

Chapter 1

A Peacemaking Way of Doing Philosophy

Too often doing philosophy is modeled after fighting a battle or making war.¹ Arguments are attacked, shot down (like a plane) or sunk (like a ship). Theses are defended, defeated, or demolished (like the walls of a city). Ideas (like people) are killed and destroyed.² There are clearly problems with doing philosophy in this way. There is unfairness inherent in the practice, along with its tendency to undercut the possibility of reaching truly justified views, and, as I shall argue, there is a peacemaking alternative. Still the warmaking practice persists.

Just consider what not infrequently takes place at philosophy meetings. A young philosopher is making his first presentation.³ His paper is in philosophy of law and his argument relies on a range of judicial decisions. His commentator's objections, which are based on a number of different judicial decisions, are handed to him just before his presentation. Not knowing the particulars of the judicial decisions to which his commentator refers, he is unable to offer a defense of his view. Usually, of course, things are not quite this desperate. Comments do tend to come in late, not infrequently just before the session at which they are to be presented, but speakers do manage some kind of a response, although not a very reflective one. The lateness of the comments, however, does put speakers at a disadvantage with respect to their commentators, and this frequently seems to be an intended result as well. Sometimes commentators do not seem to want to hear the best responses to their critical comments. Rather, what they seem to want to do is win a philosophical battle, triumph in a philosophical war, even at the expense of basic fairness to their philosophical opponents.

Consider some of the other tactics employed by philosophers in pursuit of victory at philosophy meetings. An acquaintance of mine was invited to make a forty-five-minute presentation at a meeting. In

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working out her thoughts, she discovered that her view could best be defended if her presentation exceeded the time limit by about fifteen minutes, which she decided to do. Her commentator, too, decided that the weaknesses in her view could best be exposed if he exceeded the time limit for commentators. And then my acquaintance chose to respond at length to all of her commentator's criticisms. Thus, in their attempt to triumph one over the other, both deprived their audience of virtually any opportunity to participate in the philosophical debate between them.

Moreover, at philosophy meetings, it is not unheard of for speakers, when they are provided with comments on their papers in advance, to change their papers before presenting them so as to render the comments irrelevant. In one case I witnessed, the speaker simply removed a crucial "not" from his paper and thereby avoided most of his commentator's criticisms. Some commentators also like to produce a sketch of their comments in advance, get their speakers' reactions if they can, and then revise their comments accordingly. Again, the goal here seems to be victory, even at the expense of basic fairness to their philosophical opponents.

Once, a friend of mine received in advance comments on a paper that she was to present at a colloquium. The comments were apparently devastating and actually quite humorous; they, in effect, invited her to laugh at her own philosophical execution. Her commentator, who happened to be a fairly well-known philosopher, went on to inform her magnanimously that to maximize audience participation he would have nothing further to say at the colloquium after presenting his comments. Yet on the day of the colloquium, when my friend was able to show that her commentator's criticism rested on fairly obvious misreadings of her work and the work of others, her commentator's hand shot up, demanding immediate recognition. Without acknowledging the cogency of her replies, he had a different objection to raise, which he was then able to make the focus of the discussion. What was particularly disappointing for my friend was that after the colloquium had ended, her commentator was no longer interested in discussing their differences any further. What this shows is how philosophical battles and wars are public affairs. They are enacted for public recognition. There is little behind-the-scenes discussion among the participants to reach agreement. In fact, the participants in philosophical battles and wars may only speak to each other in public confrontations.

I was once asked by a well-known philosopher why I talked to libertarians.⁴ At the time, I was dumbstruck by the question, but now I believe that it reflects the dominant way that philosophy is being done these days, and maybe even the dominant way that philosophy

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has always been done. It sees philosophers as belonging to different groups within which there can be a significant degree of sympathetic understanding but between which there can be only hostile relations, a virtual state of war. If you believe this is the case, then there really is a question about whether you should talk to your philosophical enemies. You may perchance say something that indicates certain problems with your own philosophical view, which may in turn be used against you, and, as a result, you may lose an important philosophical battle and your reputation may decline accordingly.

