ing typically *begins* by classifying actions as either intrinsically prohibited or not, so that "weighing" the relative importance of conflicting responsibilities comes into play explicitly *only* for actions falling into the latter class.[23] One of the deepest worries about modern democratic society, from the perspective of those committed to such absolutism, is that this society does not take absolutist commitments for granted as a premise from which all practical reasoning proceeds. In this context, absolute dedication to justice, or even to the avoidance of moral horrors, is a commitment for which reasons are constantly being requested, not a premise on which all implicitly agree. This means that our ethical discourse does not take the shape that many of us would like to see. So long as this remains the case, the problem of dirty hands will remain with us, and some of us will remain ambivalent, at best, about participating in our common life at all.

Without pretending to solve the problem of dirty hands per se, I want to conclude by offering two contextually specific arguments for placing especially rigorous constraints on the political officials who are leading us in the struggle against terrorism. The first argument is simple and appeals to consistency. What we condemn in terrorism is precisely the moral horror it involves—its intentional targeting of civilian populations. We cannot maintain consistency without holding our leaders to the same standards of conduct we apply to the leaders of Afghanistan and Iraq. If we are not prepared to make exceptions for our enemies, we should not make them for ourselves.

The second argument is prudential. The struggle against terrorism is not only military, but also ideological. We are unlikely to win it on the ideological front if we cannot persuade people who are tempted to side with the terrorists that we are not essentially hypocritical in condemning the terrorism that threatens us. If we show callous disregard for the lives of innocent civilians—or, for that matter, intentionally frustrate the legitimate democratic aspirations of other peoples—in order to protect our own country from terrorism, then our country will not be seen as a champion of justice and democracy. The outcome of this struggle depends largely on the perceived sincerity and rigor of our ideals and principles—on what people all around the world take our character to be. We will win only if we gradually earn the trust of those people. We can do that only by proving ourselves true to our principles even at those moments when we are sorely tempted to forgive our leaders for violating them. If we cannot manage to attain the moral high ground and stay there over the long haul, we are going to lose the ideological battle. And if we lose that, the flow of terrorist recruits will never cease.

Chapter 9

THE EMERGENCE OF MODERN DEMOCRATIC CULTURE

Modern democracy came into existence by defining itself over against its predecessors and competitors as a revolutionary departure. Its champions often claimed that in criticizing traditional mores and institutional arrangements they had broken completely with a feudal and ecclesiastical past. One hears echoes of this claim in Paine's *The Rights of Man*, in Emerson's "Self-Reliance," and in many lesser texts. The claim exaggerates a real difference.

Modern democracy was in some sense a revolutionary break with the past. Its emergence was intertwined with the English, American, and French Revolutions, and the use its early defenders made of such concepts as the rights of man was indeed an innovation. But the rhetoric of revolution obscures the slow, *evolutionary* process of a transition that actually took place over the course of many centuries and has yet to unfold its full implications. If not used with caution, revolutionary rhetoric also generates a good deal of perplexity over how the champions of modern democracy could have been rationally justified in urging some of the changes they brought about. A complete break with tradition would seem to require either a transcendental point of view, wholly independent of what I have called the ethical life of a people, or a point of view so discontinuous with that of the traditional past as to be incapable of arguing with it.

I will begin by giving a thumbnail sketch of the emergence of rights-talk in the modern period. Thereafter, I will examine some of the pitfalls surrounding the idea that modern democracy eliminates deference to authority. The early defenders (and opponents) of modern democracy who made this idea seem essential to it were wrong. I will then turn to the debate between Edmund Burke and Thomas Paine over the French Revolution. My analysis of that debate will lead, finally, to an account of the role that observational social criticism has played in the emergence and development of modern democratic culture. Each section of the chapter contributes something to the case I am making for the conclusion that democratic culture is best understood as a set of social practices that inculcate characteristic habits, attitudes, and dispositions in their participants. Because those practices do involve a sort of deference to authority (as well as much defiance of authority) and have achieved enough stability to be transmitted from one generation to another, it makes sense to call them a

tradition in their own right. But in working out what it means to say this, we are transcending oppositions that Burke and Paine took for granted. This, I take it, is what American pragmatism has long sought to achieve—an antitraditionalist conception of modern democracy as a tradition.

THE VOCABULARY OF RIGHTS: A JUST-SO STORY

Once upon a time, there were feudal kingdoms. In those days, rights were mainly treated as if they belonged to persons identified with particular roles. What are rights? All rights are normative social statuses. To have the status of a right is to have a legitimate claim on others for the enjoyment of a good. In the feudal past such statuses were determined by a hierarchically arranged set-up of persons, each of whom had his or her place in the providentially designed order of things. Because the basic social order was thought to be divinely ordained, human beings were not responsible for determining what the available roles should be. The question of who gets to play which roles was also to be answered by discerning God's will. Occasionally, a group of religious purists would press demands for universal poverty and equal standing, but the need for some variant of the hierarchical framework was mainly taken for granted. There was ample room for reflection, in the form of political theology, but such reflection tended to reinforce the inequalities of the entrenched hierarchical arrangements.

Questions about rights tended in this setting to be of the following form: "What claims may you legitimately assert against those to whom you are bound by relations of obligation, given the stations to which you and they have been assigned by God?" The question assumed that the basic order is fixed: prince, king, father, mother, first son, second-born, mere daughter, commoner, peon, outcast, priest, bishop, pope, and so on. Your assigned roles constituted your ethical identity, your vocation. Your roles plus the relations they involved determined your obligations. The relations of role-determined obligation in which you stood determined your rights. In this linguistic setting, "dignity" was a term associated with the bearing appropriate to a nobleman, the sort of person who rarely, if ever, had to beg or grovel when acting appropriately within hierarchically defined relationships. There were, in the feudal era, basically two ways of managing social conflict that could not be resolved by recourse to political theology. One of these was physical coercion, in which one party forcibly pushed another into a subordinate role in a hierarchy. The other was submissive behavior on the part of a weaker party, which established the hierarchical equilibrium more peaceably.

Eventually, however, church councils began to strike many Catholics as a model for more collegial, less hierarchical, exercise of authority within the church.[1] And in certain places, including England, the demand of Prot-

estant radicals for egalitarian social and political relationships made significant headway. Increasingly, people started asking about the whole set-up. They began to think of the set-up itself as something for which a social group, and not just the divine source of all things, bore responsibility.[2] So they began posing hard questions, not just about, say, whether a specific prince should be deposed or a specific priest defrocked or a specific lady respected, but about whether there ought to be such a role as that of a king, or a priest, or a lady. In *The Rights of Man*, Paine is out to show that present-day kings are merely the descendants of another age's "bands of robbers."[3] In *Democratic Vistas*, Whitman remarks on the "fossil and unhealthy air which hangs about the word *lady*."[4] Remarks like these gradually shifted the burden of proof so that nowadays anybody who affirms or proposes a hierarchically defined role needs to bear the burden of proof in a debate where objections will be allowed from all sides. The argument, if made, will be expected to acknowledge that we are going to settle the question, if at all possible, by talking things out. We will not simply assume that a hierarchy of fixed roles is given in the nature of things.

The net effect of such developments was the creation of what amounted to a new basic role, that of rights claimant and responsibility holder. This role would henceforth be open to everybody who could talk and display enough civility to listen, avoid groveling, abide by the results of deliberations conducted by fair and agreed-upon rules, and so on. There are still role-specific rights. That is to say, there are legitimate claims that a role-occupant can make for the enjoyment of a good, given what other role-occupants owe him or her as a matter of duty. But now there are also widely recognized rights of another kind. In other words, there are legitimate claims one can make on behalf of oneself or one's group at those points in the discussion where the set-up of available roles and the procedure for assigning individuals to roles are up for grabs. In this sense rights are statuses involving legitimate claims to a social arrangement of a certain kind, a set-up capable of ensuring "that one will not be deprived of the enjoyment of the good in question by ordinary, serious, or remediable threats."[5] The linguistic innovation was to use the old word "rights" to stand for statuses involving these new sorts of legitimate claims. A parallel innovation (there were many others) was to say that everybody with the level of linguistic competence and civility needed to participate in the discussion had something called dignity. In both of these cases, a "fossil and unhealthy air" might cling to the old word for a while, eventually to be dispelled by the vigor of its new uses.

The contemporary feminist philosopher, Annette Baier, makes a profound point when she associates modern rights-talk with an unwillingness to beg. Here is a passage from an essay of hers called "Claims, Rights, Responsibilities":

The social device of dominance itself avoids mutually disadvantageous in-fighting, but its cost is high for the dominated. The various rituals of defer-ence, and of begging and response to begging, reduce this sort of cost. We are a species who recognize status (and so avoid the war of all against all) and who have a strictly limited willingness both to beg and to give to those who beg. The conditions of the form of human justice that recognizes universal rights include not only moderate scarcity, vulnerability to the resentment of one's fellows, and limited generosity, all of which I Iume recognized, but also a lim-ited willingness to beg, a considerable unwillingness to ask, even when—if we did ask the powerful for a handout—it would perhaps be given to us. What we regard as ours by right is what we are unwilling to beg for and willing only within limits to say "thank you" for. We seem to be getting less and less willing both to beg and to give to beggars. The increasing tendency to talk of universal rights and the extension of their content correlates with the decreasing ability to beg.[6]

Baier does not defend rights-talk in the usual, highly theoretical, meta physical way. She does not make excessive claims on behalf of such talk, and she is careful to say that rights are less basic, even in our modern moral discourse, than responsibilities. Moreover, she candidly analyzes the problems that rights-talk can get into, especially when it is not supple mented by other ethical and political concepts. But she does have a clear sense, it seems to me, of what rights-talk does for us. The problems come from asking rights-talk to do too much. When it comes time to appraise character, for example, we need to speak of virtues and vices, not of rights. But there are other linguistic tasks that are hard to accomplish without speaking of rights in the way citizens of modern democracies tend to speak of them, as legitimate claims about matters that are not merely by-products of other people's role-specific duties.

MacIntyre has proposed that we drop rights-talk in favor of an older moral vocabulary focused mainly on the virtues. In defense of this proposal he argues that questions of rights are inherently arbitrary and that there is no reason to suppose that basic human rights even exist.[7] Belief in rights, he concludes, is on a par with belief in unicorns. The practical worry about such proposals can be expressed in the question, "When the powerful try to shut us out or hold us down, what are we supposed to do, beg?" In a democratic culture begging and certain other expressions of deference come to seem responses unbecoming of a human being or fellow citizen. The language of rights arises in such a culture as an alternative to begging, on the one hand, and to certain kinds of coercion, such as torture and religiously motivated warfare, on the other. But it does not arise alone. Accompanying it is a significant alteration in the character traits held up for praise and blame. The members of such a culture do not stop talking

about the virtues. But they are more likely than their ancestors were to look kindly on the traits in common people that would allow them to stand up before power-holders and participate in the practices of claim-making and reason-giving. Their participation in turn demands from them respect for other claimants and a willingness to be constrained by the reason-giving that occurs in the discussion.

One institutional constraint that matters in this context is that everybody who satisfies the minimal conditions of being able to speak and remain civil deserves a hearing. If they can avoid the posture of subordination, the conclusions they urge upon us will have some hope of being treated as the (perhaps legitimate) claims of fellow citizens, not as beggary. The virtues, postures, moods, and gestures that become habitual in this culture are eas-ily recognizable, provided that an ethnographer like Whitman calls them to our attention. Speaking of the common people, Whitman writes: "The fierceness of their roused resentment—their curiosity and welcome of nov-elty—their self-esteem and wonderful sympathy—their susceptibility to a slight—the air they have of persons who never knew how it felt to stand in the presence of superiors—the fluency of their speech—. . . their good temper and openhandedness." All of these, he says, are "unrhymed po-etry."[8] They reveal the ethical life of democracy.

Of course, it is not always so easy, even in relatively ideal circumstances, to discern the difference between legitimate and illegitimate claims to the enjoyment of goods. But then it isn't always easy to discern the difference between legitimate and illegitimate claims of other kinds. Factual claims, for example, are claims *about* what is the case. We know what some of the legitimate factual claims are, but others remain in dispute. This is no reason to conclude that there is no such thing as a fact or that all fact-claiming is arbitrary. If facts are legitimate claims about what is the case, then if we know that there are claims about what is the case and that some of them are legitimate (that is, true), we know that there are facts.[9] And if we know that the legitimacy of some claims about what is the case can be settled beyond a reasonable doubt by appeal to available evidence, then we have reason to deny that all fact-claiming is arbitrary. Rights involve legitimate claims *to* the enjoyment of certain goods. We know that there are claims to the enjoyment of certain goods. People make such claims all the time. If some such claims are legitimately made on behalf of everyone—such as the claim not to be tortured and the claim to be free from humiliation—then there *are* human rights, and human rights are not *essentially* arbitrary. For rights are just statuses conferred by legitimate claims of this sort. I grant, however, that the legitimacy of some claims to the enjoyment of goods can be hard to determine. The reason for the difficulty in the hard cases is that there are conflicting considerations to take into account when settling what the basic social set-up should be. (Similarly, a claim about

what is the case counts as legitimate only if it belongs to the best overall account of the matter being investigated, but the best overall account of the facts can be hard to determine.)

