how *we* are to justify *our* moral and political beliefs here and now, he will proceed by using wide reflective equilibrium. This is the way in such a context to follow the argument where it will go. He does not think that the traditional Socratic ideal (the ideal articulated by Hampton) and traditionally practised can yield the rational justification she, like Socrates desires, but that

instead we must proceed more internally and holistically to realize a very similar ideal, adjusting here and there our web of belief and norms until we get the most coherent account we can get which is also of the alternatives the most reflectively attractive to people such as ourselves. *Perhaps* there is a more direct road to truth (meaning here what is reasonable to believe about what is right and just in a society such as ours), though the history of social thought ought to make us skeptical about that. But Rawls argues extensively that though none is available for us in our firmly pluralistic societies still without it we can, all the same, gain a rational justification of our moral/political beliefs, using the method of wide reflective equilibrium. This is not a foot stamping argument against following the argument where it will go but a following of the argument where it will go and claiming that, with the method of wide reflective equilibrium, we have the most adequate method for doing just that. This is not just asserted but carefully argued for. Rawls gets us to probe very carefully what else justification can come to in such contexts. He concludes, after careful deliberation, that this is just what justification comes to. Perhaps this is mistaken but it is not a refusal to follow the argument where it will go.

This, if you will, is a rationally reconstructed use of the Socratic ideal, not *just* (as Hampton believes) the seeking of agreement or consensus. Perhaps there is a more adequate method of political/moral justification but Rawls has reasonably entered the philosophical arena with (even traditionally speaking) a recognizably philosophical account carefully worked out. It proffers a general justification addressed to our reflective inspection for contextualizing our argument. But the defense of that is Socratic; it is a following the argument where it will go. Rawls, of course, argues for a particular closure. But so does anyone else following the argument where it will go having come, after such deliberation, to a definite opinion. (This opinion could, and should, be held in a fallibilistic manner.) The critical task here, something Hampton does not attempt, is to show that that account has important defects and to provide a distinct account which is better. All these accounts, pure contractarianism, rational intuitionism, objective ethical naturalism, as well as wide reflective equilibrium can and should be taken to be meeting the Socratic ideal (broadly conceived). The question is which one in the domain of political philosophy does it most adequately for constitutional democracies.

It might in turn be responded that Rawls's method of wide reflective equilibrium is itself a controversial philosophical conception and thus, given Rawls's own method of avoidance, should be avoided. I think Rawls should in turn respond that while this method starts as a controversial philosophical thesis, that it commends itself to reflective common sense and is, I believe, a systematization of a way of proceeding we pervasively apply commonsensically in inquiry and in the justification of belief and action. When I defended this method some years ago in a symposium in which David Lyons was also a participant, he responded that it was just plain common sense. In short, I think, as well, that the method of

wide reflective equilibrium is enlightened common sense rooted in our considered judgments and our use of public reason. Adequately reflected on it should not remain controversial - as one metaphysical framework set against another - but, like much of John Dewey's work, to be seen as a method squaring with and in effect explicating a part of our reflective common sense.[4] It is a way of conceptualizing what we do when we are being reflective and careful and are not being carried away by some philosophical extravagance or other.

If I am wrong about this then there is an important conflict between Rawls's method of avoidance and his method of wide reflective equilibrium. If that is so, then I think the method of wide reflective equilibrium, central as it is to reasonable deliberation and inquiry, should take precedence and force some qualification on the method of avoidance. Rawls, it should be added, does allow that in certain contexts we may not be able to avoid all philosophical commitment. He hopes to be able to avoid all controversial metaphysical views but he allows that even this may not always be avoidable and *perhaps* the method of wide reflective equilibrium is one such philosophical conception (see Rawls 1982a, 14). However, I think it is more plausible to regard wide reflective equilibrium as a systematization of our commonsense methods of inquiry and adjudication where the latter in particular cannot escape reference to our considered judgments about how to proceed in such domains.

