On Universalism: Communitarians, Rorty, and (‘Objectivist’) ‘Liberal Metaphysicians’[1]

It is often claimed that liberalism relies on an indefensible universalism. Thus, Alasdair MacIntyre tells us that “it is an illusion to suppose that there is some neutral standing ground, some locus for rationality as such, which can afford rational resources sufficient for enquiry independent of all traditions” (MacIntyre 1988, 367). This charge may seem to warrant quick dismissal as John Rawls, the leading liberal of our age, has stated that his views are only meant to apply to modern Western cultures, but to take this route would be to underestimate both liberals and their critics. In this paper I explore three positions on this issue—the communitarians’, Rorty’s, and that of “comprehensive” liberalism—and argue in favor of the last and universalism.

Communitarians often insist that value is determined within conventions of communities (i.e., “traditions”). In the first part of this paper I explicate that view and argue that it results in a form of relativism that is unacceptable. This claim is not so much a criticism, as it is a bringing to the fore an aspect of communitarianism that its proponents recognize but either downplay or wrongly accept as proper. In the second section, I discuss Richard Rorty’s liberal acceptance of this “conventionalism.” I then present a defense of universalism in section III, based in part on arguments that parallel Thomas Nagel’s arguments in defense of a “view from nowhere” and Jean Hampton’s objectivist arguments against Rawls’s moves to a “merely political” theory. That defense requires that we can distance ourselves from our ends—and hence, that we can distance ourselves from relationships with others.[2] It relies, we might say, on liberal individualism. If my arguments here are not conclusive, they are at least supportive and indicate why rejecting universalism is costly. In the fourth section, I explain why despite his rejection of universalism, Rorty remains a liberal (throughout this paper, I use “liberal” to refer primarily to deontological liberals). I then give a final argument for the objectivist/universalist position in section V and answer two standard objections to this position in section VI.

I. Communitarians and Communal Relativism

Before we discuss the communitarian rejection of, and alternative to, liberal universalism, we should try to understand why it is that liberalism's universalism is thought impossible. Rather than looking to an anti-universalist for an argument against universalism—as one would be hard-pressed to find such—I will simply sketch what I take to be the basic claim. In short, it seems to be that as we all find ourselves embedded in a particular place in the world (and the "moral landscape"), we cannot possibly understand the total state of affairs of the world and hence are incapable of making a judgment we could know would hold universally—i.e., in (or from) all places. The metaphor of "place" here is useful: there is no vantage point from which we can take in all the scenery, no view from "on high." Consider climbing a tall mountain. As one climbs, one sees more and more of the surrounding world. If the world were flat and the mountain high enough, it would be possible to take in the scenery of the entire world. Of course, there is no mountain tall enough, and the world is not flat. There is no vantage point suitable to taking in the entire vista. Just as climbing the mountain relieves our view of the clutter of the plains (be it city or country life), taking on the universalist moral view is meant to relieve our view of the clutter of our own partialities. We can see things more clearly from the moral point of view because we see "above" the nitty gritty of our own lives. The problem, once again, is that there seems to be no such vantage point.

There is an additional problem with the view from the top of the mountain (the view from "on high"). This is simply that it is not *our* view, which is somewhere down below in the valley of daily life. That is, even if there were a mountain high enough, the view it would afford is not *ours*. Similarly, critics of universalism claim that the view required for universalism is not ours—that ours is a view from the nitty gritty of daily life. Here the situation is worse than the physical analog: in the physical realm, we can climb a tall mountain; in the moral realm, the critic claims, we cannot divorce ourselves from our partialities to get anywhere "above" them. Thus, even if there were a "moral mountain" to be climbed to attain a more expansive view of the moral terrain, we would be unable to climb it because unable to step out of our place in the world. As Nagel puts the criticism: "since we are who we are, we can't get outside of ourselves completely. Whatever we do, we remain subparts of the world with limited access to the real nature of the rest of it" (1986, 6). In summary: the desired perspective is doubly unattainable: it does not exist and even if it did, we could not reach it.[3]

The mountain metaphor is powerful and although I ultimately reject it, there is no denying that the objection to universalism remains potent for many. Communitarianism, as I've said, contains a component that is meant to replace the much-maligned universalism. We look now at that component. I return to my own view in section III.

According to the communitarian, all value would best be seen as authoritatively determined by the practice in which it is embedded, as carried out within a community. MacIntyre thus tells us that it "is because and insofar as the *polis* is an arena of systematic activity of just this kind [unambiguous, with well-defined roles] that the *polis* is the locus of rationality" and "that membership in a particular type of moral community, one from which fundamental dissent has to be excluded, is a condition for genuinely rational enquiry" (1988, 141 and 1990a, 60). It is important that the values that would be authoritatively determined by traditions in community are not only epistemological, but also moral. Thus, when he romanticizes heroic man,[4] MacIntyre tells us that "morality and social structure are in fact one and the same in heroic society," that "it is only within their frameworks of rules and precepts that they are able to frame purposes at all … All questions of choice arise within the framework” (1984, 123 and 126).[5]

In his *Sources of the Self*, Charles Taylor expresses a similar view by discussing “Inescapable Frameworks” that are necessary for rationality (1-50). In 1985, he also tells us that the “real challenge” with dealing with other cultures “is to see the incommensurability, to come to understand how their range of possible activities, that is, the way in which they identify and distinguish activities, differs from ours.” He tells us that to “describe people in their terms is to describe each culture in different terms, and terms which are incommensurable” for “those descriptions are culturally specific” (1985, 145 and 120).[6] It is our frameworks—determined by our culture or community—that determine what judgment we will make about any principle.

I take it that problems with individual relativism or subjectivism (whereby all value is determined by each individual) are well known and in need of no explanation. Problems with cultural or communal relativism (whereby value is determined by a culture or a community) are equally well known, though less decisive. The main problem can easily be recognized when we realize that communities (or nations or cultures)[7] often have value commitments that they *should not*. A woman in a misogynist culture could quite rightfully be unwilling to accept being told she is of lesser value than a male simply because she is female. A black person could quite rightfully be unwilling to accept being told he or she is of lesser value than a white person simply because he or she is black. If a culture insists that such individuals are of lesser value (based solely on their sex or color), it is simply mistaken. Yet, if cultural relativism obtains, the culture’s word is final.

Individuals often appeal to standards from outside their culture when they perceive its standards as unjust. If cultural relativism obtains, this cannot be an appeal to a universal standard, but only to the standards of *another* culture. There would be no universal standard to appeal to. Thus, a woman in Afghanistan (for example) cannot appeal to universal standards, but can appeal to standards of a culture respected in her own, such as that of the United States, in order to argue against the standards of her own culture. If cultural relativism obtains, however, such appeals could legitimately be ruled out of court by the standard bearers of her own culture as nothing more than attempts to replace her culture’s standards with those of another. They could not be appeals to superior ways of life or, for that matter, to impartiality, for each culture would have its own best ways of life and there would be nothing “above” or “beyond” these.

Both Taylor and MacIntyre try to avoid the pitfalls of cultural relativism. Taylor allows for communication between cultures via “languages of perspicuous contrast” that (somehow) allow us to mediate between two otherwise incommensurable languages/theories/traditions in order to judge which is superior with regard to specific factors (1985, 125-6; see also 1994a, 69-73). MacIntyre writes that “reason can … move towards being genuinely universal and impersonal,” although only “insofar as it is neither neutral nor disinterested” as “membership in a particular type of moral community, one from which fundamental dissent has to be excluded, is a condition for genuinely rational enquiry” (1990a, 59-60).

Given their reliance on history, communitarians such as MacIntyre and Taylor are not simple cultural or communal relativists, but historico-cultural relativists or conventionalist relativists.[8] Value, on their account, is determined by conventions that arise within communities (i.e., traditions). Certainly, this is MacIntyre’s view:

> [We need] a conception of rational enquiry as embodied in a tradition, a conception according to which the standards of rational justification themselves emerge from and are part of a history in which they are vindicated by the way in which they transcend the limitations of and provide remedies for the defects of their predecessors within the history of that same tradition (1988, 7).

In this, MacIntyre’s debt to Hegel becomes clear. On his view, a community cannot simply decide that something is ethical or unethical, but is guided by something like what Hegel calls the “cunning of reason,” a sort of logic inherent to humanity. In this way, ethical law is actually determined by the whole of a people’s history (perhaps similar to Rousseau’s idea of the “general will”). It is not, however, subject to individual, or even collective, whim. The inherent logic cannot be manipulated by any individual or group of individuals. Rather, it is a force on social orders—though internal to them. Hegel’s is a holism that attempts to avoid the pitfalls of foundationalism without resorting to a problematic relativism.[9]

The question that now must be addressed is whether the conventionalism of communitarian theory can successfully avoid the problems of simple cultural relativism. The question of importance is how a communitarian is able to criticize a culture if it has evolved over centuries to embody some trait we wish to suggest is bad (for example, an obviously misogynist or racist system of (in)justice). “[I]f we limit our gaze to the fully socialized and concrete persons [and the rules which surround them] on which communitarians concentrate, what room is there for radical criticism of their thoughts and actions?” (Ryan 1989, 351).

One possible answer is that a culture can be criticized because of its multifarious aspects. One can criticize one aspect of a culture by appeal to another aspect.[10] Thus, MacIntyre argues that practices “have a history … the standards are not themselves immune from criticism” (1984, 190) and indeed, that it “is of crucial importance … that the dialectical procedures … never present us with a conclusion which is not open to further revision, elaboration, emendation, or refutation” (1988, 100). Though no conclusion can be accepted as final, some can be contingently accepted as indefeasible. They are *taken* as indefeasible, that is, until the evidence overwhelmingly supports their rejection.

> In systematizing and ordering the truths they take themselves to have discovered, the adherents of a tradition may well assign a primary place in the structures of their theorizing to certain truths and treat them as first metaphysical or practical principles. But such principles will have had to vindicate themselves in the historical process of dialectical justification (MacIntyre 1988, 360).

The historical process continues and as the culture faces challenges—from within and without—the "truths" given primary place are maintained as such until sufficient reason is given to revise their claim to truth. These "truths" are held to with some rigidity as they are fairly central to the web of beliefs—to use the Quinean metaphor—inherent in the tradition, but they are not completely resistant to revision. Just how resistant is a question we need not answer.

Embedded within the confines of communitarian conventionalism lies an optimistic belief that a culture will develop toward humanistic and universalistic moral goals (even if asymptotically). Much as Peirce believed we move toward truth, communitarians believe that an authoritative tradition within a community will move forward to become a society wherein all citizens are able to fulfill their *telos* or, perhaps, their "inner natures." That is the goal of the communitarian community—to have *all* community members reach their *telos*. The liberal will be forgiven if she remains pessimistic about such plans. For her, the best way to ensure that people can pursue their own projects is to let them choose them. She cannot rely on the optimism of the conventionalist account of value.

