

A pragmatist account of public reason

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Roberto Frega
Università degli Studi di Bologna

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1. On the Public use of Reason

1.1 Pragmatism and the theory of rationality

The scope of the theory of rationality is the analysis of the place and scope of reason in human experience and the definition of its ways of operating. Its aim is therefore both descriptive and normative. On the first level, a theory of rationality should provide a description of what is rationality and of how it is related with the main dimensions of human experience. On the second level, the account so provided should be implemented with the identification of the conditions that guarantees the validity of reason's outcomes.

In a pragmatist perspective, the fixation of beliefs for purposes of conduct identifies the core function of rationality, and therefore constitutes the main feature that a theory of rationality need to explain. This starting point distinguishes pragmatist from other conceptions of reasons. It gives rise to the epistemological primacy of practice that we will show to be the core of a pragmatist account of reason.

In the perspective here assumed, a general theory of rationality (general meaning both private and public, both practical and theoretical, both reflexive and action oriented) identifies the common characteristics related to the multiplicity of activities connected to the fact that men is a thinking being (characterized by what Dewey used to call 'reflective behave'). Rationality is first and foremost the attribute of human activity: man's behaviour is distinguished by cognitive traits that enable him to forecast the consequences of actions, to learn from past experience and that makes languages the most relevant medium for controlling our behaviour. As an attribute of human activity, rationality is at the bottom of intersubjectivity, through the practice of giving and taking reasons in order to justify our claims and actions.

All this considered, we can say that a theory of rationality should provide an account (both descriptive and normative) of the main ways in which human intelligence¹ enters in our experience. So conceived, a theory of rationality need necessarily to deal with all the aspects of human experience where the use of intelligence and the search for knowledge have a role to play².

¹ For our present purpose, we take intelligence and reason to be synonym.

² The pivotal role assigned to the notions of experience, activity, practice, consequence and belief in the theory of reason is the most effective mark of the pragmatist stance.

To offer a common framework for such an ample and diversified field is of course a difficult and probably over ambitious task. But there are reasons that seems to require that a similar enterprise be undertaken.

A first glance at trends in contemporary philosophy will show us that the advancement of mainstream philosophy and of the social sciences in the last decades seems to have been reached at the expenses of a progressively impoverished and reduced conception of what is human reason, what its tasks, what its outcomes³. Critics of this tendency have shown the consequences of this evolution in terms of a reduced understanding of the main features of human agency: if we conceive wrongly the nature and scope of human reason, we are likely to arrive at strong misconceptions concerning deeply important facets of human experience. This is a topic that pragmatism itself has long entertained in its calling for a renewed understanding of philosophy and the social sciences both in their professional identity and in their social function.

Although pragmatism has traditionally advocated the idea of a unitary conception of reason based on the idea of inquiry, an updated account of rationality as a common feature of human agency has not been provided. Critics of traditional epistemology like Charles Taylor, Alasdair MacIntyre, Stanley Cavell, Michael Sandel, and Michael Walzer join neopragmatists in the acknowledgment that moral and political theory have been dominated by an understanding of human agency which is based on an inadequate account of human reason. As a confirmation of this trend in moral and political epistemology, we should only consider the justificatory turn that has characterized the mainstream Anglo-Saxon political philosophy with the growing and nearly exclusive interest for the topics of justification, consensus and truth. This recent turn is as a symptom of a broader tendency towards an understanding of human experience (and of the role of intelligence inside it) dominated by an hyper rational and idealistic conception of a human reason detached by its generative and functional roots in experience. Defenders of this approach has often reacted to detractors that outside the safe harbour of such a reason we are exposed to the uncertainty and risks of disagreement, conflict, violence and that, in short, we are obliged to chose between reason (this kind of reason) and the arbitrary rule of power⁴.

It is now rather undisputed that pragmatism has provided - although not in a very homogeneous and ready made fashion - the resources for contesting the classical conception of reason and thus providing an alternative account of

³ Critical remarks along these lines can be found in the work of Charles Taylor and Stanley Cavell. An account of Taylor and Cavell philosophies along these lines can be found in Frega 2008b and Frega 2009 (forthcoming). For a critique of the instrumental paradigm of rationality from a pragmatist perspective see Frega 2006b.

⁴ See the long traditional line that connects the classical liberal sources of Hobbes and Locke to contemporary liberal scholars.

epistemic categories like truth, justification, and objectivity. Here I would like to show that all this has been possible only because at the same time pragmatism was framing a different conception of rationality. It is this broader framework that has enabled a different understanding of basic facts concerning the functions of reason, its outcomes and scopes, and its criteria of validity. This awareness, rarely made explicit, is of a fundamental importance, because what derives from this different theory of rationality is not, first of all, a different theory of consensus, justification, etc., but a different conception of what should be the very meaning, place and content of such categories etc. in the explanation of moral and political life. As Dewey said referring to James' account of pragmatism, a different philosophical approach brings with itself not only new answers to old questions, but a radical reframing of the old questions themselves⁵. It is the novelty of the reframing realized by pragmatist thinkers that I will put as the starting point of this journey into the main categories of public reason.

A pragmatic theory of rationality provides a description of the nature and function of human reason whose theoretical bases lie in the naturalistic paradigm offered by classical pragmatists, especially J. Dewey and C. S. Peirce. Such an account deploys a conception of thinking as human activity embedded in experience (principle of continuity) and functionally oriented to the advancement of experience itself. According to such an account, thinking is conceived as an activity whose main function is the guide of conduct through the fixation of beliefs. As such it is considered as a form of inquiry. The main traits of reason so conceived are the following:

Functionalism: reason is inextricably intertwined with the other dimensions of experience and is analytically distinguished and identified through its function, which is that of facing and solving problems emerging in experience;

Contextualism: intelligence is always enacted by a specific problem arising in a situation that shakes our belief and, troubling our ordinary way of conduct, engenders doubt.

Experimentalism: the natural history of knowledge has showed experimental thinking to be the most fruitful method for fixing human beliefs. Therefore, the enquiring attitude finds here its pragmatic justification.

Inferentialism: intelligence is always directed towards future states of affairs, unknown conditions, prediction and control⁶.

⁵ See MW 4: 98-115.

⁶ For John Dewey the activity of inference is considered to be the main function of human reason, and for Peirce abduction occupies an analogous role.

Judgmentalism: judgment as an act is the quintessential expression of human intelligence and stands for its paradigmatic form of activity (as opposed to purely theoretical forms of thinking activity like the grasping of thoughts⁷).

Practicalism: intelligence is the qualitative trait of a specific kind of human agency, and the practical dimension of its exercise should find a full account in a practice-based epistemology.

Intersubjectivism: thinking takes place in the wide open context of a social and cultural matrix that shapes its horizons. Therefore, thinking is not considered to be neither private nor mental but public in the twofold sense of taking place among peoples and in constant interaction with the environment.

In this perspective, rationality should be considered as a specific trait not simply of human discourse but more broadly of human agency⁸. Humans are said to be rational to the extent that their interaction with their environment is guided by a reflective attitude characterized by the fact that obstacles are perceived and faced as *problems*. Rationality is an attribute of agency not because it loses its cognitively distinctive traits, but because the notion of agency overcome the duality of thinking and action towards the idea of a ‘reflective behaviour’ that is common to all the pragmatic tradition.

On these rather uncontroversial basis inquiry becomes the general paradigm of human rationality. According to this, to be rational means:

1. To conduct our activities according to the results of prior inquiries;
2. To adopt inquiry as the method for fixing the beliefs that governs our present and future conduct;
3. To carry out the reflective activities, aimed to the production of knowledge (discovery of new beliefs, confirmation of old beliefs, etc.: this cover all the field of the human quest for knowledge), according to the experimental paradigm of inquiry.

1.2 Pragmatist public reason: the main categories

All the general traits ascribed to the pragmatist account of reason point towards an understanding of rationality as a public and open enterprise. Rooted in a contextual situation, driven by the needs of practice, implemented through specific forms of activity and dependent on the intersubjective scrutiny of other fellow inquirers and agents, the exercise of rationality is inescapably public, both in its theoretical and its practical use. Therefore, pragmatism seems to be a perfectly suited candidate for giving an account of what we have become accustomed to call “the public use of reason”.

⁷ For a broader analysis of this point see Frega 2006a pp. 68-78.

⁸ A fact, this, that should reminds us of the clear limits of Habermas claim to pragmatism.

In order to do this, it is necessary to specify what do we mean when we speak of a public use of reason as distinguished by a broader acknowledgment of the fact that reason is in itself public. To this extent, we will draw on Dewey's conception of "the Public" and derive from it some broader implication for a pragmatist theory of public reason.

A reconstruction of the pragmatist approach to public reason should start from the acknowledgment that in the pragmatist view reason is inseparable from the existence of a public dimension where its use takes place. The idea of a public use has to be referred firstly to a condition of publicity that in a pragmatist perspective has to be considered as part of the idea of reason itself.

Publicity enters the pragmatist idea of rationality in at least four senses:

1. Rationality is directed to the control of consequences of actions. Therefore, its use is immediately directed towards what is public in the sense of taking place in the open field of phenomena that affects a plurality of agents.
2. Thinking is a trait of behaviour (the deweyan reflective behaviour). Therefore, it is in itself a kind of open activity which is therefore observable.
3. In the configuration that rationality assumes after the scientific revolution, the quality of thought is tied to its experimental nature and therefore to a form of exercise which is characterized by accessibility of results, transparency of methodologies, repeatability by a plurality of inquirers.
4. Being a part of human experience, thinking is itself shaped by the social and cultural matrix from where it develops and therefore possesses traits which are indexed to its socio-cultural context of origin.

If this is so, it seems to be difficult to speak of a 'public use of reason' as something distinct from the mere fact of reason itself. Therefore, a pragmatist theory of the public use of reason will have to deal not with publicity in general but with a more specific aspect of the public dimension. As I will try to show, the specificity of the public use of reason is determined by the specific qualities of a sub set of the category of consequences. Dewey arrives at this conclusion through a reflection on the general notion of public and of what does it mean for an ensemble of individuals to be a public and not merely a mass.

A pragmatist theory of the public use of reason should then start from the rather uncontroversial assumption that «human acts have consequences upon others» (Dewey, PP: 12). According to this, the notion of public is subsequently defined through that of *consequences*. This understanding of the notion of public through that of consequences is pivotal for the definition of a pragmatist conception of public reason.

We encounter here the first condition that defines the *public* use of reason: the exercise of human intelligence should be subordinated to the acknowledgment that where a plurality of persons is engaged, the general assumption each action produces consequences has specific implications.

Accordingly, we find ourselves in the public space of reason whenever we consider the consequences of agency not in terms of their natural (in modifying the environment) or epistemic (in view of the production of knowledge) effects, but of their effects on the experience of other human beings.

Let's now consider the following of the citation: it states that «human acts have consequences upon others, that some of these consequences are perceived, and that their perception leads to subsequent effort to control action so as to secure some consequences and avoid others» (Dewey, PP: 12). Here the third sentence introduces another theme which is crucial for a pragmatist account of rationality: that of the control of action and, through it, of consequences. As we stated at the beginning, in a pragmatist perspective the main scope of rationality is the control of agency and environment: man thinks because he is a living organism actively interacting with its environment.

The next element introduced by Dewey is crucial for the definition of a public sphere as opposed to a private one, and is therefore the central piece of a pragmatic understanding of the attribute 'public' as it is used in political theory. Dewey writes that «consequences are of two kinds, those which affect the persons directly engaged in a transaction, and those which affect others beyond those immediately concerned» (Dewey, PP: 12). Here the concept of public refers only to those consequences (intended or unintended) that affect people beyond those directly involved in the action considered⁹. More explicitly: «transactions between singular persons and groups bring a public into being when their indirect consequences – their effects beyond those immediately engaged in them – are of importance» (PP: 64). The criteria invoked for defining what should be considered important are: «the far-reaching character of consequences, whether in space or time; their settled, uniform and recurrent nature, and their irreparableness» (*ibid.*).

Once we have acknowledged that the impact of actions extends beyond those that are directly engaged in it, extension of impact, regularity of pattern and irreversibility of effects are the main criteria we should consider when we have to decide, in a pragmatist perspective, whether an issue belongs to the public sphere or not. It follows that what and how should be publicly regulated is a matter of disputed effects of consequences and not of shared principles, and that the conflict emerging in the field of public regulation *should be settled*

⁹ «The essence of the consequences which call a public into being is the fact that they expand beyond those directly engaged in producing them» (PP, 27); «The public consists of all those who are affected by the indirect consequences of transactions to such an extent that it is deemed necessary to have those consequences systematically cared for» (PP, 15-16). Further on: «the public itself, being unable to forecast and estimate all consequences, establishes certain dikes and channels so that actions are confined within prescribed limits, and insofar have moderately predicable consequences» (PP, 53).

experimentally. We will see later how this reference to experimental inquiry will bear epistemic and political consequences.

The same reference to the dimension of consequences is used by Dewey in order to define the notion of *publicity*, which, according to the perspective here outlined, is strictly related to that of public¹⁰: «there can be no public without full publicity in respect to all consequences which concern it» (PP: 167).

Therefore, the identification of a public sphere depends on the following conditions:

1. Human actions produce consequences that affects other people's lives;
2. These consequences affects also people which are not directly involved in the action itself;
3. Such consequences need to be managed in order to secure some effects and avoid others.

If the pragmatist conception of rationality can be defined through the idea of the intelligent control of action and of its consequences (the fixation of belief being an instrument for this task), the idea of a specifically public form of rationality is, accordingly, defined with reference to a specific subset of consequences: those that affect people not directly involved in the action and therefore not in the position to partake directly in the positive control of those consequences.

The public does not denote, then, neither a particular subject of action (eg. state, government, etc.), nor a given set of reasons (universal principles, neutral reasons, etc.) nor a distinctive sphere of communication (the readers, the bourgeois, the voters, the rational agents, etc.), but *a specific set of effects induced by actions performed by other agents*, be they individuals or groups. The implication of this approach is twofold. Firstly, the focus on consequences rather than on causes and principles determines a shift of democratic theory from a general quest for justificatory consensus to the search for solutions to specific problems. Secondly, the identification of the public with effects of actions rather than with specific institutions implies a turning away from the idea that the task of political philosophy is the justification of specific institutions¹¹ towards a transformative conception of political theory. That means that the task of political theory becomes that of experimentally devising solutions to problems related to the consequences determined by private and

¹⁰ Public and publicity should be kept strictly distinguished, although they are strongly related. It would be useful here to remark the similarities and differences with other notions of publicity, eg. the arendtian one. If the idea of a strong correlation between public reason and full accessibility is generally acknowledge, what is new in Dewey is the fact that publicity's constraint is introduced at the level of consequences and not of decisions (power) or discussion (discourse).

