Too Soon to Say

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Abstract
(**1**) Rupert Read charges that Rawls culpably overlooks *the politicized Euthyphro:* Do we accept our political perspective because it is right or is it right because we accept it? (**2**) This charge brings up the question of the *deficiency dilemma:* Do others disagree with us because of our failures or theirs? – where the two dilemmas appear to be independent of each other and lead to the questions of *the logic of deficiency, moral epistemic deficiency, epistemic peers*, and the *hardness* of philosophy. (**3**) In reply, on an expanded principle of charity Rawls does not overlook the *Euthyphro* but rather offers ground-breaking solutions to it, (**4**) that nonetheless trip on the *independent bootstrap* (**5**) – as also do Dreben and Nussbaum. (**6**) Furthermore, Rawls's 'burdens of judgment' seek to bypass the necessity of moral epistemic deficiency and (**7**) suggest a wider framework for understanding disagreement that sees disagreement as arising from inquiry being in development, unpredictable and uncertain. (**8**) This wider framework *entails* that disagreement does not mean moral epistemic deficiency and (**9**) that our responses to the *Euthyphro* are 'too soon to say'.

1. Read on Rawls

In a recent essay[1] Rupert Read charges that Rawls is culpably ignorant of what I will call the *politicized Euthyphro* (*Euthyphro* for short): Do we accept our political perspective because it is right or is it right because we accept it? Read accuses Rawls of aiming to justify in his *Theory of Justice (TJ)* a conception of justice based on the original contract, yet failing to answer whether the contract is just because the contractors chose it or whether they chose it because it is just. To reply, 'Because the contractors chose it' is to rest on a cultural commitment and hence to fail as a theoretical justification. To reply 'Because it is just' is to require a justification – a justification Read does not find. Nor, Read continues, does the later Rawls of *Political Liberalism (PL)* improve his position by seeking an overlapping consensus among competing comprehensive doctrines on being

[1] R. Read, 'On Philosophy's Lack of Progress from Plato to Wittgenstein (and Rawls)', *Philosophy* **85** (2010), 341–367. All references to Read are to this work. The emphases are Read's.

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reasonable – on showing a mutual respect for each other's views. For that, too, is subject to the *Euthyphro's* challenge: 'Is the overlapping consensus just because it's an overlapping consensus, or is it an overlapping consensus because it's just?'

Read then outlines his own answer to the *Euthyphro*, one that abjures any universal ground of '"public reason" or what-have-you' (367), which would lead to a philosophy 'deformed by scientistic ambition' (343). Rather, Read looks for an 'alternative to seeking an "overlapping consensus"'(361), an alternative that would 'find an explicit comprehensive doctrine that as many of us as possible can sign up to, as un-partial a comprehensive doctrine as possible' (361). What Read then finds is a doctrine that advocates 'our human- and animal- and living-oneness with one another, with future generations, and with the planetary ecosystem itself, [which] is such as to demand systematic and impactful conscientious objection to war *and* to ecologically-deleterious activities … [and to] not be satisfied to privatise our spirituality' (357). From such a perspective, moreover, Rawls's position would 'appear not so much unattractive or false as *absurd*' (365), where, in a crescendo, it would have been 'better if' Rawls's work 'had never been written', for it did 'not advance matters *at all*, but rather [made] things worse' (367).

Read's scathing judgment of Rawls's work, moreover, leads him to answer the *deficiency dilemma* – Do others disagree with us because of our failures or theirs? – with regard to Rawls by in effect accusing Rawls of what I will call *moral epistemic deficiency* (MED) – as guilty of being either *perverse*, careless of the truth or caught in the self-deceit of culpable ignorance, or *evil*, clearly apprehending the truth and willfully denying it.[2] For starters, Read sees Rawls as throughout guilty of 'the illusion of scientism' and ensnared by a project 'deformed by scientistic ambition', that 'dangerously (and, some might even suggest, more or less deliberately?) masks its real intention; namely, the rhetorical promulgation of and an obscuring apologia for a specific vision of society' (343). And worse: 'The later Rawls repeats the ruse of the early Rawls' (361), but 'is more confused in this regard than his early philosophy' (362). In neither case, in early or later Rawls, is there any argument but an '*illusion*

[2] For an analysis of 'epistemological carelessness', see Harry Frankfurt, *On Bullshit* (Princeton, NJ: Princeton University Press, 2005). For an analysis of the perverse and the evil, see my 'Going Astray: Weakness, Perversity, or Evil?' in Leroy S. Rouner (ed.), 'On Selfhood', *Boston University Series in Philosophy and Religion* **12** (South Bend, Indiana: University of Notre Dame Press, 1992), 73–92.

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of justification' (341) that seeks for an '"*agreement" in the "form of life" that is liberal individualism*', an individualism 'of rigidly autonomous selves, opaque to one another, but having interests and preferences that make them above all desiring-machines' (364–365). In sum, 'his wish to come up with a "*theory*" … ensures that on the most fundamental issue of his entire work, he shows less wisdom and produces less clarity than was already present in Plato's *Euthyphro*. He succeeds only in pushing moral (and political) philosophy back to a stage inferior to that which it reached with Socrates' (366). Finally, Read expands his judgment on Rawls to a general condemnation of liberalism and liberals, where 'Rawls has been in this paper merely an example, and the ramifications of this paper stretch far, across most of liberalism' (366).

2. The logic of deficiency

Seeing the other as guilty of MED is built on *the logic of deficiency*, a logic ruling out options that might, in a *nicer* way, account for *them*, those in disagreement with us. In general *they* can be seen neither as innocently ignorant, not yet adequately informed of what is the case, nor as innocently myopic, overly focused on one aspect of the situation, and so, in either option, needing education – not with sustained attempts like that of Read's to educate or persuade them. Nor can *they* be seen as stupid or deranged, and so unable to know what is the case, and thus requiring pity – not given their many achievements. Nor can *they* be seen as just different, living in different worlds – Wittgenstein's lions who speak – and so calling for our indifference. For any such indifference is forbidden by the common threats that beset us and the common world we share. With these options ruled out, why not see *them* as guilty of MED – as perverse: as *deluded*, *deformed*; or even as evil: as *deliberately* masking one's true aims in a systematic *ruse*?