Due to its Peircean optimism, the conventionalism implicit in communitarian thought is something of a pseudo-universalism. 'Pseudo-universalism', as I use the term, refers to the doctrine that as a contingent matter we may all share, or come to share, the same belief (hence this might be considered a *contingent* universalism).[11] Communitarianism's pseudo-universalism is universalist in goal–at least for members of a particular community—but conventionalist in both description and justification. Unfortunately for communitarians, this pseudo-universalism allows for (that is, it does not logically preclude) the continuous evolution of a severely unjust society. Had Hitler succeeded in his plans for world-domination, we could be living in such a society now—one where all surviving persons agreed to Nazi ideology. One all-too-often attempted way to gain homogeneity in a community is to eradicate non-homogeneous elements. It is the communitarians’ optimism with regard to group mechanics that discourages their considering such possibilities.[12] The liberal is ever-wary of such. Although the *genesis* of norms may be descriptively explained by interpretation of historical fact, this does not provide *moral justification*.

Presumably, the communitarian would agree with the liberal that a Nazi-run society is incorrect in its value judgments—even if nothing within the culture allowed its members to criticize its xenophobic and genocidal mania. That we do not live in such a world is a blessing. It is a blessing, however, that liberals will not take for granted.[13] It is a blessing that is entirely dependent upon contingent features of historical development, and justice is not something to be left to historical contingencies. Whether our society has developed into a just society is a contingent matter, but whether justice is to be pursued is not.

I turn now to a discussion of Rorty’s acceptance of conventionalism. The arguments barely sketched out in this section against that view will be made more explicit, relying more directly on Hampton’s argument against Rawls (which was partially paralleled here).

II. A Liberal Capitulation to Communitarianism: Rorty’s Rejection of Universalism

Communitarians argue that there are some ends that are constitutive of who we are as persons, ends from which we cannot, and should not be able to, stand back—ends from which we are not independent. This leads communitarians to reject individualism and universalism in favor of a defense of and reliance on conventionalism. Interestingly, some liberals accept the communitarian view that universalism is a chimera. Such an acceptance does not necessarily mean a wholesale capitulation to communitarianism. One can jettison the universalism and remain committed, for example, to the core liberal principles of neutrality and toleration. Although this is not the position I endorse, it is a strong and viable response to communitarians; it is thus worth considering. It is Richard Rorty’s position.[14]

Rorty sets up a distinction between objectivity and solidarity, claiming that philosophical foundationalists have long sought objectivity. What they have sought is Truth (with a capital “T,” as it were) which is “out there,” independent of anyone’s knowledge. In contrast, Rorty claims that “ironists” like himself reject the search for such a numinous Truth and instead embrace solidarity. “Ironists” are those that recognize (and embrace) the complete contingency of their beliefs, language, and selves.[15] Such thinkers accept as knowledge belief that is justified to the masses in free and open inquiry. They have no need for Truth and settle for “taken-as-true” (see especially 1982, 166-175 and 1989, 8). They give up “the neurotic Cartesian [foundationalist] quest for certainty” and accept, for lack of a better term, a consensus view (1982, 161; see also 1998, 34-35).[16] “A liberal society is one which is content to call ‘true’ whatever the upshot of such [free and open] encounters turns out to be.” “The social glue holding together the ideal liberal society … consists in little more than a consensus” (Rorty 1989, 52 and 84). (Rather than seeing the “marketplace of ideas” as aiding progress to Truth, ironists take as true whatever the market produces.)

Rorty, we might remember, began his career as an Anglo-American or "analytic" philosopher. Beginning in 1979, with his *Philosophy and the Mirror of Nature*, however, he has rejected his past. He now sees himself as preaching the end of philosophy (to be supplanted, largely, by literary criticism). On this path, he has turned away from epistemology and toward political philosophy—although he would not want to call it that, preferring, perhaps, "cultural criticism." I will not enter into a debate regarding Rorty's status as a philosopher.[17] To my mind, he is a far more interesting thinker since his so-called rejection of philosophy. What is important is that Rorty offers an alternative account of liberalism that rejects universalism. In so doing, he subordinates the epistemological to the political. He claims that "As a partisan of solidarity, his account of the value of cooperative human inquiry has only an ethical base, not an epistemological or metaphysical one" (1985, 6). It is for this reason that he talks of "the priority of democracy to philosophy" (1991, 175 ff.; see also 1998, 97). Rorty, though, does not completely exit epistemology; instead, he blends it with the political—his own claims to the contrary not withstanding.[18] In what follows, then, we will see the politico-epistemological basis of his arguments.

According to Rorty, "what counts as rational or as fanatical is relative to the group to which we think it is necessary to justify ourselves—to the body of shared belief that determines the reference of the word 'we'" (1991, 177). Rather than there being universal judgments regarding what is rational or fanatical, there are only judgments from within a specified body of belief shared by the group that we consider ourselves subject to. Proselytizing, self-defense, abortion, bribery, or any other activity, might be considered rational in one such group but fanatical in another. In no case can there be an appeal to a universal standard. There are only norms; "truth … is the normal result of normal discourse" (Rorty 1979, 377). "Normal discourse," we might add, amongst a particular group. What is rational is—as it is in communitarianism—a matter of convention. Rorty also applies such thinking to political values.

Rorty's position, I would suggest, is the communitarian position held to more consistently than most communitarians; thus he tells us that "when I say that neutrality is not a desideratum, I am not saying this from a neutral philosophical perspective" (Rorty 1989, 54). He agrees with MacIntyre that a tradition can't be questioned from the outside and consistently applies this to liberal values.

> We cannot assume that liberals ought to be able to rise above the contingencies of history and see the kind of individual freedom which the modern liberal state offers its citizens as just one more value. Nor can we assume that the rational thing to do is to place such freedom alongside other candidates … and then use 'reason' to scrutinize these various candidates and discover which, if any, are 'morally privileged' (Rorty 1989, 50).

Rorty endorses the value of liberty, but insists that one cannot be expected to judge that value as if from an impartial standpoint.

If Rorty insists that we cannot judge the value of liberty from an impartial standpoint, it might be asked, what weight does his endorsement have? Rorty tells us that he can offer no argument in support of his views; to do so, he says, would be to tell his "audience that they are being *educated*, rather than simply reprogrammed—that the Truth was already in them and merely needed to be drawn out into the light." He cannot offer such assurance, "cannot give the term 'better' the reassuring weight the metaphysician gives it when he explicates it as 'in better correspondence with reality'." "Better" for Rorty can only mean "enjoys wider consensus." Interestingly, though, Rorty's appeal to solidarity converges with his appeal to *fear*.[19] He tells us that a liberal's "sense of human solidarity is [and should be] based on a sense of common danger, not on a common possession or a shared power" (1989, 90-91).[20] Since we all fear for our lives (Rorty says we fear humiliation), we have a social bond. This bond gives us cause to enact liberal laws for protection.[21] The people’s “combined commitment [to this bond, like all else, however, is concurrent] with a sense of the contingency of their own commitment” (Rorty 1989, 61; see also 1998, 11). This is why his view “entails that feelings of solidarity are necessarily a matter of which similarities and dissimilarities strike us as salient, and that salience is a function of a historically contingent final vocabulary … [it] rests on nothing deeper than the historical contingencies” (Rorty 1989, 192; see also 1998, 13).

In addition to believing that there is no valid universal claim (at least none that is more than contingently universally valid), Rorty believes—again with communitarians—that there is value in community relations. Unlike communitarians, however, he believes—as I do—that we can come to value community through liberal practices.

> To accept the contingency of starting points [e.g., liberal values] is to accept our inheritance from, and our conversation with, our fellow-humans as our only source of guidance. To attempt to evade this contingency is to hope to become a properly-programmed machine. … If we give up this hope, we shall lose what Nietzsche called ‘metaphysical comfort,’ but we may gain a renewed sense of community. Our identification with our community—our society, our political tradition, our intellectual heritage—is heightened when we see this community as *ours* rather than *nature’s*, *shaped*, rather than *found*, one among many which man have made. In the end … what matters is our loyalty to other human beings clinging together against the dark, not our hope of getting things right (Rorty 1982, 166).

Herein lies a difference between Rorty and communitarians. While communitarians argue that we must recognize the degree to which we find ourselves within a community, Rorty wants us to recognize the degree to which we *shape* that community. It is ours, not nature’s. This ability to shape the community is a distinctive liberal (and Nietzschean) trait: one does not simply accept conventions; one questions and is willing and able to reject conventions.

The liberal belief that individuals shape their community—which Rorty endorses—can be supported by a defense of the liberal ability—which Rorty rejects—to distance oneself from one’s ends. By distancing oneself from the ends one receives from one’s community, one is able to determine how the community *should* be and to shape it accordingly. This is an ability to evaluate impartially one’s circumstances (including one’s community) and to act so as to improve it. Without such an ability, one must simply accept the circumstances as they come. Rorty, however, does not see it this way. For Rorty, although we can shape our community, we cannot be completely impartial—we cannot judge our community from an external standpoint. Let’s first develop the objectivist line that insists that we can be impartial and then look further at Rorty. This will allow me to explain his view in contrast to my own—and vice-versa.

III. An Objectivist Rejoinder

To the extent that we cannot view ourselves as independent of our ends, we cannot be impartial—cannot consider dilemmas shorn of our partialities. If the communitarian is correct and there are some ends that thrust partiality on each of us, the liberal is defeated in her attempt to defend (Rawlsian) impartiality and universality. That such a defeat is forthcoming is dubious.[22] Here I argue against the communitarian and Rortyan conventionalist account and for an objectivist account, wherein impartiality/universality is both normatively endorsed and shown to be metaphysically possible. This commits me to a “comprehensive” or “metaphysical” liberalism.

When liberals are criticized (by communitarians and feminists, for example) for accepting and defending an impossible form of universalism it is impartiality in the above sense that is in question. This sort of impartiality allows the individual to make universal judgments—judgments that would be made by any person faced with the same question if they consider it impartially. As such judgments are truly impartial—would be made by *any* person who successfully took on the universal/impartial point of view—they are not limited to any particular full-bodied person or set of persons. Such judgments would be accepted by *any and all* beings that have the essential features of personhood. The judgments are universal. Universal judgments, in turn, may make it possible to formulate universal principles. A principle is universal if it is endorsed from the impartial point of view. That it is endorsed from the impartial point of view means that any person taking on that point of view would endorse it. It is this form of universalism of judgments and principles with which I have been and remain concerned.[23] As this sort of universalism is thoroughly dependent upon the impartiality allowed for by the ability to distance oneself from one’s ends, there is no need to discuss the two separately. Defense of impartiality also serves as defense of the relevant form of universalism.