Who will know better what some of the relevant considerations will be than the one on whose behalf a right is claimed? All the more reason, then, to highlight one class of legitimate claims or rights, namely the ones that have directly to do with who gets to talk and with what the conversation is going to be like. Suppose the talking that went on in a given community were principally a matter of mere coercion, from which the weak could save themselves only by assuming a posture of submission. Suppose the "discussion" were essentially analogous to the decision making and conflict resolution that goes on in a pack of wolves. We would not then be prepared to count it as discourse. As democrats we would object to it unconditionally, without regard to the substance of what had been decided. A democratic claim is not something one asks for by assuming a prone position before a superior. One need not say "pretty please" or "I beg of you." The claimant is not meant to be assuming all the while that of course it would be legitimate for the real decider, in his superior place, to decide whatever he wants, regardless of the reasons one might give.

Our sense is that there ought to be a discussion. Anybody who bullies other people into exclusion or into submission is someone we tend to blame. We encourage the weak, the likeliest victims of exclusion or domination, to stand up and speak in a way that can be clearly distinguished from begging or beseeching. The ideal of equal voice implicit in these aspects of democratic culture is itself, of course, something one can justify, if need be, in the discussion. But as long as it does stand justified, as long as it withstands critical scrutiny in our common discussion with one another, it imposes unconditional demands—not unconditioned demands, unconditional ones. They are obviously demands shaped by actual historical conditions in which people came to be suspicious of begging and coercion as modes of conflict resolution. But they are unconditional in the sense that they help constitute, in this time and place anyway, what we are justifiably prepared to count as democratic discussion.

No doubt, the foregoing story oversimplifies the historical emergence of rights-talk in the modern period, as anything this brief would. But it does begin to suggest why our ancestors saw recognition of "the rights of man"—and shortly thereafter, "the rights of woman" and "the rights of slaves"—as a sort of revolution or reorientation in moral thinking. Edmund Burke called it an "innovation." Burke's democratic opponents, like Thomas Paine, were for the most part pleased to agree, thus transforming Burke's pejorative term into a positive one. But what shall we make of the contrast Burke and Paine both drew between ethical discourse in feudal and demo cratic settings? Is it true that democratic discourse, with its talk of rights,

essentially eliminates deference to authority? Burke and Paine both thought of the innovation in this way; they differed over whether this made the innovation horrific or wonderful. Burke held that a society without deference to genuine authority could not last more than a generation. Paine saw Burke as an apologist for a corrupt order of power and privilege. To determine where the truth lies, we will need to take a brief philosophical detour.

Exchanging Reasons: Deference, Challenge, and Entitlement

The reasons exchanged in ethical discourse pertain to commitments that individuals undertake and attribute to one another. The commitments pertain to such topics as conduct, character, and community. They make essential use of evaluative concepts. They distinguish between right and wrong, justice and injustice, decency and indecency, virtue and vice, the excellent and the horrible, the good and the bad, the responsible and the irresponsible. And they often employ notions that are more specific than these, but clearly belong to the same conceptual family, such as the idea of murder or courage. Ethical reasoning, when fully expressed, involves claims, questions, arguments, narratives, examples, and various other linguistic units in terms of which ethical topics can be specified.

Ethical discourse in any culture bears on reasons for action. It is a *discursive* practice because reasons, in the form of asserted claims, are among the things being exchanged in it. It is a *social* practice, first, because the reasons being exchanged pass from one person to another and, second, because each participant needs to keep track of the discursive process in terms of his or her own commitments. By exchanging reasons and requests for reasons with one another, participants in the practice hold one another responsible for their commitments and actions. To be able to exchange reasons for this purpose, they must be able to do certain other things as well. They must be capable of undertaking both cognitive and practical commitments. They must be able to express such commitments, by avowing them and acting on them. They must know how to attribute commitments to others on the basis of what those others say and do. And they must have a grip on the distinction between being entitled to a commitment and not being entitled to it (MIE, 157–68).

"[F]or someone to undertake a commitment," Brandom says, "is to do something that makes it appropriate to *attribute* the commitment to that individual" (MIE, 162; emphasis in original). Accordingly, attributing commitments to other people is one way in which we explain their behavior, including their verbal behavior. For example, if my brother is packing his bags frantically, I might infer that he is committed to the cognitive judgment that the train will be arriving shortly and that he is also committed practically to boarding the train. If he then says to me, "The train will be

leaving shortly," I will be inclined to interpret this as an assertion expressing his judgment. But as an assertion, this utterance has significance beyond the confirmation it affords me concerning his cognitive commitments, for it also serves to *authorize* me (and anyone to whom I repeat it) to employ it as a premise in reasoning. If I proceed to make use of the claim in a practical inference that leads me to begin packing, I will be relying on the authority conferred by my brother's claim. I also have the authority to *challenge* his assertion, either by requesting reasons for accepting it or by making claims of my own that are incompatible with it. It will then be up to my brother to interpret what I say and do. Any such interpretation will need to attribute commitments to me and assess those commitments in terms of entitlement.

If my brother sincerely says to me, "You ought to start packing," this assertion also expresses a commitment he has undertaken, authorizes me to attribute this commitment to him, and authorizes me to employ the claim as a premise in my own reasoning. But in this case the issue is slightly more complicated, for reasons that emerged in chapter 8. The function of an "ought-to-do" judgment is to make explicit a commitment to the material soundness of a practical inference. Which kind of material inference is at issue here? Perhaps my brother simply assumes that I share his desire to board the train. In that case, the "ought" is prudential. But we can easily imagine other scenarios. If my brother has employed me as his valet, he might be making a claim about my role-specific responsibilities. If he is a member of the resistance, and the train he is about to board is carrying a tyrannical leader, he might be asking for my help in packing our bags with the explosives he is planning to use in blowing up the train. In that event, his "ought" statement might very well make a claim about the implications of my unconditional obligation to assist in the fight against tyranny. Notice that on any of these interpretations, my brother's "ought" statement entails a *discursive* responsibility on his part, for he is implicitly vouching for the claim as a sound premise fit for use in my practical reasoning. Again, if I request reasons for accepting the claim or issue a counterclaim, I can challenge his entitlement to it. But to know which claim I would then be challenging, I would need to know which commitment he was expressing in the first place.

Holding one another responsible for commitments involves keeping track of the commitments we attribute to each other and of the entitlements we attribute to or withhold from the commitments thus attributed. Commitments and entitlements are socially tracked normative statuses. Participating in a discursive social practice is in part a matter of keeping track of oneself and one's fellow participants in terms of these normative statuses (MIE, 180–98). It is an exercise in what Brandom calls normative "scorekeeping." Anything we say or do can have significance in the reason

giving practice we are engaged in insofar as it affects the various scorecards of discursive commitments and entitlements that each participant keeps from his or her own point of view on participants in the discursive game.

Cognitive commitments are commitments to a claim or a judgment, whereas practical commitments are commitments to act.[10] We may refer to these as beliefs and intentions, respectively.[11] The point of calling them commitments is to draw attention to the appropriateness of being held responsible for them, of being deemed entitled to them or not. What is it to be entitled to a belief or an intention? It is not the same thing as being able to justify the commitment to someone else, let alone being able to justify it compellingly to all rational agents. Sometimes one is entitled to a commitment by default, without needing to offer an argument for it, provided that no one who has the authority to challenge the commitment does so (MIE, 176–78). Sometimes one is entitled to a commitment because someone else (with the appropriate sort of authority) has authorized it by expressing it in the form of a claim. But there are many circumstances in which one does need to justify a commitment discursively to achieve or maintain the status of being entitled to it. And there are also cases in which one needs to justify treating other claim-makers as authorities if one wants to become or remain entitled to the commitments they have authorized.

When studying the ethical life of any community it is important to take note of its (implicit or explicit) way of distributing discursive authority and responsibility. Within a given discursive social practice, under what conditions is someone normally held to be entitled to certain sorts of commitments by default? Under what conditions is someone normally assumed to need to justify a commitment discursively in order to secure entitlement to it, even if no one challenges it? Who is entitled to issue challenges? Conversely, who is excluded from the roles of claim-maker and challenger? Under what conditions are challenges deemed appropriate? And when does a challenge suffice to deprive someone of entitlement to a commitment? In other words, what suffices to shift the burden of proof?

Suppose my sister comes into the hotel room in which my brother and I are packing the bags. She asks me, "Why are you in such a hurry?" "The train is coming shortly," I say. She says, "But why do you think that?" I might respond by referring to the train schedule that is lying on the night table, committing myself to what it says as a reason for expecting the train to arrive shortly. This would implicitly attribute authority to the schedule. Or I might appeal directly to my brother's authority: "Ralph says that the train is coming shortly." In accepting his claim at the outset of the conversation, I deferred to his authority on the question of when the train is coming. Now I am invoking his authority in responding to my sister's challenge. By invoking his authority, I implicitly attribute to him responsibility for the claim about the train's arrival. At this point, my sister can defer to

his authority on the matter or challenge my implicit attribution of authority to him. She might do the latter by saying, "Why do you think he can read a train schedule?" If I then say, "Because I have relied on him many times before, and he hasn't been wrong yet," I will be giving grounds for an explicit attribution of authority.

My family happens to be a discursive community in which a younger sister is considered entitled to challenge brothers about practically anything if she has reason to do so. She need not hold her tongue about when the trains are likely to arrive, what my role-specific responsibilities might be, or what I am obliged to do in the struggle against injustice, simply because she is female or because she is the youngest of the three siblings. That the three of us challenge one another on many occasions does not mean, however, that deference is wholly lacking from our discursive practice. We defer to one another's authority on a regular basis whenever we have reason to think that doing so provides access to sound claims that will prove useful in our reasoning. Each of us considers the others to be competent readers of train schedules and skillful trackers of rights and responsibilities to which we pay close attention. Whoever has read the train schedule most recently (when alert and sober) is likely to be trusted by the others on the question of when the train is probably going to arrive. And whoever has given the most careful and disinterested thought to a particular moral issue is likely to be trusted by the others to be entitled to his or her commitments about it. We are entitled to defer in such cases because our siblings have proven their reliability in the relevant domains, and we reserve our right to challenge one another if we discover sufficient reason to doubt a claim in a particular case.

All discursive practices involve authority and deference to some extent. The notion that ethical discourse in democratic societies is "nondeferential" therefore requires qualification. It is more accurate to say that such discourse is *relatively* nondeferential. The difference is a matter of how, when, and why someone defers or appeals to authority, not a matter of whether one does so at all.

Some early defenders of modern democratic ideals wrongly sought to eliminate deference and authority from ethical discourse altogether. The theoretical consequence of this move is known as foundationalism, a doctrine that unjustifiably takes the default status of all claims to be "guilty until proven innocent." Ascribing this default status to all claims triggers a regress of reasons that can be stopped, if at all, only in a foundation of certitudes. The best way to avoid this doctrine and the problems associated with it is to say with the pragmatists that many claims are "innocent until proven guilty—taken to be entitled commitments until and unless someone is in a position to raise a legitimate question about them" (AHF, 177). This

involves treating some claims as having authority by default, which means being prepared to defer to those claims, other things being equal.

But this authority is, according to the pragmatists, defeasible, because other things are not always equal. At any given moment, some claims must be treated as having authority by default. But any claim may be questioned if a relevant reason for doubting it can be produced. As Sellars put it, a discursive practice "is rational, not because it has a *foundation* but because it is a self-correcting enterprise which can put *any* claim in jeopardy, though not *all* at once" (SPR, 170; emphasis in original). This central thesis of American pragmatism is sometimes presented as a free-floating epistemological truth. But it is best viewed as a modern democratic principle for the governance of discursive practices, for in fact most discursive communities have implicitly rejected it. By granting that some claims must have authority by default, and simultaneously insisting on the defeasibility of all claims, pragmatists have endeavored to reconceive the authority relations of ethical discourse democratically. This alternative to foundationalism is pragmatism's most important contribution to democracy. For other leading alternatives to foundationalism tend to be *authoritarian* in the sense that they promote uncritical acquiescence in the allegedly authoritative claims of some practice, tradition, institution, person, text, or type of experience. American pragmatism differs from the version of pragmatism that Martin Heidegger accepted when he embraced Nazism precisely in its principled scorn for unquestioning acquiescence in authority of any kind.[12] The new traditionalism that I examined in chapters 5–7 combines an emphasis on the priority of social practices with a kind of authoritarianism. Some varieties of Wittgensteinian fideism use the concept of "forms of life" to arrive at a similar result.

Where do Burke and Paine fit into this array of alternatives? Burke's traditionalism explicitly endorsed a type of authoritarianism, whereas Paine's antiauthoritarianism implicitly committed him to foundationalism. From a pragmatic point of view, neither of these positions can survive criticism. Burke and Paine were therefore both wrong in the positions they tried to maintain and both right in identifying the flaws in the other's position. Pragmatism splits the difference by reconceiving authority in nonauthoritarian terms. It acknowledges that all societies involve deference to authority while insisting that deference and defeasibility can go hand in hand. It thereby aims to make explicit what a *democratic tradition* involves.

How Burke and Paine Argued Their Cases

If modern democracy were completely discontinuous with the traditions that preceded it, then Edmund Burke and Thomas Paine would have been wasting their time in trying to win over the other's followers by arguing

over the language of rights. But these men were not wasting their time, for they did succeed, now and again, in converting those one would expect to be most firmly tied to the opposition's commitments. Burke was, after all, nearly driven to distraction by hearing Paine's arguments and conclusions from the lips of the English noblemen for whose privileges Burkean Whiggism was meant to provide the ideal justification. And the reasoning Paine offered seems, as a matter of historical fact, to have played some role in the process of conversion. Has not the same been true for other great writers working in the midst of dramatic conceptual change—writers like Plato, Augustine, Montaigne, Wollstonecraft, and Whitman? If they had not found ways of arguing their cases at least somewhat persuasively, we would not still be reading them.