One reason not to accuse *them, those others*, of MED is found in the notion of an *epistemic peer*, one who, to quote Audi, 'is as rational and thoughtful as oneself in the relevant matter and has considered the same relevant evidence equally conscientiously'.[3] Read, as his excoriations make amply clear, rejects with disdain the idea that Rawls and like-minded liberals are 'as rational and as thoughtful' as himself.

[3] Robert Audi, 'The Ethics of Belief and the Morality of Action: Intellectual Responsibility and Rational Disagreement', *Philosophy* **86** (2011), 18.

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And he does so with reason. To Read, the differences between him and a Rawls is not over some specific claim, *p*, which Audi considers,[4] but encompasses whole ways of life (364–366). We find ourselves enmeshed in and divided by *philosophical* issues, competing philosophies – perspectives, comprehensive doctrines – namely, divergent nets of interconnected beliefs on the facts, the legitimate questions, the proper methodologies to answer the questions, and the structure of proper answers.[5] Nor, then, can philosophical disagreement be understood merely in terms of competing background assumptions, since the competing alternative perspectives provide the 'ur-background' for any background assumptions by addressing the question of what constitutes a good reason when what is in question is what a good reason is. Hence, in a disagreement between a Rawls and a Read, Audi's notion of an epistemic peer doesn't apply just because its defining criteria – rationality, thoughtfulness, relevant evidence, and conscientious consideration – are all perspectivally defined and so sharply vary from one philosophical perspective to another. As a result, even if we did confine ourselves to a specific perspective in our definition of an epistemic peer, that perspective would in its turn be questioned and rejected by the adherents of competing perspectives, thus questioning whether those who disagree with *our* theory of disagreement are epistemic peers and so are, plausibly, guilty of MED – the *paradox of theories of disagreement*.

Another way to avoid accusing others of MED is to observe that what we are doing in philosophy is *hard*. Just how it is hard, however, is, indeed, hard to pin down. For it's not hard by being complex, inasmuch as the concept of complexity entails pieces that can be put together, albeit with difficulty, through a specific method, where we know what the end point, the proper answer, looks like – as in a Rubik's cube or a Kuhnian normal-science puzzle. But in philosophy, to repeat, we disagree on 'whole ways of life', on what a 'good reason' is, what the pieces are, what a successful putting together might mean, and how to go about doing this. Our

[4] Audi gives very few examples of propositions that we disagree on. He primarily generalizes on the symbolic and singular proposition, *p*, and, when he gives examples of *p*, he offers specific empirical claims, e.g. that a branch fell in the wind (15), that a person is innocent (23) and a fact in astronomy (28).

[5] While I confine myself in this essay to the specific discipline of philosophy, this understanding of philosophy underscores how philosophy is found in all of the disciplines, from physics to psychology, insofar, for instance, as they all must question what epistemic status their respective claims represent.

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'reason' and 'methodologies' are *questioned in many and diverse ways;* our 'pieces' are *fluid*, *inchoate*; and our 'conclusions' are *convoluted*. Yet such terms are vague, calling for a deeper account.

In this essay I will attempt to provide that deeper account – to unpack such terms as *fluid, inchoate, convoluted* as applied to our reasoning endeavors – and to outline an idea of the epistemic peer that avoids the paradox of theories of disagreement. I will start by arguing that Rawls in effect saw the *politicized Euthyphro* as a false dilemma and offered two ground-breaking *yes-yes* replies to it – in *TJ* and *PL*. These replies in turn point the way to a more comprehensive *too-soon-to-say* solution to the *Euthyphro* through deepening Rawls's concept of the 'burdens of judgment' into an understanding of inquiry that illuminates how those who disagree with us need not be guilty of MED. Hence, the replies to the essay's two dilemmas prove to be not independent of each other but conceptually connected.

3. Rawls's yes-yes reply to the *Euthyphro*

On an expanded principle of charity – where we give the strongest possible interpretation of a thinker in the light of the language and setting of that thinker[6] – I follow Anthony Simon Laden's rational reconstruction of Rawls and take him as seeing the grounding of anything, even one with a ready-made orientation like democracy, as extremely difficult. Instead of seeing Rawls (as Read does) in terms of what Laden calls 'the standard blueprint', where he is developing 'a grand philosophical project … a theory in the traditional sense … to show the [universal] rationality of justice', Laden sees Rawls's aim to be more restrained.[7] For Laden, Rawls aims to solve the problem of deep and divergent commitments, secular to sectarian, among

[6] See Robert J. Fogelin, *Philosophical Interpretations* (Oxford: Oxford University Press, 1992), where he argues that to 'alethic charity' – mostly true by our lights – should be added respect for semantic competence, as understood by both local and global interpretations (3–4).

[7] Anthony Simon Laden, 'The House that Jack Built: Thirty Years of Reading Rawls', *Ethics* **113** (2003), 371. All citations to Laden will be to this essay. See, too, Joshua Cohen, 'For a Democratic Society', in Samuel Freeman (ed.), *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2002), who takes Rawls to be 'asking what the most reasonable conception is for a democratic society, … [where] we address a disagreement among people who all accept an understanding of persons as equals but who dispute the implications of that

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citizens in a democracy. Rawls aims to address a 'citizen of faith' and not try to 'cover all of the troubling aspects of modern political life' (371) but in effect to be satisfied with keeping the political and cooperative conversation going in a democracy.

With this in mind, a Rawlsean reply to Read might well start by addressing Read's ire, from his ready use of words like 'absurd', which makes argument impossible by placing the claims in question outside the bounds of reason – as neither 'unattractive' nor 'false' – to his better-never-to-have-been-born judgment of Rawls's work itself. How could the conversation progress with such excoriations as these for starters? Rather, Rawls reasoned, we need to keep the conversation going by following Kant in seeking key principles grounded in procedures of reasoning. But instead of Kant's attempt to base the procedures in universal Reason, for all, which Rawls did not take as viable, he set them in prior commitments, for 'us' – those with a prior commitment to democratic problem-solving. As Rawls puts it, 'not everything can be constructed and every construction has a basis, certain materials, as it were, from which it begins'.[8] What makes Rawls 'a great philosopher', Laden argues, is 'his ability to see the full depth and complexity of even the narrowest of philosophical questions'. Hence, he is not begging the question by limiting himself to citizens of liberal convictions – whether they are committed to *fairness* or *reasonableness* – as Read accuses Rawls of merely 'preaching to the choir' (356). For, after Laden, it is 'hard … to even do that' (381) – hard even to provide the choir with good reasons.