¹¹ An approach that has dominated the liberal debate of the last three decades. We will call this perspective, following Gerald Gaus, "Justificatory Liberalism".

public actions¹². As Dewey notes, before we acknowledge this fact, «reason comes into play only to find justification for the opinion which has been adopted, instead of to analyze human behaviour with respect to its consequences and to frame politics accordingly» (PP, 21). It is the accomplishment of such a turn about the conception of the scope of reason that put pragmatist theories of public reason (of rationality more broadly) at odds with the contemporary debates in democratic theory. This turn is defined as a *passage from a justificatory to a transformative conception of rationality*¹³.

So defined, the public denotes necessarily a dynamic entity: it is not identified once and for all by a substantive trait (the belonging to a racial, linguistic, geographical or political community) but is functionally defined in terms of who is effectively involved by the consequences of a certain type of action¹⁴. Therefore, we have to consider it not as the predetermined subject¹⁵ of a claim but as the outcome of a quest. As we will see, the deweyan idea that the public is what has to be searched for has not only a political but also on an epistemological meaning: it is the cornerstone of the pragmatist approach to justification and consensus¹⁶. In this perspective, the State (using this expression to identify public institutions broadly meant) is a specific kind of public, that is a public «with official representatives to care for the interests of the public» (PP, 37). Therefore, «the public forms a state only by and through officials and their acts» (PP, 68).

It is this dynamical variation that is expressed by Dewey when he claims that the public is never a given but always the object of a quest: in politics, «the prime difficulty ... is that of discovering the means by which a scattered, mobile and manifold public may so recognize itself as to define and express its interest» (PP, 146). This follows from the definition of the public as the effect of the acknowledgement of consequences indirectly affecting people. Therefore, a relevant task of democratic theory should be a sort of “consequences dynamics”, that means a theory of the many ways in which something like a public can emerge from the scattered proliferation of consequences in an intersubjective

¹² In Dewey's words, «the formation of states must be an experimental process» (PP, 33).

¹³ A further implication, that will not be developed here, is that in this perspective there it is not possible to justify *a priori* which is the best form of government, the institutions being the organized form a public assumes in order to deal with the consequences that affects its members. Institutional theory becomes an experimental rather than a normative discipline.

¹⁴ We find a rather similar conception of the public defended in the works of some feminist thinkers, and notably in the work of Iris Marion Young, that proposes to define the public in a rather similar way, though without acknowledging any direct affiliation with the pragmatist tradition.

¹⁵ That is a subject given as self-subsistent and unaffected by the process in which it is engaged.

¹⁶ A similar argument underlies Cavell's claim that «il desiderio e la ricerca della comunità sono il desiderio e la ricerca della ragione» (Cavell 2001, p. 45).

context. This theory should be sensitive to historical variability and be focused on the fact that what counts are not bare consequences but *perceived* consequences. As again Dewey put it, «as long as the prevailing mentality thought that the consequences of piety and irreligion affected the entire community, religion was of necessity a public affair» (PP, 49). If we define public reason with reference to this notion of the public, we have a definition of public reason remarkably wider than that offered by liberal thinkers like Rawls (public reason as overlapping consensus) or Habermas (the public reason as public sphere). In a pragmatist's perspective, we are confronted with a public use of reason whenever both of the two following conditions are satisfied:

1. a public is identified (according to the definition given above);
2. problems that concerns it are faced through inquiry.

Dewey adds two further conditions, intended as criteria for determining the degree of democracy of an institution trying to organize a public. From the perspective of the individuals belonging to the public, a democratic public is one that grants to each individual «a responsible share according to capacity in forming and directing the activities of the groups to which one belongs and in participating according to need in the values which the groups sustain» (PP, 147). On the side of the aggregate, a group is a democratic public if it is able to free «the potentialities of members of a group in harmony with the interests and goods which are common» (PP, 147).

If we return to the fact of the primacy of consequences, we will have to remark that in a pragmatist perspective *consequences* (and not rights or other intrinsic properties) are the explaining factor in the use of public reason. Accordingly, values and other symbolic artefacts (eg. principles like liberty and individual autonomy) are defined according to their function in the organisation of experience. This point of method has huge implications on philosophical questions like those of legitimacy and justification: it put into question the very idea that philosophical task consists in providing justifications (or, even worst, foundations) for existing institutions, ideals or norms.

1.3 Reason and the public: towards a pragmatist account

In order to better grasp the specificity of the pragmatist account of the concept of public, we start contrasting it with some of the leading theories of the public space. In particular, a pragmatist conception of the public space has to be distinguished from three main theories of the public:

1. The classical liberal conception of the public as the space of shared reasonable beliefs as opposed to the private use of reason (a conception to be found in the liberal tradition from Hobbes and Locke to day¹⁷);

¹⁷ For a complete account, see Gaus 2003. For a critical appraisal, see Frega 2007.

2. The discursive conception of the public as an enlarged sphere characterized by the kind of rationality displayed by the rational use of discourse;
3. The ‘difference’ account of the constitution of the public space¹⁸ as a kind of political answer to conditions of oppression.

This sketch will enable us to show that, while the liberal notion of rationality presupposes the dualism of public and private reason and as the communicative notion of rationality is rooted in a socio-historical theory of the evolution of the public sphere, the pragmatist notion of rationality presupposes a conception of the public based on the acknowledgment of the primacy of consequences.

1.3.1 On the very idea of a public use of reason as opposed to its private use

The first notion of public we consider conceives it as an attribute of reason itself: reason is public as long as its use is exercised according with certain procedural rules that guarantee its validity and legitimacy. It is the idea of publicity that dominates the liberal tradition and which has become of central importance especially starting from the work of John Rawls. This idea is rooted in a broader conception of what is human reason which finds expression in the idea of a radical opposition between a private and a public use of rationality. At the heart of this distinction lies the intuition that, while the use of reason in its private form produces only conflict and disagreement, the access to its public use, i.e. a use that is common, will reveal a universal understanding on which we will be able to found our associated life. The idea of such a dualism is already present in the philosophical work of Thomas Hobbes and John Locke.

Hobbes conceives private reason as the natural condition of rationality and characterizes it as affected by a constitutive incapacity to transcend its intrinsic limitation. Reason in its private use is the main cause of conflict and disagreement among men. Reasoning privately, men show themselves to be incapable of living together, so much so that the social contract that give rise to the political society is rooted in the renunciation, by the individuals, to the use of their reason in matters that concern relationship with others. Private reason is for Hobbes not only merely instrumental but, moreover, radically unreliable. Private reason is not only selfish, it is also epistemically weak, as it is a reason incapable of justifying its own claims. That means that the very presence of subjectivity in reason determine its weakness, both at moral and at epistemic level. Privatness is at the same time a mark of moral selfishness and of epistemological unreliability.

¹⁸ Notably in the works of Iris Marion Young. A more extended analysis should be devoted to Arendt’s conception of publicity.

For this reason, the access to a public use of reason is seen as a way out that «frees us, not only from dependence on our passions, but, perhaps more remarkably, from dependence on our own considered judgments, in contexts in which that dependence is disadvantageous to us» (Gauthier, cit. in Gaus 2003, p. 68). The sovereign as a form of political power is, therefore, a solution to a problem which is at the same time political and epistemic: the sovereign provides a solution to the political problem of conflict through the epistemical means of the institution of a public use of reason. It can do so as he «provides us with public reasons that override our private reasons» (Gaus 2003, p. 64). For the hobbesian tradition human reason is naturally oriented to a private functioning, that means devoid of any intersubjective reference. Moreover, human reason is considered to be mainly driven by passion in its ordinary functioning. This is what makes human reason an unreliable guide for the resolution of conflicts. Given this fact, the hobbesian tradition seeks a solution in the idea that, being human reason as such incapable of building consensus, the reason of a conventional arbitrator should be given the authority of the ‘good reason’ that imposes itself over all the private reasons, which are epistemically on the same ground of the public one but which are deprived of the political efficacy necessary for overcoming disagreement. In the search for agreement, as Gaus commenting on Gauthier puts it, «it is a requirement of our rationality that each abandons the use of her own private reason in these [public] contexts, and instead authorize an arbitrator whose reason is then accepted as ‘right reason’» (Gaus 2003, p. 69). It is important to remark that the epistemic quality of the public reason is the same of the private one: the difference lies not in the superior validity of the first but in the higher authority of its bearer, which is an impartial arbitrator¹⁹.

The lockean concept of an umpire offers a different answer to the same problem. Faced with a clash of private reasons that put men in the position of being incapable of overcoming their differences, public reason comes out in the form of the verdict of an umpire that is appointed by the parties in order to provide the conventionally accepted interpretation of the facts of the matter. Differently from the hobbesian sovereign, the lockean umpire has a *duty of reasonableness*: his authority is subjected to the respect of given rules. As Gaus puts it, «umpiring has an epistemic element – it is truth-seeking» (Gaus 2003, p. 219), though he does not always reach the truth. The umpiring, like any form of arbitration, has a practical and not an epistemic function: its aim is not to state the right thing people should believe, but rather the right course of action to take. That means that given the fact of pluralism, the umpire chooses arbitrarily one among the many possible reasonable solutions, and gives it legitimacy by the

¹⁹ «Public reason is identified as the reasoning of a person or a group of persons, ; that is, the private reasoning of some person or group is equated with public reason” (Gaus 2003, p. 74).

simple fact of the force of its position. In this perspective, public reason is a reasonable private view that is officially spoken by someone legitimately recognized as the umpire for the dispute at stake, under the presupposition that in its office the umpire is committed to be reasonable. Public reason is then tightly tied to the public voice of someone entitled to speak for all.

The same idea that the concept of public reason is defined through its opposition to the concept of private reason can be found also in John Rawls' work. If Hobbes saw in the sovereign the paradigmatic subject of reason and Locke saw it in the umpire, Rawls turns to the supreme court (Rawls 1993, p. 231) in order to define a paradigmatic scheme for the use of reason. The dualism of the private and the public is replaced in Rawls by the dualism between the rational and the reasonable, where the reasonable stands for the public use of reason and the rational for its private use. Accordingly, Rawls defines private reason through the paradigm of instrumental rationality as «a conception of rational advantage of each participant, what they, as individuals, try to claim». Private reason is defined as the ability to pursue an end whatever it is, while public reason is identified by the fact that the individual reasons from a common standpoint, and that this common standpoint serves precisely in order to identify a collective aim for its pursuit. In Rawls' words: «the rational ... applies to a single, unified agent ... with the powers of judgment and deliberation in seeking ends and interests peculiarly its own» (Rawls 1993, p. 50). Private reason can be altruistic (whenever the interest I pursue is the wellbeing of another person) but cannot be intersubjective²⁰. Public reason, or reasonableness, is then introduced in order to provide a suitable epistemic basis to a particular form of reasoning that takes place when interaction aims at instituting fair terms of cooperation. This requires two conditions: a) the willingness «to propose principles and standards as fair terms of cooperation» and b) the readiness «to abide by them willingly, given the assurance that others will likewise do so» (Rawls 1993, p. 49).

Intersubjectivity is then defined in terms of reciprocity: the human reason attains its public functioning whenever it operates on grounds that all can accept. We can then grasp the strong continuity in liberal thinking in the persuasion that human rationality has an intrinsically asocial nature expressed by its private use (a use that, as Rawls observes, aims not only at identifying the most efficacious means for given ends, but also at choosing among competing ends). That means that what makes a reason to be public is not its epistemic content but its source. As is clearly noted by Gaus, in the liberal perspective «the very idea of reason is split into private, individual, reasoning – which tells

²⁰ «The reasonable, in contrast with the rational, addresses the public world of others» (Rawls 1993, p. 62).

an *individual* how best to achieve *her* goals – and a distinct, social, reasoning – which tells *us* how *we* best achieve *our* goals» (Gaus 2003, p. 84).

In order to overcome their deep disagreements, humans must therefore renounce their private reasons and engage in a different way of thinking characterized by the fact that in it we appeal only to reasons that are considered to be shared by all (reasons that nobody could reasonably be expected to reject). Public reason express the voice of the citizens in a democratic regime. As Rawls, remarks, the meaning of the concept of public as referred to reason is threefold²¹ (Rawls 1993, p. 213).

- *Its subject is the public*: it is constituted by the ensemble of beliefs that are shared by all citizens (in virtue of being those beliefs that couldn't reasonably be rejected);
- *Its object is the common good*: it aims at defining the basic structure of a democratic society;
- *Its content is public*: it consists of those assumptions that are implicit in the political culture of a democratic society and therefore assumed to be shared by all (under the presupposition of reciprocity).

As examples of non public (to be distinguished from private as still belonging to the reasonable) reasons Rawls refers to reasons whose subject are institutions or associations whose scope is narrower than that of the political (eg. Universities, Churches, Civic Associations, etc.) and whose object cannot therefore be considered to be shared by all.

In Rawls' Political Liberalism the functioning of public reason refers to two distinct aspects. At the institutional level, it defines a criteria of adjudication for solving institutional controversies. As it is well known, the operating mode of public reason for Rawls is exemplified by the works of the supreme court²² and the test for ascertaining whether a reason is public or not is the fact that it would be agreed to in the original position (Rawls 1993, p. 227). This has to be related to the two following remarks:

1. That even the public use of reason can produce contrasting outcomes;
2. That what binds citizens to the verdict of reason is not in the first instance its epistemic quality (the principle of epistemic abstinence implies, in fact, that the public reason does not claim to express true claims but only publicly reasonable ones) but the *duty of civility* they have accepted in submitting to public reason, as this is grounded in the presumption of reciprocity that

²¹ I would say that properly speaking the criteria are only two, as the first and second criteria can be reduce to one, the second depending clearly on the first.

²² «To check whether we are following public reason we might ask: how would our argument strike us presented in the form of a supreme court opinion? Reasonable? Outrageous?» (Rawls 1993, p. 254). «The court's special role makes it the exemplar of public reason» Rawls 1993, p. 216, but see also *ibid.*, pp. 231-240

obliges each citizen to submit to its verdict even if this conflates with our strongly held beliefs when we can assume that the others will do the same.