The debate between Burke and Paine over democratic ideas was in fact a conceptually intimate affair, fought on the ideological plane between parties who were bending much the same ideas in different directions. In the heat of the moment, the defenders and critics of representative democracy often depicted it as a complete break with the past. But a retrospective view teaches that this is not so, at least if the debate between Burke and Paine is any indication. Both of these men saw modern democracy as utterly discontinuous with what had gone before. In fact, we may owe the theme of revolutionary discontinuity to them. Looking back, however, it is easy to locate them both within the same broad tradition of European thought—Burke struggling to hold several different strands of that tradition together, Paine convinced that the democratic-republican strand he favored was ultimately incompatible with the others. The two men shared more assumptions and concepts than anyone could enumerate. Recall in this connection the surprise and shock Paine felt when Burke, the man who had written the "Speech on Conciliation" with the American colonies, a work that contributed to Burke's reputation as a great critic of British imperial rule, published *Reflections on the Revolution in France.*

Interestingly, both Burke and Paine recognize the authority of traditional just-war criteria, despite their other differences. In the *Reflections* Burke claims that the "Revolution of 1688 was obtained by just war." He quotes Livy's version of the criterion of necessity or "last resource," and applies that criterion to the French Revolution. He inquires into the intentions and putative authority of the Jacobins, declares that the "punishment of real tyrants is a noble and awful act of justice," and reflects at length on the disproportionality of revolution in the French case.[13]

In *The Rights of Man*, Paine tries to refute Burke on many of these points, but he assumes throughout that just-war criteria are pertinent. He invokes them more explicitly in *Common Sense*. On the question of last resort, Paine refers to "the peaceful methods which we have ineffectually used for redress." He defends the justice of his own intentions as a revolutionary by

claiming that "I am not induced by motives of pride, party, or resentment to espouse the doctrine of independence." His appeal to the norm of proportionality maintains that "the object contended for, ought always to bear some just proportion to the expense." The cause is just, he argues, because "thousands are already ruined by British barbarity." And he concedes the need to establish just authority by declaring independence and adopting plans for just self-government: "While we profess ourselves the subjects of Britain, we must, in the eyes of foreign nations, be considered as Rebels."[14] His solution to this problem, of course, is to declare independence.

No doubt, something of great importance was at stake in the debate between Burke and Paine. The proposed change in received conceptions of rights was important enough to be termed a conceptual revolution in some sense. Suppose we grant the need to be wary of using the term as Burke and Paine used it, lest we think that the two sides were separated by complete conceptual discontinuity. What does the "revolutionary" conceptual change consist in, then? Where exactly shall we look to find it? Obviously, the two authors differ over the courses of action they are committed to and over *some* of the explicit norms they endorse. Paine supports the French Revolution, while Burke opposes it. Paine's norms clearly attribute normative statuses of a certain kind—rights—to all men.[15] Our discussion of how the two authors appeal to just-war criteria shows that they also share some explicitly stated norms, but they apply them differently. Their competing applications of just-war criteria reflect differing material inferential commitments concerning the connections between claims about justice and claims of certain other kinds.

What else is at issue here, ethically speaking? The first section's just-so story about rights suggests that part of the answer has to do with patterns of deference. The culture Burke is defending is one in which pomp and circumstance function as marks of authority and excellence as well as privileges of rank and symbols of power. "We fear God; we look up with awe to kings, with affection to parliaments, with duty to magistrates, with reverence to priests, and with respect to nobility. Why? Because when such ideas are brought before our minds, it is *natural* to be so affected" (*Reflections*, 76). He means that the intuitive, noninferential response to being in the presence of such things is to judge them excellent and thus to admire them and feel awe or reverence. The authority he attributes to persons of high rank in the state and the church correlates with a disposition to defer to such persons on matters to which their authority is relevant. Bad behavior of certain kinds can deprive such persons of their authority and of their legitimate claim to their office. But even the removal of a genuine tyrant from office must be carried out, according to Burke, with pomp and circumstance, above all with proper acknowledgment of the respect due to the office. It is crucial, he thinks, to maintain a culture in which admiration

of excellence and deference to authority are not only possible but central to the habits of the populace. Democracy, he thinks, is the opposite of such a culture, a mere destructive force. This issue appears in Burke's *Reflections* under the rubric of the loss of chivalry, and it is of great moment to him.

Paine, of course, is out to debunk the culture of chivalry as a set of props designed to mask the operations of tyranny. "It is by distortedly exalting some men," he writes, "that others are distortedly debased, till the whole is out of nature. A vast mass of mankind are degradedly thrown into the background of the human picture, to bring forward with greater glare, the puppet-show of state and aristocracy" (59). Where Burke enjoins deference, Paine typically requests a reason or asserts an objection. It is crucial from his point of view to create a citizenry that is not disposed to bow and scrape before the holders of high office. The thousands of ordinary people in England who learned to read in order to read the radical pamphleteers of the 1790s and early 1800s had before them unmistakable models of non-deferential behavior. That they revered these writers for their eloquence and courage—and ascribed moral weight to their pronouncements—shows, however, that the emerging democratic culture made room for admiration and attributions of excellence and moral authority. The practical upshot was not to rid the moral world of such things but to dissociate them from the presumptions of hereditary rank.

We have seen that Burke opposed the Revolution and deferred to certain figures of authority, while Paine differed from him on both points. These are differences in *action*. The two men also endorsed somewhat different norms, attributed somewhat different normative statuses to people, and committed themselves to somewhat different material inferences. These are differences in practical and inferential *commitment*. But it now becomes clear that they were also disposed to have different *noninferential moral responses* to the events, persons, and actions of their time. In short, they *perceived* or *experienced* things differently. In terming these responses noninferential, I do not mean to imply that they were incorrigible, beyond the pale of rational scrutiny and revision. I simply mean that they were not arrived at initially as the result of reasoning.

The most famous passage in the *Reflections* is Burke's vivid description of the revolutionaries' treatment of the Queen of France, which calls upon his recollections of having met her when she was "the dauphiness, at Versailles," seventeen years earlier (66). The point of the passage is to portray a scene that any morally competent observer would regard intuitively as horrible. It is, he says in a passage quoted above, "natural to be so affected." The failure to respond noninferentially in this way must, from Burke's point of view, be the result of an improper use of reasoning that effectively strips us of a natural responsive disposition essential to social order.

Paine remarks in *The Rights of Man*, equally famously, on "the tragic paintings by which Mr Burke has outraged his own imagination" and complains that Burke "pities the plumage but forgets the dying bird" (51). Paine is concerned to offer his own picture of the events of October 1789, a picture designed to elicit moral responses unlike Burke's horror at abusive treatment of the Queen. In other passages he portrays the oppressed, above all the poor, as victims of a tragedy. *Their* condition, as he sees it, is horrific. That it is horrific warrants not only pity for them—the dying bird of his metaphor—but also action on our part to change their condition. No less than Burke, he is busy trying to provide occasions for noninferential, as well as inferential, responses on the part of his readers. Both authors buttress or even initiate some of their arguments by saying, in effect, "Look at this! What do you see? Is it not horrible (or excellent)?" The responses they are trying to elicit are noninferential, but they are inferentially connected to moral passions, like awe and pity, and the actions for which they serve as warrant.

While both Burke and Paine are officially prepared to submit their "moral perceptions" or intuitive responses to critical scrutiny, neither of these men finds sufficient reason to abandon them. These perceptions may be noninferential, but they undoubtedly exercise a strong influence over the ethical and political inferences these men make and over the actions they endorse and perform. What is at issue between them is as much a matter of perception as it is a matter of inference and action. It is because their noninferential moral responses to events are to some extent outside of their control and are closely connected with what they care about that the language of conversion can get a foothold here. There is a strong sense in which both men are in the grip of moral visions. Their writings are designed in part to cause others to see what they see. Here is a word-picture of someone—a queen or a pauper—being maltreated. Do you not intuitively take this to be horrible, the violation of something precious? If not, there is no hope for you as an observer of moral affairs. Either you see it, or you don't. Coming to see it is the process of conversion that each side is trying to initiate in its opponents. What is involved in such a conversion? The parties of Burke and Paine appear to be divided primarily on *examples of the excellent and the horrible*.

ETHICAL PERCEPTION

While inferential moves are clearly essential to practices centered on giving and asking for ethical reasons, these moves are not the only sorts of moves made in such practices. There are also noninferential moves in which a participant in the practice responds to something he or she observes by becoming committed to a perceptual judgment or claim. That a judgment

was arrived at noninferentially does not guarantee its truth. Many such judgments turn out to have been mistaken. Observation is an indispensable source of knowledge, but a fallible one. Because things are not always what they seem, observers sometimes retreat from their reports about what they saw to reports about how things seemed at the time. Observation reports are no more immune from challenge than claims of other kinds. They can be challenged because they conflict with the observation reports of other witnesses. And they can be challenged on theoretical grounds if someone has reason to suspect that the alleged event probably did not happen, given what else we know.

Observations come into play in ethical reasoning in two different ways. The first way, which is emphasized in the work of Sellars and Brandom, is by supplying straightforwardly factual information that has a bearing on ethical questions when combined with considerations of other kinds. Suppose two witnesses—one sympathetic to Rosa Parks, the other her enemy—observed her being arrested by the Montgomery police. We can imagine them making use of this observation theoretically by constructing competing explanations of the tensions between whites and blacks in Montgomery. We can also imagine them making use of the same observation practically when deciding whether to support or oppose the boycott to which Ms. Parks's action led. Anyone properly situated, whether her friend or her foe, was equally able to observe her being arrested. To report that this had happened to her was not in itself to take a side on an ethical question. Nonetheless, the observational premise has a bearing on an ethical topic in both the theoretical and practical contexts just mentioned—the question of what causes racial tension in the former context, the question of whether one ought to support the boycott in the latter. The observation report is relevant to ethical questions without being explicitly value laden.

It seems clear, however, that some observations land the observer immediately (that is, noninferentially) in an ethically charged or value-laden position. Imagine that you are at this moment witnessing the arrest of Rosa Parks. One of your prereflective, intuitive responses to such a spectacle might very well be to say, "That is unfair!" Another might be to whisper to your companion, "Such splendid courage she shows." If you said these things in appropriate circumstances, you would be making observations that essentially employ evaluative terms. This shows that observations need not be relevant to ethical questions only by virtue of the role they can play as premises in inferences that *lead to* ethical conclusions, for they can also *directly commit* the observer to an ethical stance. This is the second way in which observations can come into play in ethical reasoning.[16] One crucial factor in winning public support for the Civil Rights movement in its heyday was the televised spectacle of demonstrators under attack by fire hoses and police dogs. What viewers saw were acts of brutality endured with

moral courage. We need not assume that they saw only streams of water hitting bodies and dogs straining at leashes and then used criteria of brutality and courage to construct inferences from what they saw to reach explicitly ethical conclusions. There is no reason to think that moral responses to such events are normally that complicated. Some ethical terms find their way into the vocabulary in which we observe the events transpiring around us. Some of our observations are ethical perceptions.

Observational social criticism is a major genre of democratic nonfiction, and has done much to shape modern democratic sensibilities. Writers like William Cobbett, Harriet Martineau, George Orwell, James Agee, and Meridel Le Sueur reported what they perceived with their own senses. From them their readers learned what life was like for the rural and urban poor, for the homesteaders of the American West, for the coal miners of England. As Irving Howe once pointed out, in Orwell's case the nose sometimes mattered as much as the eyes and ears. Martineau, being hard of hearing, had to rely on her eyes all the more. At times these writers give us bare facts, leaving us to infer the ethical conclusions to which they are hoping to lead us. Sometimes, however, their observations are cast in an ethical vocabulary that makes explicit their revulsion at the conditions they are reporting and their commitment to the improvement of those conditions. Their stylistic differences reflect the full spectrum of observational diction in ethics, ranging from the most austere to the most morally charged. It would be foolish to think that such artful writers give us nothing but the first thoughts that crossed their minds (noninferentially) when they witnessed the people and events they describe. But the authority of their reports depends on our trust in their reliability as witnesses. A reliable witness is disposed to respond to the conditions he or she is observing by making appropriate noninferential judgments and expressing those judgments appropriately. We do not fault witnesses for expressing those judgments in fresh words that would not have occurred to them immediately, but we do expect them to remain true to what they originally observed (unless, of course, they find sufficient reason to believe that they had been deceived). The cognitive value of an observation report as testimony resides ultimately in the reliability of the original noninferential judgment of the observer.

Agee's descriptive prose in *Let Us Now Praise Famous Men*, with its biblical and liturgical echoes, mainly falls on the morally charged end of the spectrum. Agee always emphasized, however, that Walker Evans's photographs were as essential to the book's observational authority as were his own words. Readers were meant to see through the lens of Evans's camera the same conditions and people Agee had described in prose. Here we have another example of how photographic images enter into ethical discourse. At one level they function in the way most testimony does, as a report of

what someone saw. The claim they are used to make is that things looked as the photographic image makes them look. But they also put the public in a position to mimic the eyewitness' moral experience. Once we begin to focus on the role of observation and observation reports in ethics, it becomes plain that the study of ethical discourse must take the full range of media into account, not merely those that are primarily verbal. It is obvious that the printing press, newspapers, pamphlets, books, and now the Internet have all played important roles in modern democracies as vehicles for the exchange of arguments. But the story of ethical discourse in modern democracies is also tied up with the history of photography, moving pictures, radio, and television—with all of the ways in which we have come to record and disseminate our observations of the world.

