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Philosophizing About Justice

PATRICK RIORDAN, S. J.

In an earlier article (*Philippine Studies* 38 [1991]: 23–39) I outlined John Rawls's philosophy of justice, and presented my criticism of this approach. That criticism concentrated on three aspects: firstly, the specification of society as a total structure as the subject of justice; secondly, the cumulative effect of the many unrealistic assumptions depriving the theory of any capability of generating conclusions which could be applied to real problems of justice in a concrete situation like the Philippines; and thirdly, Rawls's failure to free himself from assumptions and preferences appropriate to his own culture, despite the explicit attempt to do so. In this article I wish to explore the question why Rawls's theory has generated so much interest. I will suggest that this theory fits exactly into the modern agenda for philosophical ethics. But as modern ethics is faced with an insoluble dilemma, Rawls's theory and the whole philosophical discussion of justice is threatened with sterility. I will explore a possible route to evade this conclusion. This article has three parts: first, an analysis of the insoluble dilemma of contemporary ethics; second, an application of this analysis to the philosophical debate on justice; and third, a presentation of Constructivist ethics as a possible solution.

THE DILEMMA OF CONTEMPORARY ETHICS

John Rawls admits that his theory of justice can be interpreted in a Kantian sense. In this interpretation, his theory is an attempt to generate substantive principles of justice from purely formal premises. Those formal premises are the statements about rational self-interest. The original position with its limitations provides constraints which together with the formal premises give us a hypothetical choice model which supposedly generates the substantive principles of justice. By

means of this hypothetical contract Rawls hopes to show that any rational person, insofar as he is rational, is obliged to subscribe to this preferred understanding of justice. However, the fact is that Rawls's theory is just one of several which claim to be rational, and which would hope to command allegiance because of their rationality, and without any presuppositions. The contemporary debate between representatives of these various theories is a suitable illustration of the dilemma of modern ethics, as this has been analyzed by Alasdair MacIntyre.[1]

The proponents of these theories argue their conclusions on the basis of premises which they claim to be acceptable or self-evident to any rational person. Even though their claims are made in the name of a common rationality, the assertion and counter-assertion by the proponents has more the character of a shouting match than a rational debate, because neither side has any hope of persuading the other of the correctness of its premises.

From an analysis of the background of this situation, MacIntyre argues that modern ethics is faced with an insoluble dilemma. This is because it has set for itself a task which of its nature is incapable of solution. If his analysis is correct, we are faced with a searching question. What is the point of talking about justice? What is the point of conducting philosophical discussions about justice, except as ideological indoctrination programs for activists? Or reactionaries? Or revolutionaries?

CLASSICAL ETHICS

In the classical world, moral doctrine was one part of a three-part context. First of all there was an understanding of human-nature-as-it-is, as constituted by certain abilities and potential, perhaps even as defective because of lack of order. Secondly, there was the view of the human *telos*, a vision of the perfection or completion which could be achieved by the overcoming of those defects found in human-nature-as-it-is, or by a realization of human potential. Thirdly, between those two views of human nature was the moral doctrine, understood as the discipline to which human-nature-as-it-is would have to be subjected in order to bring it to its appropriate fulfillment. The philosophical articulation of an ethics in the Jewish, Christian and Islamic worlds conformed to this threefold structure. In these cases, the telos of human life was given a particularly religious content, but the moral doctrine

1. Alasdair MacIntyre, *After Virtue*, 2nd ed. (Notre Dame: University of Notre Dame Press, 1984); Cf. also his *Whose Justice? Which Rationality?* (London: Duckworth, 1988).

received its meaning and its justification from its purpose relative to the telos of human existence.

Also in the religious milieu, the binding force of moral precepts was strengthened. As rooted in the law of human nature, they had their strength from their necessity as the discipline to achieve human completion. In the religious world-view, they could also be seen as the law of God, and so they acquired the force of the divine command, though still oriented to the telos of salvation.

MODERN CONTEXT

Following the Reformation and the Enlightenment, one part of this triad was dissolved. There was no longer widespread consensus on the telos of human life and activity. On the contrary, the experience of armed conflict between representatives of different religious and world-views led reasonable men to question the possibility of an objectively knowable telos. In the absence of an agreed ultimate end, human life in society would have to be organized on the presupposition of pluralism in visions of the human good. Insofar as a common ground existed, it would have to be found in the common rationality of mankind.