But from a methodological point of view, the use of public reason is the procedural standard that citizens should respect in addressing each other on political matters. The reference to the arbitrator implies that public reason has not in itself the resources for overcoming the emergence of reasonable disagreement. Public reason resembles therefore more to a kind of linguistic translator: it is the common language through which citizens explain each other their political preferences and choices. At this level, individuals are faithful to the public reason whenever they «live politically with others in the light of reasons all might reasonably be expected to endorse» (Rawls 1993, p. 243). That the duty of civility is a *moral* duty tells us something about the role that the public use of reason occupies inside a more general theory of practical reason.

All these examples of how the liberal tradition understands the notion of public reason presuppose the same understanding of the quest for agreement as a give and take of reasons between individuals seen as belief-bearers: any participant in the discussion exchanges reasons in order to reach an agreement. In this perspective, it seems quite obvious that public reasons should be preferred to private ones, as the firsts have more chances to reach the aim. That Rawls, as well as Hobbes and Locke, sees human reason as in need of a sort of moral supplement is clear from his saying that «rational agents approach being psychopathic when their interests are solely in benefits to themselves» (Rawls 1993, p. 51). And he concludes that, in order to overcome this risk of madness, a jump into public reason is required²³.

In all these cases, reason is characterized by a clear lack of intersubjectivity: the sovereign, the umpire and the Supreme Court exercise reason in a fully unidirectional way: they are the source of a verdict that is considered to be valid in reason of the legitimacy of its source. The sovereign, the umpire and the court are instantiation of the idea that the use of reason, if not restricted, gives rise to conflict. This conflict cannot be solved by reason itself, therefore the disputants are obliged to refer to a third independent party: an arbitrator of the dispute whose judgment is still private and then fallible but conventionally deemed to be justified.

1.3.2 Publicity as the attribute of the discursive sphere

A different well known account of the public dimension related to the use of reason is offered by J. Habermas, notably in his groundbreaking work on the

²³ That the reasonable should be equated with public reason is quite obvious. Cf. for example Rawls 1993, p. 53 where Rawls affirms that a basic distinction between the rational and the reasonable is provided by the fact that «the reasonable is public in a way the rational is not».

origin of the modern public sphere. The fact that he speaks of a public sphere rather than of a public reason is quite revelatory of the fact that we are confronted with a rather different idea of what constitute the public character of reason.

The most relevant innovation that the notion of a public sphere introduces concerns the acknowledgment of the fact that concerning public life beliefs have an inescapably dynamic nature: the public sphere is therefore conceived not as the aggregating arena where competing individual interests find a necessary compositional order but as the arena where individual beliefs concerning the public dimension of life are constantly formed and unformed. There is, then, a strongly transformative perspective that in this way is connected with the idea of the public. The process of belief-formation gets primacy over the process of belief-justification. This transformative stance, that put Habermas on the pragmatist side, is couched in linguistic terms, as the public sphere is mainly conceived as being discursive: it is a realm of discourses oriented towards agreement.

A second relevant difference with the Rawlsian account is the broader range of contexts to which public reason can be applied. According to Habermas, in fact, the public use of reason is not confined into the formal context of institutional practice only (governmental, parliamentary and judicial) but extends over to what he calls the informal public sphere²⁴.

Nevertheless, Habermas shares with Rawls the idea that the necessary step that elevate us from the private to the public use of reason – a consequence, indeed, of the dualism of reason they both accept – requires a sort of moral supplement: the injection of an ethical drive (Habermas speaks of solidarity, Rawls of reciprocity) is seen as the necessary condition for contrasting the insufficiency of a reason that, because of its private character, has lost its legitimacy.

Habermas' discourse centred democratic theory grounds democratic legitimacy in the institutionalization of procedures of public discussion and reasoning that are consistent with those discursive standards of rationality that he has discovered as the normative grounds of any discourse oriented toward communication. These are necessary procedural presuppositions of the conduct of rational argument and their respect is considered the main requisite for a use of reason that claims to publicity. In this perspective, the public sphere is conceived as a space of dialogue among citizens in which every speech is governed by the ultimate *telos* of arriving at a form of agreement. As it is well known, and as its name makes clear, Habermas' model of public reason is

²⁴ «Every citizen must know and accept that only secular reasons count beyond the institutional threshold that divides the informal public sphere from parliaments, courts, ministries and administrations», Habermas 2006, p. 9.

centred on a purely *linguistic understanding of rationality* as the practice of exchanging reasons with the aim of producing consensus among people – and so assuring the coordination of social action – through reciprocal understanding (instead of, say, coercion). As it was the case with Rawls and more broadly with the classical liberal tradition, this communicative use of reason has to be understood through its opposition to a different use of reason, that Habermas, referring to the sociological tradition, calls strategic or instrumental and defines through its lack of reference to the intersubjective dimension of the coordination of social action.

Habermasian approach to public reason is characterized by a focus on the procedural content of rationality: it identifies a list of criteria²⁵ that should be respected in order to ensure that discussion is oriented towards communication rather than towards persuasion. In other words, the main aim of habermasian theory of public reason is to provide criteria that helps us assess the epistemic quality of a discourse, distinguishing a discourse conducted according to some normative requirement – and so being able to claim legitimacy - from a discourse that is not. The priority accorded to the linguistic dimension and the acceptance of the dualism of public and private reason are the main aspects that differentiate Habermas' thinking from a pragmatist account of public reason. It is from here that we will start to identify the main features of a pragmatist account of rationality.

1.3.3 Public reason and the politic of difference

It is worth examining a strand of feminist approach to public reason as it shows striking similarities to the pragmatist conception, that have not been acknowledged so far. In the work of Iris Marion Young, the public sphere becomes even broader as it encompasses every political struggle aiming at recognition or at contrasting oppression. Public reason is no more the neutral sphere advocated by liberals but the place where group perspectives face each other without the assurance of a common epistemic or methodological basis. In this perspective, the public corresponds with the space of group interaction. Young meets the pragmatist tradition where she acknowledge that what gives rise to the public sphere is the perception of a shared problem (Young 1997, p. 402). Intersubjectivity is the condition for the publicity of reason because it is through confrontation with others (and the other is always defined by the social role he assumes, it is a perspectival other) that our beliefs are challenged and confirmed or refuted. In this perspective, the public sphere is never defined in

²⁵ It is not by chance, then, that those who have attempted to develop empirical tool for measuring the degree of rationality of deliberation have turned towards Habermas in order to find a theoretical framework for their enterprise. Cf. especially Steenberger et al. 2003.

advance but always as the consequence of a social movement, as long as a group of people becomes aware of its subjective condition and struggle in order to modify it. The opening of the space of reason enacted by Young requires the removal of every epistemic constraint: if each group and individual has a right to enter the public arena with the expressive resources it possess, than every attempt to restrain the practice of public reason to given beliefs or procedures should be avoided as containing in itself elements of oppression (cultural, social, ethnical) that the politics of difference aims precisely at removing²⁶. The priority of inclusion over legitimacy explains the focus on the transformative dimension of public reason and the priority of the right to expression over the right of protection. While the liberal tradition starts from the assumption of equal citizens that possess equal rights that should be protected, the politics of difference start from the fact of political oppression and seeks the political means for overcoming it. Right of voice may therefore be obtained at the expense of the legitimacy of forms of expression. In a different way, we could say that for Young public reason is the space where experiences meet, not where arguments are exchanged.

The situatedness of public reason is therefore twofold: firstly, as the subject of reason is always a specific group speaking from a situated and specific perspective (and never from a universal or neutral point of view, see Young 2000, p. 18). Therefore, discourse can be public only in keeping track of its situatedness, not removing it. The epistemic constraint of justification is replaced by a weaker hermeneutical requirement of the search for understanding: «for the content of an expression to be public does not entail that it is immediately understood by all, or that the principles to which argument appeals are accepted by all, but only that the expression aims in its form and content to be understandable and acceptable» (Young 2000, p. 25).

Secondly, as the focus of public reason tends to be localised: far from restraining the use of public reason to institutional debate, Young extends it to a sphere that is closer to the deweyan public, especially as her definition of the public is, like the deweyan, problem driven. While the focus of public reason in the liberal tradition is the justification of beliefs and their legitimacy and efficacy in a state of pluralism, according to Young the core of public reason is given by conflict over decisions and actions that have an impact of people's lives. Therefore, the outcome of public reason are not undisputable principles but local decisions. A public is therefore identified not by the sharing of beliefs,

²⁶ «The approach of critical theory suggests that there are dangers in abstract and generalized normative theorizing, involving, for example, importing into supposedly general theories assumptions derived from the particular socio-historical context in which one thinks, or from the structured social positions conditioning one's own life in that context» (Young 2000: 14).

institutions or principle but by the acknowledgment of having an interest or a problem that touches upon our lives.

1.3.4 Some remarks on the concept of public reason

A first important trait introduced by the pragmatist notion of rationality is that it overcomes the dualism of the public and the private in order to adopt a reflexive conception of rationality based on the self-correcting nature of the process of fixation of beliefs.

A second difference concerns the different scope assigned to reason. While the liberal tradition assigns to reason the theoretical function of identifying common rules or beliefs that should be adopted by all citizens in their public deliberations, pragmatism sees reason as practically oriented towards the solution of perceived problems. Both the classical liberal and the habermasian perspectives are totally dominated by a positive bias towards the epistemic enterprise of providing justification to some given theoretical belief, rather than towards the practical dimension of joint action. The idea of citizens engaged in a coercion-free discussion aimed at producing and sustaining validity claims, compared to the pragmatist idea of a process of inquiry aimed at solving problems, is a clear evidence of the strong bias in favour of the cognitive dimension, as opposed to a broader and richer consideration of the full human experience that is at the heart of a pragmatist concept of public reason. We could say that whereas Habermas and the classical tradition start from beliefs and with their clash in a pluralistic arena where agreement is pursued with respect to pluralism, the pragmatist starts with the examination of the existing consequences determined by the fact of associate living and tries to maintain the debate on the ground of practice.

A further hint of the difference that separate these two accounts comes from an apparently common point, i.e. the introduction at the heart of the concept of reason of a reflective element. But while in Habermas the reflexivity stands for the critical attitude of reason considered as capable of putting into question its own presupposition (its fallibilistic stance), in pragmatism the reflexivity expresses a more complex relationship between the individual, the situation and his thinking attitude.

We could probably fix this difference saying that while Habermas' reflection is fully oriented towards the normative sphere (i.e. towards the idea that public reason is mainly in charge of the production and justification of norms – be it social or juridical ones), the pragmatist's conception of public reason is more oriented towards problem solving and conflict settlement.

In Habermas the idea of a public sphere is tightly connected with a discursive understanding of rationality. The use of reason, in its instrumental

and especially in its communicative dimension, is mainly seen as the practice of exchanging reasons. The public sphere is certainly enlarged compared to the Rawlsian notion, but it extends to the broader society only as far as society develops forms of communication and discussions that respects certain discursive criteria. The development of a public sphere is then connected with the diffusion of this discursive practice. In this perspective, the public is the place where discourses are exchanged and where people debate political issues in a form that is submitted to certain procedural rules, the first of which is the publicity made possible by the spread of the press.

In Young the limits of the liberal tradition are clearly identified and her effort to overcome them can fully be inscribed in the pragmatist tradition, even if such an admission cannot be found in Young texts²⁷. Notably, Young overcomes the dualism of private and public reason and acknowledges the problem centeredness of the public use of reason. But the politics of difference calls for concrete policies of inquiry whose epistemological conditions are never identified. The appeal to the principle of difference, to the right of expression and inclusion and to the hermeneutical paradigm of understanding are not enough to provide an account of public reason. Young idea of public reason, in this sense, lacks of the epistemological resources that are necessary for enabling it to face question of legitimacy and of normative validity.

This critical appraisal of some of the main contemporary conceptions of public reason has prepared the ground for a full acknowledgment of the philosophical relevance of a pragmatist account of public reason.

²⁷ Rare references to pragmatist thinkers are not proof enough of an acknowledgment of debt towards pragmatism.

2. Conflict and disagreement

2.1 General remarks

There is ample and shared consensus in contemporary political theory on what Rawls has termed the fact of pluralism. On the side of radically pluralist thinkers like Berlin²⁸, Arendt²⁹ and feminist thinking³⁰, pluralism and plurality are considered to be an irreducible fact of human condition and the necessary starting point for political theory. For them, as we have seen above, that means that the exercise of public reason starts from a condition of irreducible plurality of perspectives. From this it follows the impossibility to define public reason with reference to the notions of neutrality or universality. For classical liberals (from Hobbes and Locke to Rawls, Cohen, Gaus, and Habermas), on the contrary, the same very fact of pluralism becomes the starting point for the affirmation of the necessity of grounding political discourse on a radical insulation of the public use of reason from the open field of its private use. Their opposition notwithstanding, these approaches share a common presupposition. It consists in taking pluralism at face value and giving to disagreement the status of a fact, a fact about which reason has little or nothing to do and to say. As we saw in the preceding chapter, different conceptions of rationality determines different ways of conceiving the nature and the causes of disagreement. Since the original focus of liberalism on the problem of toleration, liberalism has traditionally conceived the problem of disagreement mostly as the consequence of a conflict between opposing view of the world, where the paradigmatic case for liberal toleration is offered by the religious wars of the modern era.

On the opposite camp, communitarian and republican thinkers tries to overcome the impasse generated by pervasive disagreement through the invocation of a moral factor considered to be the aggregative force of democracy. While liberals scorn the possibility of agreement and advocate therefore the necessity to free the common space from reasons and topics that are private, the antiliberals³¹ on the contrary claims that «commonality, shared purposes, and overlapping interests underlie all or most political disagreement» (Talisie 2005: 92) and that through its recovery we will be able to overcome

²⁸ Cf. Veitch...

²⁹ Cf. Disch...

³⁰ Cf. Young...

³¹ We won't give any negative meaning to that term. While 'illiberals' are those that denies the acknowledgment of the main rights on which liberalism founds its political vision, anti-liberal offer a different account of how the values of the western democratic tradition should be put together.

disagreement itself. While the liberals denies that any form of agreement will ever be reached except on matters of public reason, the antiliberals claim that some form of deep agreement already exists, given a certain form of human association, and that what we need to do is only to make it explicit.