Observation involves conceptual skills that one can acquire only through initiation into a discursive practice. While some of these skills are inferential, others are not. The noninferential skills are as much the result of training as the inferential ones. We are trained to respond noninferentially to cats with the word "cat" and to dogs with the word "dog." Similarly, we are conditioned to respond noninferentially to instances of cruelty by using the term "cruelty" and to instances of courage by using the term "courage." But the social conditioning of observation does not stop there. Our social practices prescribe not only what sorts of linguistic responses are appropriate in response to what sorts of circumstances, they also often prescribe actions for us to perform if we want our observations to count as those of a reliable observer. Lifeguards are trained to keep a close eye on the swimmers under their protection. They are taught when to reach for their binoculars, how to avoid being distracted by irrelevancies, and what posture improves their chances of seeing what they need to see. New parents have to learn to tell the difference between the ominous and the innocuous sounds that come from a newborn's crib, between a fever that requires medical attention and one that does not, between a bath that is too hot and one that is just right.

Athletes, referees, chefs, poets, painters, musicians, biologists, police detectives, nurses, and journalists all learn their own highly sophisticated perceptual regimens. In all of these areas, individuals invest a great deal of effort to acquire observational skills that many people lack. They learn to make specific kinds of reliable noninferential judgments. Some of these noninferential judgments are clearly normative. The soccer referee can see whether a slide tackle is fair or a foul. The chef can taste whether a dish is properly seasoned. The musician can hear whether a note is on or off pitch. All such judgments presuppose some set of norms, but this does not mean that the person making the judgment needs first to perceive something in a non-normative way and then apply norms inferentially by determining, through a series of steps, whether certain criteria have been met. In fact,

if someone does have to move through a series of inferential steps when making a judgment, this is often a sign that he or she has not yet mastered the skills essential to the role.

I once took a three-day course for soccer referees, and got the top score in my class on the final examination, but I have done very little refereeing. I can apply the rules of soccer properly to any given case if I am allowed a moment or two to consider the relevant facts. As a result, I am a reliable retrospective critic of referees. But I am a very poor referee, because my judgments come too slowly to keep up with the rapidly unfolding events of a game. The reason my judgments are too slow is that I reach too many of them inferentially. Good referees are able to make nearly all of the normative judgments they need to make in a soccer match without inferring those judgments from premises. When challenged, of course, they are also able to defend their decisions inferentially. It is a mistake, however, to think that their retrospective arguments reflect the perceptual process that led them to their judgments in the first place.

Ethical theory has thus far given little attention to the ways in which ethical communities inculcate habits of moral observation. Some religious and philosophical traditions have devised stories, catechisms, rituals, and spiritual exercises that shape how their members perceive people, actions, and events. In some communities special regimens of perception are reserved for those who occupy specialized roles of moral authority. Sages, imams, spiritual advisors, rabbis, and confessors are subjected to specific forms of training. If the training is effective, they acquire a structure of appropriate emotions, a set of approved inferential habits, and a collection of reliable observational dispositions for reaching moral judgments. Moral authorities, in turn, train other members of their communities not only to reason in a certain way, but also to see some people or actions in a certain moral light. Periodic retelling of the lives of the saints within a given community can, for example, create a widespread disposition to respond, noninferentially, to particular people or actions by judging or saying that they exemplify courage in the face of persecution. Repeated exposure to narrated instances of courage prepares individuals to know courage (noninferentially) when they see it, at least some of the time. Perhaps the process of moral development includes an intermediate stage, analogous to my soccer example, in which the initiate is able to reach reliable moral judgments inferentially, but still lacks the sage's capacity for noninferential, intuitive response to the relatively clear instances he or she witnesses first-hand.

In modern democracies the exercise of observational moral authority tends not to be restricted to individuals who have undergone a highly specialized course of moral training. Moral authority belongs not to a class of ordained experts, but rather to anyone who proves his or her reliability as an observer and arguer in the eyes of the entire community. Religious and

academic subcultures may ascribe special authority to clergy or to ethicists, and that authority may be recognized in particular institutional settings (like the local hospital's ethics committee), but give-and-take in the broader community is officially open to all comers. The authority of moral observation is widely dispersed. Anyone who demonstrates over time the ability to make reliable moral observations is in a position to become recognized as someone to whom others should defer as a reporter of moral affairs. The dispositions of the reliable moral observer are not acquired mainly through highly specialized, professional forms of training. They belong to the ethical life of the people as a whole, and are acquired through the same process of moral acculturation that nearly everyone in the community undergoes—in the nursery, around the dining room table, in the classroom, on the playing field, and so on. The process is formal and purposeful only to some degree, for we learn the skills of moral observation largely by expressing moral judgments in the presence of peers who, though neither parents nor teachers in charge of our development, are no less eager to correct us. The challenge of making observations that can withstand the criticism of ordinary interlocutors is itself a stern instructor, and a suitable one for the formation of democratic citizens.

Explicitly moral observations involve undertaking or acknowledging a prima facie normative commitment to respond to the observed action or event in certain ways—for example, by coming to the aid of the victim of cruelty or by praising the exemplar of courage. Like all observations, they are noninferential, but also potentially defeasible. And they depend on discursive skills of various kinds. Full mastery of ethical concepts involves the acquisition of observational as well as inferential skills. That is, it involves acquiring the ability to respond differentially but noninferentially to the persons, actions, and states of affairs one perceives and to do so in accordance with the norms of the relevant social practice—the practice within which the ethical concepts in question acquire their inferential significance.

How, then, might the standoff between Burke and Paine be resolved through reasoning, if *conflicting* noninferential responses to examples play such a major role? One promising opening, it seems to me, comes in a passage in the *Reflections* where Burke is defending the role of monks in the grand scheme of things. Suddenly, he interrupts his reasoning by expressing heartfelt pity for the lot of ordinary people who work

> from dawn to dark in the innumerable servile, degrading, unseemly, unmanly, and often most unwholesome and pestiferous occupations to which by the social economy so many wretches are inevitably doomed. If it were not generally pernicious to disturb the natural course of things and to impede in any degree the great wheel of circulation which is turned by the strangely-directed labor of these unhappy people, I should be . . . inclined forcibly to rescue them from their miserable industry. (141)

Here we can see Burke having the sort of noninferential moral response that disposed Paine to draw democratic practical inferences. He has seen these people. His intuitive response is an inclination to rescue them. No doubt, they remind him of other oppressed people—American colonists, Irish Catholics, the Indian victims of Warren Hastings—whom he has spent years of his life defending. What holds him back? His assumption about the perniciousness and impracticality of "imped[ing] in any degree the great wheel of circulation." He cannot imagine altering the working conditions of the wretches without threatening the "great wheel of circulation" on which the rest of us depend for our happiness. To attempt to rescue these people from their misery would be to "disturb the natural course of things." It is not within the realm of imagined possibility. Everything we hold dear would collapse.

This assumption goes hand in hand with his conception of democracy as an essentially destructive, leveling force—as the opposite of a culture. Burke cannot imagine an articulate democratic culture evolving among the working people who will soon be gathering to read Paine, let alone among the wretches he would be inclined, in some counterfactual world, to rescue from their wretchedness. For him democracy is simply a deceptive banner carried by the mob, not a civilizing practice capable of shaping individuals into articulate, reasoning beings who care about excellent things and abominate moral horrors. He suspects that it is really the pretext by means of which an urban elite of talented men seizes power for itself in the name of, and at the expense of, the people. There is truth in this suspicion, a truth forcefully restated in our day by Michel Foucault. But Burke's conception of democracy also represents a failure of *imagination*. He and Paine do not only have differing moral perceptions of what is present to them (noninferentially) in their experience, they also differ in how they imagine what is not yet fully present in their experience—the possible futures that may be in the process of becoming actual. If moral perception is a capacity to respond to experiential presence, moral imagination is a capacity to respond to experiential absence, to what is not present (noninferentially) to the senses. Both of these capacities are, of course, inextricably intertwined with the *emotions*—in this case, with fear and sympathy—and with such *virtues* as discernment and hope.[17]

If I am right about the considerations holding Burke back from endorsing democratic commitments, it is clear what the most promising argumentative strategy for his opponents would have been. They needed a way of attacking Burke's picture of the natural order of things that went beyond Paine's style of debunking. Ironically, Burke supplied ammunition for this attack by describing symbolic and ritual aspects of this deferential order in Humean terms as artificial. He referred to these aspects as a "well-wrought veil," as drapery "furnished from the wardrobe of a moral imagination,"

and as "the fictions of a pious imagination."[18] His most discerning radical readers, like Wollstonecraft and Hazlitt, inferred that any such veil or drapery, being artificial in the first instance, could be reimagined democratically if the wardrobe of *the people's* moral imagination were rich enough.

After *Leaves of Grass* and *Walden*, why wouldn't it be? The need for some sort of cultural covering may belong to human nature, but once we think of this covering as the product of our artifice, we are in a position to take responsibility for it. When we do, we will be embarked on the creation of a democratic culture. And if the social division of labor in the workplace and in the family is something in which we are all complicit, and thus for which we are all responsible, then we had better test Burke's assumptions about the inevitability of miserable conditions for the least well-off. The only way to do this without begging questions is empirical. It is an exercise in social experimentation that involves trying out new arrangements on a limited basis to see what comes of them. It can be carried out, however, only if the people claim responsibility for the condition of society and take action on behalf of those in misery.

Two centuries after Burke and Paine, democratic discourse in the West no longer seems like a revolutionary innovation. Its defenders have an established, if deeply flawed, tradition to point to, and a modest record of social experimentation to argue over. It has its own habits of deference, challenge, ethical perception, material inference, and moral imagination—habits that have now managed to be transmitted, with some success, from generation to generation. But what pride can we take in our accomplishment if the wretches are still with us? Democracy remains an empty ideal so far as they are concerned. Our inaction invites them to mock it—and to affiliate themselves with antidemocratic social forces, including the reactionary theocratic movements now actively recruiting them into terrorist cells. If we now lack Burke's excuses, the responsibility of rescue is ours. The truth of the matter is that we also lack Paine's will. We acknowledge the responsibility in the principles we avow but only rarely in the actions we undertake.

THE IDEAL OF A COMMON MORALITY

DEMOCRACY came into the modern world opposing the representatives of a feudal and theocratic past. Among its opponents on the global scene today are terrorists, dictators, and crime lords, who use cruelty, intimidation, and extreme poverty to infuse populations with fear and hopelessness. Meanwhile, some multinational corporations strike deals with thugs wherever this advances their economic interests. In return they receive a supply of docile workers, most of them women, willing to work for low pay, as well as the freedom to run sweatshops and abuse the environment as they please. In nominally democratic states, they buy elections, break unions, and attempt to control the flow of information. They strive to create a workforce that is anxious to curry favor with the boss and willing to work for unjust wages. As marketers, they specialize in appeals to greed and envy. What they want is our cash and our tolerance of what they are doing to the land, the ozone layer, their employees, and their customers. Their plan for the latter group, which includes our children, is to turn them into consumers who identify mainly with costly emblems of lifestyles that can be merchandized to specific enclaves—Armani suits and espresso machines for one set, rap music and basketball shoes for another. Ethnic and religious strife abounds, racial divisions deepen, the gap between rich and poor widens, and millions are now enslaved to outlaws who traffic in people.

When international communism fell, pundits were smug enough to declare global victory for democracy. In fact, however, democracy is losing more ground in most settings than it is winning in others. In the era of a globalized economy and widely shared concerns about international terrorism, the need has never been greater for democrats to assert claims and exchange reasons with people here and there around the world who show no sign of being committed to democracy. And yet it seems painfully evident that one thing we cannot take for granted in this effort is the existence of a common morality, a single way of talking and thinking about ethical issues that is already the common possession of humankind. The failure of democratic movements and institutions in settings where fear, hatred, greed, and docility are the rule makes this clear. Oppressed peoples have often been in a position to find democratic ideals attractive from a distance, but those ideals are first of all expressions of a democratic culture. They are meaningless when abstracted from the inferential practices and behavioral dispositions of a people in the habit of trusting one another and talking

things through in a certain way. Writing democratic ideals into a constitution or a treaty without first initiating a people into the relevant social practices accomplishes little.

The first part of this chapter defends a piecemeal, pragmatic approach as the only realistic means of building a common democratic morality. Part of the democratic project is to bring as many groups as possible into the discursive practice of holding one another responsible for commitments, deeds, and institutional arrangements—without regard to social status, wealth, or power. Because the entire practice is involved, not merely the ideals abstracted from that practice, a common morality can only be achieved piecemeal, by gradually building discursive bridges and networks of trust in particular settings.

Some philosophers who are friendly to democratic principles think this approach underestimates the moral resources all human beings have in common. They also worry that my approach, despite its affirmation of unconditional obligations and human rights, makes democratic commitments seem too contingent, too relative, too dependent on a particular culture's perspective. They appeal directly to a morality that is already, in their view, the common property of humankind. And this morality, they say, is not simply a common way of thinking and talking about moral issues (that is, a discursive practice) but a body of moral truths that need only be applied to yield concrete moral guidance on the questions currently under dispute. It is a law higher than, better than, the mores of any people. Traditional natural-law theorists take it that we all have cognitive access to this law, at least to some significant degree. If they are right, the democratic project will prove easier than it now seems. Later in the chapter I will argue that they are not. The argument leads quickly into deep philosophical waters, where questions arise about the nature of justification and truth in ethics. These are daunting questions, and will occupy us in the next chapter as well, but they must be faced if the argument is to be pursued very far. The point of the argument, as I see it, is to help us return in the end to the practical tasks of community building with our moral confidence intact. As a character in Edward Albee's *The Zoo Story* says, "Sometimes it is necessary to go a long distance out of your way in order to go a short distance correctly."

What Are the Prospects for a Common Morality?