Recall that the Rawlsian veil of ignorance is a heuristic device or method that enables us to consider social systems in an impartial manner.[24] We do this by imagining ourselves shorn of our partialities (or rather we imagine what might be left of ourselves and what we might care about nonetheless). To do this, we must be able to distance ourselves from our ends. We are then able to imagine ourselves as a being (call it a “bare moral agent”) that would be in the original position.[25] In this position, we are impartial. Further explanation might be useful.

The ability to distance oneself from all of one’s ends is what I have called “strong voluntarism” (1998). It is the ability to always choose one’s ends so as to choose what about one’s context will be defining of oneself so that, although the world impinges upon the ability to choose by limiting options (by providing the possible content of our choices), we are always able to choose which of those options to accept. The strongly voluntaristic agent can look at all of her relevant ends and desires as separate from herself (i.e., “with some distance”) so that she does not have to accept any as “constitutive” of her being. Strongly voluntaristic agents are “the sorts of beings who can, in principle, stand back from our particular aims and ideals and deliberate impartially” (Carse, 197).[26]

The primary question here is whether the bare moral agent can be distanced from all ends at once. If it can, it can attain complete impartiality, making decisions from a view within which it has absolutely no partialities. I believe that such a view is possible, but there is a less stringent view that may carry more intuitive appeal for many. That view, though, is not unproblematic.

In defending Rawls, Will Kymlicka has claimed that what is necessary for liberal theory is only that “we can always envisage our self without its *present* ends. But this doesn’t require that we can ever perceive a self totally unencumbered by any ends—the process of ethical reasoning is always one of comparing one ‘encumbered’ potential self with another.” Presumably Kymlicka means that we can always envisage our self without *the complete set of* its present ends. He accepts that there “must always be some ends given with the self,” but insists that “it doesn’t follow that any *particular* ends must always be taken as given with the self” (1988, 190 and 1989, 52-53). His view is that although for the Rawlsian self all ends are subject to revision, it must always provisionally accept some ends as non-revisable. This would be enough to defend a form of impartiality as the agent in this position would, through multiple iterations, rationally judge all of its ends. The limit to impartiality involved here creeps in if the agent’s complete set of ends are mutually supporting so that no matter how many iterations the agent uses to judge her ends, the primary ends hold firm.

In order that it provide us genuine impartiality, the Rawlsian-Kymlickan view must presuppose a liberal society. Given a liberal society, there will be free speech and individualist behavior. Given the multiplicity of views that would thus likely be aired, the agent attempting impartiality is likely to be cosmopolitan. Given that such an agent would be faced with numerous beliefs from conflicting doctrines and would be open to consideration of those beliefs, the agent is likely to achieve a high degree of impartiality. That is, faced with the challenges of numerous conflicting beliefs, any rationally derived coherent system of beliefs is likely to be one that is at least minimally acceptable to all those who would issue the challenges. The more cosmopolitan the person, the greater the degree of impartiality that will be possible. So too, though, the more provincial their culture, the less likely they will attain any substantial degree of impartiality. This Humean line, then, comes very close to the pragmatist line in Rorty's thought. Although it is rooted in a conception of the person, it ultimately relies on the cultural milieu of the person as much as conventionalism.[27]

I want now to suggest that implicit in the ability to revise our ends is a view of the self as devoid of all "encumbrances."[28] The liberal conception of the self requires that the agent can always choose between its ends. According to Kymlicka's conception of the self, the agent can choose between *any* of her ends, but can do this only because she always provisionally retains some ends that ground her rationality—she is never devoid of all ends at one and the same time. Yet, if Kymlicka is correct, the agent can look at all of her relevant ends and desires as separate from her self (i.e., "with some distance") so that she does not have to accept any as "constitutive" of her being. For example, if I am choosing which car to buy, I thereby choose and accept one end as more "constitutive" of my being than other ends where this means that I accept it as more important to me. In this way, my choice helps to define my personality. I buy the family car, say, because I accept (choose) family stability as more defining of my character than "speed." My desire for stability thus becomes defining of my character. By choosing the Volvo over the Porsche, I make known what I value—what I take as important, as definitive of *me*. Further, in making that choice, I distance myself from all of my *relevant* ends so that I choose which shall be defining of me. Moreover, when making the choice, I do not recognize my *non-relevant* ends as part of me. I seem to myself entirely unencumbered. Neither the relevant ends (perhaps the desire for family stability or my opposing desire for speed and “fast times”) nor any non-relevant ends (perhaps my love of music) encumber me in any sense I can appreciate while making the decision. By my choice, I accept and make “constitutive” of who I am one of the relevant ends. Prior to the decision, it is an open question who I am—am I a member of the so-called “fast-track” or a family man? Although we generally have ideas about these questions before making such decisions, the decision itself settles the issue. More to the point, any time it is a *real* question—any time I genuinely have a quandary or dilemma about what to do—*only* a decision can settle the matter.[29]

It will be immediately suggested that although I am right to say that I was, in my example, distanced from the ends relevant to that choice, I was not distanced from *all* of my ends—even if I “feel” unencumbered, my other ends do influence me. It is unclear, though, how my non-relevant ends (such as my love of music) can influence me one way or another with regard to *this* decision. If they do not, then it seems that I can distance myself from *all* of my ends at once and that *I* am something devoid of all of them.[30] A person’s ends, then, are not what make her a moral being. *That* is a being with moral agency—a being that can, in principle, choose to accept or reject any end it has. That the agent can only choose because it has some ends that it accepts as its own for the sake of making a decision regarding other ends, is quite beside the point. That it can be separated from those ends is what allows it to engage in impartial moral cogitation.

To make impartial judgments, we imagine ourselves distanced from our ends and proceed to consider how we would judge in that condition (i.e., without partialities). In that condition, a being (who is completely rationally autonomous) is abstracted so as to be rid of any particularities that root it—and *it* is properly understood as sexless—in a particular culture.[31] As one of our communitarian interlocutors explains it:

> It is in this capacity of the self to evade any necessary identification with any particular contingent state of affairs that some modern philosophers, both analytic and existentialist, have seen the essence of moral agency. To be a moral agent, on this view, is precisely to be able to stand back from any and every situation in which one is involved, from any and every characteristic that one may possess, and to pass judgment on it from a purely universal and abstract point of view that is totally detached from all social particularity (MacIntyre 1984, 31-2).

The moral agent is, we might say, a being comprised only of the essential features of personhood (non-essential features would make it partial). Distanced in this way from its partialities, it is able to consider things with complete impartiality. To put the point negatively, it is able to consider things without any partiality—because *it has no partialities*.[32] This is not a full-blown person, but a bare moral agent—a being capable of rationality without being hindered by partialities.

The impartial agent is what we become when we take on the veil of ignorance. Under the veil, one ruminates "from a perspective detached from one's own position." This "unbiased perspective" is "an impartial perspective from which we can consider" moral issues (Kymlicka 1990, 68). Taking on the veil requires one to distance oneself from one's ends. "What really happens in the pursuit of objectivity is that a certain element of oneself, the impersonal or objective self, which can escape from the specific contingencies of one's creaturely point of view, is allowed to predominate" (Nagel 1986, 9). It is this I call the "bare moral agent."[33]

I should admit here that the above argument is not conclusive. It relies on a rather hefty bit of phenomenology that many will undoubtedly reject. Still, many of us do interpret ourselves as sometimes making decisions shorn of all partialities. In any case, for the purposes of this paper, the sketchy defense above will have to suffice. Elsewhere (see footnote 27) , I defend the view against the claim that it leads to complete irrationalism.

It is worth noting that my argument does not commit me to a claim that all persons are capable of reflective distancing. If the critic means to argue that liberalism is committed to *that,* I would suggest he is simply misguided. It does not matter for my arguments or for political philosophy in general if *all* persons can engage in this activity.[34] What matters is that some can and that these persons can then make impartial, universal judgments as if from an original position.

IV. Rorty: Our Disagreement and Our Shared Commitment

As indicated at the end of section II, my defense of the liberal ability to distance oneself from one’s ends is not acceptable to Rorty. He would characterize my position as that of a “liberal metaphysician,” one who “thinks that acknowledging that everybody wants to be taken on their own terms commits us to finding a least common denominator of those terms, a single description which will suffice for both public and private purposes, for self-definition and for one’s relations with others” (1989, 92). Rorty rejects this traditional philosophical liberalism.

> The traditional philosophical way of spelling out what we mean by ‘human solidarity’ is to say that there is something within each of us—our essential humanity—which resonates to the presence of this same thing in other human beings. … [On the other hand, when we] deny … that there is such a component, that there is anything like a ‘core self,’ [we] are unable to invoke this latter idea. Our insistence on contingency, and our consequent opposition to ideas like ‘essence,’ ‘nature,’ and ‘foundation,’ makes it impossible for us to retain the notion that some actions and attitudes are naturally ‘inhuman.’ For this insistence

> implies that what counts as being a decent human being is relative to historical circumstance, a matter of transient consensus about what attitudes are normal and what practices are just or unjust (1989, 189).

Rejecting the traditional or "metaphysical" defense of liberalism has, it must be clear, costs. What is to count as a person is "a matter of transient consensus."[35] So too, any insistence that all persons are to be treated with respect. This cost, I think, is too great: we have to be able to maintain that all persons are due respect. Rorty, though, does offer some conciliation.[36] Although he insists that ethical judgments are historically contingent, he nonetheless supports something like a veil of ignorance as an imaginative attempt to extend the "we." He tells us that his "sketch of the liberal ironist was of someone for whom this sense [of human solidarity] was a matter of imaginative identification with the details of others' lives, rather than a recognition of something antecedently shared" (1989, 190). That imaginative identification is precisely what is allowed for behind the veil. Although Rorty thinks "humanity" is too broad for us to identify with, his "position is *not* incompatible with urging that we try to extend our sense of 'we' to people whom we have previously thought of as 'they'" (Rorty 1989, 192).[37] For Rorty, both our sense of "we" and the extension of that sense is always contingent.

> The right way to take the slogan 'We have obligations to human beings simply as such' is as a means of reminding ourselves to keep trying to expand our sense of 'us' as far as we can. … We should stay on the lookout for marginalized people—people whom we instinctively think of as 'they' rather than 'us.' We should try to notice our similarities with them. The right way to construe the slogan is as urging us to *create* a more expansive sense of solidarity than we presently have (Rorty 1989, 196).

This is a rather innovative manner of merging communitarian inclinations and liberal leanings. We should think of ourselves as making a community that includes as many (existing) persons as possible. As per section II, the “creating” rather than “accepting” is decisively liberal; the concern for community is prima facie communitarian.