This perspective here taken is radically different from both as far as the concept of rationality and the idea of disagreement are concerned. It is my claim that the fact of taking pluralism at face value has determined (both on the side of supporters and critics of the role of pluralism in politics) an impasse towards the understanding of the intrinsic logic of disagreement and conflict considered as irreducible aspects of the use of reason, that means considered from an epistemic perspective.

On the side of *plurality supporters* (I call that way thinkers such as Berlin and Arendt as they have assigned to pluralism a positive role in politics) the fact of pluralism tends to be epistemically opaque – i.e. not explained: we share different values and express different perspectives due to the fact of our different experiences, and this fact simply accounts for the plurality³². Considering disagreement unproblematic, these authors tends to put insufficient focus on the epistemological question of how pluralism could be faced and, whenever possible, overcome. This means that an unproblematic (easygoing) acceptance of plurality tends to become an obstacle in the way of a theory of reason capable of dealing epistemically (that means through rational rather than instrumental resources) with the fact of pluralism.

On the side of *plurality opponents* (I call that way thinkers who consider that plurality should be neutralized in order to produce legitimacy in political discourse) the fact of pluralism tends to be accepted easily only because it is relegated to the margins of the political discourse. As can be best seen in the political liberalism of John Rawls (but the same can be said for many contemporary liberal thinkers), the space of public reason is constructed through the insulation (the overlapping consensus has to be seen as a form of withdrawal from public confrontation) from the broader context of collective and individual experience. In this case too, the fact of pluralism remains what it is said to be: a fact, that in its factedness is totally opaque to the possibility of understanding and controlling its own dynamics.

Beside these approaches, in the last decade we have assisted also at the emergence of more politically minded approaches to the fact of disagreement. As an example of this approach we can refer to the well known and much discussed *Democracy and Disagreement*, from Amy Gutmann and Dennis

³² Eg.: “Arendt treats plurality as a kind of foundational principle. It is the premise from which she launches her attack on abstract impartiality...” (Disch 1994: 99).

Thompson. In their interesting and important book, these authors support a deliberative conception of democracy based on a different understanding of what is moral disagreement and how it should be dealt with in politics.

They see in the deliberative approach the way towards a democratically adequate way of dealing politically with moral disagreement. Their approach is based on the identification of a set of normative criteria for conducting public discussion (reciprocity, publicity and accountability³³) and on constitutional principles that should be respected by any political decision (liberty, equal opportunity and fair opportunity). But, as just stated, the approach to moral disagreement chosen by Gutmann and Thompson is political, and it does not face neither the epistemic question of the nature of disagreement (why is it that people morally disagree?) nor that of how the use of reason could help us first in understanding and then in overcoming disagreement. The approach chosen by these authors privileges the political aspect of the identification of the constraints that a discussion among citizens and officials should respect and of the standards that a solution, no matter which, should satisfy in order to be democratically acceptable. What is left aside is the properly epistemic question of the understanding of the factors that produce moral disagreement and of how the problematic situation so produced can be faced and overcome³⁴. This is exactly what pragmatism has tried to do, notably through the idea of inquiry as embedded into concrete practices. What I would like to show here is precisely how a theory of rationality based on the notion of inquiry can effectively deal with the fact of moral disagreement, both at the moral and at the political level and offering the epistemological framework needed in order to face questions of justification and normativity.

In order to understand how the notions of rationality and disagreement are connected, we will have to come back to our former analysis of the concepts of public reason.

The hobbesian conception of reason is based on the fact that «the very idea of reason is split into private, individual, reasoning – which tells an *individual* how best to achieve *her* goals – and a distinct, social, reasoning – which tells *us* how *we* best achieve *our* goals», Gaus 2003, p. 84). According to this conception, the fact of disagreement seems to be produced by two distinct causes. On the epistemic side, rationality is considered to be purely instrumental, and for that reason uniquely fitted to the identification of the adequate means for the pursuit of given individual ends. Still on the epistemic side, beliefs and preferences are considered as given. On the ethical side, individuals are considered to be selfish and for that reason incapable of

³³ See Gutmann-Thompson 1996, chaps. 2 to 4.

³⁴ Short remarks provided in ch. 1 cannot be considered an adequate treatment of the topic.

coordination³⁵. The outcome of this frame is the idea of individuals believing to 'have it right' and therefore trying to impose their view on others.

Disagreement is here considered mainly as a coordination problem, i.e. a problem determined by the fact that, although all consider that each of the proposed solution is better than no solution, each participant tries to impose its own and no agreement results.

In the rawlsian approach, the idea of disagreement stems straight from that of pluralism, which in turn is tightly connected to that of reasonableness. In particular, disagreement is considered as a lack on consensus concerning our religious, philosophical and moral conceptions or doctrines (PL, p. 15). The use of reason is such that, even if conducted reasonably, it leads to the claim of diverging and incompatible doctrines. Therefore, public reason is called for solving the problems that the reasonable (but not public) use of reason has itself generated.

2.2 The nature of moral disagreement and the public arena

Classical pragmatism is certainly not unanimously considered to be the best place where to start for a discussion concerning the nature of disagreement: Peirce did not really tackle with the question (the term itself appears in the totality of the *Collected papers* only 6 times), James never really faced the question of conflict at the intersubjective level and Dewey offered a rather naïve account of the conflicting nature of politics (the 81 sorting for the word 'disagreement' in his *Works* are no proof of the contrary). Moreover, awareness of the irreducible nature of conflict over moral issues is probably a rather specific trait of western culture in the last half century, as incommensurability talk seems to show. For this reason, the road taken here starts from an account of disagreement taken from more recent debate and tries to dwell secondarily into pragmatist sources in order to find more adequate tools for its explanation.

In a pragmatist perspective disagreement is considered something that affects the domain of action rather than a relation between symbolic objects³⁶. In a pragmatist perspective, people find themselves in a situation of disagreement not because their views concerning a given fact or belief are divergent in the abstract, but because the consequences associated to them generate conflicting solution to a given situations. Disagreement, in this perspective, should be defined with reference to the problematic situation where it has emerged as an

³⁵ Vedere Waldron Law and disagreement e riprendere Besson.

³⁶ I speak generally of symbolic objects in order to avoid the long list of terms used for referring to the ideational dimension of concepts, theories, ideas, beliefs, etc, as my remarks are in principle valid for all them.

obstacle to the pursuit of human activities. In this perspective, moral disagreement is a specific kind of problem that can emerge in a situation and inquiry is the approach that pragmatism suggests should be taken in order to tackle with it. A pragmatist approach to moral disagreement should proceed through the identification of a) how moral disagreement produce indeterminacy in that situation and b) how inquiry can help to overcome moral disagreement.

There are of course plenty of reasons why people disagree morally. The account here provided does not aim at reducing all the causes of disagreement to a single feature but rather aim at re-describing a disagreement situation as a situation where people disagree about how to act. This re-description presupposes that people are willing to agree that what is at stake in their disagreement is a matter of action and not, say, a matter of values or of principles. Or, to put things more precisely, pragmatism should be able to re-describe conflict about values, beliefs and principles as conflicts about actions and their consequences.

2.3 Kinds of moral disagreement

According to Gutmann and Thompson, disagreement is produced by four kind of causes:

Self interest, as every individual pursue his own interest and so doing enters into conflict with other individuals.

Scarcity of resources, as this generate a competition among individuals for the satisfaction of their needs. In the public sphere, most conflict concerns the competition among individuals for restricted resources.

Incompatible values, as they orient peoples towards choices concerning specific policies that cannot coexist and as long as «a conflict among values readily turns into a conflict among persons, as citizens come to different conclusions about the same decisions and policies» (p. 25)³⁷.

Incomplete understanding, which implies that disagreement can be rooted not in difference between values that are incommensurable but in the fact that we do not understand properly each other's position. That means that even in the presence of moral objectivity (i.e. when conflicting values are not incommensurable but can be compared and ranked) disagreement results.

The first two kinds of disagreement derives from the core of liberal epistemology. The first is a corollary of the dualism of private and public reason, according to which we disagree as long as we enter social relations relying on our private reason. The second is a corollary of the paradigm of methodological individualism, as long as it identifies rationality with instrumental reason and tends to see political conflict as a redistribution problem. We will dismiss this

³⁷ Cf. also Raz 1995 and Besson 2005 p. 22.

two causes of disagreement. The first, as it is rooted in an epistemology we are going to drop; the second, as it expresses a kind of conflict that is not properly moral-political but rather economic³⁸. We can dismiss also the fourth kind of disagreement, as it does not have objective grounds³⁹ and can be overcome by pursuit of a rather straightforward line of inquiry (it is a classical search for truth that has a clear end, which, once found, dissolves the disagreement). What remains as the only candidate for moral-political disagreement is the conflict of values. In a politically oriented conception, this conflict can be considered relevant because of its impact on political decision making. But this approach seems at least incomplete as long as this kind of conflict remains insufficiently specified.

A pragmatist approach to moral disagreement should start from a different taxonomy of the kinds of disagreement. This taxonomy should not take for granted the distinction between sources of rationality, nor that between material sources of disagreement (private interest, scarcity of resources) and spiritual ones (principles, values). We should rather start from the analysis of concrete problematic situations, as the priority accorded from pragmatism to agency and practice implies that it is exactly at this level that disagreement emerges. Accordingly, we should start from the recognition that disagreement among people emerges anytime there is no consensus concerning how to act. Reasons of disagreement can be of different sorts, but they should all be related to the fundamental fact of a problem concerning action.

Roughly, we can recognize the following kinds of disagreement (we will return to this in our discussion of deliberative approaches to solving disagreement):

Disagreement concerning the kind of problem at issue: it is the kind of disagreement that we face when we do not agree on the terms of what separates us, e.g. the definition of what is at stake, the identification of the public engaged, the acknowledgment of the interest touched upon, etc.

Disagreement concerning the diagnosis of the situation: it is the kind of disagreement that we face when we do not agree on experts' claims on probability of success, impact of the action, quality and quantity of results obtained, etc.

Disagreement concerning the priority to be pursued: it is the kind of disagreement that we face when we do not agree on the priority of the competing aims to be pursued, as we assign different weights to the results of the actions under scrutiny.

³⁸ Both results in coordination problems. On the relationship between the concepts of disagreement and coordination, see Besson 2005, ch. 6.

³⁹ I mean with this that it is a disagreement that is due to the limitations of our understanding but that has a right answer that may be the object of knowledge.

As it can be seen, this taxonomy of kinds of disagreement is based on the pragmatist identification of morality with the domain of human action. Morality, in this perspective, is not identified with normativity but rather with accountability (the acknowledgment of the responsibility we take on action).

2.4 The object of disagreement

According to many moral and political theorists, moral disagreement is the outcome of a conflict among theoretical entities, such as principles or values whose object can be the right, the good, the meaning of life⁴⁰. We can generalize this view remarking that values, as well as conceptions, principles, life plans, are homogeneous sources of moral disagreement in that they include theoretical assumptions concerning different normative options. Disagreement here is mostly seen as theoretical, as it derives from the conceptual difference among general assumptions. A paradigmatic case is given by the divide that opposes supporters of the ‘quality of life’ conception against supporters of the ‘sacredness of life’ conception. Their broad conceptions of life can easily be reconstructed and shown to conflict on much fundamental assumption, the most important of which is the values they assigned to human life as such.

Rawls’ concept of reasonable disagreement is a clear formulation of this approach to disagreement, as it shows that its source is the irreducibility of moral, religious, philosophical conceptions. In the rawlsian sense (*Political Liberalism* pp. 58-66), a conception is a broad theoretical set of assumptions that includes and generates truth claims. Disagreement is produced by the clash between truth-claims concerning theoretical beliefs. Then, of course, moral, religious, philosophical systems may also conflict according to the different lines of action they prescribe. But as a matter of fact the disagreement is first of all a fact that one ascertains comparing the theoretical structure of broad conceptions (comprehensive doctrines). According to Rawls, we disagree morally because the comprehensive doctrines we identify with are different and incompatible: what is true according to my conception is false according to yours and so when we compare our doctrines we find ourselves in a situation of reasonable disagreement that cannot be solved: the fact of reasonable pluralism express exactly this intuition that public reason should stay away from comprehensive doctrines if it wants to reach agreement on public questions.

In a pragmatist’s perspective, the object of disagreement is always a singular problematic situation where a decision has to be taken or an action accomplished and where people disagree on what to do, and disagree for reasons that are not purely technical. A policy, be it a law concerning reproductive technology or a decision concerning the use of social resources,

⁴⁰ For a broad review, see Besson 2005.

has to be considered from the point of view of the consequences it will likely produce on the people affected by it.

According to the pragmatist framework, disagreement takes place when we find ourselves in the impossibility to reach an agreement concerning a course of action to be undertaken collectively. In the pragmatist perspective here adopted the following distinctions seems superfluous;

- *Consensus vs. agreement*: according to this view, in order to find agreement, even on moral issues, it is not required that all participant sustain the same conclusion for the same reasons, but only that the solution reached is seen as satisfying by all;
- *Strategic vs. communicative agreement*, as the agreement on a course of action is all is needed, in ordinary circumstances, for reaching the aim of the discussion;
- *Value vs. interest*: the pragmatist concept of experience implies that all participant enter a situation with their full set of interests preferences, values, principles etc. and that discriminating among them (or insulating some from others) in a vain project. What finally counts is the outcome of the deliberative process of inquiry undertaken;
- *Validity vs. truthfulness*: inquiry being public, the quality of the agreement reached does not depend on the truthfulness of the participants but on the results reached through deliberation.

On the contrary, we take as fundamental the distinction between a kind of intrasubjective disagreement (moral dilemmas) and an intersubjective disagreement⁴¹, as the focus of this discussion concerns the conditions under which people find and reach an agreement over a situation of collective disagreement. This distinction finds its legitimacy in the pragmatist conception of the public. Intersubjective disagreement, in fact, emerges anytime a public in the pragmatist sense has to reach an agreement concerning a course of action whose consequences will affect the life of all the people concerned.

The focus on consequences, it has to be remarked, should not be considered on a purely utilitarian or consequentialist ground⁴². On the contrary, as it is known, the pragmatist appeal to consequences has a broader meaning: we refer to consequences broadly both in order to determine the content of propositions

⁴¹ Cf. Besson 2005, p. 20.