This warmaking model of doing philosophy also differs from the adversary model of doing philosophy set forth by Janice Moulton.⁵ According to Moulton's adversary model: "A position ought to be defended from, and subjected to, the criticism of the strongest opposition."⁶ According to this model, the best way for you to present work in philosophy is to address it to your strongest opponents, mustering all the evidence you can to support it. Now this warmaking model for doing philosophy shares with Moulton's adversary model a commitment to fighting with one's opponents; it differs from Moulton's model, however, in that it is not particularly concerned that one face one's strongest opponents. According to this warmaking model, the ultimate goal is to win philosophical battles and triumph in philosophical wars. To achieve this goal, weak opponents will do just as well as strong ones; in fact, weak opponents may even be preferred. Of course, if a strong opponent is on the scene, you must do battle with that opponent. But this warmaking model, unlike Moulton's adversary model, does not require you to seek out and do battle with your strongest opponents. For this warmaking model, what is important is not so much whom you fight, but that you not be defeated.

Moreover, if we take our adversary model of doing philosophy from the law, we can see that it is similar in this regard to this warmaking model of doing philosophy. This is because in the law neither the defense nor the prosecution is required to face its strongest opponent; all that is required is that they both fight the case out as permitted by the law. So if we take our understanding of the adversary model from the law, then, just like this warmaking model, it simply requires that one defend one's views against opponents as they present themselves.

But what is so bad about doing philosophy this way? Why can't philosophy be seen as "the moral equivalent of war," to use an expression of William James, or "the battleplace of ideas," to alter a phrase associated with John Stuart Mill?⁷ I have already indicated the unfairness that accompanies doing philosophy in this way, but an even more significant problem is that this way of doing philosophy undercuts the very possibility of reaching truly justified philosophical

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views. If those doing philosophy are always trying to win philosophical battles and emerge as victorious, or at least not be defeated, in philosophical wars, they will not be able to achieve the sympathetic understanding of their opponents' views necessary for recognizing what is valuable in those views and what, therefore, needs to be incorporated into their own views. If your goal is always to achieve philosophical victory or to avoid at all costs philosophical defeat, then, given the complexity of philosophical views, it will almost always be possible to rearrange the elements of your views so as to deceive others, and even yourself, about the defensibility of those views, and thereby be able to claim philosophical victory, or at least avoid having to admit to philosophical defeat. For this reason, the warmaking model of doing philosophy renders it difficult to make needed improvements in your philosophical views, or even to abandon them entirely for the sake of better ones. It thereby undercuts the very possibility of your having truly justified philosophical views.

Unfortunately, the same problem afflicts Moulton's adversary model because, although it requires that you face your strongest opponents, it does not require that you do so honestly or with sympathetic understanding.⁸ As with the warmaking model as I have characterized it, Moulton's adversary model aims simply at triumphing over your opponents by whatever means are at hand.

So while philosophers who are committed to the warmaking model of doing philosophy are trying to triumph over their philosophical opponents, their opponents, if they are also committed to the same model of doing philosophy, are trying in every way they can, both fair and foul, to avoid having to admit to philosophical defeat. No wonder, then, that so few clear and undeniable philosophical victories emerge from these contests.

But why should warmaking be our model of doing philosophy or engaging in any academic discussion? Why can't we have a more peaceful and cooperative model? Why can't we find points of agreement and attempt to build on the work of others, rather than trying to destroy their work and build anew? Why can't we try to put the most favorable interpretation on the work of others rather than looking for some interpretation with which we can disagree?

One summer a few years ago I visited a major university to talk to two well-known philosophers about the differences between their views. One of these philosophers had established his reputation as a critic of the other. I talked first to the philosopher whose work had been criticized by his colleague. I asked him, bearing in mind his critic's work, whether he had any objections to interpreting his view in a way that I thought avoided his colleague's criticisms, and he said that he did not. The next day I talked to the philosopher who was

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known for his critique of his colleague (I was told that they don't talk to each other)⁹ and asked him whether he had any objections to this interpretation of his colleague's work, mentioning that his colleague had just accepted this interpretation the day before. He said that he did not. Yet, it turns out that this same philosopher was hard at work on a book in which he was criticizing yet another interpretation of his colleague's work – a book in which the more favorable interpretation of his colleague's work was never mentioned.