Rorty’s position on this matter is, as I’ve said, in agreement with communitarians. One communitarian expresses the point thus:

> To affirm as morally relevant the particular communities that locate us in the world, from neighborhoods to nations, is not to claim that we owe nothing to persons, as fellow human beings. At their best, local solidarities gesture beyond themselves toward broader horizons of moral concern, including the horizon of our common humanity (Sandel 1996, 343).[38]

Rorty’s position is, however, also in agreement with liberalism’s core commitment to attempt to make impartial/universal judgments. That attempt—Rorty believes—can never be fully satisfied. His response to the communitarian challenge thus differs from mine. Whereas Rorty seeks to “swing free of any … universalist belief” (1994, 20),[39] to “dissolve universalism” because it is an impossible ideal (1989, 67), I believe that such an ideal is realizable. Whereas Rorty agrees with communitarians that we cannot fully distance ourselves from our ends and, thus, that we cannot truly be impartial, I believe we can.

Rorty’s response to the communitarian manages to remain liberal and thus must share something with the view of liberalism I present. What it shares (among other things) is a belief that *attempts* to universalize—to expand the community we consider when making ethical and political judgments—are worth endorsing. This attempt—even if, as Rorty believes, it cannot succeed—serves as a regulative normative ideal. For Rorty, that ideal is grounded in his opposition to cruelty.[40] For my own view, that ideal is founded both upon opposition to cruelty and on a conception of the self as able to reason distanced from partialities.[41] As Rorty cannot accept even a minimalist metaphysical account, his commitment to universalism as a normative ideal can be nothing more; he cannot accept it as a full-fledged possibility.

Rorty's commitment to universality/impartiality as a normative ideal, differs from the objectivist liberal's only in that his arguments require that it is an ideal *only*, that it cannot be actualized. Despite his denials, Rorty's "story of increasing willingness to live with plurality" is an "asymptotic approach to *foci imaginarii*" (Rorty 1989, 67). When Rorty insists there is no actual universality/impartiality, when he asks us "to stop asking for universal validity" (ibid.), he is insisting that there is nothing which we asymptotically approach, but he is not removing the asymptotic "ascent." Indeed, in discussing Hilary Putnam's analysis of similar questions, although Rorty claims there is no "ideal terminus" (Putnam's term), he claims nonetheless "that *we* think we're heading in the right direction" (Rorty 1985, 10). Rorty, remember, wants us *all* to live with plurality—wants us to extend the "we" indefinitely.

Rorty's position, in short, is that the communitarian arguments against liberalism are arguments against the liberal metaphysician only and actually support the liberal ironist. My position is that the liberal ironist does not go far enough. Though the ironist may be right that everything is ultimately contingent,[42] he is wrong in thinking that everything is historically contingent, where that indicates that value is solely dependent upon conventions. The sense in which value is contingent, I would hold, is the sense that allows that we can alter our beliefs *regardless* of conventions.[43] We can *do that* because we are able—despite communitarian and Rortyan claims to the contrary—to distance ourselves fully from our ends to imagine a bare moral agent within us. Taking on that perspective allows us to do more than identify with others. It allows us to judge ourselves impartially—in all our contingency. Still, the *drive* for universality serves as a regulative ideal for both (Rorty's and my own) liberal pictures.

V. A Final Objectivist Argument

Jean Hampton argues, against Rawls’s moves away from what he calls “comprehensive liberalism,” that his merely political liberalism, which is meant to have no controversial metaphysical commitments, “is doomed to fail” (1993, 298). Her arguments apply equally to Rorty’s refusal to accept a metaphysical grounding for liberalism. Indeed, they serve as arguments against conventionalism more generally, including the communitarian’s (which is, after all, Rorty’s) alternative to impartiality. For these reasons, it is worth discussing them here.

Rorty summarizes his position when he tells us that a “liberal society is one which is content to call ‘true’ (or ‘right’ or ‘just’) whatever the outcome of undistorted communication happens to be, whatever wins in a free and open encounter” (1989, 67). The communitarian position, recall, holds a similar reliance on conventionalism, although in the communitarian case, the conventions are “frameworks” embedded within authoritative traditions.

Hampton asks what all metaphysical (traditional, objectivist) liberals would ask: “what justifies the inclusion of a belief … in such a consensus [as might develop in a culture], particularly if some members of the pluralist society do not accept them?” (1993, 299). The assumption that the society is pluralist brings out one difference between Rorty and communitarians. Rorty is committed to pluralism. This is why his “extension of the we” is not indoctrination: when the “we” is extended, those newly included do not have to accept the view of those already within the “we,” but are allowed to maintain their own views (they are tolerated because of the liberal fear of being cruel). In this way, universal agreement is—contingently—approached, even if there is nothing truly universal to reach. This is better, from the liberal perspective, than the communitarians’ implicit requirement of homogeneity.

So, "what justifies the inclusion of a belief … in … a consensus?" For Rorty, the justification is a belief's "winning" (i.e., surviving) in a "free and open encounter." Similarly, for communitarians, it is a belief's having been "vindicated" by (again, i.e., surviving) a tradition. As already mentioned, though, this leaves a possibility that a repugnant belief or practice—one that is biased or encourages a bias—could "win" or be "vindicated" through time. Rorty and communitarians then have to say that it is "just," "right," or "true." Surely this is wrong.

I do not mean to argue against the use of "undistorted communication" to persuade others of one's views. Normative argument can often serve as justification. The objectivist liberal—the liberal metaphysician—simply provides a further—and at times better—justification. There is ample room (indeed, need) for such. As Mill tells us: "the dictum that truth always triumphs over persecution is one of those pleasant falsehoods which men repeat after one another till they pass into commonplaces, but which all experience refutes."

There are occasions when particular beliefs happen to survive rational argument and yet are morally wrong. Surviving rational argument does not mean the belief is sound—it may simply be held to dogmatically or foolishly. I take the belief that men naturally have intellects superior to those of women to be an example of a belief that might—indeed seems to now—survive rational argument even though it is not itself sound. It is a belief, I think, that has been shown to be wrong in rational argument. Yet it survives amongst vast numbers of people. Surely we can say "no matter who approves of it, it is wrong." We can do this, I argue, because we can be impartial and impartiality allows us to know whether a belief or practice is just or unjust—or perhaps we should say that it allows us to know whether the belief might be irrational for certain individuals to accept. This is why a Nazi regime (and sexism and racism) would be deemed immoral regardless of who approved of it and regardless of whatever "contingent features hold in the society to be governed by that theory” (Hampton 1993, 300). In contrast, sound beliefs (or practices or values) are justified “not because they happen to be widely endorsed … but rather because these values would be endorsed by fully reasonable people.” Such people can make impartial judgments (and impartiality is a necessary condition for true moral justification). Beliefs, practices, or values being endorsed by (all) fully reasonable people is what “makes them the right ones to include” and makes “political power used to enforce them … legitimate” (Hampton 1993, 301). While Rorty may be right that a consensus will arise, he cannot insist that it (or any consensus) will embody the truth.

The view I defend here is, with Hampton’s, objectivist. Though my “defense of liberal values … implicitly rejects the idea that a liberal democratic society can take a neutral stand on every value-issue,” I insist that this is due to good philosophic arguments for such values and not mere consensus. My view “prescribe(s) tolerant attitudes generally” but “does not tolerate, at the level of political legislation and enforcement, beliefs or theories that attack it.” I “admit unabashedly that [the] theory is itself a philosophic position that cannot be indubitably proved,” though I will stand by its validity (Hampton 1993, 309 and 310).[44] Contrary to Rorty, there is no “priority of democracy to philosophy.” Philosophy—and not only normative philosophy—must remain prior; democratic decision making may—and frequently *does*—accept fallacious reasoning. Engaging in philosophy and using impartial reasoning enhances the probability (without, unfortunately, guaranteeing) that universal principles will be adopted.

Rorty’s “insistence on contingency, and … consequent opposition to ideas like ‘essence,’ ‘nature,’ and ‘foundation,’ makes it impossible for [him] … to retain the notion that some actions and attitudes are naturally ‘inhuman’” or ‘naturally human’ (Rorty 1989, 189). He is left, in fact, without any way to justifiably claim that some animals are essentially persons. This means that he is less one means of justifying liberal values. Perhaps Rorty and communitarians would not be upset by this corollary. Certainly there are others who would accept this conclusion. It follows naturally from a refusal to endorse a metaphysical version of (or basis for) one's liberalism.

Let's rehearse the problem for those liberals who, like Rorty and—ostensibly—the later Rawls, do not accept a metaphysical—i.e., comprehensive—doctrine. Such thinkers want to defend certain liberal principles—notably, toleration and neutrality—but have only a limited response when they are asked what justifies these liberal values. Their appeal is limited to the contingent consensus—that may or may not be a result of rational discourse—that these values are worth endorsing.[45] They cannot say that these are the objectively *right* values to endorse, but only that "they should be endorsed for such and such reasons that we already accept" or that "they happen to be widely endorsed." The objectivist view indicates that we can do better than this.

Rorty's account may descriptively explain how we came to value all individuals in our society (by extending the "we"), but it does little—other than appeal to fears (of cruelty, e.g.) we all have—to explain *why* we should do so. That we all have those fears is a contingent matter. Objectivist liberals—that is, liberal metaphysicians such as myself—want something more. We want to claim that liberals are *right* to value all individuals in society and that doing so is better than not doing so.[46] We want to claim that all ordinarily conscious human animals are *rightfully* seen as deserving of respect because something about them makes them *persons* and to be a person *is to be a being deserving of respect*. We want to say this is true, regardless of the consensus—even if the consensus is the result of rational argument. Rorty disallows all this by leaving the judgments to consensus—even when the "we" is extended, Rorty can only claim to have made progress because of the extension, he cannot claim it is progress because the consensus view is *right*.

One benefit of the view I defend here is its congruence with the deep-seated belief most contemporaries share that all human animals who retain the capacity for consciousness (whatever that is) are deserving of respect and equal treatment under the law. This is a second form of universalism: the ideal of impartial treatment of all. If Rorty is right that there is nothing that is fundamentally true of all persons, this claim is difficult to defend. It becomes, as Rorty would insist, a mere historical contingency that we treat all conscious human animals as deserving of respect.[47] If we can have nothing better, this may do, but many liberals—Rorty and I included —have a drive to universalism that is especially potent in this context. Rorty has given up hope of satisfying that drive, but I believe he does so unnecessarily.