⁴² Consequentialism should not be confused with the general remarks that consequences of actions are the leading criteria for defining their moral relevance. Following Raz, I identify consequentialism with a doctrine that puts exclusive focus on the instrumental consequences of actions and that assigns to consequences an objective and comparable value that would enable a precise calculation of costs and benefits of each action (see Raz 1986 ch. 11). This is not, of course, the meaning pragmatism attributes to consequences. For a discussion of the specificity of the pragmatist understanding of consequences, see Frega 2006b, pp. 61-65.

and events⁴³, as their meaning lies in the consequences they produce, and their assessment can be provided only through reference to the global consequences they determine on peoples' lives. In the pragmatist vein, the realm of consequences is not merely material: it does not concern only matters of distributive justice but also questions of value and identity. It consists in translating questions of principle in questions of practice.

The proposal here defended starts from the recognition of the primacy of practice articulated by pragmatism. In this field, the primacy of practice consists in considering that values, principles and all the main theoretical entities (beliefs in the general meaning) have to be considered as tools developed in order to accomplish the specific function of coordinating and controlling human agency. Therefore, they do not have a final but rather a functional value dependent on their role in the accomplishment of this function. The conflict among them should therefore be brought down to its real level and their assessment should start from this acknowledgment. For this reason, the idea of a conflict among values or principles in the pragmatist perspective have to be considered as ill defined, the significance of values and principles being dependent on their function in making agency possible. Therefore, it is the quality of agency – and notably of intersubjective agency – that should be at the focus of moral disagreement. What we disagree about is the kind of world we would like to live in and need to share. And this world of experience has to be described not in terms of values themselves (a world where liberty, equality and respect for life reigns) but of possibility of actions, of quality of agency, of real opportunities. It is in this sense that battles over principles (as the one among pro-lifers and pro-choicers) should be translated in empirical inquiries over the impact of the implementation of values and principles in human lives.

2.5 Reasons of disagreement

In the perspective here assumed, causes of disagreement has to be found in the different forms of life people share. A form of life defines the inextricable ensemble of people's beliefs, habits and patterns of actions. A form of life is composed of primal attitudes, by which we do not mean natural attitudes in the sense of traits that are rooted in our biological nature, but attitudes that a given individual consider, for different reasons, self evident and that he is therefore not easily ready to (and probably cannot) dismiss. They are 'natural reactions' in the special sense that Stanley Cavell assigns to this expression in his

⁴³ See the classical 1878 paper from Peirce ("How to make our ideas clear", CP 5.388-5.410) and Dewey's "What pragmatism means by practical", MW 4: 98-115.

reappraisal of Wittgenstein's thought⁴⁴. Following a line that finds its origin in the pragmatist epistemology of practice and gets new life, among other places, in Wittgenstein refusal of the dualism of the natural and the conventional, we propose to consider moral disagreement as a form of conflict that emerges not only at the purely cognitive level of beliefs (be it beliefs concerning values, principles or other truth-claims) but at the global level of someone's form of life: it is a disagreement affecting our global attitude towards a given fact (a decision, an action or whatever bear consequences on our life). This approach, although derived by a reading of Stanley Cavell and Charles Taylor works, has great proximity with the pragmatist's notion of experience, as it contrasts the tendency to overemphasize the epistemic dimension of human functioning and replaces it in the broader dimension of human experience. But it should be made clear that by this move we do not intend to submit moral theory to a psycho-social approach or to other reductionist approaches. On the contrary, pragmatism has it very clear that in order to better understand the role argumentation plays in moral life we should start from a clear understanding of how moral thinking is rooted in moral experience. And it is here that the pragmatist's notion of experience, joined with the pragmatist's theory of thinking as inquiry comes to our rescue.

The notion of experience here assumed is defined by three main characteristics:

1. The primacy of agency as the most relevant factor in self-formation through the practical interaction of the individual self and its environment;
2. A conception of beliefs as the controlling factor in human action;
3. An expressivist conception of the self.

The focus on the primacy of practice that is offered by the notion of 'problematic situation' provides the framework for understanding how the very fact of moral disagreement can be conceived in a pragmatist perspective.

According to that, people does not simply disagree because their beliefs (values, principles, etc.) diverge, as it is the case in the 'toleration model'. Disagreement emerges always in the context of a practice, where people act, pursue ends and build life's plan. If we follow the basic pragmatist intuition that every conceptual difference should find its justification in a practical difference, and if we define as a practical difference any factor that has some relevance on our agency, we will be in the position to grasp the meaning of the pragmatist approach to disagreement.

Of course, in the normal course of life we tend to understand and describe our disagreements in terms of conflict among general beliefs. More than that, philosophers in particular have a strong attitude towards transposing conflict

⁴⁴ See notably Cavell 1979 ch. 5. For a philosophical analysis that defends the notion of 'natural reaction' in a pragmatist vein, see Frega 2008b.

from the level of practice where they emerge to the level of their theoretical representation, implying with this that it is here that conflict is better represented. I believe that this attitude, mainly due to the professional habits of philosophers, theologians and other professionals working with comprehensive doctrines, derives from a bad anthropology and from an erroneous understanding of the nature of human experience. Therefore, if we try to describe conflicts at the root level where they emerge in everyday practices, we will easily find that disagreement can be easily brought back to differences concerning how to act.

If we then take full theoretical advantage of the pragmatist methodological principle of the primacy of practice and recognize the holistic constitution of experience we will be led beyond a conception of moral reflection as mere rational argumentation. In particular, a broader conception of moral reflection should recognize that moral reasoning operates at least at two levels. At the first, we take part in discussions in order to defend our beliefs, resorting to the practice of the give and take of reasons as a powerful and legitimate way for testing and defending our beliefs. This dimension have been fully taken into account from the pragmatist tradition and has generally found a complete acknowledgement in the contemporary political and moral theory and has found a remarkable acceleration within deliberative democratic approaches. At a second level, the moral reflection has an expressive function: through it we display the kind of agent we are and we articulate our moral identity in the effort of making ourselves understandable to other people⁴⁵. This expressive dimension of moral reasoning should receive an adequate acknowledgment in the explanation of moral disagreement. First of all, as it shows that in many moral controversies people are not simply examining with reasonable neutrality specific beliefs nor should they be expected to do so. The expressive conception roots our understanding of rationality and of its function in moral practice in the acknowledgment that people's commitments are often opaque and undetermined and that inquiry is necessary in order not only to justify our claims but firstly to make our moral ground explicit and determinate⁴⁶. While moral justification starts from a set of shared beliefs (often implicit) in order to draw shared conclusions, the expressive dimension is focused on the articulation of the singular position each participant assumes, in order to make people intelligible to one another. Articulation has then a logical priority over search for agreement. Secondly, as the search for agreement should not be pursued only at

⁴⁵ A point made particularly clear by Stanley Cavell and Charles Taylor. We draw the consequences of such an approach for a theory of practical reason in Frega 2008b and Frega 2009.

⁴⁶ This approach overlaps only partially with Brandom's theory of expressive rationality, which limits the field of expressivism to the semantic dimension.

the epistemic level of the validity of the beliefs but also at the experiential level of people's identities. That means that the search for agreement in the case of moral disagreement has to be conceived as a process of personal transformation.

If we accept the perspective open by the ideas of articulation and expression it will become evident that given such an understanding of human self and experience the fact of disagreement shows an experiential basis that moral theory should take into account. It follows that a theory of rationality should offer an account also of this experiential basis. If plurality is rooted in the structure of human experience and if human agency (including its propositional and deliberative dimension) has to be seen as the articulative expression of human experience, then our vision of disagreement and of how objectivity should enter moral deliberation should be shaped accordingly. Specifically, as we will later see, this implies that the value of objectivity should be considered as a reference for the search of common schemes of action rather than for the search for truth⁴⁷.

2.6 Responses to disagreement (how moral disagreement can be faced and overcome):

The response to disagreement a theory provides depends on the conception of moral disagreement from which it starts. We can distinguish, according to the previous analysis, at least three main kinds of strategies for dealing with moral disagreement in complex societies.

Insulation of the reasonable

A first and well known response to moral disagreement is purely negative. It is the answer provided by all those approaches that fix so stringent constraints on legitimacy of discussion (both at the level of legitimate beliefs and of procedural rules) that their respect imply that most of the more controversial issues cannot be rationally faced and solved. This approach comes together with a conception of pluralism as a fact and of disagreement as the consequence of the incompatibility of comprehensive doctrine (which is also the cause of the fact of pluralism). This approach is fully endorsed and defended notably by Rawls.

Rational communication (reinforced by institutional conditions)

A second, more practically oriented response to disagreement consists in identifying procedural and/or substantial conditions that, if respected, will help deploying the rational discourse necessary in order to find, if possible, an

⁴⁷ Even in the attenuated pragmatist version of a search for true and rational beliefs as proposed by Cheryl Misak. See the discussion of her work in the following chapter.

agreement. This approach can be found at the bottom of both Habermas and Gutmann-Thompson proposals.

As a consequence of an inadequate account of experience, both these approaches tend to underestimate the extent to which moral disagreement can be faced through a transformative rather than through a purely argumentative or justificatory strategy. Furthermore, these approaches, even when they recognize as a truism that self-transformation can provide a reliable basis for reaching agreement, leave it outside the space of reason, as if it were simply a sort of episodic and idiosyncratic fact of experience, resistant to philosophical scrutiny and devoid of epistemic content.

Expressive Inquiry

A response to moral disagreement rooted in the general conception here outlined will of course offer a different account of how moral disagreement should be understood, faced and overcome. The core elements of such an approach are an expressivist conception of the self and a theory of inquiry as an epistemic basis for the rational search of moral agreement (starting from the pragmatist theory of value judgment). According to this approach, the fact of pluralism should be seen as a dynamic phenomenon, often unrecognized in standard conceptions of disagreement. We develop such an account starting from Charles Taylor and Stanley Cavell moral theory (but other sources could easily be found) as they have clearly showed that the core of moral discourse is a process of articulation of one's own position in which the articulative movement is intrinsically transformative. Especially in Cavell, the moral judgment is seen as a sort of double act. Firstly, it formulates a claim concerning the quality of its object (an act, a belief, etc.) and so doing it expresses the attitude of an individual towards a disputed issue. But secondly, a moral judgment has always an expressive content: it articulates the standpoint of the speaker and displays what for him constitutes the ground of his form of life, the threshold of evidence starting from which he formulates judgments and acts.

This approach is close to Wittgenstein notion of 'natural reactions' but is perfectly compatible with a pragmatist theory of experience, being kin to the place it assigns to habits in the explanation of human behaviour. According to Dewey, notably, habits are the leading structure of our experience, as they fix for future action our past decisions and learnings. Like natural reactions, habits have a transcendental role in our agency⁴⁸. They constitute the stock of premises (or, better, they offer the ground for them) that we usually consider our

⁴⁸ While the transcendental role of the practical dimension is clearly stated by both Cavell and Taylor, in the pragmatist perspective is implicit in the epistemological primacy assigned to practice.

evidential starting point in moral judgment and practice. Following the line of reasoning offered by Taylor and Cavell, it is easy to see at which point our moral disagreement, once we overcome the superficial level of argumentative dispute, shows to be disagreements among forms of life (or forms of experience). This has important consequences on our understanding of the nature and role of moral inquiry.

First of all because the priority of experience is not called upon in order to dismiss the role of reason in moral matters, as it happens anytime we consider the disagreement (or its expressions like plurality of values, relativism, incommensurabilism, etc.) as an ultimate fact. On the contrary, the experience of moral disagreement is rather seen as a failure of our capacity to shape a common world for intersubjective agency. This failure is not seen as a subjective or emotional fact (something grounded in the irrational dimension of human nature) but rather as a problem in understanding and problem solving. Therefore, it can and should be faced with the resource of human intelligence. In this way, inquiry enters the field of deep moral disagreement as a form of reflection that is self-reflectively oriented toward a transformative relationship of the self to itself. Here the contemporary reflection on the expressivist dimension of human experience meets the pragmatist tradition and notably its understanding of rationality as a process of inquiry. First of all, in the deweyan perspective the dualism between the interiority and the field of external activity is overcome toward a transactional conception of experience. This notion implies that interiority is constantly reshaped through the interaction with the outer environment. For this reason, the field of agency, where inquiry takes place, has retroactive effects on the structure of our experience; moreover, reflecting critically on the facts of the matter we revise our beliefs and come to change our habits and to transform our natural reactions (Cavell's wording) or to improve our experience (pragmatist wording). This work is undergone through a reflective exercise of thinking, an exercise that takes the form of inquiry and has therefore a rational basis.

Secondly, as inquiry is self-reflectively oriented toward the critical revision of one's beliefs, as the model of deliberation as 'dramatic rehearsal' shows⁴⁹. Therefore, the pragmatist model of practical reason integrates fully a self-correcting mechanism based on the self-transformation of the agent according to the reactions of the environment to his behaviour.

⁴⁹ Robert Goodin's model of "democratic deliberation within" offers a theory of democracy which is precisely based on imaginary processes through which the individual assess the different policies in imagination projecting himself into the place of every other. Cf. Goodin 2003, ch. 9. On the pragmatist basis of this model, especially in Dewey's work, see Caspary 1991 and Frega 2006a pp. 256-259.

Thirdly, as the priority of agency in the constitution of the self displaces the discussion from the theoretical level of a clash of comprehensive doctrines to the practical level of the consequences (social, cultural, economical, etc.) that are related to the issues under discussion. Matters of principles are so reframed into questions of intersubjective social consequences of actions and decisions.

For purposes of analysis we can distinguish at least three features of the broader concept of inquiry, according to the role it assumes in experience.

Social inquiry identifies any search oriented to the clarification of the problematic situation in case, through the examination of facts, the use of arguments, and the critical examination of existing knowledge. It enters moral experience as a source of information for the intersubjective discussion of the effects each decision has on our shared form of life.

Expressive inquiry identifies the articulative dimension of moral experience through which we make explicit (for ourselves and for others) the experiential basis of our moral judgments. It is an inquiry in our experience principally aimed at showing the conditions out of which our position stems. It has a self-transformative dimension that finds expression through the critical articulation – in view of its potential revision - of one's own position. The idea of an expressive kind of inquiry stems from the idea that in our judgments we always start from a set of beliefs that we assume to be given (the background that define our threshold of evidence), and that through their articulation we become aware of them and of their consequences (our inferential commitments). Pragmatist epistemology starts from the general assumption that doubt is always localized and that in order to settle some problematic belief we have to rely on a background of beliefs that we consider valid and that we take therefore for granted or simply assume tacitly (see Misak 2000 ch. 2). This same paradigm applies to moral epistemology through the idea of an articulative dimension of moral inquiry, whose function is precisely to make this underlying assumptions explicit both in order to justify our judgments and to compare our moral position (the set of beliefs sustaining our judgment) with that of others in case of disagreement.