Laden's reconstruction of Rawls's trajectory, consequently, illuminates how Rawls did not overlook the *Euthyphro* but saw it as a false dilemma. He believed that justification must unite both conviction and reason, and so he answers the *Euthyprho* through a two-step yes-yes strategy. First, he takes it that we are in general agreement, share a common 'basis': *we believe* – in *TJ* the ideal of fairness and then in *PL* the ideal of reasonableness; and then, second, he argues that such a basis frames a grounding of specific liberal claims – *we*

understanding'(88–89). Laden finds even this interpretation of Rawls to be too broad – a cousinly disagreement I need not adjudicate in this essay.

[8] John Rawls, 'Themes in Kant's Moral Philosophy', in Samuel Freeman (ed.), *John Rawls: Collected Papers* (Cambridge, Massachusetts: Harvard University Press, 1999), 514. I was made aware of this through Onora O'Neill's essay, 'Constructivism in Rawls and Kant', in *The Cambridge Companion to Rawls*, op. cit., note 7, 356.

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have reasons suggested by and directing our beliefs: in *TJ* through reasoning directed by the framework of a fair contract and then in *PL* through our own individual comprehensive doctrines responding to the requirements of reasonableness. Moreover, Rawls would ask Read how his search for an 'unpartial' explicit comprehensive doctrine is not self-defeating in our time. For the sharp differences and passions that divide us – differences that Read's passions and certainties both illustrate and exacerbate – render right now any such specific unpartial comprehensive doctrine a practical impossibility. Rather, Rawls argued, all comprehensive doctrines are partisan, so all we could in the end hope for is a second-order commitment, a commitment to a vaguely defined reasonableness (in *PL*) that would keep the democratic conversation going and that in turn would be more specifically justified by our own partisan comprehensive doctrines. Hence, while Rawls is preaching to the choir, he would view his choir as far more polychoral than Read's.

4. Rawls's *independent bootstraps*

Nonetheless, while Rawls, contra Read, is not oblivious to the *Euthyphro*, Rawls's project faces serious difficulties in answering the *Euthyphro* – and for reasons that Rawls himself, for *TJ* at least, came to grant. For starters, it turns out, Rawls's choir, namely, those who were aligned with his liberalism, while not miniscule, was nowhere near as polychoral as he took it to be. In Joshua Cohen's words, as aware of our deeply divergent commitments as he was, Rawls nonetheless was 'insufficiently attentive … to political disagreement'.[9] For what is deeply troubling in Rawls, and to some extent explains Read's ire, is not so much what he says as who he leaves out. For Rawls's stress on *democratic* problem-solving would, albeit unintentionally, alienate those, like Read, who do not start where Rawls starts and so feel left out of the discussion from the get go. Moreover, and both ironically and more positively, many of our philosophical disagreements became more sharply in focus in no small degree because of Rawls's great achievement. For catalyzed by Rawls's *TJ*, whole perspectives that had slumbered under positivism's piecemeal analyses – Aristotelianism, libertarianism, feminism and on – awoke to reject Rawls's liberalism. Their rejections in turn made clear to Rawls that precisely because we are free and equal people, even if we all initially accepted the justification of

[9] Op. cit., note 7, 88.

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TJ's liberal constitution, many of us would over time come to reject it. That is, *TJ's* bootstrap is *independent*, a bootstrap *with a mind of its own:* its initial commitment to 'free and equal citizens' would guarantee that they, the free and equal citizens, would in their independence be moved to reject both its highly specific constitution of justice-as-fairness and also the justification for that constitution.[10]

This conclusion led Rawls to *PL*, in which he sought a yet more inclusive level of commitment than his *TJ's* bootstrap of fairness. Rawls's *PL*, to repeat, specifies that all legitimate comprehensive doctrines should accept and then justify the (bootstrap) 'freestanding' ideal of reasonableness on their own, out of their own inner doctrine. But why should they do this? He cannot appeal here to the justification that he would have each come to give, for they have not yet given it. Rather, he would have to rely on the justifications that the upholders of these many and diverse comprehensive doctrines would on their own develop. But even if they initially recognized the freestanding value of reasonableness, they would, because of their very freedom and equality, be moved by their own key doctrines to espouse as politically central other contrary freestanding values – as found in Aristotelian excellence, communitarianism, ecology, Abrahamic mercy, …, market competition, …, Buddhist compassion, … It's not, to repeat, that Rawls's justification is problematic because it assumes a set of prior commitments, a bootstrap – as Read charges (349). For Rawls would grant and indeed insist on this, both for *TJ* and *PL*, as the first step in his yes-yes solution to the *Euthyphro*. It's rather that the solution dissolves itself by its own initial commitment, a bootstrap with an independent mind, one that would lead free and equal people to reject reasonableness as the trump political value precisely because they are freely and equally pursuing the central ideas of their comprehensive doctrines.

5. Dreben and Nussbaum

Burton Dreben saw more clearly than most Rawls's bootstrap strategy and responded to critiques of it by insisting on the bootstrap: 'Rawls is a good enough thinker not to argue against those who do not believe in liberal constitutional democracy.… The outcome of that struggle he

[10] I have argued against Rawls's *TJ* on similar (pluralistic) grounds in past essays – especially in 'A Reasoned Ethical Incoherence' in *Ethics* **89** (1979), 240–243, and in 'Butler, Fanaticism, and Conscience', in *Philosophy* **56** (1981), 517–532.

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takes for granted, just as I think any sensible person should today'.[11] Armed with his conviction of being a sensible person – rooted in liberal democracy – Dreben answers the deficiency question by damning those who dare to disagree, insisting that there is no alternative. 'What do you say to an Adolph Hitler? … You shoot him. … Reason has no bearing on that question' (328–329). It's *us*, the *sensible* ones, or Hitler! However, Dreben's stark alternatives – us or Hitler – underlines the independence of the bootstrap that is implicitly embodied in that extremely embracive 'us', the non-Hitlers, the 'free and equal thinkers' who will opt for other principal political values – Vedantic or Abrahamic or Buddhist or Confucian or Aristotelian, …, a very long list indeed – just because we are 'free and equal'.