I have already said that objectivist liberals want to be able to claim that all ordinarily conscious human animals are *correctly* seen as deserving of respect because something about them makes them *persons* and to be a person *is to be a being deserving of respect*. This is an essentialist claim and thus not available to Rorty. Now I needn’t rely on the intuitive claim that this respect is simply owed to beings in virtue of their rationality (or their ability to make impartial judgments). I can also claim that given an ability to reason impartially, I—and others—are capable of realizing that persons are beings due respect. We can make judgments shorn of all partialities and such impartial judgments would be accepted as valid by any individual who properly reasons about morality. Impartial reason, that is, allows us to make universal judgments, one of which is likely to be that respect for personhood is mandatory.

It is interesting that if the preceding is correct, impartiality and liberal egalitarianism are rendered as fundamentally on par with one another. Indeed, one commentator tells us that the “impartial attitude is … strongly egalitarian both in itself and in its implications … it comes from our capacity to take up a point of view which abstracts from who we are, but which appreciates fully and takes to heart the value of every person's life and welfare" (Nagel 1991, 64-5).

VI. Objections

Iris Marion Young's criticism of liberalism—and much of Western political philosophy in general—is that its desire for universality and impartiality encourages a strict division between the public and the private that "has operated to *exclude* [from the public realm] persons associated with the body and feeling—especially women, Blacks, American Indians, and Jews" (1990, 97; emphasis added). We can call this charge that of "exclusionary universalism." Liberalism is thought to involve exclusionary universalism as it seeks "the universal, the one principle, the law, covering phenomena to be accounted for … [as it] seeks essence, a single formula that classifies concrete particulars as inside or outside a category, something common to all things that belong in the category." As it seeks unity, it is forced to deny, degrade, or repress difference (1990, 98).[48] Liberalism thus becomes "blind to individual and group differences" (1989, 250).

Young makes her criticism first against Hegelian or Rousseauian views: "The ideal of a common good, a general will, a shared public life leads to pressures for a homogeneous citizenry" (1989, 253). Against such strands of liberalism, this charge seems rightly made.[49] Against more individualist, contract-theoretical liberalisms, though, this criticism seems somewhat paradoxical, for such theories generally do not make any claims regarding a general will or a homogeneous public—many even explicitly allow and encourage diversity (consider, for example, Mill's liberalism).

Young's criticism is not as easily discarded as that. Her criticism remains of concern for any political philosophy that endorses universalism/impartiality, especially if that universalism/impartiality is gotten to through a particular conception of the person—as is mine. It is specifically the conception of the person that such theories are said to presuppose that, Young would claim, becomes the tool of exclusion. For Young, “Impartial reason aims to adopt a point of view outside concrete situations of action, a transcendental ‘view from nowhere’ that carries the perspective, attributes, character, and interests of no particular subject or set of subjects. This ideal of the impartial transcendental subject denies or represses difference” (1990, 100). In emphasizing such universality, then, I may appear to be “blind” to the actual differences that exist between individuals and worse, to exclude from my account any who are different.

My conception of the person is meant to provide a firmer grounding for a Rawlsian (though perhaps not Rawls’s) veil of ignorance. It is, to return to that point, a conception of the person that allows for true impartiality by allowing a person to take on the veil and strip herself of all her partialities. What the person entering the original position does, essentially, is to abstract away her empirical persona to judge from the perspective of the bare moral agent. Because the judgment is not made based on any biases, it is truly impartial. “The ideal of impartiality is the result of this search from a universal, objective ‘moral point of view’” (Young 1990, 100). As Susan Moller Okin suggests, however, this ideal of impartiality does not require a view from nowhere or even a view from the dominant class:

> In the absence of knowledge about their own particular characteristics, those in the original position cannot think from the position of *nobody* (as Rawls’s desire for simplicity might suggest); they must think from the position of *everybody*, in the sense of *each in turn*. … On this interpretation, the original position is *not an* abstraction from all contingencies of human life, as some of Rawls’s critics, and even Rawls at his most Kantian, present it. It is, rather, as Rawls’s own theory of moral development strongly indicates, much closer to an appreciation and concern for social and other human *difference* (Okin 1989, 244-5).[50]

The conception of the person I advocate allows us to appreciate the different lives of our fellow citizens (indeed, of all others). This is precisely what we do when we engage in moral reasoning. It is, moreover, something we do on a daily basis, albeit on a smaller scale. Whenever we ask “what would I have done had I been in her situation—having her commitments—at that moment?,” we are, to some degree, alleviating ourselves of our own ends and adopting those of another.[51]

To Okin’s response to her objection, Young says:

> The idea remains that *one* subject, the impartial reasoner, can adopt the point of view of everyone. This construction of a particularist notion of impartiality assumes that from my particular perspective, with my particular history and experience, I can nevertheless empathize with the feelings and perspective of others differently situated. This assumption denies the difference among subjects … [But] one subject cannot fully empathize with another in a different social location, adopt her point of view; if that were possible then the social locations would not be different (1990, 105).

But surely Okin is right when she tells us, partially in response to Young, that “One of the problems of antiessentialist feminism … is that it tends to substitute the cry ‘We’re all different’ for both argument and evidence” (1994, 8). There is no argument here that the empathetic project Okin and I envisage is impossible (nor is it clear to me why Young thinks empathy requires identity). This is simply asserted as if it were obviously the case. There is no denying that the project is extremely difficult—Marilyn Friedman rightly notes that what is required are “extraordinary cognitive feats” (1989, 650)—but neither “difficult” nor “extraordinary” imply “impossible.” Moreover, “there is nothing implausible or inconsistent about requiring us to distance ourselves from our particular aims and attachments for the purpose of arriving at principles of justice, while acknowledging that we may to some extent identify with them as we go about living our lives” (Okin 1989, 245-6).

There is a second criticism of universalism worth addressing. It is often claimed by critics of liberal impartiality that it requires that we treat all equally, and that this leaves us with completely undifferentiated moral duties to all others. A parent, for example, would be unable to care more for his child than for the child of another. This is the charge of “disintegrating universalism.”[52] Liberalism, it is claimed, requires us to treat all alike and thus to have no differential ties to any others. It leads to a “disintegration” of our differential bonds. We cannot treat our loved ones differently than we treat others as this would be to treat them partially and thus not to act impartially. We would not be treating all equally. This is one reason communitarians take liberalism’s commitment to universalism to be pernicious. The charge is that liberalism supposedly requires us to be identically interested in everyone’s welfare. This disallows the possibility of differential bonds to others—bonds that would prevent impartial behavior.[53]

The first thing to be said about the criticism as described is that, despite claims to the contrary, it does *not* apply to Rawls. As Friedman notes, “Impartiality, as construed by its current defenders, is a requirement only of the principles, practices, or institutions which justify specific actions” (1991, 833).[54] Rawls’s use of impartiality is limited to the parties in the original position for designing the principles of justice. The impartial/universal perspective of those in the original position allows them to make principles that would be accepted by any individual who thought impartially, but such principles will not necessarily lead us to treat all equally. Some may be disadvantaged (relative to others) as “treat your friends differentially (and, perhaps, deferentially)” could be a universalist principle. Outside the original position individuals can treat others differentially.[55]

So the objection does not apply to Rawls. Rawls's answer, however, is a variant of a familiar liberal response. The objection would thus seem not to stand against liberalism at all. Let's consider this further. The charge is that liberalism requires that individuals (real, full-bodied persons) not treat others differentially. But this is vague. If we are concerned to ask whether individuals can treat others differentially with regard to basic moral principles (so that, for example, we look the other way when our sibling acts against a moral principle) the answer is a qualified "no." If, for example, a sibling murders an innocent, we most certainly need to treat that sibling as we would treat any other who committed such an act.[56] If, on the other hand, that sibling simply stole a sandwich because she was starving, we are unlikely to insist on punishment. But this last example gives away the case, for we would be treating her impartially if it is true that we would be unlikely to punish anyone who stole a sandwich because they were starving—as is, in fact, the case.[57] So, yes, liberalism requires that we treat all individuals alike with regard to basic moral principles. Clearly, though, this is not the concern of the critic who talks of liberalism's disintegrating universalism. Indeed, this sort of example required discussion of violations of moral principles—and the critic intends her concern to be relevant to all of daily life.

The critic of liberalism believes that its impartiality requires that we always have to treat all others identically, and thus leaves no room for differentiation in relations. But this is mistaken. Liberalism does say something about how we treat others.[58] It requires, primarily, that we not violate or permit violations of the harm principle—that we tolerate others. It does not require that we always treat all others identically. Here is where the *real* question comes to the fore. The critics' insistence that liberalism leads to a disintegrating universalism is an insistence that liberalism requires that we *always* act impartially. This is to insist that everything in life is subject to liberalism's requirement of impartiality. To insist, in short, that *all actions are subject to moral judgment*. Only if all actions are subject to moral judgment would there be any need to invoke a principle of impartiality in all circumstances. Of course, liberals famously—or infamously—insist on a public/private divide. Such a divide requires that there is a realm in which liberalism does not step—the private realm.

The public/private divide has come under attack in recent years and I do not here intend to defend it. I wish merely to insist that there are many occasions where actions do not give rise to ethical (and certainly, political) judgment. Defenders of liberalism are generally concerned to limit the use of their theories (and the state) to moral (and especially political) dilemmas. “[T]he comprehensive liberal conception of morality … treats moral constraints as narrowly defined and large areas of conduct as largely undetermined by morality” (Fitzmaurice, 5). Comprehensive liberals (liberal metaphysicians)—myself included—would insist that my putting on a shirt standardly involves no ethical (still less, political) dilemma. So too, we would argue that my decision to spend time with my sister, or my neighbor, or my schoolmate, involves no ethical (still less, political) dilemma. None of this, it should be noted, denies that there may be occasions when such ordinarily trivial actions do involve moral dilemmas.

Samuel Scheffler argues that “the judgment that a particular act is too trivial to warrant moral evaluation always depends on an assessment of the act and its context. … I can see no basis for distinguishing between acts that are morally permissible and those that are too trivial to warrant moral evaluation. For there is no relevant difference between the kind of assessment that issues in judgments of triviality and the kind that issues in judgments of moral permissibility, prohibition, and requirement” (24). This, I think, is too quick. Scheffler is right that both sorts of judgment require *moral* assessment and so both sorts of acts count as within the purview of morality. But, surely there is a difference (admittedly, of degree only and not of kind—if that distinction is still useful) between the type of assessment in the two cases. The assessment necessary to determine whether an act is trivial or involves a moral dilemma is simple and fast. In cases where this *initial* assessment leads to *further* assessment because of a detected moral dilemma, however, surely the further assessment of the dilemma is more difficult. If it were not, I can see no reason why applied ethicists would ever be called upon. As soon as a physician, for example, determined that there was a dilemma of medical ethics, she would just as quickly assess the correct course of action. But this is not the case: she may know quickly that there is a dilemma but not know the proper course of action. Indeed, that’s why its a *dilemma!* Scheffler’s error is in assuming that all moral assessment is equivalent.