The place is Bosnia, Jerusalem, Zimbabwe, or Chicago. Two groups are in conflict over some issue, and we would like to see the conflict resolved reasonably and peaceably, if possible by appeal to democratic principles. One thing we will want to know is the extent to which the moral vocabularies and patterns of reasoning employed by the two groups resemble or can be made to resemble one another. If the extent of similarity is great,

we say that the groups in question have a common morality. If high similarity can probably be brought about by acceptable means, and members of the groups are willing to employ such means, we say that the prospects for a common morality are good. In this context, a question about the prospects for a common morality expresses a practical concern; for democrats on the scene, it may be an urgent one.

The same question can express another sort of concern as well. We notice that not everybody thinks and talks about moral topics in precisely the same way, and we would like to explain the differences philosophically. Nobody doubts that there are differences. But if the differences extend too far, we may feel compelled to become nihilists, skeptics, or radical relativists. The nihilist abandons the idea that there are moral truths. The skeptic abandons the idea that we are justified in believing whatever moral truths there may be. The radical relativist abandons the idea that we can justifiably apply moral propositions to people, deeds, and practices outside of our own culture. With these alternatives in view, good prospects for a common morality would offer consolation. If moral diversity occurs within a single framework globally shared, and the differences in how people think and talk about moral matters can be explained in terms of deeper similarities, then confidence might be restored in moral truth, in justified moral belief, and in the possibility of cross-cultural moral judgment.

Practical and philosophical concerns can arise independently, but they often become intertwined. Doubts about how to respond in practice to a specific instance of moral conflict can induce philosophical reflection on the nature of morality, and philosophical reflection can influence one's practical approach to the conflicts one faces in life. Yet it is worth distinguishing the two sorts of concern when we can. Otherwise, we risk confusion over what ought to count, in a given context, as a common morality. Where we are concerned to resolve a conflict between two groups, we will mean one thing by the prospects for a common morality. Where we are concerned to assess nihilism or skepticism, we will usually mean something else.

Our question about the prospects for a common morality is a daunting one, too unwieldy to answer well. It needs deflation. What makes it so unwieldy? It is really a congeries of questions, each of which can be put in the same words. It needs division. How to proceed? By distinguishing various questions in the congeries, tracing each to the concern that makes it matter, and then seeing whether answers come more easily: by means of analysis, but with pragmatic intent.

It goes without saying that two groups would share a common morality if their ways of thinking and talking about moral topics were exactly similar in all respects. But there is obviously no such pair of groups to be found. In a trivial sense, each group's morality is unique, differing in some respect from everybody else's. No ethical theorist denies this. When we make com-

parisons among moralities, we count some respects of similarity and difference as relevant and others not. Which respects count as relevant in a given context depends on which concerns motivated the comparison. By the same token, we count varying degrees of similarity in relevant respects of comparison sufficient to establish that two or more groups hold a morality in common. Again, the relevant degree of similarity depends on the concern at hand.

Not everybody thinks and talks about moral topics. Newborns do not, nor do some of the insane or the comatose. Perhaps some societies do not. But it goes without saying that for any two people who think and talk about moral topics, their ways of doing so (in short, their moralities) will resemble each other in some respects. Anybody's morality resembles everybody else's in some respects. The fact that all of the moralities are ways of thinking and talking is itself something they have in common, something that guarantees formal and functional similarities of various sorts. The fact that all moralities are about roughly the same kind of topic is also something they have in common, such that the substantive moral commitments of any two groups can be expected to resemble each other in some degree. Let us say that a uniformity is some respect in which all moralities resemble each other closely. Theorists differ on what the actual uniformities are, the closeness of the similarities in which they consist, and the relevance they have to various practical and explanatory concerns. They do not differ on whether there are any uniformities.

"Moralities," as I have been using the term, are ways of thinking and talking about a particular kind of topic. Even if I were to specify precisely what a way of thinking and talking is, the term "moralities" would still be vague, given the fuzziness of the boundaries around the topics we call moral. For the most part, the vagueness is tolerable, and for two reasons: first, because it rarely comes into play, since most cases we discuss are some distance from the fuzzy boundaries; and second, because when it does come into play, it is usually resolved by context. When we confront an alien group and its strange ways of thinking and talking, we take our initial cues from the habitual uses of the term "moral" that are embedded in our ordinary discourse at that time. If some of the topics the strangers think and talk about exhibit overall similarity to the topics we habitually call moral, we can, for most purposes, safely designate their way of thinking and talking about those topics a morality. Overall similarity is itself a vague notion, consisting as it does "of innumerable similarities and differences in innumerable respects of comparison, balanced against each other according to the relative importances we attach to those respects of comparison."[1] The vagueness derives from the fluctuation of relative importance across contexts. We can resolve the vagueness, if need be, by specifying which respects of comparison are important given our current concerns.

Suppose our concern is practical and quite limited. We ask what the prospects are for a common morality in Belfast. What we want to know, ultimately, is whether the conflict among the Catholics and Protestants who live there can be settled through democratic discussion and what can be done to achieve that end. The scope of the relevant comparison-class is relatively narrow. We need not concern ourselves, in this context, with distant tribesmen, ancient Egyptians, or humanity as a whole. What respects of comparison matter? Mainly, the differences most responsible for creating or sustaining the conflict and the similarities most likely to facilitate settlement.

Most of us are concerned about many different moral conflicts. It would be fortunate if the theorists could show that all such conflicts are capable of being adjudicated in terms of one set of moral uniformities. (Presumably, these will involve either a very large set of truths about particulars together with some certain means of knowing them or a small set of principles together with some determinate means of subsuming cases under them.) Then we could say that there is a common morality in a very strong sense—a sense relevant simultaneously to a wide range of practical and philosophical concerns. Many theorists have tried to prove the existence of a morality that possesses these powers of adjudication. But even if they have all failed, as I suspect they have, and even if they will all continue to fail, as I suspect they will, it remains possible to proceed piecemeal. This might mean taking each conflict as it comes and trying one's best to find the means of adjudication in whatever makes the moralities in question similar. (If that fails, one can always attempt the more painstaking approach denoted by the term "conversation" in chapter 3.) The possibility of adjudication in a given case does not depend on a guarantee of adjudication in all cases. And it seems likely that adjudication will succeed in more cases if it allows itself to rely on local similarities, not merely on the ones that are also global uniformities. Of course, not all types of similarity will help, and some will hinder.

Some moralities are *akin* to each other. Kinship is a special kind of similarity, the kind brought about by sharing a common history of development up to a certain point and then separating. Protestantism and Catholicism are members of the same ethical family. Their moralities branch off from the same stem. Their kinship helps determine the character of conflict in Belfast, both for good and for ill. It engrains many close similarities in vocabulary, attitude, and inferential commitment that could turn out to be useful in adjudication. It also means, however, that each group defines itself over against the other, thus hardening whatever differences there might be. In comparative ethics, as in folk-genealogy, a family tree is especially rigid where branches diverge from the stem.

The moralities of two groups in conflict are *parallel* to each other just in case they have developed along closely similar lines without branching

from the same stem. Many rural societies have parallel moralities structured around a hierarchical system of roles. The moral world consists of fathers, mothers, eldest sons, younger sons, daughters, friends, neighbors, strangers, enemies, and so on. To know how to respond to others in such a world, you need to know what roles you occupy, what roles they occupy, and what relations obtain between your roles and theirs. Duties and entitlements are all specific to roles and pertain mainly to the distribution of honor, which is recognized as the dominant good. Conflicts between such groups often start with an insult, move through a cycle of violent vengeance, and end at times in a negotiated settlement designed to limit disproportionate bloodletting. Parallel distinctions between strangers and enemies, accompanied by parallel rules requiring hospitality for the former, can keep such groups out of conflict over prolonged periods. But parallel commitments to honor as the dominant good and to vengeance as a means of protecting it can keep conflict going.

Two groups with independent histories and relatively dissimilar moralities can come into conflict when one conquers or subjugates the other. If Antonio Gramsci and Michael Walzer are right about such cases, the dominant group virtually always tries to justify its dominance to the oppressed.[2] In the course of making its justificatory arguments, the dominant group introduces its victims to unfamiliar moral concepts, principles, and ideals that, when applied in new ways, may be used by the oppressed themselves to justify rebellion. Let us say that when this happens, one morality acquires *Gramscian similarities* to another. Anticolonial and revolutionary struggles are nowadays defended mainly in terms of borrowed ideas, detached from one morality and grafted onto another. Gramscian similarities can increase rather than decrease the likelihood of conflict between two groups. They have also, however, significantly increased the overlap among existing moralities in a way that is beneficial to the prospects of democracy. One unwitting result of imperialism and global capitalism is that many emerging groups on the periphery of the world-system justify themselves in a language of rights, liberation, and self-determination—a modern European scion grafted onto many varieties of native stock. The moralities of these groups are to some extent parallel with each other while each has Gramscian similarities with the moralities of the colonial powers.

Cases of moral conflict, then, come in kinds. I have mentioned only a few, but even this limited sample suffices to show that the task of adjudication takes very different forms from one kind of case to another. Anybody who really cares about resolving moral conflicts had better proceed on an ad hoc basis, keeping the scope of comparison as narrow as can be. This policy maximizes the similarities available for adjudicatory work on each occasion by minimizing the number of groups to be compared. If we knew in advance what the moral uniformities are, we would always be in a posi-

tion to call on them, if they are relevant, no matter what the setting. That would be welcome. But we can get by without such knowledge, for practical purposes, trusting that whatever uniformities there are will necessarily turn up locally among the similarities obtaining in the case at hand. If we are unable to tell which are which, so what? In real-life adjudication, it does not matter. The more similarities that help, the better.

JUSTIFICATION

Philosophers have their own reasons for wanting to tell which from which. One reason is that they would like to know what resources there are for responding to moral skepticism. Those resources would be very powerful indeed if there were a common morality in something like the "very strong sense" mentioned in the preceding discussion. Any set of uniformities among moralities able to adjudicate all moral conflicts should also be able to refute all moral skeptics. It would do so by showing skeptics not only that they are justified in holding moral beliefs but what some or all of those beliefs are. I reject moral skepticism. I affirm that many of us are justified in holding some of the moral beliefs we hold. Whatever reasons make the skeptic feel compelled to deny this leave me unswayed. Yet affirming that many of us are justified in holding some of the (nontrivial) moral beliefs we hold is not the same thing as affirming that somebody has established a set of (nontrivial) moral beliefs that any human being or rational agent, regardless of context, would be justified in accepting. Doubting the latter claim does not, therefore, make me a moral skeptic, as defined here. It only makes me skeptical of one especially grandiose attempt to refute moral skeptics.

Behind my doubt is the idea that being justified in believing something—being entitled to believe it—is a status that can vary from context to context. Because one context differs from the next, not everybody is justified in believing the same claims. This goes for nonmoral and moral claims alike. Quine was justified in believing Gödel's Theorem, that a complete deductive system is impossible for any fragment of mathematics that includes elementary number theory. Euclid believed no such thing, though through no fault of his own. Quine, unlike Euclid, was trained to think and talk in the language of twentieth-century logic, so he was able to entertain claims Euclid did not have the conceptual wherewithal to entertain, including some that figure in the reasoning that led Gödel to his Theorem. Quine also had the advantage of access to Gödel's proof itself, which was not worked out until 1931. The proof served as Quine's evidence, justifying his acceptance of its conclusion. Once he had studied the proof and understood it, Quine would not have been entitled to disbelieve its result. If you could travel backward in time to visit Euclid, and you induced him to

entertain the conclusion of Gödel's proof without otherwise altering his epistemic context, he would not be justified in believing it. If he disbelieved it, you would not fault him by judging him unjustified, for you understand that two people can be justified in holding different beliefs, given the vocabularies, styles of reasoning, and evidence available to them in their respective contexts.

Now consider Ignazio Silone's novel, *Bread and Wine*, which is set in Italy in the 1930s.[3] The novel's protagonist is Pietro Spina, a socialist who returns from exile, disguised as a priest, to live among the peasants of his native Abruzzi, whom he hopes to organize into a revolutionary movement. The Abruzzi peasants adhere to a morality of the type described briefly in my discussion of parallel moralities among rural groups. Despite its assimilation of certain Christian beliefs about unconditional obligations, it remains for the most part a morality of role-specific duties and one in which honor dominates other goods. Spina has travelled in circles the peasants have not. His epistemic context differs from theirs. He entertains claims couched in moral vocabularies they do not know, his reasoning follows different patterns, and he therefore disbelieves much of what they believe.

Spina's time among the peasants changes him. It, too, contributes to the context of his ethical reasoning. He therefore abandons some moral beliefs he held in exile, acquiring others in their place. But he does not simply convert to the peasant morality. Silone is no Romantic. He is careful to show that someone with Spina's life history would not be entitled to accept certain peasant beliefs—for example, about the causal efficacy of using ox horns to ward off evil, the moral consequences of resignation to fate, or the just treatment of unmarried pregnant women. Spina rejects such beliefs and is justified in rejecting them. He does not, however, fault the peasants for believing what they believe. They are justified in believing even many of the falsehoods they believe, given the limitations of their context.

It may be, of course, that Silone was giving an untrue picture of who was justified in believing what in Italy circa 1935. What matters, for my purposes, is simply that there are differences among moralities like the ones described in Silone's novel and that they make the kind of difference to our judgments about entitlement to ethical commitments that I have been suggesting. Silone's novel illustrates the fact that there are important differences in what moral beliefs people in various contexts can justifiably accept. Could it not still be, however, that there are *some* (nontrivial) moral claims everyone is justified in believing, a common morality for philosophers? For all I have said so far, it remains possible that there are, though I assign a low probability to the prospects of showing that there are.