VIII

Rawls (*pace* Hampton) is not just after gaining a political ideas acceptance - say, some principles of justice - but for its rational acceptance as the principles most reasonable to accept in the circumstances in question (i.e., our condition being that of living in an at least putatively functioning constitutional democracy).

Hampton, by contrast, is after a proof of the truth of such principles of justice. Rawls thinks this misconceives what justification comes to in such domains. Rawls points out that on his view "justification is not regarded simply as valid argument from listed premises even should these premises be true. Rather, justification is addressed to others who disagree with us, and therefore it must always proceed from some consensus, that is, from premises that we and others publicly recognize as true; or better, publicly recognize as acceptable to us for the purpose of establishing a working agreement on the fundamental questions of political justice." (Rawls 1985, 229) But Rawls goes on to stress that the agreement "must be informed and uncoerced, and reached by citizens in ways consistent with their being viewed as free and equal persons" (229-30). Not just

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[4] See Richard Rorty's discussion of Dewey in relation to Rawls in his 1983.

any old consensus will do. (Here his views are reasonably like those of Jürgen Habermas.)

That it is inevitably a particular consensus, gained for a time and place, *suggests* some kind of relativism. There is, clearly, an inescapable contextualism and historicism there but there need be no relativism (Nielsen 1987; 1988; 1989). As we have seen, Rawls, like communitarians, takes very seriously indeed the shared values, beliefs and traditions of our society. Moreover, there is no *ahistorical* Archimedean point in accordance with which we can gain a critical purchase on them. But wide reflective equilibrium gives us an internal way of gaining a critical purchase on them that enables us to evade relativism or being stuck with some traditional morality (Nielsen forthcoming). (Here we should keep firmly in mind that wide reflective equilibrium is a holistic coherentism.) It gains a critical purchase on traditional morality for the beliefs of traditional morality must, to be reflectively sustainable, yield a consistent whole compatible with what we know or justifiably believe about people, society and nature and with what general moral principles and conceptions of morality and of their underlying rationale, we may devise and find reflectively attractive or perhaps even compelling. We must get all of this into a consistent and coherent package. For them to so stand to each other sometimes comes to modifying or abandoning a particular considered judgment and sometimes to modifying or abandoning a more general moral principle. In this adjusting here to gain consistency and coherence there no doubt will be quite a winnowing of the considered convictions coming from the tradition. This yields a historicist but non-relativist critical morality. The source of moral legitimation is not simply society or the community. We start with the norms and values of our tradition but they, though not all at once, get critically assessed in various concrete situations.

Socrates characterized philosophy as the pursuit of truth but there is not much to the pursuit of truth without a pursuit of the knowledge of the truth and that in practice can be nothing more than a pursuit of what we are best justified in believing at a given time and place and that in turn comes to what is the most reasonable thing for us to believe at a given time and place. This is the demythologized sense of the Socratic conception of philosophy. Applied to political philosophy in general, and to arguing about justice in particular, it comes, taking the "us" quite literally, as Rawls does, to the pursuit of what it is most reasonable for us to believe are the most just social structures for constitutional democracies either here and now or as those democracies might reasonably be expected to be transformed during our epoch. Rawls shows us how we can do this while eschewing attempts at philosophical proof through argumentation that involves the utilization of controversial metaphysical premises: premises we would never get even a reflective consensus about in our pluralistic societies.

IX

As we have seen, Hampton does not think that in our liberal societies there is the extensive kind of overlapping consensus that Rawls assumes. The principle of toleration, which is at the heart of the self-conception of a liberal society, is only, for example, accepted as a *mere modus vivendi* by religious fundamentalists, Stalinists, and very right-wing conservatives. If they had sufficient power they would not be tolerant at all of the beliefs of communists, atheists, agnostics or liberal theologians or more generally of liberals. It is also the case, and relatedly, that there are sharply divisive moral beliefs with clear political implications in our society, beliefs that many of us are very attached to indeed. Moreover, there is no foreseeable possibility that even after some reasonable discussion of them (assuming we could even get that) that we would achieve consensus; and for some of these beliefs, at least, there is little toleration of dissent. People in such contexts are not willing to be tolerant: to agree to disagree. Yet they are beliefs which require a political solution. Differences about the morality of abortion or pornography are such issues. People in our extant constitutional democracies, as a plain matter of fact, have very different and indeed conflicting considered convictions here and there are a not inconsiderable number of people in our societies who are vociferously intolerant of the views and sometimes even the persons with whom they disagree.