The disintegration of a shared view of the telos left two parts of the triad standing: a description of human-nature-as-it-is, and a moral doctrine. The moral doctrine was largely unchanged. The Enlightenment philosophers inherited a traditional moral system with its familiar norms. Moral philosophers now saw themselves faced with the task of justifying *those* moral norms. In general, they did not see themselves as moral revolutionaries, replacing an outdated moral code with a new one, but as needing a novel justification for an old morality. For example, Kant did not doubt the wrongness of suicide or promise breaking, but he sought a new, rational justification for these traditional precepts. Some rational ground for morality had to be found to replace the shared view of the human good which would have appeared as the telos of human life.

According to MacIntyre, this task was doomed to failure. The prevalent moral doctrine had been inherited from a culture in which its purpose was the perfection of a defective or undeveloped humanity towards its completion. Not only did the disintegration of a shared vision of the telos deprive moral doctrine of the purpose which would have been a possible ground for its justification, it left two elements of the triad which were in inevitable tension with one another. The description of human-nature-as-it-is pointed to defects or mere potencies which required the relevant moral doctrine for the remedy of the

defects or for the realization of the potencies. Without the telos as the towards-which of the process, the apparent contradiction between these two elements would seem absurd, and their combination could hardly provide the needed grounds for justification.

Modern ethics has accepted the challenge of this insoluble task and has sought the necessary justification in creative ways. One major tradition attempted the justification of moral doctrines by generating a new vision of the human telos, one acceptable to "reasonable, modern, scientifically minded" men. The supposed advantage of the new understanding of that telos was that it was scientifically based, rooted in an analysis of human psychology, and presumably capable of precise measurement. No longer would there be disagreement between reasonable men about what is truly good. This of course is the solution offered by *Utilitarianism.*

Another approach found a replacement for the religious view of morality. The understanding of moral precepts as expressing the law of God had strengthened the sense of obligation to conform. The concentration on duty, obligation to do what is right precisely because it is right, is now seen as the core of morality as such. This is the Kantian vision, which inspired the search for the rational grounds of duty. The nature of human reason itself provides the grounds, whether in the universalizability of the categorical imperative, or in the identification of rational nature as the end-in-itself which must always be respected. This approach grounds the absolute quality of prescriptions to respect human rights, and versions of this solution to the problem can be found in the ranges of *Rights-theories.* Just as Utilitarianism found an alternative telos, Kantian ethics found an alternative to the divine command, namely self-imposed rational obligation.

MacIntyre has insightful things to say about the typical form of debate in contemporary moral and political life as in the Philippines. The interests of the State are expressed by its spokespersons in the language of the *general welfare,* while the interests of individuals are expressed in the language of *human rights.* General welfare and human rights are opposed, but their confrontation is an inevitable stalemate because there is no common ground between the poles. Protest is the form of modern political debate, and such stand-offs are noted for their shrillness,[2] as we have experienced in Philippine society in the past twenty-five years.

2. This situation poses no problem for those who think dialectically. The polarization of opposites followed by their supersession in unity is what they expect. But how, and by whom, and when, the unity will be achieved they cannot tell us.

THE CONTEMPORARY JUSTICE DEBATE

This analysis can help us understand Rawls's theory of justice and the contemporary philosophical discussion of justice, in which he is one of the major protagonists, with applications to a Philippine context.

A number of elements in Rawls's theory typify the modern dilemma. Note how Rawls avoids any determination of the human telos. He is careful to outline what he himself calls a "thin theory of the good," identifying only those things as good which any rational person can be presumed to want, namely as necessary means to whatever their own good happens to be. The primary goods are supposedly neutral between different conceptions of a life-plan and different conceptions therefore of the good. Like modern ethics, he attempts to establish the requirements of morality, in his case, justice, in abstraction from the question of what constitutes the human good. As we have noted, Rawls rejects the utilitarian option for an alternative human end, and seeks to derive justice principles from formal premises. These outline the nature of rationality, emphasizing universality, freedom from particular or sectional interest, and an unhistorical applicability. Like the new deontology of modern ethics, Rawls grounds the obligationsof morality in the exigency of rationality. It is irrational to be immoral, and no one in a discussion would want to admit to being irrational.