Moreover, Dreben's urgent insistence, like that of Read's, raises the question again of why there is so much ready animus (and in a logician to boot). One reply is that the animus appears to arise out of our answers to the *Euthyphro* itself. For no matter which alternative to the *Euthyphro* we take, whether we take our political perspective to be based on justification or a cultural commitment or a form of life grounding a cultural commitment, we seem led to passionately advocate our view over that of others. For if our philosophy is based on justification, where we take our view to be objectively true or truer than any other view, which 'any sensible person' should accept, then we should strongly advocate that others see its superiority. And if based on commitment, where we urge others to 'sign up to' one's 'unpartial comprehensive doctrine', realizing that this is nothing we can prove in a 'scientistic' fashion, then we should urge others to accept *our* truth, the only 'truth' we recognize, so that we are not removed from the power structures and can thus ensure that our *Weltbild* will continue. Indeed, the more our perspective is built on commitment, the more we seem forced to urgently advance it. For if it is built on justification, we might hope that in time truth will out. But if it is built on commitment, then we lack the luxury of time and face the danger of being overcome – with its consequent lack of funding and public support – by a rival perspective. Hence, Read's studied disdain of Rawls and liberals and Dreben's willingness to call out dissenters as Nazis is a way of getting us to *see*, to board their respective bandwagons. But such

[11] Burton Dreben, 'On Rawls and Political Liberalism', in *The Cambridge Companion to Rawls*, op. cit., note 7, 323. For a more partisan assertion of such a finality, see Francis Fukuyama's declaration of 'the end of history as such' in his *The End of History and the Last Man* (New York: The Free Press, 1992), which he has, rightly, rejected in his later works.

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urgency only underscores a key question Rawls so much wanted to answer, namely, How can we find a way of reasoning *together* rather than shouting at each other?

In response to this question, and finessing Dreben's *ad baculum*, Martha Nussbaum bids us to see that all of *us*, mainline believers and non-believers, are aware of 'the condition of modernity, and … can in fact accept Rawlsean political liberalism' as embodied in the trump ideal of *ethical reasonableness* – being respectful of others *no matter what they hold*, provided the compliment is paid back in turn.[12] Our commitment, in other words, should be to allow each to speak without being ridiculed or otherwise put down, provided that the commitment is mutual. To do otherwise, in particular, to favor any standard built on one's idea of reason, leads to what she 'would call "expressive subordination", subordination that consists in being publicly ranked beneath others' (35). More specifically, to say universally that argument is better than faith, that astronomy trumps astrology, 'is to denigrate students who are members of non-rationalist religions. [Teachers and the like] may certainly say that in contexts where citizens of many different views debate about fundamental matters, rational argument is crucial. They may also recommend it as part and parcel of a particular enterprise, such as scientific proof. But they should not say, "Live your life by reason and not by faith"' (39).

But this admonition would not tether the independent bootstraps but rather would incite them even more to go their own way. For starters, Nussbaum's claim that 'rational argument is crucial' in 'fundamental matters' raises the question as to what is fundamental. The End Time? Abortion? The 'nature' of women? Economic distributions that can be observed by all? Such questions make clear that Nussbaum's seemingly sharp distinction between reason and faith would only move each perspective within those two groups to insist on its own independence, with its own brand of expressive subordination as defined by 'true' 'freedom and equality'.[13] Indeed, and on the one hand, the explicit attempt to include the epistemically unreasonable under the banner of ethical reasonableness would drive away the

[12] Martha C. Nussbaum, 'Perfectionist Liberalism and Political Liberalism', in *Philosophy and Public Affairs* **39** (2011), 37. All references to Nussbaum are to this essay. This essay made clear to me the distinction and tension in Rawls between epistemic and ethical reasonableness.

[13] Alasdair MacIntyre's *Whose Justice? Which Rationality?* (Notre Dame, Indiana: University of Notre Dame Press, 1988) is a work that naturally comes to mind here.

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epistemically reasonable. For they could not honestly hold to ethical reasonableness simply because it lacks a commitment to giving good reasons – a commitment that is essential to being epistemically reasonable. To the epistemically reasonable, the idea of ethical reasonableness does not show how to continue the inquiry but stops it, cold – even more so than disdain and ridicule. And, on the other hand, many in the ranks of the epistemically unreasonable could not in good faith accept ethical reasonableness, given their absolute textual certitudes, but could accept it only as a *modus vivendi*, until they gained sufficient power to force their ways on others.

Indeed, Rawls himself was implicitly worried about independent bootstraps in *TJ* and justified its specificity to restrain such independence. This is a point that Nussbaum made me aware of in her observation that being ethically reasonable is 'closely related to the Kantian idea of treating humanity as an end … to the idea that humanity has worth and not merely a price' (18). Citing Rawls's *TJ* (586), she takes dignity to stand on its own: it 'has little determinate content which needs to be defined in connection with a group of other ideas and principles' (18, note 36). While Kantian in spirit it is not Kantian in justification; rather, after Rawls, it is 'a political, not a comprehensive, value' (18). However, the passage from Rawls's *TJ* that Nussbaum cites highlights the independent bootstrap that *PL's* ideal of reasonableness faces. For in that passage Rawls judges that 'the notion of respect or of the inherent worth of persons is not a suitable basis for arriving at these principles [of justice]. It is precisely these ideas that call for interpretation' through some such construction as *TJ* that 'enables us to understand and to assess these feelings about the primacy of justice. Justice as fairness is the outcome: it articulates these opinions and supports their general tendency' (TJ, 586). That is, left to itself, the 'general tendency' of the bootstrap 'of respect or of the inherent worth of persons' independently and equally supports – suggests, frames, encourages – a host of perspectives, from Vedanta and on, each with its own 'interpretation' of what the 'general tendency' of this freestanding ideal requires. Hence, Rawls's *TJ* caution illuminates how each competing comprehensive doctrine would come to provide a justification of why *its* freestanding ideal is the trump political ideal and not Rawlsean reasonableness.