There are a number of things that Rawls or a Rawlsian can say here by way of a response. First, he can point out that his conception of justification was for a liberal society which has, as an essential part of its liberalism, the character of a constitutional democracy. To the extent that there are many significant such differences concerning which, where they have the power, one or other of the contenders will not be prepared to be tolerant of their opposition but will be willing to enforce, where they can, their own conception of the good, it will then be the case that we do not have a liberal society. (This, if you will, is a matter of implicit definition, though hardly an arbitary one.) If these circumstances obtain (if there are such sharp and intractable clashes) then we do not have a society for which Rawls's theory is even intended as a theory. Rawls's theory, we should not forget, is meant to apply to liberal societies not to societies with such extensive intolerances. It (arguably) works for Norway but not for Cambodia. If Hampton's political sociology is near to the mark, then Rawls's theory is more of an idealization applying counterfactually than Rawls believes. Even so, it gives us a good picture of how justification would proceed in a *liberal* society if we had one. Such a liberal society is at least a near possible world to the most progressive European societies.

Secondly, and distinctly from the above, Rawls does not claim that there is anything like a principle of sufficient reason in ethics or politics. He is not claiming that all moral problems are solvable in a constitutional democracy or

anywhere. Some, and perhaps even all, of the above examples are examples of problems which are intractable and will remain so for the foreseeable future. There will, that is, be no consensus concerning them and no view here will receive public justification. (But we also need to keep in mind that what is intractable for one generation or epoch is not always so for another generation or epoch.) Rawls is only saying that to the extent that there will be a justification that can be part of a coherent normative political philosophy for a constitutional democracy, it must have the features he describes in his characterization of wide reflective equilibrium. He does not deny or need to deny that at a given time there will be intractable problems: and indeed intractable problems that we cannot agree to disagree about. However, as we have in effect seen, there is no ruling out *a priori* that such intractable views will not at a later time become tractable when such a method is applied to the dispute. We have no reason to believe they are intrinsically intractable.

Thirdly, even with such deep seated, contested beliefs, it is not likely that the people holding them are, like Loyola or Nietzsche, out of our consensus, for they in all likelihood will have many other beliefs (including central ones) which are within the overlapping consensus of the liberal society and that these distinctively non-liberal beliefs will conflict with them and they will want, as reasonable people, to have their own beliefs form a consistent set. There is, of course, extensive room for rationalization (in the bad sense) here but it is not inevitable that this will happen and there thus remains room for argument and in accordance with Rawls's models.

What is involved here comes out more clearly when we inspect a passage from Hampton toward the end of her essay. Central to Rawls's liberal conception of a well-ordered society is respect for persons, all persons, the greatest and the smallest, and this includes respect for their ideas. And with this comes centrally a deep seated belief "in the value of pursuing truth through philosophical argumentation that respects equally the disputants who participate in it" (813). Concerning this, Hampton significantly remarks:

". . . insofar as Rawls's conception of justice attempts to incorporate and give voice to that respect, then if there were an overlapping consensus on it (as he believes) our society would have the foundations necessary for genuine philosophizing rather than divisive argumentative clashes among intolerant opponents. But in my view, not only is there no consensus on Rawls's conception of justice in our society, but, more disturbingly, there is no consensus on the idea that all human beings deserve equal respect. The Bill of Rights is only part of our history; the persistence of racial discrimination, sexism, and exploitation betrays a commitment by many of the second-class status of some of their fellows. Because they have that status, such people are perceived as appropriate targets of coercion by those of higher status - who need not argue with their inferiors." (813)

