Review of "Democracy and Moral Conflict"

Steven Ross
Hunter College and The Graduate Center/CUNY

Follow this and additional works at: https://commons.pacificu.edu/eip

Recommended Citation
Democracy and Moral Conflict.


Glamorous as truth is, it makes us modest. To the extent we are engaged in an enterprise that seeks some truth about the world, we quickly learn to treat our convictions along the way as provisional, imperfect, puny offerings to the jealous god that usually stays well hidden. Consider science, a paradigm example here. It’s a fine paradox, one we relish, that the impressive accomplishments of physical theory go hand in hand with a genuine modesty in the community that has achieved them. For have we not seen time and again how what appeared right was not, how evidence that seemed unequivocally to indicate S in fact was consistent with not-S? Pursuit of the truth means fidelity to certain epistemic virtues – open mindedness about what you presently think is not true foremost among them. And this translates fairly easily into a kind of receptivity or respect towards those who hold those views you (currently, perhaps wrongly) think wrong.

In his Democracy and Moral Conflict, Robert Talisse, essentially, applies this framework to our moral disagreements and, more importantly, to the political conflicts such moral disagreements usually engender. Democracy, everybody knows, has plenty of problems, but perhaps no problem is more central to democracy nowadays than that of deep political disagreement among adherents to conflicting moral views (the term “moral” here is to be understood widely – any deep disagreement with an irreducible evaluative component relevant to that dispute will qualify). And this problem, this conflict, has at least two dimensions. Borrowing language from Marx, we might say it has an objective expression: what is the best method to determine how such doctrines might be reconciled, or barring that, which doctrines might prevail? And there is a more or less subjective expression too: how can we prevent disagreement of this kind from engendering a deep factionalism in our politics, a tendency to see those with whom one disagrees as one’s enemy, a possible
oppressor should they prevail, and so very far from something like a colleague with whom one respectfully disagrees in a shared enterprise? How can we prevent citizens from giving up on their nation and withdrawing into like-minded subgroups, or from actively rebelling against a nation that has embraced a conception they reject?

Before getting to Talisse’s contribution, it is worth rehearsing, just a little bit, some of the approaches of the past. I think they can be divided into two kinds – either a theory offers an approach that will deliver what we might call content reconciliation, or we get a pragmatic justification for living with the best we can get. Rousseau offers an example of the first approach. Of course, we could argue back and forth all day, but when I take up the standpoint of the General Will, it is no longer my view I am representing; I am expressing, in my vote, an interpretation of what I think the general will is. To be wrong about that is hardly the same as having my view oppressed by another. Because the procedure reconciles (or perhaps more accurately, abstracts away from) the content of what would otherwise be conflicting views, the subjective worry, factionalism, should disappear too. Marx offers an even more ambitious content reconciliation theory. Because Marx thinks all moral conflict is merely a proxy for economic conflict, he can also reasonably believe (what no one would believe now) that a society in which there was no economic conflict, where everyone collectively owned everything, would be one in which moral conflict would also disappear – and so here too, the subjective worry would wither away, there being no objective state of affairs to feed it. And I take the pragmatic justifications – typically Anglo Saxon, we find them in Hume, Locke, Mill, Rawls – need little rehearsal: essentially, the argument holds simply that the benefits of cooperative life far outweigh the “inconveniences” of being out voted on this issue or that, and so, we must just reconcile ourselves to what we must not mind too much. I leave out Hobbes, actually, granddaddy as he may be of the pragmatic justification in politics, because it is not democracy Hobbes thinks he justifies with this awful argument (I use the word in its sixteenth century sense).

It is an interesting and original feature of Talisse’s view that he offers an argument that is fairly easy going about the first question because it feels it offers genuine help with the second. We don’t need some magical (and probably bogus) story that supposedly takes away the actual content of our disagreement. Nor should we settle for a pragmatic argument that tells us just to live with these unhappy disagreements since the alternative is just so much worse. We need to see how our disagreement, being the sort of disagreement it is, commits us to a kind of respect for one another, and commitment to a process (democracy) that expresses that respect. And this respect and commitment should prevent withdrawal and rebellion too. It turns out that, precisely because we think our views true (and why would we hold them if we did not believe them true?) we are also committed to certain epistemic norms, norms that in turn have substantive political implications. As believers, we are also
believers in the values that support our belief – openness to evidence, willingness to entertain contrary theses, receptivity to revision, and so forth. We cannot believe our beliefs true unless we think them well supported, and we cannot think that unless we are also genuinely committed to all the things that we must be committed to if the belief is to be well supported. Just beneath the surface of our differences, just beneath the terrific differences in moral content, is a shared commitment to certain epistemic values that insures the right sort of treatment, and so the right sort of attitude, towards our fellow citizens. Talisse writes:

Proper regard for the truth leads us to recognize that there is a plurality of defensible moral positions. This in turn leads us to see many of those with whom we deeply disagree as reasonable and sincere participants in the common moral task of trying to do the right thing despite the many hazards and obstacles this task involves. Thus the recognition of reasonably pluralism carries with it the same epistemic norms that we take ourselves to uphold. That is, a proper recognition of the fact of reasonable pluralism not involves respecting the plurality of live options in moral theory among reasonable persons, it also calls us to engage our differences…It is precisely because the project of reason exchange constantly brings into view the rationality of those with whom we disagree that we come to respect and non-repressively tolerate deep differences. Put otherwise, it is in the process of exchanging arguments, voicing criticisms and responding to objections that we come to see each other as reasoning and reasonable agents. (148)

Now to be sure, something further has been introduced in this passage, the idea of “reasonable pluralism.” Ever since Socrates pressed Euthyphro about just what it was that the gods supposedly “disagreed” about, it has been well acknowledged that moral matters are not quite like empirical ones. We would not expect disagreement to persist in the way it does if goodness, or justice, or rightness, named empirical facts in the world the nature of which could be determined by ordinary investigation. One way to handle the alleged problem of ongoing disagreement in moral matters among seeming rational agents (broadly understood) is to deny moral judgments have anything to do with truth. This is the emotivist’s line, and the existentialist’s. But it is very much not Talisse’s. Indeed, as the passage above makes clear, if we were to sever our account of moral judgment from the aspiration to truth, from our commitment to truth, then we could not make the particular argument that Talisse wants to make, an argument that appeals to what we might call epistemic modesty. “Reasonable pluralism” in Talisse’s hands, is the right bracketing doctrine here. Because of the way in which moral judgments are formed, it is entirely understandable that there be many varieties, even among reasonable people who are responsive to all the evidence (see 145, 146). But it is wholly consistent with this story that
we, in good faith, regard the doctrines we come to think right in our own case as true. And unless we did think our moral convictions true, we would hardly find ourselves in such conflict with others.

The point to keep in mind is that such deep divisions exist because of the commitment to truth that we share in common. We experience disagreement over fundamental matters of religion and morality as conflicts because we are implicitly committed to the idea that our own commitments are true…. The problem of deep politics [deep evaluative disagreement in political life] arises precisely because we are deeply committed not simply to our moral and religious doctrines but to their truth. (149, italics Talisse’s)