6. The burdens of judgment

Tellingly, Nussbaum acknowledges that 'secular rationalists would not agree' with the ideal of ethical reasonableness. But she stands

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firm, in part moved by the 'massive difficulty' that follows from an exclusive stress on epistemic reasonableness: any such stress would exclude too many – not only the upholders of the 'weirder doctrines' like alien invasion, but also the more traditional and 'familiar' doctrines of the Trinity, grace, and mysticism – which are plagued by inconsistencies (26–27). Faced with this impasse, Nussbaum adds that she is 'not sure how to envisage the next stage of the argument here' (39). What I would suggest is that we should follow Nussbaum's Rawlsean lead and try to include more in the conversation – by being less ready to exclude those who live 'by faith' from the ranks of the epistemically reasonable and being more alert to the weaknesses of our own doctrines.

Here I am aided by Christopher Miles Coope's recent reflection on how a thinker like G.E.M. Anscombe challenges any easy understanding of being 'epistemically reasonable'. Coope noted that Anscombe denied that one could be a true Christian and come to believe otherwise and also ridiculed Christian apologetics, the idea that 'religion was backed by a structure of argumentative consideration, available at least in outline to all, and which safely delivered the correct outcome'.[14] Yet she also asserted that, 'rather generally, it must be good for anyone to think, "Perhaps in some way I can't see … perhaps I am hopelessly wrong in some essential way"' (262). And more, she throughout backed up her ideas, whether on faith or on utility, by a frighteningly intense engagement with sustained and reasoned inquiry. 'Hers was a dissent which disturbed the peace not only intellectually but up to a point socially. She did not fit in', where, Coope cites Philippa Foot, 'the last thing [many] wanted was Elizabeth around' (251). Anscombe would hardly have rejected the idea of expressive subordination when it came to reasoning or 'faith' (263). Faced with the fact of an Anscombe, 'a philosopher of the first rank … with an abrasive and unsettling world view' (251), Coope was led to doubt whether we 'understand enough about what it is to be rational' (291) to make any easy distinction between the epistemically reasonable and the epistemically unreasonable.

Rawls as well can be seen as reluctant to make any such easy distinction in his version of the hardness of philosophy. For he sees philosophy as hard in his notion of 'the burdens of judgment' – the many 'sources, or causes, of disagreement between reasonable persons so defined'(*PL*, 55): in brief, (a) conflicting and complex evidence, (b)

[14] Christopher Miles Coope, 'The Bad News of the Gospel', *Philosophy* **86** (2011), 271.

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the varying weights we place on evidence, (c) vague concepts, (d) the various ways our 'total experience' shapes our evaluations, (e) 'different kinds of normative considerations', and, (f) a necessarily restricted set of values defining 'a limited social space' (*PL*, 56–57). Rawls merely lists the burdens, because he believes that to do otherwise, say, by proposing a theory of incommensurability after Berlin, would be to offer a comprehensive doctrine of values that would only divide us further (and in effect succumb to the paradox of theories of disagreement). The fact alone of the burdens, what we all can acknowledge as essential constituents of our thinking endeavor itself, Rawls holds, 'suffices for our purposes simply to assert' (*PL* note 10, 57). However, he does insist that the 'account of these burdens must be such that it is fully compatible with, and so does not impugn, the reasonableness of those who disagree' (*PL*, 55). That is, and what is to be stressed, epistemic reasonableness and not ethical reasonableness is essential to Rawls's concept of the burdens of judgment. For there would be no need for the burdens if all that was at stake was an ethical reasonableness: we would then simply 'respect', i.e. *not denigrate*, what*ever* others held, provided that 'respect' was returned. What Rawls seeks through the burdens is a way to include the epistemically reasonable by giving *epistemic* respect to those we disagree with, where we need not accuse them of being guilty of MED.

Yet, after making clear his aim, Rawls immediately asks, 'What, then, goes wrong?' And, he answers, what goes wrong is found in 'the many hazards involved in the correct (and conscientious) exercise of our powers of reason and judgment in the ordinary course of political life' (56), as we, to repeat, in divergent ways sift through and weigh conflicting and complex evidence, demarcate vague concepts, and so on. Thus, by seeing disagreement as raising the question of who has gone wrong, the burdens open up the possibility not only that something has gone wrong but also that *someone* has gone wrong in negotiating those many hazards. Someone goes wrong, first, in judging what is not so as so, or, second, in not making clear to those who would listen what is so. As he reflected in *PL*, that thinkers disagreed with him on *TJ* showed that someone was somehow deficient, either them – libertarians, Thomists, feminists, Confucians – for 'not seeing the idea of the original position' correctly (*PL*, xxix), or himself, as he 'underestimated the depth of the problem of making *Theory* consistent' (*PL*, xxx).

After a while, then, after one has patiently and repeatedly made clear one's ideas, what goes wrong must fall more and more on the willful obtuseness of the other. That the road we are on has multiple

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hazards does not excuse us from falling into a ditch – not after a Rawls has erected directional and warning signs. Hence, the burdens, paradoxically, do not prevent a Rawls in a principled way to refrain from impugning the epistemic reasonableness of those who disagree with him, as Rawls hoped. This failure of the burdens to avoid accusing others of MED, on the one hand, supports Nussbaum's arguments for seeing Rawls as in the end prioritizing ethical over epistemic reasonableness, which, on the other hand, comes with the high cost of alienating precisely those whom *we* have a chance of communicating with – the epistemically reasonable.