Surely, and very pervasively, there is in our societies, conventionally called liberal, sexism, racism and exploitation, though (and truistically) to the extent the

societies approximate the full liberal conception - the full liberal *political* conception - there is there much less of those things than elsewhere. Sweden, for example, comes off better in these respects than the United States and the United States does better than South Africa. However, it seems to me Rawls says the right thing about this. These grossly unjust practices certainly exist in our societies, but they are no longer publicly defended, or at least much less frequently, and (where such a defense occurs) more apologetically, more furtively, than before. There is, without doubt, racism but no one will defend racism (at least not in those terms). Similarly, no one will try to justify exploitation. At most it will be accepted as a necessary evil to avoid what is taken to be even worse evils. Sexism is all over the place. But few will defend it and the defences, such as they are, are more and more indirect, arcane and defensively apologetic.

These intolerant beliefs sit very badly with our central and very pervasive moral beliefs in constitutional democracies, including such deep seated and general ones such as beliefs in rights, the good of self-respect, the equality of persons, equality of opportunity and the belief in moral equality (the life of everyone matters and matters equally). These beliefs, though often with slightly different readings, are accepted by the intelligentsia all over the political spectrum from right, to center, to left, e.g. Nozick and Friedman as well as Dworkin and Rawls and Roemer and Cohen. And such beliefs gradually and, as Max Weber might have put it, inexorably trickle down to the non-intelligentsia in our societies. However, badly people violate it in practice, people in such societies very widely give express assent to the belief that all human beings deserve equal respect. Moreover, they hold a lot of beliefs that only make sense against the background of that belief. There are indeed holdouts, our societies are surely imperfectly liberal, but they are fewer and fewer as modernization runs its inexorable course. So where there are people with sexist, racist and exploitation-justifying beliefs, it is plausible to believe they (or their children) can over time be relevantly and rationally argued out of them using the non-metaphysical apparatus of wide reflective equilibrium. This is less evident with some beliefs, say beliefs about abortion and pornography, and perhaps here I need, to keep in step with realism, to revert to my second point above in defense of Rawls. There is no principle of sufficient reason in morals. Some moral disputes may remain intractable, but even here - to gesture at an example - someone who rejects a ban on hard pornography on the grounds that it violates freedom of speech would have to face, if he would use wide reflective equilibrium arguments, carefully attending to what free speech comes to, to seriously consider whether freedom of speech is really at issue here and, even if it were, to consider in comparison the weight of other considered judgments concerning the wrongs of exploitation and degradation (particularly of children), conceptions of respect for persons and the wrongness of the coarsening and brutalization of people and the like. It is far from evident that Rawls's metaphysics-free method would not suffice for argumentation here.

X

There is another side to this issue - indeed an important side - which, while it does not gainsay anything I have argued in the previous section, is a side where Hampton is importantly right. It need not be the case (*pace* Rawls) that in all public political contexts metaphysical political philosophizing *must* be eschewed. It may, as an intervention into public philosophizing, be thoroughly ineffective, but it need not be a threat to tolerance, to respect for persons or to the liberal political community. Suppose arguments concerning abortion or pornography turn out at least at a given time not to be amenable to Rawlsian type non-metaphysical arguments, why cannot people, continuing to follow a Socratic ideal, then engage in metaphysical arguments using controversial premises and, doing so, argue with others not sharing those premises, trying to convince them of their truth or appropriateness? They can, as far as I can see, very well do this and, at least if they are liberals, they will do this, without being contemptuous of their opponent's ideas or persons or being prepared to use force to get others to change their minds or to dogmatically and with authoritarianism argue with them in such a way that the people arguing from these controversial premises are not prepared, depending on how the argument goes, to change their own minds. Why, in this spirit, if these followers of the Socratic ideal are genuine liberals, could they not argue with people who disagree with them in such a way that they are thereby showing respect for them and for truth as well in being prepared in such argumentation to accept as decisive for belief change whatever has the force of the better argument? They can, and indeed should, show respect for and tolerance towards their persons, while still forcefully, though in intent at least relevantly, opposing their arguments with counter-arguments where what governs success here is which argument, whether with controversial premises or not, has the force of the better argument. Very little might be agreed on here given the depth of feeling and the power of ideology about such matters. That certainly is to be expected. But since all those involved are liberals and, as such, committed to a principle of tolerance, no one will (it will also be commonly recognized) be coerced, political and legal means will not be used to achieve agreement, but people will forcefully try out ideas on each other which, if there comes to be a consensual acceptance concerning them, would imply a changed way of living in the society. But no coercion at all is involved. One might be rather cynical about the likelihood of such arguments achieving much. But that is a different matter.