Rawls is not alone in offering a philosophical theory of justice. There is now a considerable range on offer, many of them provoked by Rawls's publication of his theory. Opposed positions are those of Robert Nozick, asserting an entitlement theory of justice which is a development of the Lockean theory of Natural Rights.[3] This approach shares Rawls's liberal presuppositions, but is much less open than he is to equality as a value. Another rights theory is that of Ronald Dworkin.[4]

Then there is a range of *Utilitarian* theories, like that of Amartya Sen.[5] Utilitarian positions on Justice are usually focused on welfare and are useful in providing an ideology for the welfare politics of modern liberal States. There are a number of Aristotelian positions in the field: I mention two: William Galston's *Justice and the Human Good*,[6] and John Finnis's *Natural Law and Natural Rights*.[7]

3. Robert Nozick, *Anarchy, State and Utopia* (Oxford: Blackwell, 1974).

4. Ronald Dworkin, *Taking Rights Seriously* (London: Duckworth, 1976).

5. A. Sen, *Collective Choice and Social Welfare* (San Francisco: Holden-Day, 1970).

6. William Galston, *Justice and the Human Good* (Chicago: University of Chicago Press, 1980).

7. John Finnis, *Natural Law and Natural Rights* (Oxford: Oxford University Press, 1981).

Eclectic positions like that of M. Walzer,[8] or J. R. Lucas[9] preserve some aspects of the Aristotelian respect for the distinctiveness of practical rationality, and the complexity of justice. This latter is necessary to balance the attempts to reduce the whole range of justice issues so as to make them fit into a single conceptual construct. There are also the Marxist positions, which, insofar as they are Marxist, reject a "philosophy of justice" as such, as being a bourgeois ideology. But relevant to the issues, they present an analysis of the ongoing dialectic with their prognosis of its outcome.[10]

The philosophical debate on justice then is something of a supermarket, with a great range on offer: theories of justice based on needs, deserts, rights, contracts, efficiency, welfare, games theory, conceptions of the human good, and the progress of history. What is going on in this debate? Is there an emerging consensus, a growing together in thought as a result of the refinements of argument? Unfortunately, I see this situation as more like a war fought from well fortified citadels, each defender furiously hurling his missiles with great noise and show, mostly for the benefit of the population within, assuring them of the strength of their position. However, the volleys make no impression on the opposition, for the cannon balls cannot penetrate the sturdy defences of the opposing towers. So academic philosophy presents not a single proverbial ivory tower, but a great range to choose from.

The tragedy of this is that the real conflicts between people and groups concerning justice issues, for example in the Philippines, are not helped, but rather made more difficult by the contributions of the philosophers. Instead of philosophy providing the disputing parties with a common language and commonly accepted arguments to be used in handling their disagreements, the philosophical supermarket provides every party with the theory it needs to solidify its consciousness of being in the right, and to argue the irrationality, if not the bad will of the opponents. This last point is very relevant. Is it not ironic, that by requiring our opponents to conform to our own model of rationality and what constitutes rational argument, we may be violating the demands for respect for others and their rights in the name of which we are arguing?

So Philippine landowners have available to them sophisticated theories (for instance that of Nozick) which claim to prove that the

8. M. Walzer, *Spheres of Justice* (Oxford: Robertson, 1983).

9. J.R. Lucas, *On Justice* (Oxford: Clarendon, 1980).

10. Cf. Tom Cambell, *Justice* (London: MacMillan, 1988), chap. 7; also A.E. Buchanan, *Marx and Justice* (London: Methuen, 1982); M. Cohen, et al., eds., *Marx, Justice and History* (Princeton: Princeton University Press, 1980).

right to property is an absolute liberty, and that any interference with the exercise of this right without the consent of the owners is unjust. On the other hand, those who are landless and without security in Philippine society can choose the theory which provides them with the rational grounds for their demands for land reform (the Aristotelian theories are useful here). Not only are the landowners and landless opposed in terms of material interest. Their opposition is reinforced rather than conciliated by the availability of sophisticated, rational and coherent philosophies of justice. Philosophy is part of the problem, not part of the solution.