Imaginative inquiry is the self-reflective attitude through which each person assess in his internal forum the different options open to his agency through the imaginative representation of the consequences associated to each, in order to gather the needed elements for a critical decision. Imaginative inquiry opens a field of self-reflection based on the critical inquiry on the effects of our beliefs and decisions on both our agency and our shared world. The idea of a self-reflective kind of inquiry is based on the assumption that personal conceptions are not immutable but are responsive to reasons and experience and that this responsiveness, even if carried through a self-reflective process presupposes

always a confrontation – even if imaginative –with the outer world and with the consequences our choices and actions produce in it.

What is common to these three forms of inquiry is *the firm recognition of the tight interaction between thinking and experience*. Inquiry, according to the experimental paradigm assumed and defended by the pragmatist tradition, is based on the exchange of reasons and the consideration of empirical results. This call to reason and experience provides a strong epistemic basis for a pragmatist approach to moral disagreement. Such an approach keeps together the idea of the primacy of experience over argumentation with the idea of the inescapability of the rational factor in the moral experience. That means, as we will see later, that *the notion of inquiry here defended* (included expressive and imaginative) *presupposes an idea of moral objectivity as the ground on which inquiry is rooted*. That means that the personal factor introduced by the notion of experience does not drive us towards a subjectivist or relativistic epistemology. It is, on the contrary, a suitable basis for an epistemically defensible theory of moral reason.

This is a crucial aspect of the pragmatist account, as this offers an experiential basis for the theory of practical reason, without compromising with a ‘mild’ pragmatism that pays the access to experience at the too high price of giving up to the role of reason, justification and judgment in the moral experience. To put things simply, our approach is at a maximum distance to Rorty’s. We still consider that on moral and political matters the faculty of judgment maintains a priority over the faculties of imagination and will, and that the exchange of reasons maintains a priority over milder forms of discourse like narrative. We would not subscribe, then, to the idea of a “priority of democracy over philosophy” in the rortyan sense of a strong limitation of the role of inquiry, reason and justification in the moral and political domain. Rather, we would subscribe, although in a deweyan vein, to a priority of philosophy intended as a renewed role for reason in human affairs. But this, of course, should be joined with a critical dismissal of the classical priority of epistemology in philosophy, and with the acknowledgment of a necessary shift from traditional epistemology to an epistemology of practice. The way this could be done is showed in the next chapter.

3. Objectivity, justification and moral truth

A pragmatist theory of public reason should provide an account of epistemic validity of normative claims. As we saw in the preceding chapter, in a pragmatist account the epistemic quality of political and moral judgments is guaranteed by the validity of the process of inquiry, considered as the method through which an intersubjective problematic situation is faced and brought to a close. A crucial aspect for the assessment of the validity of the outcome of inquiry is given by objectivity: the idea of an independent criteria for assessing the validity of our moral and political judgments. This conception of the function of reason in public situations presupposes then a specific understanding of the kind of objectivity required in order to identify a common solution and provides an account of the function that justification and legitimacy have in this framework. We shall show that in such a framework a notion of moral objectivity is a constitutive requirement for understanding the practice of justification condition. It is, moreover, a necessary part of the pragmatist account of moral disagreement. But, as for the notion of agreement, we should expect that the pragmatist account of objectivity will differ substantially from the dominant view concerning this topic. In our proposal, we will defend an idea of objectivity without truth, whose main traits are described below.

3.1 Objectivity and truth

The proposal here outlined is based on the idea that the understanding of the fact of moral disagreement, and especially of rational moral disagreement and of the possibility of its overcoming through a process of rational inquiry requires a conception of the nature of moral judgment based on an account of objectivity independent from truth. In order to specify the epistemic traits of such a conception, we will start examining Misak's pragmatist account of practical reason. Her approach, that draws mainly on Peirce's epistemology, defends a conception of moral objectivity based on a theory of moral truth. I will start providing a brief account of Misak's epistemology in order to show why, contrary to her claim, a pragmatist account of moral judgment and moral practice - while endorsing the notions of objectivity and inquiry - should take a more moderate stance towards the notion of moral truth. Only in this way, I believe, we will be able to keep together the experiential root of our beliefs and judgments with the normative requirement that our moral claims should be justifiable to others.

Misak has developed a deliberative conception of pragmatist reason grounded in the peircean fallibilistic epistemology and in the idea that practical reason is based on the practice of reasons giving (Misak 2000: p. 49, Misak 2004 *passim.*). According to Misak, moral practice, and especially the justificatory enterprise of reasons giving should be guided by a reference to the idea of truth. Truth is pragmatically defined with reference to the peircean dialectic of doubt and belief. Accordingly, «a true belief is a belief that could not be improved upon, a belief that would forever meet the challenges of reasons, argument, and evidence» (Misak 2000: 49). So defined, a true belief is a belief that is *indefeasible*. Beliefs have the function of stabilizing people's conduct and true beliefs are the most effective in that function exactly because they are indefeasible. Therefore the appeal to truth is seen as necessary as a guarantee of the stability of the agreement reached: only if we agree on the basis of truth we can be certain that our agreement has some independent and long lasting basis for being justified. This is of particular importance for pragmatism, as it understands the search for moral agreement as a way to settle impediments that have emerged inside agency.

According to Misak, truth is defined through a double reference. First of all, truth is the attribute of a belief. Therefore, as beliefs are tools for the coordination of human action, truth is not defined through its correspondence to a state of affairs but according to its functioning in human experience. Therefore, is true the belief «which would forever fit with experience and argument» (Misak 2000: 82, but see also Misak 2004: 10ff.). Secondly, truth is functionally dependent for its identification upon the process of inquiry aimed at attaining it: «a true belief is the best that inquiry could do; it is what we would find survives the test of experience at the end of a well-pursued inquiry» (Misak 2000: 54). In this way Misak draws a strong connection between truth, morality and inquiry: inquiry requires truth «in order to make some rather critical distinctions» (Misak 2000: 56), and morality requires inquiry in order to overcome disagreement and fix common paths of activity⁵⁰. We have here a paradigmatically clear account of the role of inquiry in human practices, where rationality is seen as the attribute of human agency aiming at solving problems in a way that is epistemically qualified: the exposure to reasons and experience.

The peircean account of truth and inquiry defended by Misak starts from the assumption that moral questions, like questions arising in the different fields of scientific and mathematical practice, can be couched in terms such that

⁵⁰ As truth is the attribute of a belief that no argument nor experience would never overturn, in our limited human experience we cannot have access to it but are limited to *rational beliefs* only, i.e. beliefs whose validity is determined with reference only to currently available evidence and that are therefore open to future falsification. A rational belief «is that belief which best fits with the evidence that we currently have» Misak 2000: 56, «a belief on which inquiry could not improve», Misak 2000: 58.

inquiry will be able, sooner or later, to provide an indefeasible solution that all participants will share. In this perspective, disagreement is merely the sign that inquiry has not yet completed its course and that we are still searching to determine which of the competing perspectives is the right one and which, as a consequence, are the ones to be rejected. Moreover, Misak shares with Peirce the belief that moral inquiry - but inquiry generally - is submitted to the principle of bivalence. Assigning to bivalence the role of regulative principle of moral inquiry⁵¹, Misak implies that in moral inquiry the search for agreement should be guided by the regulative idea that at the end of inquiry only one among the competing beliefs will hold valid. A first consequence of this claim is that when we are faced by disagreement one of the disputants must be wrong, and that an inquiry adequately held will tell us who is right (if any) and who is wrong. According to Misak, bivalence is a necessary complement to truth because the reason why we engage in inquiry concerning a proposition *p* is exactly in order to know whether *p* is true or false. «We must, for any given question, assume that there would be an upshot to our investigations, that it would emerge either that *p* is true or that it is false. Otherwise, we simply could not explain why we inquire into the issue. Such an assumption is one which we have to make in order to make sense of our practices of deliberation, investigation, and belief. The assumption of bivalence is our practice – it is part of inquiry» (Misak 2000: 68). Even if we admit, as Misak seems sometimes ready to do, that bivalence as a regulative idea is only a hope, the normative role assigned to it in orienting inquiry remains unchanged. We see the principle of bivalence at work where Misak affirms that moral inquiry, and so also the kind of inquiry we undergo when we face moral disagreement, will have to be conducted *as if* there were a truth value to be discovered: «the phenomenology of morality is that it aspires to truth» (Misak 2000: 85-86).

A difficulty that this approach raises concerns specifically the fact that, as we will show, it is at odds with a vast amount of moral practices. In particular, it contrasts with inquiries conducted in cases of deep moral disagreement: where disagreement shows to have a reasonable basis (i.e. the contrasting positions have all valid reasons to be held) and it proves impossible to decide which claim is true and which is false, the commitment to truth praised by Misak requires that those claims should be considered devoid of any cognitive content and therefore destitute of any claim to objectivity. As the truth-aptness is the mark of objectivity, anytime after reasonable efforts we cannot find a point of agreement we will have to admit «that there is no fact of the matter at stake» (Misak 2005: 133) and that, as a further consequence, there is no objectivity on which our judgment can hold.

⁵¹ «A regulative assumption of inquiry is that we must hope, for any question into which we inquire, that bivalence will hold», Misak 2005: 133.

In order to provide an account of moral practices that does not leave situations of reasonable moral disagreement outside the field of rationality, we should find a different path, a path that preserves the fallibilist instance according to which moral judgments are responsive to argument and experience, but that can do without the claim that truth-aptness is an epistemic prerequisite of all moral judgments and that moral judgments that cannot be said true or false lack any form of objectivity⁵². A suitable solution to this problem can be found in a more thorough consideration of the pragmatist principle of the primacy of consequences and through a more radical consideration of the role of practice in the definition of objectivity. This counters the path chosen by Misak whose discussion tends to cast objectivity at the theoretical level of a confrontation among abstract beliefs. Here, the problem of disagreement tends inevitably to slide into the problem of value pluralism, that is the problem of how, in the abstract (i.e. independently from a practical situation), conflicting values can coexist without our accepting one and refusing others. (cf. Misak 2000: 131 ff. and Misak 2005 *passim*).

As we will try to show, it is precisely the epistemological primacy that pragmatism attributes to practice that enables us to defend an idea of objectivity independent from the idea of truth. In order to accomplish this, we need to distinguish and separate two thesis that in Misak's argument are fused together. The first is that moral discourse can legitimately aim at moral objectivity (a point that imply a strong critique of moral anti-cognitivism and of relativistic epistemologies). This thesis finds its counterpart in the idea that moral claims, as any other discourse aiming at objectivity is responsive to experience and reason and that therefore moral judgments «are sensitive to something that can speak for or against them» (Misak 2000: 52). This responsiveness to experience and reason guarantees the objectivity of moral discourse. This claim is a common heritage of pragmatist tradition, equally shared by Peirce and by Dewey, and it explains the place they both attribute to inquiry in the search for knowledge and stable beliefs and more broadly as a powerful tool for facing and solving social and political problems. But Misak adds to this thesis a second claim that she considers necessary in order to complete her epistemological account. This claim consists, as we have showed, in extending the theory of moral objectivity in a theory of moral truth. We believe that it is precisely in this passage from objectivity to truth that renders the problem of deep moral disagreement epistemically opaque as this shift transforms disagreement in an epistemic rather

⁵² Even Misak's proposal to consider 'permissibility' as a weaker form of objectivity does not solve the problem. We discuss this point below.

then practical problem⁵³ that inquiry is called to face. In addition to this, Misak adds a further argument that transforms this attitude towards disagreement in a formal presupposition of rational inquiry. As she puts it, placing truth at the core of our moral discursive practices implies that «in order to really *engage* others in conversation or dialogue, we have to see their disagreement as implying a mistake on someone's part. [...] The crucial point is thus that assertoric dialogue requires an intolerance of disagreement. This needs to be present already in the background, a pragmatic presupposition of judgement itself. I am not a maker of assertions, a judger, at all, unless I am already playing the game to win» (Misak 2004: p. 18). Moreover, as Misak puts it in an effort to distinguish Peirce's approach to moral epistemology from Dewey's, James' and Rorty's (a very unhappy mixing up of philosophers whose epistemologies I take to be profoundly different), «our practices rest upon the assumption that disagreement points to a mistake on somebody's part» (Misak 2005: 131). The trouble with this position, as we have already noticed, is that it gives to moral disagreements an agonistic twist that makes mutual understanding more difficult rather than easier and therefore the search for a shared solution less probable. As it has been remarked also by deliberative theorist John Dryzek commenting on Misak's proposal, «implicit in a situation where moral truth is sought is an incipient danger of the eventual silencing of the differing opinions that are the very grist of politics»⁵⁴. This happens because, as Misak admits, if we force truth into moral discourse in this way, the only reasonable way for facing disagreement will be to admit that «disagreement, again, implies a mistake on someone's part» (Misak 2004: 16).

We do not consider satisfying to reply, as Misak does, that her approach still acknowledges the existence of spheres where moral disagreement can legitimately exist, because its existence is paid at the too high price of the epistemic irrelevance of the beliefs involved in it: issues that cannot overcome the state of disagreement (think of the abortion dispute) can remain in their state of unresolved epistemic condition only because we consider them to be unresponsive to arguments and experience for the reason that they have no truth value. The implication of this solution is that our capacity to deal rationally with situations of deep moral disagreement is reduced and not enhanced: it deprives us of the opportunity to submit them to inquiry⁵⁵ and therefore to face them in a rational way. As we shall see, both the solutions that Misak offers –

⁵³ Epistemic and not practical in the sense that the conflict is transposed from the level of action in a problematic situation to the level of abstract beliefs. Beliefs regain therefore that autonomy in respect to experience (and situations) that pragmatism aimed precisely at avoiding.

⁵⁴ Dryzek 2004.

⁵⁵ What would then mean, in fact, to submit to inquiry something that we consider to be unresponsive to arguments? As long as responsiveness to reason is defined in terms of truth, the lack of truth-aptness implies inevitably the absence of a rational content.

substituting the truth-value condition with a weaker condition of permissibility and leaving the solution of disagreement to political deliberation⁵⁶ – are below the expectations of a theory of reason that claims to start from the recognition of how moral practices are effectively conducted (a recognition of the primacy of practice that we are totally willing to share) in order to increase their self-controlling quality.