I have been speaking of "everyone." It would seem that the scope of comparison could not be broader. Yet not every human being need be included. In this context, we may ignore newborns, the insane, and the coma-

tose. To exclude them, let us say that we are confining our attention to rational users of norms. Can we not, then, define rationality strictly, so that anyone who fails to accept certain moral claims falls outside of the comparison class? We can indeed. We can achieve a similar result by defining the term *moral* narrowly, so that human rights or respect for persons as ends in themselves are the only moral topics. Nothing prevents us from defining such terms as we please. But if the definitions are arbitrary, designed solely to exclude potentially relevant counterexamples to the theses we are testing, they accomplish nothing.

The only relevant notion of rationality would be one that we could use in making defensible normative judgments about the various human beings who actually engage in moral reasoning, ourselves included. It is perfectly conceivable that we will someday be justified in deviating significantly from the beliefs we are currently justified in believing. It would therefore be foolish to define rationality in such a way that our future selves, with all their possibly good reasons for deviating from our path, would nonetheless be disqualified by definition from the class of rational agents. Our future selves deserve better treatment from us. So do Abruzzi peasants, distant tribesmen, and ancient Egyptians. Anybody—past, present, or future—might turn out to be less than fully rational, human beings being what they are. But our normative verdict on someone's rationality cannot sensibly be settled by definition a priori, and it needs to proceed in any case by attending to details of context, with the burden of proof falling to the prosecution.

I see no way of telling what new moral vocabulary, style of reasoning, or form of evidence might turn up next, either in the findings of anthropologists and historians or in the handiwork of creative geniuses and moral reformers still to come. Nor do I see a way of telling in advance how such novelties will affect the list of commitments people are entitled to accept. Euclid would have been very surprised to be told about Gödel's Theorem. Kant would have been very surprised to be shown the bearing of Einstein's theory of special relativity on the status of some claims he deemed universally justified. Neither Euclid nor Kant had any way of knowing how later developments would alter the standing of the relevant commitments. We are in no better position in ethics. Perhaps our distant ancestors had no way of anticipating some of the considerations that make us diverge from their moral conclusions. Chances are, our distant descendants will discard some moral claims that we find deeply intuitive or that a clever philosopher has "proven" to the satisfaction of his followers; which claims, we cannot say. Humility is the best policy.

Humility, I say; not skepticism. For I am not denying that we are justified in holding various moral beliefs, as moral skepticism does, by the definition assumed here. How can we claim to be justified in believing something and

also suitably humble in what we claim to know? By saying that being justified is relative to context and that the relevant features of context might change in unexpected ways. Until they do change, we remain justified in believing certain things. The possibility of change is not yet a reason to abandon any particular belief. But it is a reason to consider our moral knowledge fallible. If being justified in believing something depends on context, and context can change, perhaps for the better, then we should do our best to remain open to the possibility. Democratic discursive practices are designed to hold themselves open in this way.

The line of reasoning that counsels humility with respect to our own beliefs also counsels charity toward strangers. People from distant times or places are apt to believe some things we deem false, even if they and we are equally justified in holding our respective beliefs. That is what we should expect if being justified in believing something is a contextual affair. Unless we are prepared to give up our own beliefs at the points of conflict, we shall have to say, on pain of self-contradiction, that some of their beliefs are false. But unless we can show that they have acquired their beliefs improperly or through negligence, we had better count them as justified in believing as they do. And while we are at it, we had better consider the possibility that their context affords them better means of access than we enjoy to some truths.

Earlier I remarked that being justified in believing a claim is not the same thing as being able to justify it or to justify believing it.[4] The idea requires further explanation here. There are many legitimate ways of acquiring beliefs. Accepting the conclusion of a sound justificatory argument is only one of them. Many beliefs are acquired through acculturation. I say, with Wolterstorff and others, that we are justified in holding such beliefs, except in those cases where we have adequate reason to doubt or reject them or where for some other reason (like culpable neglect of evidence) we are not doing our best as inquiring minds.[5] I say, with Wittgenstein and others, that many of these beliefs are such that we would not know how to justify them in a noncircular and informative way even if we tried, and that life is too short for us to supply arguments in support of many of them. I say, with C. S. Peirce and others, that if we ceased taking the vast majority of them for granted, far from enhancing the capacity to think scrupulously, we would lose the capacity to think at all. It makes sense to say that we can be justified in accepting a belief acquired through acculturation even in the absence of a justifying argument. It is unreasonable to demand justifying arguments across the board. Skeptics have been wrong in making this demand, their opponents wrong in trying to meet it.

Justifying a claim, unlike being justified in believing one, is an activity. The result of the activity is a justification. Let us say that a justification of the claim that P is an answer to the question, Why believe that P?[6] If the

answer is successful, we say that the claim in question is justified. In what, then, does the success of a justification consist? In eliminating relevant reasons for doubting that P. What reasons for doubting P are relevant and what suffices for their elimination? That depends on context, in particular, on the people to whom the justification is addressed. Call the class of such people the justification's *audience*. Reasons for doubting P are relevant if they prevent or might prevent an epistemically competent and responsible member of the audience from being justified in believing that P. Relevant reasons for doubting P have been eliminated when everyone in the audience is justified in believing that P.

We sometimes speak of justifying a claim *to* someone, either oneself or someone else. In such cases, the audience of the justification is specified. I justify a claim to myself when I construct or rehearse an argument that makes me justified in believing it. I justify a claim to someone else, S, when I construct or rehearse an argument that makes S justified in believing it. More often, we speak simply of justifying a claim, allowing context to specify the audience. Philosophers have long tried to discover, in abstraction from any context in particular, what conditions a successful justification of a moral claim ought to satisfy. In doing so, they have usually attended exclusively to features of ethical justification qua argument, and often ended in puzzles about the status of first principles or the logical transition from nonmoral premises to moral conclusions. We are now in a position to see why they have met with little success. If my analysis is correct, abstraction from context in a theory of justification is bound to end in frustration. Justifications are answers to why-questions of a certain sort. As such, they are dependent on context: first, because conversational context determines the question to which a justification counts as an answer and thus the sort of information being requested; second, because conversational context determines a justification's audience; and third, because a justification's success can be appraised only in relation to its audience, including their relevant reasons for doubting and the commitments they are entitled to accept.[7]

Now consider a bit of ethical fiction. Someone proposes a candidate for the title of supreme moral principle. Being newly minted, it is not already accepted currency, and we have our doubts. So the question arises, Why believe it? A brilliant philosopher constructs a justification. The justification consists of a relatively complicated argument, but not so complicated that the philosophically astute cannot follow it. Suppose that, after diligent study, we accept its premises as true. We find no mistakes in the proof, no reason to question its validity. We are prepared to say, as Gödel's fellow logicians were in the case of his Theorem, that the justification is successful. We therefore come to accept the new proposal as the supreme moral principle, and we are justified in believing it true.

I do not deny that this could happen. I do want to insist, however, on the importance of considering the limits on who might plausibly be expected to look upon such a justification as a reason for accepting its conclusion. Otherwise, we shall be tempted to exaggerate what will have been shown by the justificatory argument. Let us distinguish a justification's intended audience from its actual audience. Whatever a justification's intended audience may be, its actual audience cannot extend beyond the class of people who understand the vocabulary in which it is cast and have mastered the patterns of reasoning required to follow it. The limits of an actual audience are not set; they can be expanded by pedagogical means or by missions to the heathen. But it is worth reminding ourselves that the actual audiences of all justifications produced so far in human history have been limited, the philosophical justifications especially so. Saying to ourselves that we are addressing our justifications to all rational agents does not by itself affect what other people are justified in believing. We can increase the membership of a justification's actual audience only up to a point.

The democratic ethical analogue of Gödel's Theorem, even if it were justified to the satisfaction of all living philosophers, would not thereby become the common moral property of humankind. Many people, including Abruzzi peasants and (in all likelihood) members of the great philosopher's own family, would still recognize no real reason to accept it. The reasons there would be for accepting it would be other people's reasons, not theirs. It would be uncharitable on our part to fault them for not accepting it, just as it would be uncharitable of Quine to fault Euclid for failing to anticipate Gödel or Kant for failing to anticipate Einstein. If Pietro Spina's favorite peasant or my nonphilosophical relative accepts a belief at odds with our newly justified supreme moral principle, they might still be justified in believing what they do. Our proof has no place in their epistemic context.

There is another sense in which our justifications ought to be addressed to a limited audience, a sense related to the policy of humility. Future generations will find themselves in epistemic contexts unlike ours. We do not know what the respects of dissimilarity will be, so we cannot know what their reasons for doubting will be or what they will be justified in believing. It follows that we cannot know how successful our justifications will be for them. So it would be foolish to address our justifications to the audience of *all* rational agents, regardless of time or place.[8] All we would accomplish by doing that would be to make the success of our justifications impossible to determine, thereby making the question of success pointless. We know from experience that justifications are fallible. To require that they be infallible to count as successful is to misunderstand the indispensable role they play in our lives. Justifications are successful if they eliminate relevant rea-

sons for doubting. The reasons future generations might have for doubting, being necessarily unknown to us, hardly count as relevant in our context.

No logician is tempted to reject Gödel's Theorem simply because there are some people who would dismiss Gödel's reasoning as gobbledygook. Yet many philosophers devote serious attention to the question of what one would say to the philosophically inclined Nazi. Their worry seems to be that if one cannot justify one's moral beliefs to the imaginary Nazi, then one is not justified in holding those beliefs. The worry might derive from any number of sources. One of these might be a tendency to confuse being justified in believing something with being able to justify it; another might be the mistaken idea that successful justifications must be addressed to a universal audience. We are now concentrating on the latter, so perhaps we should ask whether any philosopher seriously intends to say that Nazis are morally competent. If not, why should a Nazi's reasons for doubting be considered relevant to the appraisal of our moral beliefs? People whose lives prove them unwise, and especially the extremely vicious, are obviously not good judges of moral truth. Nazis are extremely vicious in ways that can be expected to corrupt their responsiveness to our reasoning. If *they* doubt our moral conclusions, we should expect to have trouble in persuading them by rational argument. Their reasons for doubting need not be eliminated before we consider ourselves justified in rejecting their beliefs as false. Of course, if we found ourselves strongly tempted by Nazi reasoning, we might feel that we needed to refute their conclusions in order to be justified in holding ours. But this wouldn't necessarily be a matter of persuading actual Nazis, who might dig in their heels and spit on our perfectly valid refutation.

My mother is no philosopher and no Nazi. She may not be a competent judge of sophisticated philosophical proofs, but she is a wise woman, a competent judge of moral truths of many kinds. So if she doubts the truth of a supposedly supreme moral principle because it obviously conflicts with her settled convictions about specific cases, her reasons for doubting may be relevant to the principle's epistemic status. If the principle conflicts with her view of the wrongfulness of murder, for example, that is something the philosopher will need to take into consideration. The task will be to explain how she could have come to believe a claim incompatible with the truth of the proposed principle. Her competence as a judge makes her reasons for doubting relevant. When other people differ with us over the truth of matters they are competent to judge, we often need to justify our own view by explaining how they came to believe a falsehood. Failure to work out a good explanation of their apparent error sometimes leaves us unjustified in believing a claim we would otherwise have adequate reason to accept. It may be more reasonable for us to change our minds on the disputed point than to assume that our disputants believe wrongly and let that go unexplained.

Truth

The epistemologist's interest in refuting or assessing skepticism is only one of the concerns that make philosophers debate the prospects of a common morality. It is one thing to ask whether there are moral claims everybody is justified in believing or whether we need to seek a universal audience for our justificatory arguments. It is another to ask whether there are moral truths, whether in calling them true we can sensibly mean more than that they are true *for us*, or whether some moral claims apply to everybody. Doesn't the contextual view of justification defended in the previous discussion require me to answer these questions negatively by committing me to a relativistic conception of truth?

The first thing to be said is that I have used the notion of moral truth liberally throughout this chapter. Far from denying it, I have been presupposing it. For example, at one point I said that Pietro Spina *disagreed* with the Abruzzi peasants on what constitutes just treatment of unwed pregnant women. In saying this I meant to imply that Spina and the peasants entertain the same claim, that the claim is either true or false, and that in disagreeing on the issue either he believes a falsehood or they do. So long as Spina remains committed to his view on that topic, he is logically committed to rejecting the conflicting peasant view on that topic as false. Nihilists, who dismiss the very idea of moral truths, could not describe a case of moral conflict in this way. They would have to redescribe it without relying on the notion of moral verity, most likely construing Spina and the peasants as mistaken about the nature of their conflict. But I see no adequate reason for redescribing it in that way, let alone one that derives from my contextualist account of justification.

Someone might want to claim that the peasant view is true for them, just as Spina's is true for cosmopolitan Italian socialists. If this means only that the peasants accept their view as true and Spina accepts his view as true, there is no point in discussing the claim, for it merely paraphrases what I have already granted. We do sometimes use the expression "P is true for S" as a synonym for the expression "S believes P" or "S accepts P as true." What if the claim were intended to imply that we should take "P is true" to mean "P is true relative to M," where M names the morality of the speaker? This would make the claim more interesting, but it would also put it in conflict with my account of moral diversity. At no point have I introduced a relativist conception of truth in describing a moral conflict. Nor would I want to do so.[9]

A relativist conception of truth erases disagreement among groups rather than making it intelligible. To say that Spina's view is true relative to his group's morality and that the peasant's view is true relative to theirs would

imply that both views could be right simultaneously and that neither party's view entails rejection of the other's. But Silone does not describe the relation between Spina's moral beliefs and the peasants' in this way. If he did, his novel would lack moral tension: Spina would be neither genuinely at odds with the peasants on the issues where he eventually holds his ground, nor able to learn from them on matters where he eventually changes his mind. I stand with Silone in holding that there are such cases of genuine moral conflict in life. Nazis and I differ in many respects. We belong to different groups, each with its own way of thinking and talking about moral topics. I also differ with Nazis in another respect, for I reject various moral commitments they accept, including their view of what constitutes just treatment of Jews. The fact that we have different moralities should not be allowed to obscure the equally important fact that we disagree about the moral truth. If I am right about justice, then the Nazis are wrong. Using a relativist conception of truth to redescribe our differences would be to dissolve the conflict in which we take ourselves to be engaged.