With pluralism as entrenched as it is in our societies and with some of the differences as deep as they are, we have reason, as Rawls plainly is, and as I am as well, to be very skeptical here of the political and other practical effectiveness of these metaphysical arguments. To have much faith in them is to be blinkered by a rather typical philosopher's utopianism involving an over confidence in the power of reason. Still, while no doubt these metaphysical arguments very likely

will do no good, Hampton is right against Rawls in maintaining that if they are pursued in a proper Socratic spirit, that is, in a philosophical spirit, they will not destroy, or in any way weaken, the pluralistic and tolerant nature of liberal society. That is, they will do no harm either. They will not undermine the liberal respect for the right of everyone to construct his or her own belief-system.

XI

Thomas Jefferson, as Richard Rorty succinctly put it, as a typical figure of the Enlightenment, believed that "every human being, without the benefit of special revelation, has all the beliefs necessary for civic virtue" (Rorty 1988, 256). John Rawls, extending and generalizing a related Enlightenment conception, believes that every human being, without benefit of metaphysical insight, has, with her considered judgments reasonably collected, all the beliefs necessary for civic virtue.

Rawls, though clearly an Enlightenment figure, falls somewhere between the explicit and determinate historicism (some would say relativism) of another Enlightenment figure and fellow liberal, Richard Rorty, and the universalism of Jürgen Habermas, an Enlightenment social democratic liberal or neo-Marxist who wishes rationally to reconstruct universalistic (non-historicist) Enlightenment theorizing. Justifiability to humanity at large, on this latter conception, identifies truth in moral and political domains. Truth, in such domains, the claim goes, comes to such justifiability. And, as Richard Rorty insouciantly characterizes this Habermasian side of the Enlightenment tradition, "The Enlightenment idea of 'reason' embodies ... the theory that there is a relation between the ahistorical essence of the human soul and moral truth that ensures that free and open discussion will produce 'one right answer' to moral as well as to scientific questions." Such a theory guarantees that a moral belief that cannot be justified to the mass of humankind is an irrational moral belief. Hampton believes that the Rawls of *A Theory of Justice* was advancing such a theory, but by the time we get to his later essays we have a much more historicist view. I think Rawls was never such a full universalist but certainly with his political conception of justice for a constitutional democracy we do not get such a view. The political conception of justice is importantly dependent upon, though it also rationalizes, central considered judgments of people who are part of that tradition and these considered judgments give expression to that tradition. Such a conception is clearly historicist, though even here Rawls, always very cautious, does not rule out the possibility that justice as fairness or some similar conception, now taken purely as a moral conception, could be given such a universalistic reading and function as such a universalist norm.

Richard Rorty, who is anything but cautious, tries in an interesting way to construct a strikingly historicist account building on the later work of Rawls. He rejects traditional Condorcetian Enlightenment universalistic views even on a Habermasian rational reconstruction. He thinks in our century Enlightenment rationalism has been discredited. We no longer can plausibly think, Rorty claims, that we can gain some ahistorical conception of rationality as a set of ahistorical truths about what is important about the human condition, perhaps rooted in some ahistorical conception of human nature. More severely historicist than Rawls, Rorty has it that what we must appeal in justifying our moral and political beliefs to "something relatively local and ethnocentric - the tradition of a particular community, the consensus of a particular culture" rather than trying to appeal to humanity, reason or human nature. According to this view, "what counts as rational or as fanatical is relative to the group to which we think it necessary to justify ourselves - to the body of shared belief that determines the reference of the word 'we'" (Rorty 1988, 259). This pushes, in a more determinate and iconoclastic direction, certain elements that we see in the work of Rawls. The considered convictions of a given people in a given epoch centrally determine for that epoch and for those people in some reasonably determinate locality what they ought to do and how they ought to view the world.