And so, when we have the right account of moral judgment formation, we have the right justification for respectful toleration of differences within a democracy. Moral judgments are not like empirical ones in that they will often persist, and understandably so, even among reasonable persons responsive to the evidence. But they are like empirical ones in that we are committed to holding them only in so far as they can seem to us warranted; only if think we have reasons to hold them true. This means our moral convictions must be held in a certain way – in a way that reflects epistemic modesty. And this in turn entails the political virtues we want to defend too – we should see those with whom we disagree as committed to the same search for justification, as offering challenges we must meet, and as appropriately challenged by our arguments in turn. It is no criticism of Talisse that society is often not this way now – his argument is perfectly suited to the call for the development of institutions that would facilitate this view of ourselves, encourage it, make it more real. We could after all set up televised debates with strictly enforced rules of order between spokespersons on opposing sides of the abortion debate (or austerity policies, or affirmative action – the list goes on and on) – and this might go a long way towards enabling the partisans of each side to see the doctrine’s of the other in just these terms. It is in our role as knowers, as seekers of the truth of the matter in political morality, that we can find our commonality. The appeal to epistemic norms is substantive; it is not mere pragmatic modus vivendi talk. At the same time, it does not beg any political questions, for it is not a political doctrine. Hence Talisse can feel, with some pride, that he has escaped the dilemma posed by the later Rawls – if we are to see reasonable pluralism as an inevitable, inescapable fact of modern political life, it appears then that we cannot appeal to any substantive political doctrine in our attempts to handle it. For that is exactly what reasonable pluralism denies – the possibility of consensus on substantive doctrines. Yet Talisse has appealed to a substantive doctrine, just not a substantive political one.
There are several points of possible critical entry here. One might question how much remedy a shared commitment to these norms really would deliver. My own view is that it is not a bad corrective against some of the more extreme forms of political alienation – I think no one can keep these points in mind and go the path of Timothy McVeigh for example; that seems sure. Rebellion in its most extreme form would I think be ruled out if you thought of your own convictions, and those of your opponents’ along these lines. But I am not sure how much purchase it has on more typical, more standard cases of political alienation, where we find ourselves living in a community that enforces (through perfectly democratic procedures) conceptions far from those that we can endorse. And as a result, I am not sure it offers much of an argument against political withdrawal, should this option be possible, into a subgroup of the like-minded. If that is to be rejected, (and Talisse very much hopes his appeal to epistemic norms can defeat this distinctive threat to our political community) I think that will have to be on the basis of a different argument. Connected to this is the more mundane point about how “respect for the opinions of others” is perfectly compatible with political processes in which those opinions get no final voice. This is a point long familiar to us in criticisms of utilitarianism – all may be counted equally going into the calculus, but that hardly guarantees the outcome will represent our wishes at all. In short, there is just no substitute for substantive agreement, for living among the like-minded. However, let me be clear: Talisse never denies any of this for a moment. He simply thinks that when we do disagree, then recognizing and living by these epistemic norms can guide us through the disappointment that follows when we are on the losing end. Let me now turn to these norms, and how they play out in our evaluative lives.

Talisse writes a political tract, but he takes a position in meta-ethics to do so. And his meta-ethics is shaped by his overall commitment to philosophical pragmatism. Moral judgments, Talisse thinks, aim at truth. This seems clear enough from the passages quoted above – and there are many more along these lines. But being a pragmatist (of the Pierce-ian variety), he does not in saying this hold that there are any metaphysical “truthmakers” here. To use the language Ronald Dworkin used so well in his parody of this position, there are no “morons.” And so, while Talisse is happy to use the language of truth (and how), the meaning the term has is always going to be shaped by what we want to say about the distinctive domain in which it is deployed. No commitment to some counterpart reality necessarily comes along with the use of this term at all. Sure, sometimes this is the right way to gloss the term. It may be that in the simple empirical context we can, in speaking this way, think of counterpart states of affairs that make our sentences true. (There is a cat on the mat all right.) But here, in the world of moral convictions, since there are no “truthmakers,” saying that I think my moral view is true, in the end, is going to come very close to something like “is warranted,” or “is justified.” One thing is for sure: there is no “moral fact” that makes our talk of abortion or affirmative action true or false – not on Talisse’s
view (thank goodness). This makes Talisse’s meta-ethical position, on my view, far more plausible than the repeated use of all that truth talk might at first lead a reader to think. But it also makes the epistemic norms in play here a bit milder than the reader might at first think too. And it makes the reach of such norms, or perhaps one might say their implications, less substantive too.