As I see it, the justice debate too reflects the features which MacIntyre identifies in the moral debate in general.[11] There is a *conceptual incommensurability* of the rival theories of justice. The rival premises have no common basis, and the invocation of premises is a matter of assertion and counter assertion. Despite the personal commitment involved in such assertions, the arguments are presented with the claim that they are *impersonal rational arguments.* The conceptually incommensurable premises of these rational arguments have a wide variety of *historical origins,* namely in the bodies of theory and practice which constitute human cultures. The justice debate is to be seen in terms of a confrontation between incompatible and incommensurable moral premises, and the commitment to justice is to be seen as the expression of a criterionless choice—we even have the special word: an option—between such premises, a type of choice for which no rational justification can be given. In this the influence of the broad movement of emotivism can be seen.

PHILOSOPHICAL CHAOS

I hope you agree with me that there is something philosophically unsatisfactory about the supermarket phenomenon in philosophy. Unsatisfactory, because with Socrates, we aspire to a type of persuasion whereby those persuaded know the reasons for their convictions. Unsatisfactory, because with Aristotle we accept the challenge of presenting arguments for our positions rather than merely asserting them, with whatever degree of felt conviction. Unsatisfactory, because with the whole tradition of philosophy, we are convinced that our capacity for reasoned speech gives us a common ground with our fellow men and women, no matter what else divides us.

But is there any way out of this supermarket presentation of philosophy? Is there any alternative to presenting "our" position as

11. MacIntyre, *After Virtue*, pp. 8–10.

one among many, without being trapped once again in the generation of another position? I suggest a possible way. The key to this possibility is to ask what we hope to achieve by justification.

THE SEARCH FOR JUSTIFICATION

We are familiar with the various ways in which the philosophical positions we have explored have sought "ultimate justification," and claimed to find it. Christian philosophy, with its link to apologetics, has been particularly diligent in this search. Indeed, the awareness of the void left by the disintegration of a commonly accepted telos of human existence has motivated our searching, especially in regard to a grounding for social and political existence. Ireland has not been without its prophets who articulated visions of a national destiny, or claimed to identify some distinctive feature of our culture, or who offered some novel integration of nationalism and faith. These were all attempts, I would suggest, to establish some touchstone to which all could be expected to give their allegiance, and which would then serve as a justifying basis in moral, social and political debates. Then the bottom line in debates would be: "Surely as an Irishman, you accept the importance of national unification?" "Surely as a Christian, you agree that the traditional values of our society must be maintained?" To reject the premise would be to disqualify oneself as an Irishman, or Christian or whatever. The discovery that there have been so many undaunted by the prospect of such disqualification has not discouraged the prophets from generating ever new candidates for ultimate justification. One might justify a similar analysis of Philippine society.

But what use is such "ultimate justification" in philosophical positions, when there are so many who remain unconvinced? How do the representatives of the various positions cope with this failure? A convenient way out is the suggestion that those doubting Thomases do not fulfil the conditions of rational men of good-will, that they may be concealing a vested interest (whether of a psychological or social nature) by their obstinacy. Does not every position nowadays come equipped with an appropriate "ideology critique"? This is convenient for any single position, but it can be turned around so easily. So we are left with the situation of schools of philosophy generating ultimate justifications which satisfy only the converted, and reassuring themselves with the thought that the adversaries would be convinced if only they were not prevented or blinded by something or other. How can these so-called ultimate justifications be such, if they do not work? What are we trying to achieve with justifying arguments? Until we are clear on that, we cannot know what a good justification is.

JUSTIFICATION IN THE CONTEXT OF CONFLICT

I suggest that the attempt to justify makes sense in the context of conflict. If we are committed to handling conflict by talking rather than by the use of violence or force or other coercive measures, we will make it our business to seek arguments which will be acceptable to our adversaries and so give them reasons for cooperating. The point of looking for acceptable arguments is to resolve the conflict peacefully, with the willing cooperation of all concerned. It is very different from the search for arguments which will show how mistaken our opponents are. The justification has not succeeded, until the parties in dispute have been persuaded by good reasons. Any claim that one's position rests securely on an ultimate justification is precipitate, until the possible challengers are satisfied with the answers they have been given.