The disintegrating universalism charge (that liberal impartiality makes impossible differential relations) rests on an assumption that all situations are subject to moral judgments. Such micro-moral-management is undesirable, impossible, and no part of liberalism. It is, in fact, one thing all liberals are unified against. All liberals wish to leave such (trivial) decisions (and, often, more) to personal preference. Liberals want and defend a large berth of freedom for individuals to do as they please in the wide array of cases where no significant moral judgment is called for. Even without a sharp distinction between the public and the private,[59] there are clearly cases when there are no moral prohibitions to action. No one would insist that it is an ethical question whether I wear a blue or a green tie.[60] Given that such actions cause no individual any direct harm (and I grant that this is a weighty assumption), I am free to decide without significant moral evaluation. To put the point simply, the principle of impartiality is simply not invoked in many (most) daily situations. This allows that we can act on our partialities and treat others differentially. Liberal impartiality/universalism does not disintegrate differential relations.

Conclusion

I have discussed communitarian and Rortyan conventionalism or psuedo-universalism and have tried to show that this leaves them with less ammunition than is otherwise available to defend moral values. To this end, I have defended a universalism that is part and parcel of a form of what Jean Hampton has called "objectivist liberalism," making myself what Rorty calls a "liberal metaphysician." The defense of that objectivist position relied heavily on an ability to make impartial judgments. That is part and parcel of an individualism: it requires that the moral reasoner can strip herself of her partialities and thus can see herself as an isolated moral agent, unconnected to others.

In the last section I dealt with two criticisms that my account seems to beckon. I have argued that, contrary to some critics of liberalism, it does not exclude those who are different from the liberal order. I have argued that this is not even true of my more objectivist liberalism, let alone of Rawls's political liberalism. I have also argued that the equal treatment of all persons only arises as an issue in cases where significant moral judgments are called for and, as such, that it does not lead to a disintegration of moral ties.

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[2] I defend that ability in my 1998.

[3] Carrie-Ann Biondi pointed out to me that there is actually a third problem: even if the vantage point did exist and we could attain it, it could not be imported into our lives—one can't bring the mountain top into the village. A God's eye view is useful for a God, an eagle's view is useful for an eagle, and we can only have a human view (a view from within the nitty gritty)—indeed, only a particular human's view. This leads to a Nietzschean perspectivism.

[4] For arguments against communitarian romantic views of history, see Schneewind and especially Philips. Philips provides the lengthiest and most historically informed discussion; he discusses ancient Greece at 122-148.

[5] (a) MacIntyre laments that this is no longer the case. He tells us that "One of the most striking facts about modern political orders is that they lack institutionalized forums within which … fundamental disagreements can be systematically explored and charted, let alone … any attempt to resolve them. … Private citizens are thus for the most part left to their own devices in these matters" (1988, 2-3). This results, MacIntyre believes, in a pernicious subjectivism (I discuss this in my "Liberalism, Communitarianism, and *Anomie*," ms.). (b) Although MacIntyre wants to argue that there has been a change in the dominant culture such that value is (he thinks unfortunately) no longer seen as determined by traditions, he also claims that it is necessarily determined this way. Thus, he tells us that "Central to every culture is a shared schema … by means of which each agent is able to render the actions of others intelligible so that he or she knows how to respond to them. This schema is not necessarily ever explicitly articulated by agents themselves, and even when it is so articulated, they may make mistakes and misunderstand what it is they do in understanding others. But an external observer, particularly coming from an alien culture, cannot hope to understand action and transaction except in terms of such an interpretive schema" (1988, 22). If this is correct, it is always only by understanding the schema or framework provided by the community that individuals understand each other's (and their own) actions, whether they be speech acts or moral acts.

[6] (a) As should be clear, Taylor's account on this score suffers from the same ambiguity as MacIntyre's (see footnote 5b, above). His "Inescapable Frameworks" are something like transcendental conditions for thought (hence ever-present) rather than authoritative traditions, which may or may not be present (see also 1985, 275). Taylor may realize this when he notes a "distinction between the transcendental conditions and the actual content of a culture" (1989, 40). (b) It is also interesting to note that although Taylor claims these frameworks are now problematic in that none is taken as "*the* framework tout court," he also recognizes that "we are all universalists now about respect for life and integrity … that we believe it would be utterly wrong and unfounded to draw the boundaries any narrower than around the whole human race" (1989, 6-7).

[7] Communitarians often use these terms interchangeably. Of course, there can be cultural or national communities, amongst others. The sort of relativism communitarians engage in would best be considered community relativism, where the scope of the community is unclear in their writings. I will use "community," "communal," and "cultural" relativism interchangeably.

[8] I take John Mackie's *Inventing Right and Wrong* to be an example of conventionalist or historico-cultural relativism. Hereafter, I will refer to this simply as "conventionalism."

[9] For an interesting and more extensive discussion of this point, see Winfield, especially pages 99-117. See also Pippin 1989, especially pages 163-171.

[10] See Badhwar, especially 18-19 for development of this view.

[11] The objectivist position I defend below is a full-fledged universalism in which it would not matter whether all people shared a belief (or, in fact, if no one shared it). The sort of universalism I have in mind is willing to accept that regardless of who rejects a particular principle, it may hold universally nonetheless.

[12] I do not mean anything technical by “group mechanics.” What is necessary for this point is simply that communitarians believe that the community can govern individuals better than they could themselves.

[13] Despite their own deep-seated optimism regarding human nature, liberals may be all the more concerned when told by communitarians that “Argument *to* first principles cannot be demonstrative, for demonstration is *from* first principles. But it also cannot be a matter of dialectic and nothing more, since the strongest conclusions of dialectic remain a matter only of belief, not of knowledge. What more is involved? The answer is an act of the understanding which begins from but goes beyond what dialectic and induction provide, in formulating a judgment as to what is necessarily the case in respect of whatever is informed by some essence, but does so under the constraints imposed by such dialectical and inductive conclusions. Insight, not inference, is involved here” (MacIntyre 1990b, 35-6).

[14] It may also be Rawls’s 1993 view. Rawls, though, may waver between this view and retaining—implicitly—a metaphysical commitment to a particular conception of the person or a particular conception of freedom. Tom Christiano has helped make this point clear to me.

[15] Rorty considers himself a “liberal ironist,” which we can define as one who recognizes the complete contingency of her beliefs, her language, and herself and who thinks “that cruelty is the worst thing we do” (Rorty 1989, xv; see 73-75 for a more complete definition).

[16] Rorty’s 1998 is more a mix of interpretive history (of the 20th century left) and a call to action then philosophy, but I shall indicate a few points there where Rorty makes passing remarks regarding his view on the current topic.

[17] Nagel (1986) has a scathing response to Rorty’s anti-universalism: “If the theories of historical captivity or grammatical delusion are not true, why have some philosophers felt themselves cured of their metaphysical problems by these forms of therapy? My counterdiagnosis is that a lot of philosophers are sick of the subject and glad to be rid of its problems [and] … react to its intractability by welcoming the suggestion that the enterprise is misconceived and the problems unreal. This makes them receptive not only to scientism but to deflationary metaphysical theories like positivism and pragmatism, which offer to raise us above the old battles” (11).

[18] Nor, I should mention, is this a position unique to Rorty. Foucault, for example, insisted on the priority of the political (where this is construed broadly to include all power relations).

[19] Rorty also holds that his views seem "to cohere better with the institutions of a liberal democracy than the available alternatives do" (1989, 197).

[20] Rorty sees himself as in agreement with Judith Shklar in rooting liberalism in fear (1989, xv; for Shklar's view on this matter, see her 1989). Why "common danger" is not a "common possession" is unclear. Shklar would likely accept it as such.

[21] This resembles Locke's reasoning as to why persons in the state of nature accept the social contract: as a contingent matter, most willingly do so because afraid. That need not depend on any "common possession"—even a "sense of common danger"—if "common" implies universal (or innate). There will be exceptions; thus Locke insists that one reason for fear is the presence of "degenerates" (who, we might think, are unlikely to fear).

[22] As others have noted (see, e.g., Honneth, 30-31; Kateb, 436; and Badhwar, 8), despite their arguments against universalism, communitarians often make universal claims. MacIntyre talks of "the ultimate end of [all] human beings" (1988, 190) and endorses Aquinas's belief that "*Everyone* desires perfect happiness, and *everyone* has as the true end of their nature, that for the sake of which they move toward all other goods in the way that they do, the Goodness of God (*S.T.* Ia, 6,1)" (1988, 192; emphasis added). So too, Taylor: "that the social perspective is necessary to raise questions of distributive justice does not mean that we cease to believe in certain inalienable rights … does not mean that we abandon all trans-societal criteria of right" (1985, 301-2). See footnotes 5b and 6 above.

[23] There are, of course, other uses of the term "universal." A fuller exploration of "universalism" per se would require discussion of all of these and the relations between them. I will not here undertake such a project. Nor will I defend the primacy of the current form. Later, I briefly discuss a second form of universalism: that which requires equal treatment for all. I might add that even in the current sense, "universal" means only "for all *rational* beings."

[24] As throughout, I am not interested in defending Rawls. Nonetheless, the veil of ignorance is his creation and is a superb metaphorical device for the sort of distancing which enables universal judgments. As such, I will talk of "the veil" and of "the original position." Although I take my arguments defending their use to be in line with Rawls's use of them in *Theory of Justice*, I differ from Rawls in using them more extensively. For Rawls's most recent defense of the veil and the original position, see Rawls 1995, especially 138-142.

[25] (a) Some might suggest that we need only to be able to *imagine* being distanced from all of our ends. Without it being true that we can in principle be distanced from those ends, however, it is doubtful that the imaginative enterprise could get off the ground. (b) As all beings in the original position would have identical features (the essential features of personhood), only one such being is needed (see Hampton 1980 and 1997, 141). Thus, what is necessary is that we be able to imagine what it would be like to be that being. We are not, then, imagining how our particular agency would be manifested in the original position,

but how *any* agency would. It might, then, be better to say we can imagine this being (agency) *in us* (see Carse).

[26] This image is Kantian, but shares an essential element with Humean-Smithean liberalism. The impartial spectator, to both Hume and Smith, is a device wherein one imagines what a disinterested party would say about the relevant situation. Such a person, who has internalized the moral code developed in his society, can give a judgment which would be given by anyone socialized in the same society. The primary difference between this and the Kantian picture I develop here, is that there is no divorce from experience on the Humean-Smithean picture. This also means, however, that if one's society is provincial, one may not be able to make a judgment acceptable to those outside this provincial domain. If one's society is not provincial—is, we might say, cosmopolitan—the judgment is more widely acceptable. The benefit of the Kantian picture is simply that it extends the limit to the extreme. What the two images share is simply that the image of impartiality is one that can appeal to all within a certain group (either in one's society or in the group of rational beings). I'd suggest that as the world "gets smaller" due to technology, the likelihood increases that the judgments from the two images would converge. This is due to the presence of dialogue prior to moral monologue (see footnote 51 below). As the set of those included in one's society approaches the set of all persons, the dialogue provides more and more information to be used in the monologue. As the content that goes into the monologue increases, the resulting judgment of a Humean impartial spectator approaches that of the Kantian rational agent. This is why Rorty seeks to "extend the we."