7. The practice of inquiry

So, our problem is multifold: to provide a principled way of avoiding the necessity of judging others as guilty of MED, yet at the same time holding each other responsible to the reasoning endeavor, so as to include the epistemically reasonable, and also avoiding a theory of disagreement, so as to sidestep the paradox of theories of disagreement. What we have to guide us is the Rawlsean strategy of seeking an inclusive orientation, one, though, that is more inclusive than a theory or ideal and more effective than the burdens of judgment. The answer, I believe, is right before or in us – what we have been doing throughout this essay, namely, engaging in the conversational inquiry of philosophizing, where we seek to find out the best answer we can come up with to issues that divide us in fundamental ways. And what is this, I ask, but a *practice* that gives rise to and directs the burdens of judgment and as such internally generates its own criteria – *the C*?[15]

Such a practice demands that we strive to meet the C: *clarity*, to make clear what we are saying to ourselves and to each other; *consistency*, to not say here what denies what we said there; *coherence*, to relate what we are saying here with what we say there so as to provide an interconnected, not *ad hoc*, view; and *completeness*, to omit nothing of importance from what we are saying. These criteria are non-negotiable, since they arise out of the practice of conversational inquiry itself – as exemplified by the work of an Anscombe to a Zeno. Others can and do of course back out of the inquiry, but then, we who remain can point out to all that they have removed

[15] For this concept of a practice I have been helped by Alasdair MacIntyre's *After Virtue* (Notre Dame, Indiana: University of Notre Dame Press, 1981), 175.

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themselves from the conversational inquiry and, while welcome to return, are so only within its confines.

However, try as we may, we fail to meet the C, as seen even in my delineation of the C themselves. As stated, they are not clear: I have not pinned down what sufficient clarity is, what substantively denies what was said – when we worry over a 'foolish consistency' – what a disconnected claim is, and what is important. Nor are they consistent insofar as consistency and coherence often conflict with completeness. Nor are they coherent, for I have not delineated how they relate to one another and in particular, how they are to be ordered when they conflict. Nor are they complete, as I have omitted such criteria as elegance, consilience, the various simplicities, and so on – let alone not offering the metaphysics and epistemology that could illuminate what sort of world and 'knowing' creature would allow for such results; let alone not addressing a morally troubling incompleteness in the practice of reason itself as it too often promotes a meritocracy of the clever that denigrates the disabled among us.[16] So it is that our practice of sustained conversational inquiry illuminates why Coope is on the mark in doubting whether we 'understand enough about what it is to be rational'. For rationality itself, as lived and practiced in the inquiry, raises such questions about itself. In short, *our reasons are questioned, in many and diverse ways*. These questions, moreover, lead to three epistemically crucial consequences.

First, any full account of the C is *in development*: it requires a fully developed perspective – a clear, consistent, coherent and complete account of what amounts to substantive clarity, consistency, coherence and completeness. And that fully developed perspective is just what we who are engaged in the inquiry are seeking, *just what we lack* – a lack and the drive to fill it, as Plato's *Symposium* illuminated, that is the work of *philosophizing* in the on-going inquiry. Hence,

[16] For a recent appreciation of the criterion of elegance, see Freeman Dyson's review of Graham Farmelo's *The Strangest Man: The Hidden Life of Paul Dirac, Mystic of the Atom* (Basic Books) in *The New York Review of Books* **LVII** (2/25/2010), 20–23. For consilience, a specific application of completeness, see Elizabeth A. Lloyd, 'The Nature of Darwin's Support for the Theory of Natural Selection', in *Philosophy of Science* **50** (1983), 112–119 For a metaphysics that might begin to illuminate such indeterminacy of criteria see my 'Mind-Body Continuism: Dualities with Dualism', *The Journal of Speculative Philosophy* **5** (1991), 233–255; and see Stephen R.L. Clark's 'Deconstructing the Laws of Logic', *Philosophy* **83** (2008), 25–53. For a discussion of the disabled, see Soran Reader, in 'The Other Side of Agency, *Philosophy* **82** (October, 2007), 579–604.

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my – our – inability to fully define the C is no mere consequence of a lack of time. Rather, it results from the *inchoate* nature of the inquiry itself. Our practice of inquiry endeavors to meet the C by developing our core beliefs – what Lakatos, in the more restricted sphere of philosophy of science, speaks of as our 'hard core' and what Coope, following Bas Van Frassen, speaks of as our 'stance'.[17] It is this work to develop our core beliefs in the light of the C, that in turn reflects on what the C are in a self-reflective interplay – back and forth, between our core beliefs and the C – that allows us to *organize our burdens of judgment* by, to hark back to Rawls's list, directing us as we sift through conflicting and complex evidence, weigh one piece of evidence as opposed to another, and so on.

Second, when we work to fill this lack we find that we run up against the *unpredictability of the on-going inquiry*: the more we inquire, the more questions we find forced on our own perspective, and the more plausible it then becomes that our inquiry will lead us to radically alter our perspective. As seen in the *fluid* courses of so many philosophers – from Plato and Aristotle to Augustine … to Russell and Wittgenstein … to Rawls and Nozick, and so on – further inquiry often results in surprises that sharply qualify to upend one's core beliefs. So Rawls himself was very much aware of being part of a long-term endeavor to meet the C, as, to give just one instance of many, he observed that *TJ* 'barely mentions retributive justice and the protection of the environment … justice of and in the family' and so on. And while he believes a more developed view can answer such questions, he grants that it 'may prove defective' (*PL*, xxix).

Third, there remains an *uncertainty to the on-going inquiry*. Without 'going post-modern', there is an *essaying* forth, a trying out, in our inquiries, where it's not merely that the on-going inquiry is unpredictable as to where it may end up; but also it is uncertain, even undetermined, as to how it came to be and where it is now. Just what thinkers, from Plato to Rawls, are moved by in their endeavors to meet the C stands as the main interpretative question

[17] Imre Lakatos, 'Falsification and the Methodology of Scientific Research Programmes', in Imre Lakatos and Alan Musgrave, (eds), *Criticism and the Growth of Knowledge*, (Cambridge: Cambridge University Press, 1970), 133–134; Christopher Miles Coope, op. cit., note 14, 290. As seen by such metaphors – 'hard core' and 'stance' – just what this fundamental orientation is remains open to further inquiry. See also Joseph Aggasi, 'The Nature of Scientific Problems and their Roots in Metaphysics', in Mario Bunge (ed.), *The Critical Approach* (New York: Free Press, 1964), 189–211.

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in understanding any one of them. For instance, was Rawls seeking, after the standard interpretation of him, a new basis for political philosophy? – or, after Cohen, a basis for political philosophy that those committed to a liberal democracy could accept? – or, after Laden, a solution to the problem of faith commitments in a liberal democracy? – or some *convoluted* swirl of these? As Rawls observed of himself, 'I don't think I really know why I took the course I did. Any story I would tell is likely to be fiction, merely what I want to believe' (*PL*, xxx).