A friend of mine responding to a critic at a philosophy conference claimed that her work had been misinterpreted. Her critic in subsequent work refused to give up his "misinterpretation," claiming that others might make the same misinterpretation and so my friend should wait for an opportunity to respond to his critique in print in order to set the record straight. Not surprisingly, my friend preferred a different critical strategy. She wanted her critic, when faced with a possible misinterpretation of her text, to reexamine the text to see if it could plausibly be interpreted as she claims to have intended it, and if it could be so interpreted, then the critic should subsequently adopt her preferred interpretation in any critique. In addition to being fairer, this strategy is more likely to focus attention on the most important questions for evaluating a person's work.

So suppose we were to adopt a peaceful and cooperative model of doing philosophy which required that we put the most favorable interpretation on the work of others. To do this, we have to listen carefully to those with whom we disagree. Now it might be objected that we are not so much concerned with the views people actually hold but rather with the best formulations of those views. This is true. We are looking for the most favorable interpretations of particular views. Nevertheless, in order to get at the most favorable interpretations, it is usually necessary to listen carefully to those who actually hold particular views, because they are in a good position to determine what are the most favorable interpretations of those views.

We also need to reach out and try to understand those who have views of which we are ignorant. But this can be harder to do than one thinks. For example, another friend of mine recently presented a paper to the philosophy department at a major midwestern university. It was in fact the first paper to deal with feminism to be presented to that department. Her commentator, a recent Ph.D. from an Ivy League university, produced a set of comments almost as long as her paper, which focused entirely on the welfare liberal section of her paper. After the session, her commentator was asked by a female graduate student why he had not commented at all on the feminist part of her paper. He replied that he knew very little about feminism, and so he thought it best for him to focus on what he did know much more

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about, which was the welfare liberal section of the paper. Apparently, the rest of the faculty attending the session felt the same way, since although they raised numerous questions, their questions too focused entirely on the welfare liberal section of her paper. What this shows is that it is very difficult to get philosophers to inform themselves about challenging new areas like feminism. The department to which my friend presented her paper was particularly deficient in this regard because, while its members remained generally ignorant of feminist philosophy, they also refused to appoint anyone to their fairly large department whose primary area of expertise is feminist philosophy.

So let us assume that we were to adopt a peacemaking model of doing philosophy that is committed to fair-mindedness and openness in seeking to determine which philosophical views are most justified. How would such a model be employed in practice? So far I have been talking about philosophy generally. I now want to focus on how this peacemaking model of doing philosophy would inform the selection of a conception of justice for here and now that specifies people's fundamental rights and duties. Now it is important that such a conception of justice be able to justify the rights and duties that it requires as far as possible. To do this, it must proceed from premises that are widely shared. Sometimes such premises are thought to be indisputable facts from which values can then be deduced, and so the question becomes: How can we bridge the fact/value gap or the is/ought gap?¹⁰ Other times the premises are thought to be norms of rationality themselves, like consistency and non-question-beggingness, and then the question becomes: How can we show that justice or morality is required by rationality?¹¹ But the former approach can actually be subsumed under the latter, because whether facts entail values depends on whether we are rationally required to infer from particular facts to particular values. So, with respect to both approaches, the crucial question is: What do norms of rationality require us to do?

Suppose it were possible to show that norms of rationality require us to be moral. Since virtually everyone accepts norms of rationality,¹² it would follow that virtually everyone should be committed to morality as well. Of course, most contemporary philosophers do not claim that norms of rationality favor morality over self-interest¹³ but contend that the justification of morality must proceed from commonly accepted moral values like liberty, fairness, equality, or the common good, and not from norms of rationality alone. Nevertheless, these philosophers still recognize that morality would be more firmly grounded if it could be shown to be required by norms of rationality alone. So I suggest that a *first step* to implementing our peacemaking model of doing philosophy is to examine carefully the possibility of grounding morality on the widely shared norms of rationality. What-

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ever our initial view of this possibility, it is important that we be able to put ourselves into the philosophical shoes of those who maintain different views and see things from their perspectives. This can be particularly difficult to do because a warmaking model of doing philosophy can incline us to see the weaknesses in other people's views rather than their strengths, or what possibilities they have for overcoming their weaknesses. It is also important that we be willing to radically and publicly change our views if the evidence points in that direction, which is akin to admitting philosophical defeat.

