

Pogge's Realising Rawls: Topics and Questions

0 Thomas Pogge's book is not long, but it is a complex work, whose three "Parts" are arguably three distinct and rather intricately-argued monographs.

0.1 The first Part (which we did not read in class) **(re)interprets and defends** aspects of Rawls' original program, principally against the 'libertarian' and 'communitarian' critiques of Robert Nozick and Michael Sandel.

0.2 The second Part substantially **revises** Rawls' ideas and afterthoughts about the alleged priority of "first-principle"-duties (among other things), and rewrites (for example) Rawls' first-principle guarantees to ensure a material "social minimum".

0.3 The third Part **extends** Rawls' program (against its author's express intentions), to encompass the economic, cultural and and realpolitical conflicts which arise from **global** (in)justice. In the end, Pogge argues that attempts to achieve what might be called 'Rawlsianism in one country' would be not only **misguided**, but quite possibly **hopeless** as well.

I have made it clear in class that I think the arguments Pogge advances for 0.2 and 0.3 are for the most part persuasive, though I will query them in a few ways below.

Parts of these questions are intended for those who may also have read (or be willing to read) Pogge's exposition of 0.1, and **compare** aspects of it with some of his lines of argument for 0.2 and 0.3 (a number of page-references are provided).

1 On pages 46-7, Pogge outlines a distinction between what he calls "**deontological**", "**semiconsequentialist**" and "**(fully) consequentialist**" "conceptions of justice" (and, by implication, perhaps, of ethical and moral responsibility more generally as well).

As he goes on to make clear in 48ff., Nozick (for example) is a "**deontologist**"; Rawls a "**semiconsequentialist**"; and the economic and social philosopher Amartya Sen (who hovers a bit in the background of Pogge's exposition, and is given respectful notice in several textual passages and footnotes; cf. 39, 110, 114, 115, 143 and 249) a (more or less) "**full consequentialist**".

What do **you** make of this distinction between "**semi-**" and "**full consequentialism**", and its concomitant **dichotomy** of "**natural**" vs. "**social**" "**goods**", **needs** and **(dis)advantages** (cf., e. g., 11, and the many page-references in the index under "goods and ills"), given that it clearly **restricts** ("**constrains**") the applicability of certain forms of **the difference-principle**, as well as Pogge's own principles "**C**" (his provision of "standard needs" as a first-principle right, for example; cf. 147), and "**3B**" ((his a second-principle right to "roughly equivalent access to education and the like"; cf. 174-5 and 205-6))?

Pogge **does** offer certain formal, prudential and methodological rationales for such restrictions (cf., e. g., 11-12, 46-7, 56 ff., 74, 79, 80, 115-17, 174-5 and 188-9). But there is a certain lack of conviction to some of these remarks (in my view, anyway).

Sometimes they may even seem **morally counterintuitive** (cf., e. g., Pogge's remarks about "unresponsive" "medical systems" on 188-189, and his uncharacteristically guarded claim that "One may think that semiconsequentialism is therefore implausible here, but this is at least not obvious" on 189).

What, then, is **your own** "considered judgment" -- in "reflective equilibrium", as it were -- about this?

Can we honestly demarcate "**natural**" from "**social**" ills?

Could 'we' plausibly **bracket** this demarcation-problem if it were posed to 'us' in the original position?

If we could **not**, would we be **constrained** nevertheless -- by our own inability, if nothing else -- to argue and behave as if we could, as Rawls (almost always) and Pogge (provisionally?) seem to suggest? To proceed as if 'the' boundaries between "natural" and "social" were better-defined, or more politically and morally irrelevant than they are -- if we hope to cobble together a **manageably simple theory**?

If one **did** in fact try to '**naturalise**' Rawlsian arguments -- made (realistic) attempts to include significantly wider ranges of "full-consequentialist"

considerations into the "packages" Pogge considers -- how might one approach this task?

Would such attempts be feasible -- or relevant to theories of justice -- only to the extent "natural" ills became susceptible to "social" modification(s), as Rawls and Pogge further suggest (in which case they might then fall under the arguments they have already given)?

Or do you think there might be some more complexly graduated interim schemes, which merit consideration now? If so, might such schemes introduce still more "lexical" interpolations, along the ones of the one Pogge introduces on p. 205?

2 (A much shorter question)

What do you think of the distinction Pogge introduces between "ex ante" and "ex post" (cf. 119 ff)? Do you foresee any obvious conceptual problems that might arise if one seriously tried to formulate (much less 'implement') a proposal that the "parties" in the original position (and social planners and thought-experimenters who identify with them) evaluate positions and life-shares (only) ex post?