8. Disagreement does not entail deficiency

What follows from this – a consequence of the nature of inquiry itself being in development, unpredictable and uncertain, where *our methodologies are questioned in many and diverse ways* – is that it is not necessarily because of *someone's* deficiency, whether on *us* or on *them*, that we disagree. Rather, we often don't find any general agreement on what we take to be the right and good way to live together just because we, *all of us*, have not yet met but are still seeking to meet the C – a two-sided fact, one side of which we tend to state very forcefully and negatively with respect to others, that they have *not* met the C, and the other side of which we tend to state hopefully and more positively with regard to ourselves, that we are seeking, are *on to the way to*, meeting the C.[18] Thus, my reply to Rawls's question – 'What goes wrong?' – is to question the question itself. For no one need go wrong in a reasoning endeavor that renders any final say along the lines of a comprehensive doctrine too soon to say. One may be tempted here to say that we are all deficient, but that should be resisted. It should be resisted not only because it renders

[18] This is not relativism in that the inquiry's search for an independent truth, the best view we can attain as defined by the C, is always governing our inquiries It could be, of course, and this is the ironic contradiction of relativism, not that truth is relative, but that a relativism of a certain sort is true. This backs Rawls's rejection of Rorty's relativism as too soon to say. As Rawls writes, 'It is natural to suppose that a necessary condition for objective moral truths is that there be sufficient agreement between the moral conceptions affirmed in wide reflective equilibrium. . . . Whether this supposition is correct, and whether sufficient agreement obtains, we need not consider, since any such discussion would be premature' ('The Independence of Moral Theory', in *Collected Papers*, op. cit., note 8, 290). That is, a relativistic project is as much a matter of meeting the C as any project.

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empty the term 'deficiency', but also because such disagreements are all to the good, where we should be right now, given the on-going nature of our inquiry as *fluid, inchoate* and *convoluted* – vague terms, to be sure, but now further clarified by seeing inquiry as being in development, unpredictable, and uncertain.

Replying to and appraising these joint inquiries is messy. Precisely because the inquiry is philosophical it lacks sharp edges. But that the edges are smudged does not erase the edges.[19] We demand of each other to be open to the inquiring conversation, to be responsive to the criticisms and questions of others. We ask of each other how our specific investigations aim to respond to the charges of a lack of clarity, consistency, coherence, and completeness – as these criteria emerge in the inquiry. We require of each other, in other words, a strategy, as honest a plan as we can concoct in our convoluted attempts to meet the C by developing our specific core ideas. And we can ask of each other to acknowledge that our 'honest' plan might upend us into a radically different space. Raising such challenges is what the practice of philosophy does.

The Confucian, Tu Weiming, helps me to see the way here. Like Read, Tu criticizes the autonomous, self-legislating self of Rawlsean liberalism. In Tu's language, the Confucian 'core values' build on an understanding of the self that is essentially relational – 'a series of concentric circles; self, family, community, society, nation, world, and cosmos'.[20] But Tu seeks to transcend what he calls a 'confrontational strategy' (300) (as found in a Read or Dreben) by understanding his project as only a part of the global inquiry. He speaks of his project as a 'spiritual joint venture'(300), which I take to mean: *spiritual*, in

[19] Astrology and its ilk erase the edges – in, say, astrology's lack of clarity and coherence (and interest!) as to what a simultaneous influence from the stars could be, or in its lack of completeness (and interest!) in how to account for the shift of the zodiac every two millennia. See my 'On Dismissing Astrology and Other Irrationalities', in Patrick Grim (ed.), *Philosophy of Science and the Occult*, (Albany, N.Y.: State University of New York Press, 1982), 24–32.

[20] Tu Weiming, 'Epilogue: Human Rights as a Confucian Moral Discourse' in Wm. Theodore de Bary and Tu Weiming (eds), *Confucianism and Human Rights* (New York: Columbia University Press, 1998), 302. All references to Tu will be to this essay. See also Robert Cummings Neville, *Boston Confucianism: Portable Tradition in the Late-Modern World* (Albany, New York: State University of New York Press, 2000). For a more confrontational exponent of Confucianism see Henry J. Rosemont, Jr., 'Human Rights: A Bill of Worries', in *Confucianism and Human Rights*, 54–66.

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being hopeful for as yet unseen and promising possibilities;[21] *joint*, in engaging in an inquiry with a number of diverse vantage points; and a *venture*, in being open to uncharted territories and radical surprises. Tu thus essays forth to enrich both Confucian and Enlightenment ideals, where Confucian values can 'help us to understand that Enlightenment values do not necessarily cohere into an integrated guide for action', just as liberalism can help us to understand the 'danger of using Confucian values as a cover for authoritarian practices' (299). Consequently, Tu sees Confucian values as not only compatible with the implementation of human rights but also in fact enhancing 'the universal appeal of human rights' (299). He does not, in other words, aim to dismiss liberalism and replace it with a 'nativistic' Confucianism but to engage with liberalism in an on-going competing-complementary conversational inquiry. What is to be added – as Tu would insist (302) – is that this is an inquiry with a much wider scope than that of Confucianism (or even communitarianism) vs. liberalism. We are engaged in a global joint inquiry that includes the perspectives and sub-perspectives of Islam, Daoism, Vedanta, Buddhism, and on.

9. The *Euthyphro*? – yes-yes, too soon to say

Given the strictures of inquiry – that in seeking to meet the C our quest is in development, unpredictable, and uncertain, and that hence disagreement does not entail moral epistemic deficiency – what follows is a generalized yes-yes solution to the *Euthyphro*. This solution is yes-yes in that it gives a qualified 'yes' to both main replies to the question. Our view is right because 'the gods' *will* it – meaning, because it is ours, embodying our deepest convictions, our core beliefs. And yet 'the gods' will it because it is *right* – meaning, because we throughout aim to work within and to meet the criteria of reason, the C. Moreover, the solution is generalized in that it holds for all competing perspectives that are engaged in the conversational inquiry. Hence, one's reply to the *Euthyphro* cannot be isolated from other and indeed multiple competing replies to the *Euthyphro*: our specific solutions are justified only to the extent that they are on-going and in collaborative critical exchange with each other. For it is precisely that sustained exchange that grounds their rationality.