Before going further, I think there may be no alternative but to say a little something on the much vexed issue of how to think of moral judgments and truth. Here is what I think. We can use any language we like – we can speak of our moral judgments as true, or merely as warranted, or whatever. The question has to be what we think lies behind such use in a given case. And I think in moral life there are essentially two kinds of cases and so two kinds of stories. In some cases, we hold a particular view and we do so because, given the norms we think right and the facts in play, we think this is the one most warranted. But we also acknowledge that different conceptions (perhaps different norms, perhaps different weightings of the norms in play) may generate legitimate rivals here. By contrast, there are cases where the idea of a “legitimate rival” does not get off the ground. I think affirmative action is permissible; I also readily acknowledge there are good, or reasonable, arguments to the contrary. (Just read the dissents in the Bakke case if you disagree.) But when I hold slavery is wrong, I do not imagine a counterpart justification for the contrary position – not a justification that I can find in any way plausible, at least. It is in the second sort of case that talk of truth will seem most natural, because here, at least the idea of exclusivity is in play. When we feel there is only one good justification story on offer, we get a bit closer to the idea of truth as we understand it apart from the evaluative context. When we acknowledge (or rightly believe) that there is the possibility of more than one good justification story, then, if we speak of the one we affirm as “true” – and we can certainly do this if we like – there will always be some strain. I mean, of course, there are ways to fit these things together. For example, we could be realists all the same, and hold that “in time” the truth about affirmative action or capital punishment or late term abortions will make itself known and one justification story will be vindicated, the other cast aside. But if you are a pragmatist, (or skeptical towards metaphysical realism before moral life for any reason), you are more likely to see talk of “truth” here, (if we must have such talk at all), as simply tracking the inner phenomenology. In saying I believe affirmative action permissible and I believe this to be true, I am saying something like I could not believe this if I did not find the reasons for this view to be the better reasons, if the argument supporting this view did not seem to me right, and so forth, No metaphysics is imported; nor is any commitment to all other views being something we must call “false.” Talk of truth before our moral convictions is simply what falls out of the seriousness with which we take the reasoning here combined with the pragmatic point that, in moral life, we can act (or vote) only way rather than another.
So where does this two tiered story take us when we turn to political conflict, and to Talisse’ remedy? Well, if I am right, we will view our opponents somewhat differently in the different cases. If we really do believe we are in a case where the opposing view has no good justification story at all, then we really do face a crisis. No doubt, this was how the issue of slavery appeared (we would now say rightly) to the abolitionists. Their opponents were simply wrong, and wrong about something very important; in a case like this, the depth of the error made it quite reasonable, perhaps even imperative, to seek a separate political community. We cannot imagine an ongoing “dialogue” about this issue with what we must see as our “fellow citizens,” where it must also follow that it is always possible that, through perfectly democratic processes, this view might from time to time even prevail! (The other option, military conquest and forcible coercion had yet to emerge.) Perhaps this example is not a problem for Talisse because he can say that he is concerned with disputes that are nowhere near so fundamental, with political communities in which the basic understandings about equality or fairness have been collectively affirmed and so are no longer at issue. OK, maybe – I note in passing that whether a dispute is of this kind can sometimes itself be a matter of contention. Animal rights activists (some of them) and opponents of late term abortion (some of them) see their opponents in just these terms. But I will assume there is a fact of the matter about which disputes really are this way (what people happen to think being neither here nor there) and I will further assume that such partisans are wrong to characterize the views of their opponents in quite such unforgiving terms. Let us assume disputes of this kind are not with us, or are with us so rarely they may be set aside.

All right then, what of the more common dispute in political conflict, the clash of substantive opposing views, each of which stems from what we must call a minimally decent justification story? Surely this is the case that Talisse’s epistemic argument is best suited to address? Yes, it is, but I am not sure that we can get all that much from it, so long as we are faithful to our distaste for metaphysical moral realism. Let us rehearse the problem, and where the epistemic argument is supposed to come in to help. I believe conception C strongly and my opponents not-C. Let us assume C and not-C are important, not easily set aside (we are not talking about allowing or not allowing zoning changes so the nearby car dealership can expand its parking lot). I lose, and I feel alienated from my political community. Talisse says: don’t be bewitched by the difference in moral content. You and your so-called opponent are in fact similarly engaged in a process of belief assessment and formation, similarly committed to assessing the evidence, openness to criticism, the possibility of revision, and so forth. Again, this may not be quite as much so as we would like, but then what follows is that we ought to make it more so. Forums for ongoing discussion and criticism should be set up, and any other mechanisms that bring out
the way in which as believers we are alike should be explored. To trace out and assess all the possible reformist implications of Talisse’s argument would be a separate essay, but I do wish to note in passing that this is a very suggestive strand in the argument. It is easy to sneer at these ideas, these descriptions of ourselves, in our culture of Fox news and partisan blogs, but we have done almost nothing to see how far we might set up institutions that would effectively counter such tendencies. How far we might be different should haunt us and Talisse is to be congratulated for at least raising the question. In any event, as I have said before, I am going to assume more or less charitable accounts of social causation here – let’s assume such ways of interacting with one another are possible and that they are not without effect.