Rorty thinks that is a realistic view of our norms and a view which yields all the justification liberals need. He wants to use this way of conceptualizing things, in contrast with Enlightenment rationalism, in the defense of liberalism and indeed of social democracy. He is concerned to meet the communitarian and critical theory critique that liberal institutions and culture cannot survive the collapse of a metaphysical (Hampton's sense) grounding that pre-Deweyians attempted to provide and that Ronald Dworkin still attempts to provide. Rorty thinks that no such metaphysical grounding is at all possible. There will be no societal agreement concerning such matters in our societies and there will be no feasible philosophical defense of such conception either.

Rawls is less *parti pris* arguing that we must just learn to get along in doing political philosophy in our societies without such metaphysical argumentation. Rorty agrees, but, believing such argumentation is moonshine anyway, argues it is doubly ineffective: ineffective for the practical reasons Rawls adverts to but also ineffective because theoretically groundless. That, of course, is a stronger argument than anything Rawls is prepared to make and more subject to undermining; yet it also cuts deeper and, if correct, is a powerful reinforcement of Rawls's views here. But it is also something concerning which, even among intellectuals, there is very unlikely to be any consensus.

The communitarian account Rorty sets out to meet, would, if correct, show that Rawls's account cannot give us a sufficiently strong social cement or social bonding to hold liberal culture together. Such a disenchanted world as Dewey's view and Rawls's view yields, cannot, the claim goes, give us the moral community necessary for it to be humanly speaking adequate. People cannot live, or at

least cannot flourish, in such a dehydrated moral space. We need instead, communitarians claim (as well as does Hampton), a metaphysical backup view for such liberal moralizing.

Rorty, by contrast, and following Dewey here, claims that while liberalism may profit from a philosophical *articulation,* it does not need a philosophical (metaphysical) *backup* or grounding. Justice as fairness, so understood, does not *justify* liberal institutions but it does *articulate* their underlying rationale: a rationale already implicit in liberalism's distinctive norms and values. The articulation can clarify, can succinctly represent, showing how disparate norms can coherently cohabitate, but it can give no deeper justification than can the force of the specific norms embedded in the social institutions and in the life-world of the people themselves. Their most firmly placed considered judgments, when taken together, are our deepest source and ground of normativity. Liberal institutions can get along quite nicely without *philosophical* foundations, though a little articulation, where it succeeds in perspicuously representing them, has a certain, not to be overestimated, value. To articulate an adequate political conception of justice we do not need to probe the nature of the self, examine more broadly the nature of human nature, unearth the underlying motives of moral behavior or grasp the underlying (if there is one) meaning of life or anything like that. Rather, as Rawls puts it, what we need to do, in an utterly non-metaphysical way, is collect "such settled convictions as the belief in religious toleration and the rejection of slavery" and then to "organize the basic intuitive ideas and principles implicit in these convictions into a coherent conception of justice" (Rawls 1985, 20). The method of placing our considered judgments in wide reflective equilibrium is a systemization of that. But the above quotation from Rawls captures the fundamental underlying idea.

It is doubtful whether we can find a deeper grounding or authority for our moral and political beliefs than this. But that might not unreasonably be taken to be itself a metaphysical claim which violates Rawls's own commitment to the method of avoidance. Rawls could bite the bullet here and assert, quite apart from any question of whether or not there is some more fundamental metaphysical underpinning of our norms and principles of justice, that for political purposes in constructing a "public philosophy" for a constitutional democracy, reflective equilibrium is all we need. "What justifies a conception of justice", writes Rawls, "is not its being true to an order antecedent to and given to us, but its congruence with our deeper understanding of ourselves and our aspirations, and our realization that, given our history and the traditions embedded in our public life, it is the most reasonable doctrine for us" (Rawls 1980, 519). Reflective equilibrium keeps us from being "at the mercy ... of existing wants and interests" but the "Archimedean point for assessing the social system" is something we appeal to "without invoking *a priori* considerations" (Rawls 1971, 261-62). The Archimedean point we attain is irretrievably historical.