Yet have I not been defending a version of relativism throughout the first two subheadings of this chapter? And if so, is it not too late for me to be distancing myself from a relativist conception of moral truth? The first section does imply that the prospects of adjudicating a moral conflict between two groups depend upon what their respective discursive practices are like. Say, if you like, that this makes adjudication relative. The second section does argue that being justified in believing a moral claim is a relational status and that the success of a justificatory argument is a contextual affair. Say, if you like, that this makes both entitlement and the activity of justification relative. But do not assume that these doctrines commit me to a relativist conception of moral truth, for they do not.

Adjudication, justification, and truth are distinct concepts, requiring separate explications. The first two are very closely related, for the obvious reason that rational adjudication of a moral conflict typically involves offering justifications to people in the hope of changing what they are justified in believing. If justification (in both senses) is relative, it should not be surprising that adjudication is, too. None of this implies, however, that every concept we encounter in ethics (and other cognitive endeavors) will exhibit a similar relativity. My claim is that the concept of truth does not. It would therefore be misleading to summarize my position as the claim that morals are relative. "The thesis of moral relativism," like "the thesis of a common morality," is not in fact a thesis at all, but an intersection in conceptual space where distinct ideas tend to be run together and need to be disentangled before thought can responsibly proceed.

When Spina believes that a given practice is unjust and the peasants disbelieve it, either he accepts a falsehood or they do. It is not possible for

a claim and its negation to be true simultaneously, in ethics or anywhere else. But when Spina believes the claim and the peasants believe its negation, they can both be justified. Similarly, Spina can be justified in believing a moral claim at one point in his life and justified in rejecting precisely the same claim at a later point, whereas the truth-value of the claim has remained the same all along. By considering these possibilities, we can see how differently the concepts of truth and justification behave. It is because they behave so differently that it makes sense to combine a contextualist account of justification with a nonrelativist account of moral truth. This is exactly what my version of pragmatism does. In the next chapter I will respond further to the worry that there is something paradoxical about this combination of theses.

Contextualist epistemology is compatible with the idea that there is a moral law in this sense: an infinitely large set consisting of all the true moral claims but not a single falsehood or contradiction. Being infinitely large and including truths cast in myriad possible vocabularies we will never master, this set boggles the mind. We will never believe, let alone be justified in believing, more than a tiny fraction of the truths it encompasses. Most of them are inaccessible to us—and therefore not truths it would be wise for us to pursue. If the God of the philosophers exists, he believes them all, and is justified in believing them all, but nobody else could come close.[10] Notice that the moral law in this sense is not a morality in the sense under discussion earlier in this chapter. It is merely a set of truths, not a way of thinking and talking (that is, a discursive social practice).

There is no harm in granting that there is a set of truths like this, provided that we rigorously avoid treating it as something we could conceivably know and apply. This conclusion ties in closely with what Mark Johnston has called "the practical element" in pragmatism. This, he says, "is best presented as a normative claim, the claim that our interest in the truth should always be a practically constrained interest, an interest restricted in principle to accessible truth (at least to this and probably to something more practically accessible)."[11] Notice that this normative claim, as Johnston nicely formulates it, is not a definition of truth. It does not define truth as inherently accessible, so it does not lead to the problems associated, for example, with Dewey's definition of truth as warranted assertibility. I am happy to grant that accessible truths are not the only truths that there are. But Johnston's formulation does have strong implications for the governance of our cognitive and justificatory practices. The main reason for confining attention to accessible truths is simply that taking an interest in truths that are inaccessible is at best a waste of time and at worst a source of seriously confused cognitive strategies. One need not define truth as Dewey did to support this conclusion.

THE HIGHER LAW AS AN IMAGINATIVE PROJECTION

Human beings are less than perfect in knowledge and virtue. It should not surprise us that they construct imperfect moral codes. The beliefs their codes embody are all too often untrue. We therefore honor women and men who, in the name of moral truth, have risked their lives in defiance of imperfect codes and the powerful people intent on enforcing them. But much of what these heroes say in their own defense is hard to believe. Antigone, in the Sophoclean tragedy that bears her name, defended her defiance of the mortal Creon by invoking the "unwritten and unfailing laws" of the gods. Speaking of the decree that her brother be left unburied, she said: "For me it was not Zeus who made that order. Nor did that Justice who lives with the gods below mark out such laws to hold among mankind."[12] Thomas Jefferson, declaring independence from British tyranny, appealed to the "laws of nature and nature's God." The God in question was deism's. The laws, which he held to be self-evident, were largely Locke's. Martin Luther King, Jr., writing as a Baptist preacher from a Birmingham jail, claimed that an "unjust law is no law at all" and defined an unjust law as "a human law that is not rooted in eternal and natural law." His authorities for this doctrine were Augustine and Aquinas, but the content of the moral law he envisioned derived from the personalism he learned while earning his doctorate at the Boston University School of Theology: "Any law that uplifts human personality is just. Any law that degrades human personality is unjust."[13]

The theologies of Antigone, Jefferson, and King could hardly be further apart: pagan polytheism, Enlightenment deism, and Trinitarian Christianity. When they claim that there is a law higher and better than the artificial constructions of human society, they differ drastically over the source and substance of that law. Is there anything left of the idea they had in common once the hubris and the dubious metaphysical trappings are stripped away? Let us see.

F. P. Ramsey once hypothesized that laws are "consequences of those propositions which we should take as axioms if we knew everything and organized it as simply as possible in a deductive system."[14] Ramsey's hypothesis belonged to philosophy of science. The laws he had in mind were laws of nature in the natural scientist's sense. He held this conception of lawhood only briefly, in March of 1928, but in 1973 David Lewis revived and revised it. Lewis's modified version does not rely on the idea of what we would know if we knew everything:

> Whatever we may or may not ever come to know, there exist (as abstract objects) innumerable true deductive systems: deductively closed, axiomatizable sets of true sentences. Of these true deductive systems, some can be axioma-

tized more *simply* than others. Also, some of them have more *strength*, or *information content*, than others. The virtues of simplicity and strength tend to conflict. Simplicity without strength can be had from pure logic, strength without simplicity from (the deductive closure of) an almanac. Some deductive systems, of course, are neither simple nor strong. What we value in a deductive system is a properly balanced combination of simplicity and strength—as much of both as truth and our way of balancing will permit. (*Counterfactuals*, 73; emphasis in original.)

An ideal deductive system achieves a best possible combination of simplicity and strength—if not the one and only best combination, one of the combinations tied for first place in the ranking of all such systems. The notion of an ideal deductive system allows Lewis to reformulate Ramsey's explication of lawhood: "a contingent generalization is a *law of nature* if and only if it appears as a theorem (or axiom) in each of the true deductive systems that achieves a best combination of simplicity and strength" (*Counterfactuals*, 73; emphasis in original).

It should be possible to develop similar conceptions of lawhood for ethics. Imagine an infinitely long list including all of the true moral sentences that human beings could possibly devise.[15] Assume that these sentences can be organized into innumerable deductive systems of moral truths. Assume further that these, like Lewis's systems of empirical truths, achieve varying degrees of simplicity and strength. Of them, one or more achieves a best combination of simplicity and strength. Now we can define *the moral law*. It is precisely those generalizations appearing as theorems or axioms in each of the best moral systems.

To employ the notion I have just defined, you need not be a theist. But you do need to have an active imagination. First, you need to imagine the possibility of all the various conceptual improvements that could be made in the ways we think and speak about moral matters. Second, you need to imagine the possibility of the various sentences that could appear in the resulting language games. I do not mean that you need to be capable of knowing in what all of these possibilities consist. There are too many of them for that—infinitely many, in the case of the sentences. And there is no way of knowing the conceptual improvements we could adopt until somebody invents or discovers them. If we knew in what any possible improvement consisted, we could instantaneously make it actual by changing our ways. The point of the present exercise is to imagine the full range of possible improvements not yet actualized, while remaining agnostic about the details. In addition to performing these acts of imagination, you need to accept the standard apparatus of deductive logic and grant that systems of moral sentences can be more or less simple and possess varying degrees

of strength. Finally, and most importantly, you must be prepared, as I am, to apply the concept of truth to moral sentences.

Call the concept of the moral law just defined the minimal version. The minimal version is metaphysically austere. Its definition explicitly treats the moral law as an imaginative projection. The improvements it projects above and beyond the already existing moral codes are indefinite. To speak of the moral law in this sense does not commit us to a view of what those improvements would look like. It merely holds out for the possibility that improvements are possible. Of course, many philosophers are less parsimonious than this. By adding commitments not presupposed by the minimal version, you can get increasingly controversial versions of the concept. If you are a theist, for example, you might wish to add that God is the author of the moral law. You might go on to describe the moral law as promulgated providentially, as an ordinance of divine reason for the common good. By making these additions, you would be taking the moral law closer to what Aquinas calls the "eternal law."

Even so, the two notions will not be identical. To see why, consider a remark Lewis makes when elucidating his concept of scientific law: "Imagine that God has decided to provide mankind with a *Concise Encyclopedia of Unified Science*, chosen according to His standards of truthfulness and our standards of simplicity and strength" (*Counterfactuals*, 74). A published version of the moral law would be like Lewis's imaginary *Encyclopedia*. God's standards of truthfulness would prevail in that He, being omniscient, would be in a position to edit out all traces of falsehood. But our standards of simplicity and strength, vague as they are, would also constrain the resulting system. Because these standards tend to conflict, it is likely that our need for reducing complexity to manageable levels will lead to significant sacrifices in strength. In contrast, there seems to be no such concession to human standards in Aquinas's concept of the eternal law.

The Thomistic eternal law satisfies God's standards of truthfulness, but what standards of simplicity and strength does it satisfy? In a word, God's. Aquinas would not presume to know what such standards are, but he does at various points seem to assume that the eternal law is maximally strong. No moral truth falls outside it. It forbids all of the sins there could ever be, including those secreted away in the human heart. It encompasses all of the moral truths and none of the moral falsehoods. Is the eternal law also maximally simple? Assuming that God is omniscient, there is no need for simplicity in this system. An omniscient being would know every detail of an infinitely long almanac of moral truth. If the eternal law is simpler than that, the simplicity must come without loss of strength. If God prizes simplicity for its own sake, then the eternal law may tentatively be defined in terms of the generalizations appearing as axioms or theorems in each of

the simplest of the maximally strong deductive systems of moral truth. How simple that might be we have no way of knowing. God only knows, if anybody does.

We have seen that the minimalist definition of the moral law does not presuppose commitment to theism. We can similarly strip the theology from the Thomistic concept of the eternal law by settling for the tentative definition just given while dropping the requirement that the standards to be satisfied are God's. Even if we accepted this formulation as our definition of the eternal law, it would remain distinct from the moral law in my nontheological senses. The reason is this. If a system is the simplest of the strongest systems of its kind, it is not necessarily a system that achieves a best combination of simplicity and strength for systems of that kind.

Suppose a logic professor has given you several deductive systems of moral truths and the assignment of judging some of them ideal in the two senses just distinguished. The method for finding the simplest of the strongest systems is to begin by isolating the strongest and then to select the simplest of those. The method for finding a best combination of simplicity and strength is to begin by isolating systems that are both simple and strong in high degree and then to select the ones that strike an ideal balance overall. It is possible but not necessary that the two methods would yield the same result. Given sufficiently various systems to pick from, the second method is likely to pick out systems that are simpler and weaker than the first.

What good will the minimalist definitions of these notions do me? They will allow me to use such phrases as "the moral law" and "the eternal law" in good conscience should I ever want to do so. Hereafter I shall know what I mean when I echo Sophocles, Jefferson, or King and refer to a law higher and better than the codes of my peers. I will know how to mean what I say about that law without meaning too much.

Why preserve these locutions at all? They have long been a rhetorically effective means of emphasizing that the all-too-human codes we confront in society are always likely to include moral falsehoods and conceptual deficiencies. This fact makes room for conscientious objection to such codes. It underscores the need for social criticism. It assures us that a lonely dissenter or critic, taking a stand against the crowd or the powers that be, might be right.

Admittedly, the same point can be made without the concept of a higher law. What matters most in this context is the underlying concept of truth and resistance to any reductive definition of it. If truth were a function of what the powerful dictate or what one's peers accept—or even what we, in our humble epistemic condition, are justified in believing—then we would have less reason to give dissidents a hearing or to entertain the possibility of becoming critics ourselves. But truth, I have claimed, cannot be reduced

to any of these things. On the minimalist reading, the rhetoric of a higher law is little more than an imaginative embellishment of the gap between the concepts of truth and justification, between the content of an ideal ethics and what we are currently justified in believing. It evokes a picture of what some of our codes would be if they were perfect. It thereby gives the project of discovering particular imperfections an imaginative ideal to strive for. The picture is less diffuse than the image of an infinitely long list of true moral sentences, and more inspiring than the image of an ideal moral almanac. Since our codes are sometimes expressed systematically in law-like form, the image of a higher law encourages striving for something of the same kind but better.