In Chapter 2, I take up the question of whether norms of rationality require morality and argue that they do require us to be moral. Specifically, I consider a number of other contemporary attempts to show that rationality requires morality and discuss why they fail. I then offer my own justification of morality and respond to a number of objections that have been raised to it.

As I indicated, however, most contemporary philosophers do not try to justify morality by appealing to norms of rationality alone. Rather, they claim that morality must be grounded in the acceptance of moral values like liberty, fairness, equality, or the common good, and the only question is what these moral values require in practice. At this juncture, some philosophers have taken a more pessimistic turn while others have taken a more optimistic one. Those who have taken the more pessimistic turn contend that because the moral values that people hold are incommensurable they lead to radically different practical requirements.¹⁴ Those who have taken the more optimistic turn contend that, while people do hold some incommensurable values, it is still possible to achieve at least a partial agreement on practical requirements.¹⁵

One strategy for determining which of these views is correct is to examine moral and political perspectives that appear to have minimal practical requirements, like libertarianism, to determine what practical requirements actually do follow from them. If it turns out that the practical requirements of such moral and political perspectives can be shown to be more extensive than their advocates maintain, it may be possible to reconcile them at the practical level with other moral and political perspectives. For example, if the libertarian's ideal of liberty could be shown to have the same practical requirements as the welfare liberal's ideal of fairness and the socialist's ideal of equality, then, at least at the practical level, it would be possible to reconcile libertarianism with welfare liberalism and socialism. Since our peacemaking model of doing philosophy is committed to providing the strongest possible justification for practical requirements, a *second step* required by this model is carefully to examine the possibility of achieving a practical reconciliation of alternative moral and political perspectives.¹⁶

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In Chapter 3, I examine the libertarian's ideal of liberty and argue that, despite what libertarians claim, their ideal actually supports the same rights to welfare and equal opportunity that are usually associated with a welfare liberal ideal. I further argue that these two rights lead to something like the equality that socialists endorse. In Chapter 4, I argue that these same rights lead to an ideal of a gender-free or androgynous society that many feminists defend, and I then consider the practical implications the ideal has for family structures, the distribution of economic power, overt violence against women, and sexual harassment.

Now in seeking to determine to what degree a practical reconciliation of moral and political perspectives is possible, as required by our peacemaking model of doing philosophy, two considerations are relevant. First, alternative moral and political ideals must be formulated to reflect the views of their advocates accurately. It would do no good, for example, to distort the libertarian's ideal of liberty simply in order to derive certain practical requirements. As a general rule, we can be sure that we have interpreted a moral and political perspective correctly only if there is no other morally defensible interpretation possible that has different practical requirements. The socialist ideal, for example, might be understood either as an ideal of equality or as an ideal of (positive) liberty, but since both interpretations have the same practical requirements, neither is morally preferable to the other. Second, in seeking to determine to what degree practical reconciliation is possible, it is also important to realize that there is a need to cast one's net broadly if one really wants to achieve truly justified views. We need to explore interconnections between different conceptions of justice and to reconcile apparent conflicts wherever possible. That is why philosophers who refuse to inform themselves so as to be able to enter into dialogue with other moral and political perspectives undercut the very possibility of their achieving truly justified views.¹⁷

Accordingly, in Chapter 5, I discuss the theoretical and practical connections between feminist justice with its ideal of a gender-free or androgynous society and three other forms of justice: racial justice, homosexual justice, and multicultural justice. I argue that there are both theoretical and practical reasons for pursuing all of these forms of justice together.

In Chapter 6, I turn to the much neglected topic of environmental ethics and argue that when the most morally defensible version of an anthropocentric environmental ethics and the most morally defensible version of a nonanthropocentric environmental ethics are laid out, despite their theoretical disagreement concerning whether humans are superior to members of other species, they both lead us to accept the

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same principles of environmental justice. In this context, our peacemaking model of doing philosophy will be shown to lead to peacemaking of a different sort by significantly restricting the violence that humans can legitimately do to nature.