The historical and historicist nature of Rawls's account and Rorty's account as well comes out clearly in what they say about such implacable opponents of liberal democracy as Loyola or Nietzsche. The questions Loyola and Nietzsche would raise of a liberal society are set aside not because their views are unintelligible, logically confused or conceptually confused or because they have a mistaken conception of human nature or man's place in nature or society. Whether they are any of these things is left aside. Rawls says their views so depart from ours that we think of them as mad. Rorty glosses this in a very historicist and relativist way. Indeed, what he says here will seem "shockingly ethnocentric" (Rorty 1988, 267). We say they are mad, Rorty remarks, "because there is no way to see them as fellow citizens of our constitutional democracy, people whose life plans might, given ingenuity and good will, be fitted in with those of other citizens. They are not crazy because they have mistaken the ahistorical nature of human beings. They are crazy because the limits of sanity are set by what we can take seriously. This, in turn, is determined by our upbringing, our historical situation." (ibid.)

Rorty thinks that if we do not accept this as a bit of hard-nosed realism and instead if we continue to view it as shockingly ethnocentric, we do this because our metaphysical philosophical tradition has unrealistically and perhaps even incoherently "accustomed us to the idea that anybody who is willing to listen to reason - to hear out all arguments - can be brought around to the truth". This traditional philosophical background belief is a belief Kierkegaard calls "Socratism", and, like Rorty, takes to be a thoroughly unrealistic assumption. With that assumption we will think there is argumentative space to deliberate out matters with Nietzsche or Loyola and not simply to set aside their views as mad. But Socratism is itself thoroughly unrealistic.

I think here Rorty goes wrong, and Rawls too, to the extent that he would follow him here. To think there is room to argue with Nietzsche or Loyola need not be to commit oneself to Socratism. Instead, since Socratism is itself a myth, or a philosopher's dream, it is something to be avoided. Hampton in recommending the Socratic ideal is certainly not committed to Socratism. To resolutely pursue the truth is not to believe we will, if we push the matter relentlessly enough, find it or to believe that everyone can finally be brought around to the truth. (We hardly even understand what "*the* truth" means, though we have good reason to believe that there are plenty of truths about.) It may well be that on constructing a political conception of justice for constitutional democracies we will not want to argue with Nietzsche or Loyola. We cannot argue all matters at once and for certain practical purposes we may wish, and reasonably so, to bracket certain arguments. But the very method of wide reflective equilibrium points to, within its historicist framework, how we can, if we wish, relevantly argue with Nietzsche or Loyola. This is very clear with Nietzsche and only somewhat less so with Loyola. Nietzsche is an iconoclast within our very Western tradition. He is not someone from outer space. The reason he, with his transvaluations of values, can so powerfully captivate or disturb, is that he grabs

on to certain submerged notions rooted in our value system, reverses certain traditional values, showing, in the light of other values and considerations we also hold and take seriously, the dark underside of these traditional values, while still keeping in focus their import. (Though he also extensively discounts them, he clearly sees their appeal.) His perfectionist ideals answer to something which is already deep inside us and is a part of our tradition. His deriding of calls for freedom shows the slavish side of a longing for freedom and shows how these very calls conflict with the importance we attach to human dignity, resoluteness and self-respect. But these very values are deeply our values. Nietzsche challenges us to see if we can get those norms, those powerful perfectionist norms, in a coherent fit with the more familiar norms of equality and liberty and to see what, if anything, has to give here in achieving wide reflective equilibrium. There is here very considerable room for argument and deliberation and entirely within Rawls's own methodological stance.