CONSTRUCTIVIST ETHICS

The title of a two-volume work edited by Kuno Lorenz, *Konstruktionen versus Positionen,* constructions versus positions, is an excellent slogan to represent the basic idea behind my proposal.[12] I borrow this idea from a group of German and Austrian philosophers who call themselves Constructivists. Their most prolific representative in the field of ethics and practical philosophy is Oswald Schwemmer. Instead of taking up positions to be defended against counter-positions in various debates, the Constructivists commit themselves to the project of building agreement between the partners in discussion.

The starting point in any particular disagreement, whether in mathematics or hermeneutics or ethics, will be the concerns and needs and goals of the discussion partners which give them reason for entering such discussions in the first place. The task of this activity of ethics is set by the problems encountered in everyday life relative to which the demand for justification is raised. Conflict is the context in which justification is needed. Of course, the positions already taken in various debates are to be understood as the products of a process of construction which was meaningful in the context of some particular problem in everyday life. So the philosophical debate on justice, and Rawls's theory can be reconstructed in terms of the typical

12. Kuno Lorenz, ed., *Konstruktionen versus Positionen,* 2 vols. (Berlin, New York, 1979).

problems in everyday life. Those problems arose in specified situations and the solutions generated were found useful in solving or preventing recurrence. The various theories owe their plausibility to the core ideas in the successful solutions to everyday problems.

Ethics then is the activity of constructing both language and criteria to be used in moral arguments. This requires a reflection on what constitutes argument, and what would qualify as justification. Argument is defined as speech which is directed to evoking compliance with or adoption of a proposal. Compliance with the proposal may be the performance of an action, agreement in an opinion or in a decision. Argument is speech with a definite goal. All means other than strictly linguistic ones which are in fact used to bring about compliance, as for instance brow-beating, banging one's fist on the table, threatening, shouting, blackmail, pulling rank, etc. do not qualify as argument in this sense.

The search for arguments with which the conflict can be handled can only be undertaken by people who are committed to handling conflict by talking rather than by the use of force. Those who accept the challenge of this philosophical task are aware that there is an alternative, namely violence or coercion or force in some manner, but they reject this option and seek means which can qualify as speech to handle the conflict.

The activity of justifying one's practical proposals, whether in response to a specific challenge or in preparation for possible challenges, involves the recognition and acceptance of speech as the only permissible means for attaining compliance with one's proposals, and a rejection of violence in any form as a means to this end. It also involves respect for the independence and autonomy of the person requesting the justification, whose agreement and cooperation as such cannot be forced, even though the performance of certain operations could well be brought about by threat or duress.

Justification as argument requires at least two partners in dialogue who are willing to resort to talking as the exclusive means of attaining compliance. This is the unavoidable presupposition of any analysis of argumentation. It is not a criticism of such analysis to indicate the inevitable impasse when one partner refuses to talk or to listen and consider proposals and reasons. Rather, it underlines the inherent limits of argument. If one's partner absolutely refuses to talk, then obviously speech is no longer available as a means to talk him into talking. To a certain extent therefore it is not within the realm of argument in this sense to convince another of why s/he should be moral or why s/he should resolve conflict by argument rather than by violence.

It is a feature of our contemporary world especially in the Philippines that the demand for justification can be made of any and every program, proposal or norm. Any set of particular norms is likely to be challenged and therefore none can be presumed justified and excluded from the demand for justification. The totality of this demand is linked to the disintegration of shared patterns and contexts of life and action. Where there is no longer community of life and action, or a shared vision of the human telos, there is no self-evidently justified norm which can function as a touch-stone for the justification of others.

Where agreement does not exist, it must be produced. The emphasis is on *producing*. The task to be undertaken is the *construction* of community between the partners in discussion, rooted in a shared language and shared principles and method for justification.