Suppose, for example, one conscientiously tried to project what Pogge later calls 'our' "standard needs as human participants in a given social system" (cf. 143). How could 'we' do this, other than via anterior 'expectation-values" other "general (statistical) facts" available to 'us' (whoever and wherever 'we' are) as 'we' try to anticipate what will yield the "stability" mentioned as a desideratum on 143 (and passim)?

Might it be the best 'we' can do, in other words, to project 'our' (inevitably hypothetical) 'ex post" evaluations, using methods of "ex ante" estimation?

And if this is so, what would remain of Pogge's proposal, beyond a strong recommendation that 'we' make these estimations as methodologically precise and statistically representative as we can? Is this perhaps what he really had in mind?

3 Is there, after all, an equivocation in some of Rawls' and Pogge's uses of the word "moral"? An ambiguity which may perhaps bear (among other things) on Pogge's admirably robust globalisation-arguments of Part III?

Consider, for example, the following quotations from the part of Part I of Pogge's text in which he defends Rawls' project against the general 'communitarian' objections of Michael Sandel, and a more particular "worry" about "other constitutive commitments", expressed by Bernard Williams.

- Four considerations mitigate this concern. . . .
- First, what is to take motivational precedence over deep loyalties, attachments, or ground projects is a political, rather than a general or comprehensive morality. . . .
- Second, the political morality is specifically conceived so as to be compatible with, and protective of, a wide range of mutually incompatible religions, personal values, and ethical doctrines. . . .
- Third. . . . the crucial role of constitutive commitments in a worthwhile human life (is) compatible with the hope that in the context of an ongoing basic structure persons would tend either to not to form certain commitments or to understand their constitutive commitments as limited from the start so that the possibility of such conflicts is largely excluded. . . .
- Fourth, the sense of justice need not be determinative for all persons all the time. . . . (105-6)

Williams' "concern" also ranges over non- or quasi-'moral' "commitments", in part, and Pogge directs much of the rhetorical force of his reply to such cases.

Deeper questions may arise, however, when we focus again on the sorts of "moral" commitments which Rawls and Pogge sometimes seem to relativise, relegate or "constrain" (cf, the third point above), and sometimes patronise a bit (on one, slightly ungenerous reading of the second), in the choice of a given "basic position" or "institutional scheme" -- "merely personal" (?) commitments, for example, of the sort that are often embodied in choices of certain 'recusant' ways of life (by the Amish, for example).

Keep in mind, for example, that ecological commitments were until very recently

considered quintessentially "personal", even **sectarian** in nature; and that most people have always characterised **pacifism** in such terms.

Consider further, by way of partial contrast, Pogge's remarks on 27 (e. g.) that

Even when a just and complete scheme of ground rules exists, it does not supersede morality. **Institutional ground rules** principally govern external conduct (generating duties of justice, in Kant's sense), and thus largely leave aside our inner lives. **Morality (or ethics)** addresseds questions of character, maxims, virtues, intentions, sentiments and the like, which would be important even (or rather, especially) in a perfectly just world.
(Emphases mine)

Does this apparently concessive argument express more than a view that "**morality and ethics**" may, indeed, 'should' (?) simply 'supervene' on (metatheoretically or metaethically) more 'fundamental' ground rules or institutional schemes? And that these schemes may then deign to "leave" (them) "largely. . . aside"?

If so, then do such schemes really "not supersede morality"?

Other passages in which Pogge considers such questions -- implicitly or explicitly -- may be found, e. g., in 33-5, 83, 91, 103 and 105-6 of Part I; in parts of the critique of lexical order in 122-128 of Part II; and in his vigorous embrace of the possibly-undecidable issues of global "value overlap" at 229ff. and 268-273 of part III (cf. especially footnote 35 on 268).

For related aspects of the 'original position', as it were, see also Sections 35 and 55-59 -- e. g. -- of **A Theory of Justice**.

4 I made it rather clear above and in class that the modifications of Rawls' fundamental framework Pogge suggests in Parts II and III seem to me well-warranted, though I have reservations about his dismissal of more inclusive forms of "consequentialism".

This last topic/question is devoted to problems of methodological and metatheoretic interpretation already touched upon in 3, which seem to me to hover in the margins between Pogge's arguments in Parts I and III

In Part I, Pogge introduces a series of (essentially metaethical) distinctions between "intra-" and "interschemic" properties and evaluations, in order to refute assorted criticisms of Rawls offered by Nozick and Sandel (cf. again -- e. g. -- 19, 22, 26-7, 29, 56, 74, 79-80).

In the process (it seems to me), Pogge makes

4.1 rigorous but rather 'formalistic' demands in Part I (which occasionally seem to me rather dubious) that whole classes of claims be evaluated 'world'-, 'scheme'- or 'theory'-'externally', when he defends Rawls centrist positions, against attacks from the right, but

4.2 equally rigorous but firmly 'moralistic' demands in Part III (which I would endorse) that broadly comparable classes of claims be evaluated 'world'-, 'scheme'- or 'theory'-'internally', when he undertakes to extend and revise Rawls' system on the left.