XII

Rorty pithily remarks that we should see Rawls not as "attempting a transcendental deduction of American liberalism or supplying philosophical foundations for democratic institutions, but simply as trying to systematize the principles and intuitions typical of American liberals" (Rorty 1988, 268). "Simply" overdoes it but that is in essence (oversimplifying as essences always do) what he is trying to do with his conception of political justice. But in extending moral argument more generally, something Rawls does not rule out, as in imaginatively arguing with Nietzsche or Loyola or with the people depicted in the Icelandic Sagas, we should here be content that the argument "leads to whatever intersubjective reflective equilibrium may be obtainable, give the contingent make-up of the subjects in question" (Rorty 1988, 270). Metaphysical normative political philosophy with its quest for moral truth simply drops out. No matter where the argument is pushed, say to claims about there being fundamental moral norms or some basic fact of the matter about what reality is really like, we can, as Rorty puts it, always "fall back on the holist's strategy of insisting that reflective equilibrium is all we need to try for" recognizing that "there is no natural order of justification of beliefs, no predetermined outline for argument to trace" (Rorty 1988, 271).

XIII

Let us take stock. We have in Rawls's later writings a theory of justice with a practical intent designed for liberal social democracies so that its citizens can ascertain what just social structures would look like in such societies and what principles of justice applicable to those structures its citizens could justifiably appeal to in resolving disputes about distinctive social policies and particular institutions and practices. Given the permanent facts of pluralism with diverse and often conflicting or incommensurable conceptions of the good or the desirable, it is crucial to forge consensus among all accepting the legitimacy of such constitutional democracies. We should also in our public philosophy, in our political commitments in Western societies, be tolerant of any conception of the good, no matter how otherwise diverse and far from our own vision of things, which does not conflict with the principles of justice we have achieved a consensus about. This is what is meant, when Rawls so speaks, by the priority of the right over the good. Conceptions of the good, comprehensive or otherwise, the minimal theory of the primary goals aside, are only acceptable in liberal democracies if they are compatible with these principles of justice. But that allows for very many conceptions of the good indeed.

It is not the truth of norms or principles of justice that Rawls seeks but whether in such societies there is a consensus about them when they are in wide reflective equilibrium. (But that, of course, makes them reasonable.) It is also vital to keep in mind that consensus is the goal only in nearly just societies. This, as Joseph Raz points out, is an external condition on Rawls's methodological conception.[5] If our societies - our constitutional democracies - are really very unjust, as Noam Chomsky, for example, would argue, then we would not be justified in appealing to an overlapping consensus or in trying to build our conception of justice on consensus. For Rawls's account to have the very practical intent of applying to our actual societies, either these societies, right here and now, must be nearly just societies, or alternatively, for his theory to be an adequate model of what a just constitutional democracy would look like, it must be applicable to the detail of a descriptive idealized account of what it is for something to be a constitutional democracy. But that, for Rawls's account to be significant, must be a relatively near possible world. It cannot be a utopian fantasy. This latter conception (this putatively near possible world) would be compatible with our actual 'democratic' societies being very unjust indeed, but the model of what a constitutional democracy would be must be such that it would appeal to,

[5] Raz 1990. This is a detailed, though I think not very successful, critique of Rawls and a challenge to the underlying conceptions defended here, a critique that I shall perhaps turn to on some future occasion. That Raz's criticisms of this general position do not cut very deep, and too uncritically accept too much of The Tradition, is defended in my 1988.

and be compatible with, the reflective commitments of the citizens, or most of the citizens, of our extant democracies, flawed though they be. It would be the idealization, indeed even the ideological conception, if you will, of what these democracies are. It would, that is, depict for us what it is for something to be a genuine constitutional democracy. But we should not forget here the importance of the dictum that 'ought' implies 'can'.

The latter alternative would certainly raise á la Chomsky questions about the feasibility of the model applying to our actually existing constitutional democracies. Without denying that this is a serious problem, we should still recognize that Rawls should be seen as articulating a political conception of justice for constitutional democracies, hopefully real, and otherwise as real possibilities for modern societies, including societies that have undergone extensive Weberian disenchantment.

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