ETHICS RATIONALIZED AND RELATIVIZED

The unrestricted nature of the demand for justification involves a double implication for ethics. Ethics is both rationalized and relativized. In the absence of shared context of life, there is no longer a specific task of justification which ethics must fulfil, for example the grounding of a specific set of norms. Whatever justification is undertaken will depend on the demands which are actually made by specific persons interacting with one another. The topic of ethics or the content of the justification is specified by the people who raise the demands and make proposals, and therefore the themes of the discussion are relativized to the historical situations in which the issues have arisen.

Argument in justification of proposals can only succeed when the partners in dialogue use a language which all know, or can in principle learn. For this approach to philosophy, not only is the main emphasis placed on speech as the alternative to force, but language is focused on as the instrument to be used in building the community of consensus. We are familiar with the problem in philosophy posed by esoteric languages, and the language games of different positions. Where such language games rely on the data of consciousness, or on introspection for the referrents of terms, there is no possibility of controlling or checking usage, to establish what is meant, and to verify what is asserted. So the Constructivists pay close attention to the meaning of words and to the contexts in which they are introduced, so as to ensure control in the formulation of arguments. In this they share a basic concern with the analytic tradition in philosophy.

THE RECONSTRUCTION OF RAWLS'S THEORY

How can the constructivist program be used to deal with the supermarket phenomenon in moral philosophy and in the Philippines? Philosophical positions can be reconstructed relative to the problems encountered in everyday life and action. Ideas, ways of acting, and forms of cooperating which have proved to be successful generate expectations in regard to all subsequent similar instances. What was plausible in the context of the generating experience is universalized to cover all situations of a similar nature. So for instance, in disputes between parties within Philippine society, it is found useful to have an adjudicator to decide the issue between the disputed parties. This experience generates a model of justice, namely that justice is what an impartial judge would decide. This gives us the familiar figure of *justitia* as blindfolded, holding a well-balanced weighing scale in one hand.

Because the situations of human action and cooperation, and therefore of potential conflict, are so diverse, there can be many possible models of justice. Each incorporates some idea which owes its plausibility to its success in a definite type of experience. Reflection on the great range of theories and criteria of justice noted above validates this claim. The notions of need, desert, rights, human good, welfare, contract, capacity, efficiency, all have a positive meaning, and their relevance to certain areas of our experience is beyond question. Any one of these notions, linked to a typical human situation, can generate its own theory of justice. Add to this intrinsic richness in human situations the great variety of cultures, each with its own nuances, and add further the particularities of the histories of those cultures. The list of correct answers to the Aristotelian question of what is the right thing to be done by the right person to the right person in the right place at the right time in the right manner is potentially infinite.

The problem arises when the proponent of one typical model of justice universalizes his preferred theory and applies it to all situations, including situations not envisaged in the original generation of the model. I suggest that it is this tendency to universalize which makes dialogue between the positions, and therefore the resolution of conflict so difficult. The extrapolation beyond the originating situation is the source of the incommensurability of the various answers.

Here MacIntyre's analysis of the three characteristics of contemporary debate is helpful. The origins of the positions in particular situ-

ations and particular histories is overlooked.[13] As a result, the positions are presented as rational in the sense of universal, freed from the contingency due to particularities of time and place, and therefore demanding adherence beyond the particularities of individuals' interests. The theories are espoused because they are rational, not because they suit our purposes, or seem to offer an acceptable solution to our problem. Finally, the adopted positions are isolated from one another, and their core concepts are discrete. This is because they are derived from very different typical situations of human interaction, in which they first acquired their plausibility. Without the remembrance of the lived historical experience which united the various situations, the different concepts with their models are conceptually incommensurable. So there is no way to compare needs with deserts; rights with welfare.

To illustrate the problem, recall the figure of *Justitia:* blindfolded with a well balanced scale in one hand. That emphasizes the model of impartiality in justice. But note that the other hand holds a sword: the sword needed to enforce the law and defend what is right from the interests which would threaten it. Consider how unsuitable this image is for justice. How much injustice would be done by someone wielding a sword blindfolded? Of course the images are incommensurable if each is extrapolated into a universal theory in independence from the other, and in abstraction from their rootedness in historical experience.