In Chapter 7, I discuss the traditional opposition between pacifism and just war theory and argue that once antiwar pacifism is recognized as the most morally defensible form of pacifism, and the stringent requirements of just war theory are clearly specified, then it becomes possible to see how the two views can be reconciled in practice. Here again, our peacemaking model of doing philosophy will be shown to lead to peacemaking of a different sort by restricting the occasions on which wars can be legitimately fought.

In Chapter 8, I discuss how all of these practical reconciliations help to determine the requirements of a conception of justice for here and now, and I consider when normal politics, legal protest, civil disobedience, revolutionary action, and criminal disobedience are morally justified to implement these requirements. In this context, I argue that our peacemaking model of doing philosophy legitimates certain limited departures from peace to achieve a greater peace with justice.

To embrace a peacemaking model of doing philosophy as I am characterizing it requires above all else a willingness to modify or abandon one's philosophical views should the weight of available evidence tell against them. It is this willingness to, if necessary, radically change one's philosophical views that above all else distinguishes this peacemaking model of doing philosophy from what is objectionable in a war-making model of doing philosophy. This self-critical dimension also distinguishes our peacemaking model of doing philosophy from the adversary system found in the law which does not require that those who are guilty own up to their guilt, but in fact allows them to put forth arguments on behalf of their "innocence" and requires that their guilt be publicly ascertained on the basis of the evidence available to the prosecution. This self-critical dimension of our peacemaking way of doing philosophy is also difficult to put into practice. In my own case, I have been helped enormously by people's criticisms and comments to significantly modify my reconciliation arguments over the years. Moreover, given that these reconciliation arguments cut against the grain of much of contemporary moral and political philosophy, further modifications and even abandonment remain distinct possibilities, and given my commitment to a peacemaking model of doing philosophy, I must remain open to these possibilities.

It is now possible to characterize this peacemaking way of doing philosophy more fully. It is a way of doing philosophy that, while seeking to determine what are the most justified philosophical views, is committed to:

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- 1) a fair-mindedness that, among other things, puts the most favorable interpretation on the views of one's philosophical opponents;
- 2) an openness that reaches out to understand challenging new philosophical views;
- 3) a self-criticalness that requires modifying or abandoning one's philosophical views should the weight of available evidence require it.¹⁸

I have also argued that employing this model of doing philosophy to select a conception of justice for here and now requires:

- 1) examining the possibility of grounding morality on widely shared norms of rationality;
- 2) exploring the possibility of achieving a practical reconciliation of alternative moral and political perspectives;
- 3) a willingness to modify or abandon one's favored conception of justice should the weight of available evidence require it.

Now it might be objected that if the most favorable interpretation is placed upon a warmaking model of doing philosophy, it too can be seen to incorporate roughly the same desirable features as our peacemaking model of doing philosophy. This is true. Thus, we might conceive of a warmaking model of doing philosophy as committed to the pursuit of philosophical victory and the avoidance of philosophical defeat as a means of getting at the most justified philosophical views and hence requiring:

- 1) a fair-mindedness that, among other things, puts the most favorable interpretation on the views of one's opponents so that one's philosophical victories are won fair and square;
- 2) an openness that reaches out to understand challenging new views so that philosophical victories are not obtained for lack of worthy opponents;
- 3) a self-criticalness that requires admitting philosophical defeat should the weight of available evidence require it.

Obviously, a warmaking model of doing philosophy that is characterized in this way is practically indistinguishable from our peacemaking model of doing philosophy. What this shows is that there will be good reasons to favor our peacemaking model of doing philosophy over a warmaking model only when the latter is understood to endorse the pursuit of victory or the avoidance of philosophical defeat at the expense of fair-mindedness, openness, or self-criticalness.¹⁹

So why not use the label "a warmaking model of doing philosophy" to characterize the way of doing philosophy that I favor? This could be done. The problem with using this label, however, is that it