Natural-law and divine-command theories become mystifications when they assume that an ideal system or its axioms can function—or is already functioning—as *our criterion* for deciding which moral claims are true.[16] How could we ever know that the standard we were actually applying belonged to the ideal system? To know this would be to know that there was no possibility of improvement in our cognitive capacities and inferential commitments. Being finite and aware of the long history in which our fallibility makes itself manifest, we have reason to believe that even if we had achieved *the* ideal system, we could never be justified in believing that we had. To believe this would close our minds to the possibility that further rational revision of our moral outlook might well prove necessary. We have no way of knowing what it would be like to be at the end of ethical inquiry.[17] At any time, the ideal system (if there is such a thing) might differ in some respect from what we justifiably believe.

This does not add much to my earlier remark that truth and justification are distinct, that the two concepts behave differently—in ethics, as elsewhere. To say that some of the moral propositions we are justified in believing might not be true is to remind ourselves that no matter how well we now think and talk about moral topics, it remains possible, so far as we can tell, to do better. To strive for moral truth as finite beings conscious of our finitude is to keep that possibility in view, to keep alive the struggle for this-worldly betterment of our commitments, not to wish for a final revelatory moment, a moral philosopher's eschaton.

The *Concise Encyclopedia of Ethical Truth* is merely the philosophical imagination's variation on three themes: the notion that the totality of moral truths would not embrace a contradiction, the hope that the fraction of it we care about is not infinitely complicated, and the realization that it cannot be reduced to what we already know. It is not a handbook anyone can use, even at the end of inquiry. Therefore, it is not something we can expect to do justificatory work when we are trying to resolve disputes. Our practice of thinking and talking about moral topics will continue as long as we do. It will not be brought to conclusion by the discovery of an ideal moral system.

civilians unthinkable even in supreme emergencies. What, if anything, one should care about in this way is among the hardest questions anyone can try to think about. It is so hard, in fact, that it would be foolish to require a religiously plural society to agree on such matters before proceeding with political deliberation.

23. This commitment is what is at stake, for example, in the debate raging among Catholics since the 1960s between what Elizabeth Anscombe called "the method of casuistry" and what her opponents have called "proportionalism." For my own attempt to show that traditional just-war reasoning of Anscombe's type is not best viewed as a process of "weighing" prima facie responsibilities, see Stout, "Justice and Resort to War: A Sampling of Christian Ethical Thinking," in James Turner Johnson and John Kelsay, eds., *Cross, Crescent, and Sword: The Justification and Limitation of War in Western and Islamic Tradition* (New York: Greenwood Press, 1990), 3–33. Citations of Anscombe can be found there.

CHAPTER 9
THE EMERGENCE OF MODERN DEMOCRATIC CULTURE

1. For a detailed account of early-modern political thought that plays up the important contributions of the conciliar movement in Catholicism, see Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge: Cambridge University Press, 1978).

2. For an account of the relationship between world-formative Protestantism and the low degree of ascriptivism in modern democratic cultures, see Nicholas Wolterstorff, *Until Justice and Peace Embrace* (Grand Rapids: Eerdmans, 1983), 3–22.

3. Thomas Paine, *The Rights of Man* (London: Penguin, 1984), 168.

4. Walt Whitman, *Whitman: Complete Poetry and Collected Prose*, ed. Justin Kaplan (New York: Library of America), 955.

5. Nicholas Wolterstorff, *Until Justice and Peace Embrace* (Grand Rapids: Eerdmans, 1983), 84.

6. Annette C. Baier, *Moral Prejudices* (Cambridge, Mass.: Harvard University Press, 1994), 225–26.

7. AV, 68–70.

8. Whitman, *Whitman: Poetry and Prose*, 6.

9. For an explication of the notion that facts are true claims, see MIE, 327–29.

10. Brandom usually refers to the former as "doxastic" commitments, but I prefer the less forbidding term, "cognitive," which he uses in AR, 83.

11. With this caveat: that the ordinary notions of "belief" and "intention" are ambiguous, whereas the technical notions of cognitive and practical commitment are designed to be univocal. See MIE, 195, 256–59.

12. The issue of Heidegger's relation to pragmatism is a complicated one, which I cannot pursue here, aside from noting that his later work does attempt to rehabilitate a kind of serious questioning. On the pragmatic themes in Heidegger's early work, see Robert Brandom, "Heidegger's Categories in *Being and Time*," *Monist*, 66, no. 3 (1983): 387–409; and Mark Okrent, *Heidegger's Pragmatism* (Ithaca: Cornell University Press, 1988). See also James C. Edwards, *The Plain Sense of Things* (University Park: Pennsylvania State University Press, 1997).

13. See, for example, Edmund Burke, *Reflections on the Revolution in France*, ed. J.G.A. Pocock (Indianapolis: Hackett, 1987), 26–27, 34–35, 41–42, and 72–73.

14. Thomas Paine, *Common Sense*, ed. Karl Heinz Schönfelder (Halle: Niemeyer, 1956), 67, 73–80, and 92.

15. It will take feminists like Mary Wollstonecraft to argue that these normative statuses should be attributed to women as well. And it will take abolitionists like Sojourner Truth to argue that these statuses should be attributed to slaves.

16. Sellars and Brandom both emphasize the first way, because their accounts of ethical uses of language focus mainly on "ought" judgments. As far as I know, Sellars neglects to mention the second way, and Brandom discusses it only in contexts (MIE, 123–30; AR, 69–76) where his primary concern is to correct Michael Dummett's account of the relationship that ought to obtain between the circumstances and consequences of application of a concept. I am simply taking over what Brandom says in those contexts about "highly charged words" like "Boche" and "nigger," extending it to equally evaluative terms like "courage" and "cruel," and then making explicit the role such terms can have in noninferential observation reports.

17. For an analysis of the role played by the emotions in scientific revolutions and religious conversions, see Bas C. van Fraassen, *The Empirical Stance* (New Haven and London: Yale University Press, 2002), 64–110. For a discussion of the role of imagination in ethics, see Sabina Lovibond, *Realism and Imagination in Ethics* (Minneapolis: University of Minnesota Press, 1983).

18. Edmund Burke, *Reflections*, 17, 67, 142.

CHAPTER 10
THE IDEAL OF A COMMON MORALITY

1. David Lewis, *Counterfactuals* (Cambridge, Mass.: Harvard University Press, 1973), 91.

2. See especially Michael Walzer, *Interpretation and Social Criticism* (Cambridge, Mass.: Harvard University Press, 1987), 41–43.

3. Ignazio Silone, *Bread and Wine*, trans. Eric Mosbacher (New York: Signet, 1986).

4. Robert Brandom, echoing Sellars, remarks that " 'Justification' has the 'ing/ed' ambiguity . . . : justifying, a practical activity, or being justified, a normative status." The remark appears in his "Study Guide" in Wilfrid Sellars, *Empiricism and the Philosophy of Mind* (Cambridge, Mass.: Harvard University Press, 1997), 157.

5. See Nicholas Wolterstorff, "Can Belief in God Be Rational If It Has No Foundations?" in *Faith and Rationality: Reason and Belief in God*, ed. Alvin Plantinga and Nicholas Wolterstorff (Notre Dame: University of Notre Dame Press, 1983), 135–86.

6. For a pragmatic account of explanations as answers to why-questions, see Bas C. van Fraassen, *The Scientific Image* (Oxford: Oxford University Press, 1980), chap. 5. If van Fraassen is right, explanations are answers to questions of the form, Why P? I am suggesting analogously that (epistemic) justifications are answers to questions of the form, Why believe that P?

7. Compare van Fraassen: "An explanation is not the same as a proposition, or an argument, or list of propositions; it is an *answer*. (Analogously, a son is not the

an answer to a why-question. So, a theory of explanation must be a theory of why-questions" (134; emphasis in original).

> The discussion of explanation went wrong at the very beginning when explanation was conceived of as a relationship like description: a relation between theory and fact. Really it is a three-term relation, between theory, fact, and context. No wonder that no single relation between theory and fact ever managed to fit more than a few examples! Being an explanation is essentially relative, for an explanation is an *answer*. (In just that sense, being a daughter is something relative: every woman is a daughter, and every daughter is a woman, yet being a daughter is not the same as being a woman.) Since an explanation is an answer, it is evaluated vis-à-vis a question, which is a request for information. But exactly what is requested, by means of the question "Why is it the case that *P*?", differs from context to context. In addition, the background theory plus data relative to which the question is evaluated, as arising or not arising, depends on context. And even what part of that background information is to be used to evaluate how good the answer is, qua answer to that question, is a contextually determined factor. So to say that a given theory can be used to explain a certain fact, is always elliptic. (*Scientific Image*, 156; emphasis in original).

8. Thus Alasdair MacIntyre is right to claim that in ethics, as in science, "what we have to aspire to is not a perfect theory, one necessarily to be assented to by any rational being, because invulnerable or almost invulnerable to objections, but rather the best theory to emerge so far in the history of this class of theories." He continues: "The possibility has always to be left open that in any particular field . . . some new challenge to the established best theory so far will appear and will displace it" (AV, 270).

9. I qualify and expand upon this conclusion in Stout, *Ethics after Babel*, expanded ed. (Princeton: Princeton University Press, 2001), chaps. 1–4.

10. This God is omniscient by definition, which means that he knows every truth there is, including the moral ones. If he knows all of the moral truths, he must be justified in believing them. On my account of being justified in believing something, this means (roughly) that God is epistemically without fault in believing the moral claims he believes. It does not mean that God is able to justify his beliefs to himself. This is a good thing, for what would count as an omniscient being's relevant reasons for doubting? Of course, this does not prevent God from justifying a belief to someone else if he pleases, for an omniscient being would know what everybody else's relevant reasons for doubting are and also every possible way of eliminating them by presenting justificatory arguments. Compare van Fraassen, *Scientific Image*, 130.

11. Mark Johnston, "Objectivity Refigured: Pragmatism without Verificationism," in *Reality, Representation, and Projection*, ed. John Haldane and Crispin Wright (Oxford: Oxford University Press, 1993), 112.

12. Translated by Elizabeth Wyckoff, as quoted in Lloyd L. Weinreb, *Natural Law and Justice* (Cambridge, Mass.: Harvard University Press, 1987), 22.

13. Martin Luther King, Jr., "Letter from Birmingham City Jail," in *A Testament of Hope: The Essential Writings of Martin Luther King, Jr.*, ed. James Melvin Washington (San Francisco: Harper & Row, 1986), 293.

14. Quoted in Lewis, *Counterfactuals*, 73. See F. P. Ramsey, *Foundations of Mathematics* (London: Routledge & Kegan Paul, 1931), 242.

15. For present purposes, the distinction between moral and nonmoral sentences can be drawn in virtually any way you please. Because of my holistic inclinations in the philosophy of language, I would not in any event want to place too much weight on the distinction or to draw it in terms of the use of particular words that are sometimes thought to be distinctively action-guiding. For a discussion of the vagaries of the concept of a moral language, see *Ethics after Babel*, chap. 3.

16. In the next chapter, I will discuss a version of divine-command theory that does not mystify in this way. Whether the version of natural-law theory advocated by John Finnis and Germain Grisez avoids this problem is an interesting question. What makes the theory prone to ideological abuse is its highly questionable conception of inviolable, self-evident, basic human goods. Scott Davis, a secular Aristotelian, argues that the Finnis-Grisez position, especially when applied to questions in sexual ethics, "is just one more way of smuggling" a medieval Christian understanding of deviancy "into the discussion without paying the price of putting its theological commitments on the line." Davis, "Doing What Comes Naturally: Recent Work on Thomas Aquinas and the New Natural Law Theory," *Religion* 31 (2001): 407–33; quotation from 429. Russell Hittinger argues to a similar conclusion from a theological point of view in *A Critique of the New Natural Law Theory* (Notre Dame: University of Notre Dame Press, 1987). I do not see how Finnis and Grisez can escape the resulting crossfire without abandoning their position. For the most influential statement of the "new" natural-law theory, see John Finnis, *Natural Law and Natural Rights* (Oxford: Oxford University Press, 1980). For an application of the theory to sexual issues, see Robert P. George, *In Defense of Natural Law* (Oxford: Oxford University Press, 1999). The new natural lawyers are at their least ideological, it seems to me, in John Finnis, Joseph Boyle, and Germain Grisez, *Nuclear Deterrence, Morality, and Realism* (Oxford: Oxford University Press, 1987), a work for which I have the utmost respect. One might wish that Finnis's followers were as rigorous in dissociating themselves from politicians who disagree with them on capital punishment and nuclear deterrence as from those who disagree with them on abortion and same-sex coupling.

17. For this reason, there is no point in *defining* moral truth as what we would believe about moral topics at the end of ethical inquiry. See Richard Rorty, "Life at the End of Inquiry," *London Review of Books* (2 August–6 September 1984): 6; and Mark Johnston, "Verificationism as Philosophical Narcissism," *Philosophical Perspectives* 7 (1993): 307–30, esp. 319–27.

CHAPTER 11
ETHICS WITHOUT METAPHYSICS

1. Here my phrasing is influenced by the following remarks by Mark Johnston: Let us say that metaphysics in the pejorative sense is a confused conception of what legitimates our practices; confused because metaphysics in this sense is a series of pictures of the world as containing various independent demands for our practices, when the only real legitimation of those practices consists in showing their worthiness to survive on the testing ground of everyday life. . . . So defined, metaphysics is the proper object of that

Democracy and Tradition

Jeffrey Stout