[21] For reasons of space and unneeded specificity, this overly simplifies Tu's rich notion of the 'unity of Heaven and humanity' (302).

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This reply to the *Euthyphro* is a rational reconstruction of philosophical practice. As such it is both descriptive and prescriptive. It is descriptive in claiming that this is what in fact we aim at in our inquiries, as evidenced by the history of philosophy and by our own reasoning. It is prescriptive in claiming that to engage in inquiry one should advance one's own basic insights – hard core, stance – and yet, paradoxically, with the full knowledge that they will not and for now *should* not be taken as final – not as long as we are seeking to meet the C through an embracive conversational inquiry with the essential developmental unpredictability and uncertainty it carries with it. Rather, our views are in the making, where it is too soon to say what any one view is, let alone which one is the 'last one standing, the winner'.

This too-soon-to-say solution to the *Euthyphro* differs in aim from Rawls's two-step yes-yes solutions. While Rawls aims to keep the conversation going among citizens, secular or sectarian, in a democracy, this solution aims to keep the inquiry going amidst our sharp disagreements in philosophy, especially in political theory, in such a way that we need not see each other as guilty of MED.[22] Nonetheless, this too-soon-to-say solution to the *Euthyphro* remains Rawlsean in its general aim to keep the inquiring conversation going among as many as possible. What it learns from Rawls, however, is that to do this we need to be grounded in a base that is wider in scope, includes more, than any specific theory or ideal – which would only fall prey to the paradox of theories of disagreement. To be so grounded we need to unearth the sources of disagreement by seeing them as embedded in our practice of inquiry, our joint endeavor to meet the C – a 'base' that encompasses all those who engage in an inquiry that opens itself to the reality of competing reasons.

This base situates and includes Rawls's own bases – a theory of fairness, an ideal of reasonableness – and many others as well by placing our primary commitment in the global philosophic conversation. It explains, moreover, why it is that Rawls's bases – his bootstraps – are independent, as his citizens are encouraged to go their own way to develop their bootstraps, their key commitments. To be sure, this base excludes the epistemically unreasonable. But anything less would exclude the epistemically reasonable and anything more specific would exclude all those, reasonable and unreasonable alike,

[22] I view this essay as a a step toward a notion of the citizen that provides a way out of the current distrust that I discuss in 'The Multivisions of Multiculturalism', *Twentieth World Congress of Philosophy*, Boston, MA, August, 1998. http://www.bu.edu/wcp/Papers/PoliJamehtm.

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who disagreed. No theory or freestanding ideal or specific interpretation of the burdens of judgment – or some theory of reasoning, such as foundationalism or Wittgenstein's *Weltbild* – could be as inclusive as the inquiry itself, since any such specific theory or ideal would exclude all those who rejected it, and any such theory or ideal would have to be defended, argued for, within the inquiry itself.[23]

Consequently, this too-soon-to-say solution to the *Euthyphro* is not unmoored by an independent bootstrap, simply because it includes all bootstraps, independent or not, that stand committed to the embracive inquiry. For what could one say in response? – that one does not aim for clarity, consistency, coherence, and completeness? – or that one has attained full clarity, consistency, coherence, and completeness, such that one could not be wrong? The first response, if stated as a bare assertion, would remove one from the inquiring conversation and into the confines of conversion. And if stated with reason, it would move one into the problems facing the second response, namely, both the heavy critiques of others and also the questions one oneself could not (yet) answer – as witnessed by Anscombe's honest self-reflection, worthy of being repeated, that 'rather generally, it must be good for anyone to think, "Perhaps in some way I can't see … perhaps I am hopelessly wrong in some essential way"'.[24] One could not take Anscombe's claim to apply to the inquiry itself, since her claim could arise only within the inquiry.

[23] I am moved here by Peirce to take rationality to be motivated by our 'social impulse' – that we come to see that our mere conviction (tenacity) and commitment to another (authority) and certainty in our own (a priori) insights are brought up short by the contrary beliefs of others. Charles Sanders Peirce, 'The Fixation of Belief', in Philip P. Wiener (ed.), *Values in a Universe of Chance: Selected Writings of Charles Sanders Peirce (1839–1914)* (Garden City, New York: Doubleday Anchor Books, 1958). By this social impulse, the epistemically reasonable would have a way of appealing to the epistemically unreasonable. (See my 'Going Astray: Weakness, Perversity, or Evil?', op. cit., note 2), where I argue that Aristotle shows a way of conversing with the perverse. Whether our sociality is prior to the C or vice versa is a crucial issue in its own right, which I have no position on. See Joseph Agassi's 'Rationality and the *Tu Quoque* Argument', in Robert S. Cohen and Marx W. Wartofsky (eds.), *Science and Society: Studies in the Sociology of Science*, Boston Studies in the Philosophy of Science **65** (Dordrecht, Holland: D. Reidel Publishing Company, 1981). Agassi takes rationality to be embedded in our sociality, 'really a part of our way of life, and that goes as well for the rationalist and the irrationalist in our midst' (475).

[24] Op. cit., note 14, 262.

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The judgment that what we hold is too soon to say with finality, in other words, arises within the inquiry, because of the inquiry, and makes sense only within the inquiry. It does not hold for the inquiry itself.[25] Rather, what holds for the inquiry is built on its core idea to appreciate how we diverse and odd people may see each other as *epistemic peers*: we are engaged in a common endeavor that transcends our specific perspectives by encompassing us all in the bold and political practice of *philosophizing* – of developing our respective emerging core ideas in the light of sharp but appreciative critiques – a practice Rawls exemplified.[26]

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[25] Inquiry may lead to its own self-restriction, for instance, in a Kantian phenomenal/noumenal distinction, or in a mystic move to silence, as in some versions of Abrahamic theism, Vedanta, Buddhism, Wittgenstein, or the skeptic-inspired silence of Taoism. Yet all of these still employ the inquiry – in Buddhist terms, seek to be 'clever in means'– to attain the *proper* orientation toward the noumenal, or the *proper* silence, concerning which, of course, they disagree.

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