[27] The Rawlsian-Kymlickan Humean view and Rorty's pragmatist conventionalism are two ways to defend liberalism. There are, at least, four others: Aristotelianism, contractarianism, Kantianism, and existentialism. In what follows, I offer a preliminary defense of an existentialist view. I offer a more substantial defense of that view in my "Extending the Veil: The Existentialist Basis for a Rationalist Moral Theory" (ms.).

[28] This and the next paragraph are adapted from my 1998.

[29] I do not mean to claim that we should always make choices in the way here discussed. Nor do I deny that there are persons who *never* do so. I hold only that some can, not that they will. My form of (existentialist) liberalism holds that there are times they *should*.

[30] My view might be indicated by analogy: if we had a glass that (*ex hypothesi*) always had some liquid in it, though that liquid changed over time, we would not say that the liquid contributed to what the thing was. The "thing" is a glass—devoid of all liquid. So too, the self is a choosing being—devoid of all ends.

[31] (a) In being abstracted from all ends, we are abstracted from any ends we have as particular beings. Hence, one's sex (a feature of embodiment) plays no role for the abstract agent. Some will argue that the image I present is actually male. I believe that the extent the image appears more masculine than feminine has more to do with the socialization of males and females in our society than with any natural fact. Indeed, I would suggest that as our society moves toward greater equality between the sexes, more women

begin to identify with the impartial image. In sum, the image is *not* male, but may be more like the ideals of masculinity than of femininity in our society (cf. Okin 1989, 248 n. 36). (b) In 1987, Larmore distinguishes between an *inability* to distance oneself from one’s ends and *unwillingness* to do so (122-123). Rawls may be read similarly when he says that citizens “may have, and often do have at any given time, affections, devotions, and loyalties that *they believe* they would not, indeed could and should not, stand apart from and evaluate objectively” (1993, 31). Larmore concludes: “The original position can simply be construed as the neutral ground from which *we* should reason” (125).

[32] (a) For Rawls, we are considering what sort of social structure would be best. On my view, we can consider not only social structures, but more broadly moral situations. (b) See Carse, 186 and 196 for further clarification of the relation between independence and impartiality. (c) For an interesting discussion of the images of the impartial point of view, see Walker 1991. She identifies two genres of such images: those of “transcendence or encapsulation” (763) and those which “emphasize certain restrictions and exclusions as essential” (768). Walker would likely argue that the image I present is of the latter sort; I would suggest that her distinction is misleading. It is because the image is restricted that it is transcendent. Friedman makes a similar distinction: “The contractual model requires one to diminish one’s motivations by eliminating concern for others; by contrast universalization requires one to comprehend the motives of others so that one becomes equally concerned with the interests of others as with one’s own interests” (1989, 648). As with Walker’s distinction, I find this misleading; the hypothetical contractual model, at least, can be seen as requiring what Friedman takes to be required of the universalization model.

[33] The bare moral agent is removed from the cultural milieu its person inhabits. It is, we might say, in existential angst (in Heideggerian language, it is a Self that has lost its Dasein.)

[34] I sometimes want to say that to be a person is to be capable of taking on the universal point of view, but I fear the implications. As it stands, I think many humans we (rightly or wrongly) consider persons can*not* do so. I might say that while to be a person is to be rational, to be a strongly or “existentially” voluntaristic person is to be capable of not only rationality, but rationality without the hindrance of partialities. In contrast, Rawls insists that all persons of normal functioning *are* capable of taking on the veil. See 1971, 139 and 1995: “Those who study political philosophy may sometimes know more about some things, but so may any one else” and “In justice as fairness there are no philosophical experts. Heaven forbid!” (141 and 174). If Rawls is wrong, it may not be possible to offer a public justification (of principles) to those who cannot—or will not—take on the impartial position. This should not affect his broader argument, however, as such individuals would in any case—to use Rawls’s 1993 language—be deemed unreasonable. Anyone who is able to and does engage in the activity of taking on the impartial point of view (entering the original position) is necessarily going to be reasonable. I am grateful to Robin Fiore for discussion of this point and those of footnote 32 above.

[35] In the preceding quotation, Rorty speaks of "humanity" and "human beings" rather than "persons." Nonetheless, Rorty here has in mind human beings that are persons—humans that are not persons would not have the "something within … which resonates to the presence of the same thing in other[s]." Moreover, even if this is not Rorty's intent, his anti-essentialism, if thoroughgoing—as I think it is—would pertain to persons as much as anything else.

[36] Contrary to some Rorty commentators, I shall not argue that Rorty fails to consistently reject universalism (for example, Mulhall and Swift 1992, 232-248, esp. 239-242). I will argue, instead, that his rejection of universalism as a real possibility does not stop him from viewing it as a normative ideal. This is why he is concerned with "accommodation—not synthesis" (1989, 68). While he is committed to universalism as a normative ideal but rejects its actual (metaphysical) possibility, I am committed to it both as a normative ideal and as a real possibility.

[37] Against Rorty's view that a "we" which is all of humanity is too weak to have moral pull on us, see Badhwar, 19 footnote 56 and surrounding text.

[38] To be consistent, though, Sandel must say that this is so *from the perspective of the community*; it can't be a universalist claim. One wonders, then, how strong a claim it can be.

[39] Here Rorty is arguing against what he sees as Taylor's universalism. Taylor's response eschews talk of universalism in favor of talk of "realism" (1994b, 220).

[40] See footnote 20 and surrounding text, above.

[41] I consider opposition to cruelty a part of the liberal ideal of toleration.

[42] This invokes a familiar puzzle: is the claim that "everything is contingent" itself contingent? I suspect Rorty would claim he needn't answer the question (see, for example, 1994, 30).

[43] (a) There is a weak sense in which my view can accept that moral judgments are historically contingent. If the content available to the impartial point of view (within the original position) cannot be known a priori—a question about which I have conflicting intuitions—it must come to us from our culture (as per the Humean account—see footnote 26 above). Even if this is the case, my position would differ from Rorty's and the communitarians' in that it would still insist that we can judge (choose to accept or reject) any piece of information our culture provides. (b) My position is consistent, of course, with the thesis that *many* values are solely dependent upon convention and even with the thesis that all accepted values originally arise (causally) by convention.

[44] Regarding his discussion of the "objective self" which allows us to be impartial by engaging "in various forms of detachment," Nagel claims—in contrast—that "[w]hile it shouldn't be given a metaphysical interpretation, this way of speaking is not entirely innocent. In some sense I think the same faculty or aspect of us is involved in the various functions of objectivity, and I think it is something real" (1986, 65-6).

[45] My argument against the claim that a contingent consensus might be adequate for liberal theory if broad enough has largely been intuitive, but I want here to repeat one concrete example to support this. In many cultures for extended periods of time—indeed, for the vast majority of world history—women have been treated as if they were of lesser value than men. The extremely broad-ranging consensus does *not* justify this practice.

[46] The drive to universalism, of course, has been important to the history of liberalism as a way to make certain that no individuals or groups would be subject to subordination. This is the root of Shklar’s “liberalism of fear” and Rorty’s “liberal ironism.” This is why Rorty’s drive to universalism remains even though he believes it cannot ultimately be satisfied. The desire to show how the drive can be satisfied, is perhaps even more rooted in the fear of subordination than is Rorty’s liberalism. On Rorty’s liberalism, it is ultimately a contingent matter that cruelty and subordination are to be rejected. Rorty does reject them, but does not believe he has a solid means of universally rejecting them for all (he can reject them for himself, recognizing the contingency of doing so).

[47] Throughout this discussion, I am using “respect” as a non-comparative term such that if any person *qua* person is due respect, all persons *qua* persons are due respect. This is the Kantian notion of respect, according to which “To see someone as an object of respect is to recognize in him the subject of a morally significant enterprise that counts as a reason for not treating him [merely] as an instrument or as an obstacle to one’s own inclinations. … Respect, so understood, is not the same as deference” (Benn 1983, 46). “Deference” (or “esteem”) is a comparative term. This is similar to a distinction made by Robin Dillon (1992) between “recognition self-respect” and “evaluative self-respect” (127 and 133-4; see also her notes 6 and 25).

[48] Young claims this occurs in three ways: (1) by denying the particularity of situations so as to treat all situations according to the same moral rules; (2) by requiring dispassion, it masters or eliminates heterogeneity of feeling and is thus opposed to desire and affectivity as differentiating and particularizing persons; and (3) by reducing the plurality of persons to a unity of moral subjectivity (1990, 100-101, see also 103). I discuss these claims below.

[49] I would suggest that there are similarities to this strain in both Hobbes and Locke. Interestingly, the charge also stands against the traditionalism embodied in the communitarian thought of MacIntyre, Sandel, and Taylor, which requires homogeneity and thus has “excluding consequences” (Young 1989, 253).

[50] Nagel states: “I abstract the objective self from the person TN … [b]y treating the individual experiences of that person as data for the construction of an objective picture. I throw TN into the world as a thing that interacts with the rest of it, and ask what the world must be like from no point of view in order to appear to him as it does from his point of view” (1986, 62). On the view presented here, Okin is right that the impartial view is not a “view from nowhere” or “no point of view” as in Nagel’s rhetoric, but a view from everywhere. This is true even in Nagel’s discussion: “The task of ethical theory is to develop

and compare conceptions of how to live, which can be understood and considered from no particular perspective, and therefore from many perspectives insofar as we can abstract from their particularity” (1986, 151). It is not “nowhere,” but “no *particular* perspective.” It is not particular, but universal.

[51] I want here to suggest a middle ground between Habermasian dialogical models of moral reasoning and Rawlsian monological models. Although actual moral reasoning is, in the final analysis and in agreement with my discussion here, monological (the empathizing of the moral agent with all others), it is necessarily preceded by dialogue. This explains why young children do not engage in moral reasoning. It is only after sufficient discussion has taken place with others that the agent engages in moral reasoning. I develop this line in my “Extending the Veil: The Existentialist Basis for Rationalist Moral Theory” (ms.).

[52] For this objection, see Williams 1973, 223-9 and 1981, 1-19. See also Stocker 1976, 543-56, Blum 1980, and Kymlicka 1990 21-25 and 35-44. This charge, of course, is often put forth against utilitarianism.