In order to prevent a source of misunderstanding, we want to make explicit that we fully share Misak's claim that «part of what it is to hold a belief, as opposed to being in some other mental state [...] is that there must be something that can speak for or against a belief and that a belief must be responsive to what can speak for or against it» (Misak 2004: 13). Moreover, against narrative or voluntaristic approaches to the moral and political practice, we strongly believe that the novelty of pragmatism resides precisely in his ability to reframe epistemological categories according to the primacy it attributes to practice and experience, and therefore that pragmatism is not a doctrine that enable us to do without justification, validity and inquiry but that rather shows us a different way to understand what justification, validity and inquiry are and which place they play in our moral and political practices once we abandon too stronger (and unrealistic) epistemic ideal. It is precisely for this last reason that we consider that the grammar of moral rationality requires a broader conception of validity, one that does not leaves deep disagreement outside the reach of inquiry. In particular, we should guarantee that the claim to validity and objectivity in moral discourse be defended even in cases where the responsiveness to reasons and experience does not lead to the possibility of collectively endorsing a belief (what Misak would term claiming a belief to be true). This is because, as we shall see, the responsiveness to argument and experience does not necessarily imply the fact that a given belief be compelling to all the persons concerned: it does not necessarily imply its submission to the true-false logic. For these reasons, we share Misak's claim that «disagreement *matters* to us and this betrays the fact that there is something at issue». But we won't subscribe to the sentence that immediately follows, that disagreement «betrays the fact that there is a truth of the matter and that we try to discover what the truth is» (Misak 2005: 131). Separating the first sentence from the second does not mean at all to subscribe to a subjectivist or communitarian conception of validity (a “true by my light” or a “true by our light” conception), on the contrary.

⁵⁶ «Where disagreement does matter - if you and I disagree about whether Canada ought to join in the war against Iraq - we will want to say that there is a truth of the matter here, despite the fact of our intractable disagreement and lack of clarity about how to resolve it. This kind of disagreement will issue in censure or disapprobation. And this type of disagreement is such that, if we want to resolve it, we will have to deliberate, listen to the views of others, and consider the reasons. We will have to be deliberative democrats» (Misak 2004: 20).

3.2 Objectivity without truth

Our approach, like Misak's is based on the recognition of the primacy of practice in the account of validity. If we then agree with her in admitting that *prima facie* our claims aim at a validity that can be expressed by the true/false dichotomy, we have also to admit that the fact of pervasive and radical disagreement shows us that in many circumstances (and in very crucial ones) our discursive moral practices are not oriented towards truth but rather towards forms of agreement that are precisely based on the acknowledgement of the fact that on certain matters the truth-talk is bound to fail, and this for reasons that have nothing to do with some supposed weakness on the part of the inquirers. In these cases, renouncing to the search for truth as the only way to give our beliefs their due seems to be the most adequate way in order to further rationally our common inquiry. This, of course, does not mean in any way that we are endorsing an *anything goes* pluralism according to which in the impossibility of reaching agreement (and then in the face of a radical disagreement that makes truth-claims on specific topic impossible), we dispose only of «different, equally warranted, accounts of what is the case» (Misak 2005: 129).

Saying, as Misak is inclined to do, that in cases of moral disagreement «there is no truth of the matter» (Misak 2005: 133) or, which for her is the same, that our moral judgments «cannot fall under our cognitive scope» (Misak 2000: 137) is clearly unsatisfying as this implies that there is a part (and a very vast one, indeed) of our moral experience of which we cannot provide any rational account. It is a position that could probably be held if it was possible to prove that this happened in a clearly restricted range of cases. This could at least assure us that opaqueness of our experience is very limited in scope. But the fact is that if we look at our ordinary moral and political practices we will be led to acknowledge that the problematic cases in which moral truth seems to be beyond our reach cover a huge part of moral experience, and notably that part where the light of rational inquiry seems to be more needed. Unfortunately, moral situations like those produced by underdetermination, regret and tragic choices⁵⁷, rather than being marginal, correspond to a great portion of our moral experience. If it is true that many cases of underdetermination concerning the choice among competing ways of life can be disposed of shifting from a true-false logic to a permissible-non permissible logic (Misak 2000: 137-138), there remain plenty of cases of underdetermination whose focus is the necessity to

⁵⁷ This are the types of moral situations where according to Misak moral beliefs do not satisfies the conditions of truth-aptness, which are bivalence and constancy of truth values among people.

take a single decision, where then plurality has to be brought to unity, and where a pragmatist should want that such a result would be the outcome of a rationally conducted common inquiry and not of a mere political decision procedure.

Particularly, we believe that the fact that, as Misak suggests, all these cases show the impossibility to reach a shared uncontroversial conclusion (she takes here the standpoint of an external observer charged to provide the one good solution), does not bring inquiry to its end. On the contrary, it is precisely the impossibility of such a non controversial spectatorial judgment that makes it a necessity for the agents-inquirers to enter into a process of inquiry (perhaps a quite different one) in order to find a common position concerning the actions to be undertaken. And it is precisely here, in the midst of the problematic situation in which the agent is engaged that moral judgment is required and that inquiry shows itself as the best practice at our disposal in order to orient the agency in view of settling the situation. These are exactly the kind of cases where a pragmatist approach focused on the identification and discussion of consequences could be seen as a viable proposal for overcoming moral disagreement through the recourse to the objective resources of moral discourse, but without the certainties of the truth-aptness required by Misak's theory. In respect to this, Misak's proposal to face deep disagreement submitting it to deliberation (Misak 2004: 20) provides only a pragmatic escape (not a pragmatist solution) from an epistemological problem that cannot find a viable solution in her idea of moral truth. This, as we have shown, offers us an epistemic escape from the uncomfortable condition of disagreement but still leave us with a huge portion of moral experience for which objectivity remains a lure.

A further argument that speaks against Misak proposal is that it is based on an understanding of moral inquiry that does not take into account the specificities that distinguish moral from other kind (and notably scientific) inquiry. While endorsing the pragmatist idea that inquiry is a general paradigm for the exercise of human intelligence and for the stabilisation of beliefs in every field, we should be more sensitive to the differences that distinguish a form of inquiry from another than Misak seems to be. In the case at hands, if we want to account for the fact, acknowledged by Misak too, that compared to scientific inquiry moral inquiry faces a far bigger amount of cases of disagreement, we cannot be content with the claim that «the baggage which accompanies the sort of experiential judgments relevant to science and mathematics is more uniform than that which accompanies the sort of experiential judgments in morals» (Misak 2000: 92). On the contrary, we need also to provide an account of this fact. For if this greater level of agreement were due to the better advancement of inquiry in one field, then we would be justified in hoping that the same will

happen one day in the field of moral experience. This would be perfectly coherent with Misak's approach and will account for her hope in the validity of the bivalence principle in moral practice. But we probably have to acknowledge that the different level of agreement that characterize moral inquiry compared to scientific inquiry depends on irreducible differences between the two fields, and that the sources of disagreement in the two cases are probably different. We should therefore recur to different explanations in order to define justification and validity of beliefs in these fields of inquiry. Misak's understanding of the cognitive dimension of morality is surely useful whereas our aim is to provide a justification for a practice in the face of those people that do not respect it, like the case of nazis and other kinds of antidemocratic peoples (a point of very high concern for Misak). Unfortunately, it is nearly useless when we need to explain why so often in moral argumentation we are drawn back to our set of premises without being able to find a point of agreement, and this even when we behave and speak in a fully rational way. On this point, the expressivist approach here assumed offers a valid explanation of why, in moral reasoning, people tend so often to fall on the opposite side of a divide that seems impossible to overcome.

There is another trait that distinguishes moral from scientific practices that should be taken into account. In the case of moral inquiry, as the deweyan notion of problematic situation shows clearly, participants are at the same time the carriers of inquiry – the inquirers – and the object of inquiry - part of the problem under inspection⁵⁸. Failing to acknowledge these specific traits drives us to the mistaken idea that moral inquiry normally takes place inside a shared framework, as it is the case in scientific inquiry. On the contrary, the fact of deep disagreement shows precisely that, even in situations where conditions are epistemically and morally favourable, people tend to disagree concerning how a problem should be set.

A further trait that distinguish practical from scientific inquiry is that in the first but not in the second case the object of inquiry is characterized by an intrinsic dynamism that makes the peircean perspective of truth as the agreement in the long run more inappropriate than utopian. In a context of evolution and changes, a practice of inquiry attuned to the needs of participants should not orient itself to the ideal of indefeasible beliefs attained at the end of a long-lasting inquiry in stable conditions but rather on the idea that dealing with disagreements implies not that we progress towards an ever better solution to the same problem (a more stable belief) but that we accompany changing problems with changing solutions (dynamic adjustment of beliefs to evolving

⁵⁸ This is what Dewey called the 'practical factor' in inquiry, a factor that can and usually is negligible in scientific practice but that becomes relevant in moral inquiry. Cf. J. Dewey, "The logic of Judgment of Practice", MW 8: 14-82.

situations). This fact cannot be dealt with simply claiming that the notion of truth is ideal and that the shorter the inquiry the lesser the probability we reach truth. On the contrary, what seems to be required is rather a theory of inquiry that is based on a more dynamic relationship between the process of inquiry, its changing subject matter and the regulative function that judgments – as the outcome of inquiry – play inside it. Then we will be able to acknowledge that the role Peirce assigned to a definitive indefeasible belief considered as the adequate result of inquiry (a result suited to bring inquiry to a close) should be given to the idea of a stream of beliefs which is associated with the idea of a never ending inquiry whose subject-matter shifts constantly and cannot therefore never be considered ‘settled’.

A fourth reason that forces us to put into question the idea of moral truth concerns the socio-epistemic structure of moral inquiry and the inadequacy of Peirce’s conception to account for it. Misak is clearly aware of the fact that in a peircean perspective truth is the outcome of a process of inquiry whose proper subject is the whole community of inquirers. This means that inquiry denotes a process that *is and should be* conducted by participants that share the same methodologies, instruments, verification procedures, theoretical frameworks and so on. In a strict sense, anytime this is not the case (i.e. the belief claimed to be true is not the outcome of a process of inquiry guaranteed by the community of inquirers) we cannot properly speak of truth. This is a requirement that should be necessary fulfilled in order to consider a process of inquiry to be valid. This should then reminds us that neither inquiry nor truth exists independently from a community of inquirers. Out of this framework we cannot properly speak of a process of inquiry in peircean terms. And, while truth is an abstract predicate, inquiry denotes a specific, real and concrete social process. And as the peircean notion of truth is dependent upon his notion of inquiry, the existence of the first is dependent upon the existence of the second. We should than admit that we cannot properly speak of a moral truth unless the claimant belief comes out of a cognitive competition held against rival beliefs within the framework of a shared research procedure. Unless this is the case, then everybody can claim its own truth without having to submit its beliefs to the community of inquirers that guarantees the outcome’s validity. It is this specific trait of the practice of inquiry that explains why both Peirce and Misak insist in claiming that disagreement is a radical menace for truth and for inquiry.

If there are certainly cases in which moral inquiry can be said to take place according to the peircean paradigm, this is not what happens on a regular basis. We can even say that more often than not one of the causes of moral disagreement is precisely the fact that this common framework legitimating inquiry is missing, and this explains why the focus of inquiry shifts from the objective level of factual inquiry to the level of an articulative and expressive

inquiry that takes a reflexive turn. But then if there is no community of inquiry and no shared frame of research, in which sense, and by whom, a solution can be defined as the most reasonable and made compelling? Here the political level of public deliberation cannot be taken to be the equivalent of the acceptance by the scientific community of inquiry's results. Moral inquiry, differently from scientific inquiry, is rooted in perspectival differences that are constitutive of moral experience itself and should be positively accounted for rather than reduced to irrelevancy. Contrary to scientific practice, the frequent incommensurability of our positions cannot be attributed to an insufficiently developed level of inquiry, but to the fact that our moral positions are rooted in different forms of life, often all legitimate but still based on different assumptions that do not have the status of scientific hypothesis that we could, one day, verify or falsify according to their responsiveness to reasons and experience. If it is then true, as Misak claims, that where we can share a common framework moral judgments have a normative force that enable us to enforce them on others, in cases where this does not happen we cannot content ourselves in saying that «we acknowledge and applaud diversity in our moral lives» (*ibid.*), because the need of a sound moral inquiry emerges exactly here, where our personal standpoints diverge but we are in strong need to assume a common policy. This is crucial in order to explore how we should understand the epistemic fact of responsiveness to experience and argument in moral reasoning. Although it is true (and that is a crucial claim of pragmatist epistemologies) that «through critical reflection, exposing oneself to more experience and perspectives, one's background beliefs can be improved and one's judgments revised» (Misak 2000: 93), this still does not account for the fact of reasonable moral disagreement.

2.3 Objectivity, community, and relativism

A last point that need to be discussed about the peircean idea of inquiry developed by Misak concerns her treatment of the notion of community. Correctly, Misak remarks that an excessive condescendence towards the idea of situatedness of moral knowledge can lead us into the arms of a communitarian epistemology that limits the validity of a claim to the cultural boundaries of a community, giving way to relativism (Misak 2000: 131). Now Misak, being in favour of a non relativistic pluralism, tries to avoid this conclusion, and claims therefore, contrary to communitarianism, that the boundaries of a community can always be overcome opening the community values to the judgment of non members in reason of something that we all share.

But there is a different way to face the problem of communitarianism without necessarily presupposing a common structure (anthropological? Based

on experience?) that transcends the limits of a cultural community towards the idea of a universal community of inquirers. Following some considerations developed by Stanley Cavell⁵⁹ on the relationship among community and rationality, we can consider that the notion of community does not denote the collective subject that is at the starting point of our search for moral objectivity, but rather that which is produced at its outcome: it is through confrontation over experience that people that come to agree on fundamental moral matter can say to belong to a common form of life. While the idea of community as a pre-given social unity has very negative epistemic implications, once considered as the result of a process of inquiry it has powerful epistemic consequences.