To some extent, might this strain (if it is that) be inevitable?

Pogge's strongest prima facie **methodological arguments for globalisation** (in my view, at least, among the 14-odd interrelated justifications which appear on pages 247-258), are:

4.3 that **only** on a global scale can we hope to have anything even remotely comparable to the "closure" Rawls himself considered requisite; and correlatively,

4.4 that any **objections** Rawls might raise to Pogge's proposal on the basis of allegedly unbridgeable problems of cultural diversity, however well-intended and plausible they may seem, will recur (come back to haunt him?) at the 'national' level as well

(whatever that 'level' is: new ethnic babushka-dolls currently seem to appear from larger counterparts in the former eastern bloc almost every month. Is there any intrinsic bar to such tendencies at foreseeable stages in the political evolution of North America - if its prosperity, for example, should begin to fade?).

It may be the case, of course, as Rawls argues, that a 'background-consensus' at the 'national' level will at least provisionally **obviate** such problems and

objections, as he seems to believe.

But might the need to **assume** such a consensus not also **trivialise** significant aspects of his Rawls' theory, as well as its **purchase in 'the real world'?**

Recall, for example, the slight air of paternalism which hovers over Rawls' original treatment of issues such as religious dissent. His tacit acknowledgment of the need for an 'enlightened' willingness to **relegate** such issues sometimes suggests (anticipating Sandel?) that his "parties" **might**, after all, be less willing to override their 'deep' but 'merely personal' 'moral' (?) commitments and beliefs, if they did already not come **historically pre-'personalised'** and preshrunk to fit.

Could 'we' count so readily on free rides of this sort when 'we' want to give substance to **other "considered judgments"**: that what has happened to Salman Rushdie, for example, is not only **offensive**, and '**immoral**' (by 'our' standards), but also (**internationally**) **unjust** as well.

5 Might the dispute over **internationalisation** of Rawls' ideas, then, be closely related in the end to some questions I tried to raise in earlier sheets on Kant and Rawls?

Suppose, for example, that 'we' are also animated by Pogge's desire (thoroughly well-founded, as far as I am concerned) to refine and apply several of Rawls' best original insights, in ways which might **matter** in the world.

Might we be well-advised, with this aim in mind, to **reevaluate** in some systematic way Rawls' rather facile claims to have pointed the way to some wort of "**Archimedean point**"?

Might it be better simply **admit** the aporetic nature of Rawls' original **equivocation(s)** (as I see them) between 'the' **object- and metatheoretic 'levels'** of the '**original position**'?

If so, might it also be better to **acknowledge** that there are **concomitant equivocations** in Rawls' texts (in my view, at least) about the **finality and revisability of the "schemes" convened (anticipated? conjectured?) therein?**

Perhaps Pogge has something like this in mind, when he writes (270) that

However narrow a moral overlap we aim for, I admit we won't get it. There are bound to persons who disagree with us, in good faith, even about the very first steps of institutional reform. . . .

Maybe the Rawlsian conception will have to be revised in light of their critique. Such things cannot be known in advance. . . .

Even if disagreement persists, we may still conclude that a competing position is wrong, and we may then work for a juster world without or even against our opponents, insofar as doing so is morally permissible by our lights. . . .

The fact of disagreement is no reason not to act in light of whatever (factual and) moral beliefs we now think are best supported.

Our considered judgments support a conception of justice which is universal, even though its present appeal is not.

In some sheets distributed earlier, I tried to suggest that **Kant's realm(s) of ends might have to be plurally interpreted**, if we seriously trace the categorical imperative to its conceptual origins. These lie, you will recall, in the **self-referential undecidability** and '**empirical**' **underdetermination** of two of Kant's better-known **Vernunftideen** -- the '**psychological idea**'; and the **freedom and autonomy he attributed to the 'wills' and 'dignity' of limiting human 'selves'**..

Perhaps Pogge's committed fallibilism might be interpreted along similar lines? If so, the very **underdetermination and lack of systematic 'closure'** he seems to acknowledge in these passages might be interpreted, in their turn, as '**practical**' reflections of Kant's ubiquitous "**Schicksal der Vernunft**" ("fate of reason"): that

. . . sie durch Fragen belästigt wird, die sie nicht abweisen kann; denn sie sind ihr durch die Natur der Vernunft selbst gegeben, die sie aber auch nicht beantworten kann; denn sie übersteigen alles Vermögen der menschlichen Vernunft.

. . . it is harassed by questions which it cannot brush off; for they are posed to it by the nature of reason itself, but which it also cannot answer; for they exceed all capacity of human reason.

(?)