The way out of this impasse must be a deliberate effort to challenge the claims to universality of any of the theories of justice, by relativizing each of them to their typical generative experiences. Unlike a Marxist or Freudian genetic critique, this is not to presuppose that the theories are false, or are cloaks for unjustifiable interests. Each of the theories will have a certain measure of plausibility and usefulness, but that will be limited to the range of particular situations for which each has been generated. Critique is required when some theory is applied and made to generate normative conclusions in areas outside the range of its proper application.

So for instance, many of the elements of Rawls's theory of justice can be critiqued in this manner. In the earlier article I argued that

13. The same tendency is evident in philosophy. We forget that Marx was reacting against the Idealist understanding of history, and interpret his materialist philosophy of history as an independent position; we forget that Kant was struggling with the apparent contradictions of Rationalism and Empiricism and interpret his philosophy as an independent position; we forget that Emotivism was born in a reaction to a very implausible Intuitionism and interpret it as a critique of "all" moral philosophies.

many of the assumptions built into his model are appropriate to a particular society at a particular stage of its history. These assumptions limit the applicability of the theory. The error consists not in making such assumptions, but in supposing the theory to be applicable beyond the particular situations described in the assumptions. Similarly, the device of the "veil of ignorance" is introduced to free the model from all elements which might introduce personal or sectional interest into decision making. As a result, a type of rationality is aspired to which is universal because of its abstraction. The error however is in thinking that such rationality is appropriate to conciliating conflict in situations constituted by diverse if not opposed interests. My final criticism of Rawls pointed to his failure to reflect on his own rationality in his performance. There he would have found the historically and culturally conditioned rationality of twentieth century North American man (the Feminist critics emphasize this last word).

IMPLICATIONS FOR THE TEACHING OF PHILOSOPHY

What are the implications for the teaching of philosophy? Our answer will depend on the role we attribute to justification in the context of conflict. I described the situation in contemporary philosophy as a noisy war between well fortified ivory towers, in which the protagonists make no impact on their opponents. Philosophical education can equip students to take up a position in one or other of those towers. Or alternatively, we can equip philosophy students to become the kind of people committed to resolving conflict by talking, whether in the areas of industrial relations, politics, economics or the law. The type of education useful for this purpose would be an apprenticeship in the *praxis* of argument. Students skilled in the reasoned construction of agreement will not come to conflict situations already armed with ultimate justifications for their positions. Rather, they will be able and willing to argue, prepared to engage in public argument, not as a shouting match in which the laurels go to him who has been able to hold his position most trenchantly, but in which the breakthroughs are achieved by those willing to call their own position into question, and to construct new paths. Such philosophers will see their relevance ultimately in the contribution they can make to resolving conflict, and so their orientation will be to the disputed questions rather than to the meditation on what is unproblematic. Of course it will always be philosophically relevant to enquire what it is to be

human, what constitutes human nature, and what human fulfillment is achievable. These are Kant's questions: what can we know, what ought we to do, what may we hope for, and what is man. But the committed philosopher asks these questions because he is aware that many in the Philippines, for example, are denied a human existence, their humanity is violated, and they have no hope of anything better. They are the victims in conflict in which force and violence are the methods of the victors. The committed philosopher desires to enter this conflict, not confident of victory, not confident of having the right answers already, but sure that reliance on argument alone is the distinctively human way of dealing with it.

A SOLUTION FOR THE DILEMMA?

Does this proposal contribute to resolving the dilemma which MacIntyre identifies? It does not try to replace a vision of a telos with another understanding of human fulfillment, which would immediately rule it out of court for adherents of other, or agnostic, positions on the good. It does not try to achieve a rational justification of moral norms by appeal to something supposedly incontrovertible, like the nature of reason itself, or a hypothetical contract between rational self-interested persons, or the *a priori* transcendent community of rational discourse. It does not advocate a return to some supposed golden age in which the dilemma did not present itself.

It offers only a way of proceeding, a practical stance in regard to conflict and disagreement in Philippine or in any society, which is not to be justified by its hopes of success, or by its inherent rationality. It is a stance taken by those who see the commitment to resolve conflict by talking as the distinctively human way of dealing with it, and who see the resort to force as ultimately the denial of the humanity of those to be coerced rather than persuaded. One could argue that this is a culturally compatible Philippine solution to the many problems of justice in our country.