[53] Strictly speaking, such impartiality does not preclude strong emotive bonds as it is logically possible—though perhaps undesirable—that we have strong emotive bonds *to all* others equally (thus satisfying the impartiality requirement). What is ruled out is *differential* bonds—we can neither love nor hate any one any differently than we love or hate any one else.

[54] Friedman’s discussion of the disintegrating universalism charge (1991, 831-835) greatly influences mine, though she is more skeptical of the possibility of true impartiality (a point clarified in conversation).

[55] As per Larmore (1987, 44), liberalism requires a neutrality of procedure and not a neutrality of outcome. Procedural neutrality requires universally applicable principles. The lack of neutrality of outcome allows that these same principles will allow us to treat others differentially.

[56] Even this should be qualified. We may bring the sibling to the police and agree that they should be punished by law, but it is likely that because it is our sibling we will try to be more gentle than if it were a stranger. The gross moral factors—that, e.g., the agent must pay for the crime—remain true regardless of who the agent is. The less important factors—whether moral or not I cannot say—provide us with leeway. Of course, we feel bad turning in a loved one; but morality requires us to do so nonetheless.

[57] As I understand it, this is actually codified in German law. Though not codified in American law, it is nonetheless unusual for such a person to be punished. For an interesting discussion of “The Irrelevance of Responsibility,” see Long 1999.

[58] In contrast to Rawls’s view that liberalism be treated as merely political, I take it be a moral doctrine in the fullest (comprehensive) sense. It includes a metaphysical component (minimally, ruling out certain metaphysical views) and its harm principle is meant to apply not only in formulating policy, but in all ethical situations.

[59] I take it most critics of this distinction accept that there is such a distinction, but argue that it is rarely, if ever, sharp and that it can—and perhaps should—change. Young, for example, tells us that “there are good

theoretical and practical reasons to maintain a distinction between public and private” (1990, 119). Isaiah Berlin famously argues for retaining a sharp division (1958).

[60] Note that even Scheffler claims that “[my view] is certainly not to deny either that there are countlessly many acts with respect to which no human being will ever engage in the *activity* of moral appraisal at all, or that that is a very good thing: there are times when it is not appropriate or healthy or humanly supportable or, for that matter, morally desirable to engage in the activity” (1992, 25).

Works Cited

Badhwar, Neera K. "Moral Agency, Commitment, and Impartiality." *Social Philosophy and Policy*. Cambridge: Cambridge University Press, Volume 13 No. 1, Winter 1996. (1-26).

Benn, S. I. "Individuality, autonomy and community." *Community as a Social Ideal*. ed. Kamenka, Eugene. NY: St. Martin's Press, 1983. (43-62).

Berlin, Isaiah. "Two Concepts of Liberty." *Four Essays on Liberty*. New York: Oxford University Press, 1970. (118-172). (Essay originally 1958.)

Blum, Lawrence. *Friendship, Altruism and Morality.* London: Routledge & Kegan Paul, 1980.

Carse, Alisa L. "The Liberal Individual: A Metaphysical or Moral Embarrassment?" *Noûs*. Cambridge: Basil Blackwell, Volume 28 No. 2, June 1994. (184-209).

Cohen, Andrew Jason. "A Defense of Strong Voluntarism." *American Philosophical Quarterly* Bowling Green: North American Philosophical Publications, Inc., Volume 35 No. 3, July 1998. (251-265).

Dillon, Robin S. "How To Lose Your Self-Respect." *American Philosophical Quarterly*. Verona, PA: North American Philosophical Publications, Inc., Vol. 29 No. 2, April 1992. (125-139).

Fitzmaurice, Deborah. "Autonomy as a Good: Liberalism, Autonomy, and Toleration." *Journal of Political Philosophy*. Cambridge: Blackwell Publishers. Volume 1 No. 1, 1993. (1-10).

Friedman, Marilyn A. "The Practice of Partiality." *Ethics*. Chicago: The University of Chicago Press, Volume 101 No. 4, July 1991. (818-835).

----------. "The Impracticality of Impartiality." *The Journal of Philosophy.* NY: The Journal of Philosophy, Inc. Volume 86, No. 11, November, 1989b. (645-656).

Hampton, Jean. *Political Philosophy*. Boulder: Westview Press, 1997.

-----------. "The moral commitments of liberalism." *The Idea of Democracy*. ed. Copp, David, Jean Hampton, and John Roemer. Cambridge: Cambridge University Press, 1993. (292-313).

----------. "Contracts and Choices: Does Rawls Have a Social Contract Theory?" *The Journal of Philosophy*. New York: The Journal of Philosophy, Inc., Volume 77 No. 6, June 1980. (315-338).

Honneth, Axel. "The Limits of Liberalism: On the Political-Ethical Discussion on Communitarianism." *Thesis Eleven*. Cambridge: MIT Press, Number 28, 1991. (18-34).

Kateb, George. "Looking for Mr. Good Life." *American Scholar*. DC: The United Chapters of Phi Beta Kappa, Volume 51, Summer 1982. (432-436).

Kymlicka, Will. *Contemporary Political Philosophy: An Introduction*. Oxford: Oxford University Press, 1990.

----------. *Liberalism, Community and Culture*. Oxford: Oxford University Press, 1989.

----------."Liberalism and Communitarianism." *Canadian Journal of Philosophy*. Calgary: University of Calgary Press. Volume 18 No. 2, June 1988. (181-203).

Larmore, Charles. *Patterns of Moral Complexity*. Cambridge: Cambridge University Press, 1987.

Long, Roderick. "The Irrelevance of Responsibility." *Social Philosophy and Policy.* Cambridge: Cambridge University Press. Volume 16 No. 2, Summer 1999. (118-145).

MacIntyre, Alasdair. *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, and Tradition*. Notre Dame: University of Notre Dame Press, 1990a.

----------. *First Principles, Final Ends and Contemporary Philosophical Issues*. Milwaukee: Marquette University Press, 1990b.

----------. *Whose Justice? Which Rationality?* Notre Dame: University of Notre Dame Press, 1988.

----------. *After Virtue: Second Edition*. Notre Dame: University of Notre Dame Press, 1984.

Mulhall, Stephen and Adam Swift. *Liberals and Communitarians.* Oxford: Basil Blackwell, 1992.

Nagel, Thomas. Equality and Partiality. Oxford: Oxford University Press, 1991.

----------. *The View From Nowhere.* Oxford: Oxford University Press, 1986.

Okin, Susan Moller. "Reason and Feeling in Thinking about Justice." *Ethics*. Chicago: The University of Chicago Press, Volume 99 No. 2, January 1989b. (229-249).

----------. "Gender Inequality and Cultural Differences." *Political Theory*. Beverly Hills: Sage Publications, Volume 22 No. 1, February 1994. (5-24).

Philips, Derek L. *Looking Backward: A Critical Appraisal of Communitarian Thought*. Princeton: Princeton University Press, 1993.

Pippin, Robert B. *Hegel's Idealism: The Satisfactions of Self-Consciousness*. Cambridge: Cambridge University Press, 1989.

Rawls, John. "Reply to Habermas." *The Journal of Philosophy*. NY: The Journal of Philosophy, Inc., Volume 92 No. 3, March 1995. (132-180).

----------. *A Theory of Justice*. Cambridge: Harvard University Press, 1971.

----------. *Political Liberalism*. New York: Columbia University Press, 1993.

Rorty, Richard. *Achieving Our Country: Leftist Thought in Twentieth-Century America (The 1997 William E. Massey Sr. Lectures in the History of American Civilization)*. Cambridge: Harvard University Press, 1998.

----------. “Taylor on Truth.” *Philosophy in the Age of Pluralism: The philosophy of Charles Taylor in question.* ed. Tully, James. Cambridge: Cambridge University Press, 1994. (20-33).

----------. *Philosophical Papers I: Objectivity, relativism and truth.* Cambridge: Cambridge University Press, 1991.

----------. *Contingency, irony, and solidarity*. Cambridge: Cambridge University Press, 1989.

----------. “Solidarity or Objectivity?” *Post-Analytic Philosophy*. ed. Rajchman, John and Cornel West. NY: Columbia University Press, 1985. (3-19).

----------. *Consequences of Pragmatism (Essays: 1972-1980)*. Minneapolis: University of Minnesota Press, 1982.

----------. *Philosophy and the Mirror of Nature.* Princeton: Princeton University Press, 1979.

Ryan, Alan. “Communitarianism: The Good, The Bad, & The Muddly.” *Dissent.* NY: The Foundation for the Study of Independent Social Ideas, Summer 1989. (350-354).

Sandel, Michael J. *Democracy’s Discontent: America in Search of a Political Philosophy*. Cambridge: The Belknap Press of Harvard University Press, 1996.

Scheffler, Samuel. *Human Morality*. New York: Oxford University Press, 1992.

Schneewind, J. B. “Moral Crisis and the History of Ethics.” *Midwest Studies in Philosophy Volume VIII: Contemporary Perspectives on the History of Philosophy*. ed. French, P.A., T. E. Uehling, Jr., and H. K. Wettstein. Minneapolis: University of Minnesota Press, 1983. (525-539).

Shklar, Judith N. “The Liberalism of Fear.” *Liberalism and the Moral Life*. ed. Rosenblum, Nancy L. Cambridge: Harvard University Press, 1989. (21-38).

Stocker, Michael. “The Schizophrenia of Modern Ethical Theories.” *The Journal of Philosophy*. NY: The Journal of Philosophy, Inc., Volume 73 No. 14, August 12, 1976. (453-466).

Taylor, Charles. *Multiculturalism: Examining the Politics of Recognition*. Princeton: Princeton University Press, 1994a.

----------. “Replies.” *Philosophy in the Age of Pluralism: The philosophy of Charles Taylor in question.* ed. Tully, James. Cambridge: Cambridge University Press, 1994b. (213-257).

----------. *Sources of the Self.* Cambridge: Cambridge University Press, 1989.

----------. *Philosophy and the Human Sciences: Philosophical Papers 2.* Cambridge: Cambridge University Press, 1985.

Walker, Margaret Urban. “Partial Consideration.” *Ethics*. Chicago: The University of Chicago Press, Volume 101 No. 4, July 1991. (758-774).

Williams, Bernard. *Problems of the Self: Philosophical Papers 1956-1972,* Cambridge: Cambridge University Press, 1973.

Winfield, Richard Dien. *Overcoming Foundations: Studies in Systematic Philosophy*. New York: Columbia University Press, 1989.

Young, Iris. *Justice and the Politics of Difference*. Princeton: Princeton University Press, 1990.

----------. “Polity and Group Difference: A Critique of the Ideal of Universal Citizenship.” *Ethics*. Chicago: The University of Chicago Press, Volume 99 No. 2, January 1989. (250-274).