Still, because we do not see opposing moral convictions as competing candidates for some single truth, we also know that these disagreements may well persist indefinitely; we have no reason to think that ongoing exchange will resolve them. Nor does Talisse say otherwise. But then it is just not clear why we would not simply prefer to live in a world of C rather than not-C if we could – or perhaps more accurately, “to the extent we can.” Choosing private schools for their friendliness to creationism and choosing states for their friendliness to gun owners expresses just this point. I will assume the choosing parent or gun owner sees his opponent in ways consistent with the epistemic norms Talisse extracts from our political life. Why not? Let’s be charitable here. But each still, understandably, prefers to live with the like-minded. Liberals in America are often shielded from this worry to no small extent simply because we live in under a Constitution which enforces distinctive political norms. Given the Establishment Clause, and so long as Roe remains good law, the Constitution just prevents democratic majorities from enacting policies (on abortion and the place of religion in public life for example) that liberals would find very hard to live under – though they certainly can, and sometimes do, write essays for the New York Review showing the reasonableness of their opponents’ position. The point is this: if we really are going to be faithful to our pragmatist anti-realism here, to the absence of any truth-maker, then our positions, and our disagreements, must be seen as expressions of conflicting sensibilities. We cannot have it both ways: we cannot say there is no fact on the outside that will settle this without then also having to admit that what drives the disagreement are facts from the inside – how we feel, what we like, in short, our sensibility. And in that case, if the meta-ethical view I am rehearsing is right, we can quite justifiably simply seek, so much as possible, a community of the like-minded rather than persist in ongoing exchange. We cannot believe the view needs further exchange in order to be even better supported. That is true only to the extent the view relies on evidence or considerations that may be thought of as separate from the view-holder. To be sure, “that extent” is not nothing – there is a great deal of responsiveness to evidence that must be undertaken before one reaches the point I am referring to here. But reach it one eventually does. And then our disagreements are not
unlike the differences we find in aesthetic sensibility. There is no point, past a point, in any further exchange between the abstract expressionist and the figurative artist – no point that is in making the views each holds any better justified. And each would be perfectly entitled, at that point, to quit the debate and simply pursue their aesthetic vision among the like-minded.

But having said that, I want to say that there may in fact be a somewhat different point in the background here that will do much of the work Talisse wants. I have argued that our commitment to a good epistemology, to the right epistemic norms, does not require ongoing exchange with our opponents when the dispute is not one we can think of determined by some external truth-maker. It is not the epistemology or respect for the content of the views that warrants ongoing exchange. But something else does. I think there is a Kantian idea here, one also in play in On Liberty (of course) of respecting the person, and showing a kind of attention or concern for the other simply in listening. Talisse is right to worry about how in politics today, the like-minded tend not only to move their convictions into ever more extreme territory; they also tend to see their opponents as fools. And this is an attitude that, as a matter of fact, we combat very effectively simply through the right sort of interaction. Our common humanity becomes more vivid to us if we act (or interact) in ways that bring it to the fore. By listening to others and trying to reply to them, by their doing the same to us, they become more human, more like us, less easily objects of derision or contempt. When opponents treat each other with respect, their views may not become any closer, but a desire to live more harmoniously with one another certainly takes root. The appeal to epistemology and epistemic norms may be a bit of a Trojan horse here. The real remedy is a different causal force, the beneficent, humanizing effects of exchange itself. I do not think we can always say that we need exchange in order to improve our arguments. Sometimes this is so, but it is not always so. When we talk to others about why we believe what we do, and listen to their stories along the same lines, we become closer, less alienated from one another, this is surely true. But this is not because of a common commitment to a common moral epistemology, a common interest in the truth (however that is understood in moral matters). It is I think for more Humean reasons. We are (luckily) hard wired to see others as not so different from ourselves, and to feel varying degrees of empathy and sympathy when brought up close to the reasoning and affective story that operates in another’s case. We are often motivated to modify our views, not because we have come to think the justification story warrants it, but simply because, through interaction, we become motivated to cooperate. Talisse I think has prescribed medicine we should certainly take, or take more of. But I do not think the justification for this medicine is quite what he thinks it is. I do not see how it can be for the anti-realist along Talisse like lines. But that does not mean there is not another justification story lying elsewhere, very close at hand.