According to the perspective here outlined, both the communitarian conception of community as a pre-given homogeneous whole and the peircean idea of a single «community of inquirers [...] embracing all peoples and cultures» (Misak 2000: 133)⁶⁰ have to be rejected. Both these alternatives start from the same presupposition that consists in considering the community as a fixed rather than a dynamic entity, something inquiry should treat as a pre-given (a substantial precondition of inquiry for the communitarians, a procedural precondition for the peircean pragmatist) rather than as the outcome of a successful process of collective inquiry. If we are correct in claiming that nothing like the sort of universal community of inquirers exists and that the communitarian approach is to be refused, then we should base our search for agreement on a different conceptual basis, one that is offered by the very fact that human agents share practices and that practices evolve over time as the people engaged in it change. All these considerations converge on the idea that we should resist the conclusion that whenever we face moral disagreement that cannot be overcome, either one of us is wrong or there is really nothing at issue. Both these solutions, in fact, oblige us to renounce to the notion of objectivity in a crucial field of moral experience. Misak's solution has the effect to displace the fact of the impossibility to persuade the other to share my point of view from the domain of incommensurability (the radical difference between our positions, their legitimacy notwithstanding) to the domain of parochialism (the inadequacy of my position to reach agreement by all). In so doing, Misak is driven by an excessive concern with the objectivity of moral claims against immoral or amoral opponents (the Schmittian, the racist), a task that in order to be accomplished requires that my claim receives its validity from its capacity to appeal to something that is common to all. If we look at our moral practices, we will have to acknowledge that objectivity and inquiry are more oriented towards the

⁵⁹ But see also Dewey's claim that the public is the object of a search (PP *passim*).

⁶⁰ Later on: «we should commit ourselves, if we can, to the thought that we all belong to one community» (Misak 2000: 133). Here we can see how this belonging is normatively imposed from outside, not built through experience.

construction of a moral common world to be shared rather than to the defence of our moral world from people that are seen as menacing it from outside. If the “Schmittian and other illiberal opponents” can all be dismissed on the basis that they do not respect basic democratic rules of moral inquiry, we cannot say the same of the religious believer that affirms a conception of life that we cannot share and which stems from a moral position he considers unquestionable and we consider simply impossible to assume. And it is here that moral inquiry encounters the most difficult challenge, a challenge that an inquiry not fully attuned to our moral experience cannot hope to win.

In order to take full benefit of the pragmatist theory of inquiry we should then develop more fully the specific traits of its experimental side. This imply that we adopt a position closer to the deweyan conception of inquiry as practice of experimental resolution of problematic situations rather than to the peircean conception of science as search for truth. Dewey’s theory of inquiry is, in fact, better suited to deal with kinds of inquiries that takes place in the moral and political field. The points we would like to advance are two. The first concerns the shape that the experimental attitude should take in moral inquiry, while the second concerns some specific traits that characterizes this kind of inquiry. Concerning the first point, we can find in Dewey’s theory of moral inquiry a detailed conception of how the experimental attitude can be introduced (and adapted) to moral inquiry. **Qui è da fare.** Concerning the second, Dewey’s epistemology helps us in taking into full account the transformative dimension of the experimental process of inquiry. This is of particular importance in the case of moral inquiry, and especially of political inquiry where we cannot rely on repeatable experiments in controlled circumstances but with singular courses of action that irreversibly transform the reality they are supposed to help us know. This specific situation gives rise to consequences that have to be accounted for.

The first consequence is that we cannot be neutral with respect to the order of hypothesis testing, as the testing of an hypothesis corresponds to the adoption of a policy and has therefore strong – and often irreversible - political consequences⁶¹. The second, strictly related to this, is that given the transformative consequences of the adoption of a policy, we cannot adopt a fallibilist attitude that consists in putting to test as many hypothesis as possible. The third aspect, that we discuss in the following pages, concerns the fact that values, principles and conceptions of life cannot be treated as theories that can be falsified or verified, and therefore adopting an experimental attitude towards them has a different meaning than putting them to experimental test. It follows that as a guide for individual or collective action, a belief is ordinarily tested mainly through its use. This determines a strong asymmetry with scientific

⁶¹ Interesting remarks on this point can be found in MacGilvray 2004.

practice, in which the attitude towards beliefs testing can and should be radically different. Moreover, even if its application can be relevant in order to test its validity, its main function is rather extra-epistemic: we act according to a given political idea not in order to test its truth but in order to produce certain expected consequences. Therefore, the notion of objectivity that we are asked to adopt with reference to social and political inquiry would be of a kind which is compatible with the real conditions in which this kind of inquiry takes place.

This entails firstly that the condition of publicity acquires a heavier function as the decision to act on a given hypothesis has stronger (and irreversible) consequences than in scientific practice. Here it is necessary to make explicit which is the specific target of this sort of experimental practice. We could consider experimental practice as oriented to the assessment of the hypothesis (the moral belief or the policy that a part supports). But we could also consider that the experimental practice is simply oriented toward the realization of its expected consequences. In this second perspective, the experimental practice has not properly a verificationist scope but is rather a transformative practice whose eventual experimental feedback will have an impact not on this practice itself but rather on future practices. We use social, moral and political knowledge in order to frame social policies that have an hypothetical content: they provide a diagnosis and the solution has the statute of a forecast concerning which consequences will be generated by its adoption. This second aspect shows us that what is at stake in practical knowledge is not the truth of our conceptions but the evaluation of their consequences on those that are affected by them once we adopt them as guides for action. Epistemically this can be formulated recalling Dewey's claim that in epistemology the notion of judgment should have priority on that of truth⁶². Truth is the attribute of the stable beliefs we employ as tools in order to formulate the specific judgment that settles the given problematic situation. Experimental inquiry therefore shouldn't be conceived of as a tool for assessing our diverging beliefs and values in order to decide which are true, but in order to design social settings through the assessment of their impact on people's lives. Here the pragmatist paradigm of the belief-doubt-belief dynamics should probably be slightly revised in order to conceive more adequately the function of inquiry in all those cases where we do not have properly a belief called into doubt but beliefs or values that conflict and where the relevant question is not properly which one is true but how, given our difference in beliefs, we can design a common scheme of agency. This would mean, in MacGilvray's terms, that «*if we find that one of our beliefs is*

⁶² «The radical difficulty of the intellectualist is that he conceives of the pragmatist as beginning with a theory of truth, when in reality the latter begins with a theory about judgments and meanings of which the theory of truth is a corollary», J. Dewey , *A short catechism about truth*, MW 6: 9.

controversial – that is, dubious from a social point of view – and if we wish to appeal to that belief to justify the use of state power, then we should be willing to present it to our fellow citizens in experimental terms» (MacGilvray 2004: 165). The reason why this should be done is that we, as a public, are not interested in the truth of our respective conceptions but rather in the consequences related with their adoption as basis for common action.

If we accept the core idea of the fact of pluralism, we should also acknowledge that we often have no title for judging the value of beliefs which belong to comprehensive doctrines we don't share. But this should not force us to renounce to engage our interlocutor in discussing their impact on our life. On the contrary, we have a full right to discuss the legitimacy of laws that enforces certain consequences on people's lives under the presupposition of some comprehensive doctrine. But while classical liberalism would simply forbid this beliefs from the public arena and while pragmatist thinkers like Misak would accept them provided they pass a verificationist procedure, we propose to consider the assessment of consequences neither as it were the basis for the verification of the belief in question, nor as something to be left to private life. While discussing the social consequences of a policy based on a comprehensive conception, I am not necessarily concerned with the assessment of its truth-value. Values and principles have not the same status of theories and cannot therefore be said to be verifiable in the same sense. They can, in a pragmatist perspective, be assessed experimentally as far as their consequences are concerned. Treated as an hypothesis concerning how to conduct one's own life, a value, a principle or a conception of life can be assessed in the sense that we can determine its value in terms of the consequences that will take place if we will act according to it. It is in this sense that the appeal to consequences provides a ground for assessing a value or a principle. But the aim of the assessment here should be conceived more as a way for determining its full meaning in order to decide whether to adopt it or drop it rather than a way for determining its truth-value.

Therefore, a pragmatist account can easily dismiss the question of the truth-value of conceptions while at the same time avoiding relativistic consequences. This is due to the fact that pragmatism has previously accomplished a separation of *private justification* (the reasons that motivate my endorsing a certain belief) from *public justification* (the practical consequences that are associated with a given belief). This move determines a different understanding of the practice of public justification, an understanding that is backed by objectivity but that is not exposed to the limits identified in the classical justificatory approach⁶³. In a different way, we could say that pragmatism bases his theory of justification (and hence of objectivity) in moral and political practice on a distinction

⁶³ An approach that is still endorsed by Misak.

between the two epistemic dimensions of *entitlement* (the arguments that entitle an individual to hold a belief) and *commitment* (the engagement I assume as a consequence of this endorsement). This has deep consequences as it grounds an epistemic and practical distinction between the different private ways of fixing beliefs and the methods of experimental inquiry based on the assessment of consequences for all those decisions that affect a public. As we have seen in the first chapter, the condition of publicity associated to the public sphere implies that a disputed belief should be discussed through the common assessment of the consequences that its endorsement would produce. It is precisely this connection between the given policy and the possible consequences associated with its adoption that constitute the experimental hypothesis in favor or against which argument and experience speak. I think that it is here and not in the rule of experts or in a vague claim to the benefits of inquiry that should be located the value of the experimental approach to the social and political dimension of experience. In this way, the classical image of a disagreement dividing and opposing broad theoretical constructions is replaced by a confrontation that takes place on the ground of the practical consequences associated with a belief considered as the starting point for a common course of action. Here we find the basis of the pragmatist conception of public justification.

4. Pragmatism and justification

4.1 A pragmatist justification of democracy?

One of the most relevant topic a theory of public reason should face is that of public justification. With this expression, we refer to the account given in order to defend the legitimacy of an institution or a piece of it, where the term institution should be understood broadly enough to cover also symbolic artefacts like principles and norms as long as they are part of an institutional setting⁶⁴. In order to understand how a pragmatist conception of rationality faces this requirement, we will have to start from the acknowledgment that in the pragmatist perspective the very practice of justification (its end, its place in the public arena) should be conceived quite differently from the general understanding we find in contemporary political epistemology. In order to provide an account of justification grounded in a pragmatist perspective we should therefore first put into question some general assumptions that underlie traditional liberal accounts of justificatory practice. Only then we will be able to sketch the outline of a pragmatist account of the practice of justification.

In classical liberal approaches justification is required in order to legitimise a given political institution or conception. Public conceptions of reason notably assign justification two distinctive functions:

1. To provide legitimacy of institutions and decisions in the face of those that are placed under their rule (legitimacy of the use of force);
2. To provide a defence of liberal democracy against those who do not share democratic premises.

We can call these justificatory practices respectively *internal justification* and *external justification*. Universalistic or foundational theories of legitimacy try to solve both problems through a single explanation, as they consider that the justificatory practice has to be free from any local or particularistic content. Therefore, under the umbrella of some light assumptions (fact of pluralism, principles of equality and autonomy, reasonableness of agents), the justificatory practice can be seen as a single enterprise aiming at accomplishing both the functions of internal and external justification. To justify an institution, in this perspective, means to find neutral arguments that demonstrate in a non controversial way that:

⁶⁴ In this sense, principles of liberty and equality and the idea of democracy are a constitutive part of a contemporary democratic regime and require, therefore, to be justified in the sense here assumed.

1. It is reasonable or just for a citizen to abide to the rule of democracy as the exercise of power is justified from its dependence to some non controversial principle or value;
2. Democracy has an intrinsic superiority to other political regimes as it fulfils more fully some fundamental human values considered to be of the highest importance (liberty, equality, capacity).

In both cases, it is assumed that the legitimizing power of justification depends upon the ability of justification to transcend the limited field of practice inside which legitimacy is required. This, we contend, is the point at which the dominant political epistemology of liberalism and pragmatist epistemology reach a maximum distance. In this chapter we will try to outline the main elements of a pragmatist approach to justification in political theory. In doing so, we will examine some recent attempt to develop a theory of justification on pragmatist ground. We intend in this way: a) to show the distinctive specificity of the pragmatist approach to this topic, b) to demarcate, inside the pragmatist field, some different approaches to justification and c) to defend a specific conception of pragmatic justification that, while still being inside the pragmatist field (and therefore sharing a lot of presuppositions with the other pragmatist accounts) we consider to be more suited to the task at hand.

4.2 Cheryl Misak's justificatory pragmatism

In her groundbreaking account of a pragmatist moral epistemology, Cheryl Misak has focused mainly on the second function of justification identified above and places as the core of justification the task of providing legitimacy to democratic institutions in the face of people that explicitly refuse (and argumentatively so) liberal and democratic principles. According to this perspective, political philosophy should answer the following question «how can a liberal democratic society propose a philosophical account of its practices and institutions that is adequately robust to answer antidemocrats?» (Talisso 2005: 84). The reason why such an account is required is that in its absence we would feel that democratic institutions are somehow arbitrary and therefore exposed to their overturn. Justification, by showing us that a choice is, generally speaking (Dewey would have said “at large”) better than and superior to another, fortifies our belief in the rightness of our choice. In Misak's analysis, the basic motivation that engages the search for a philosophical justification of liberal democracy is the following: «if there is no right or wrong in moral matters, then what prevents one from adopting Schmitt's line rather than the line of tolerance? What can the hands-off liberal say to the Schmittian?» (Misak 2000: 11). According to Misak, a justificatory move should provide arguments in

support of a given set of institutions showing it to be rational, where this last predicate means that the justification, for the fact of being true, can claim hold against contrasting views. This program of justification is likewise set over against those relativistic liberals that restrict their political claim to a simple fact of preference⁶⁵, in this way relativizing the validity of democratic practice to the contingent situation of the historical development of western civilisation. We would like to show that, contrary to this analysis, the pragmatist answer should be considered as lying precisely in this in-between, half-way between the universalist claim and its relativistic dismissal.

In order to start questioning Misak's proposal, we should firstly make explicit what according to her is a good justification and what is its function. According to Misak, a good justification is an argument that, on a rational basis, claims that a certain practice has an intrinsic value. This intrinsic value, according to Misak has to be formulated in the terms of objectivity and truth: a practice is justified if and only if we can back it with the help of true beliefs that determine its objective superiority to other candidates. Justification is then the outcome of a practice whose aim is to provide legitimacy to an institution or decision affirming its intrinsic (and absolute) superiority to competing candidates. The attribute of rationality stands here as the opposite of relativism, and means that the validity of the justificatory discourse extends beyond the boundary of the practice whose legitimacy it intends to demonstrate. Therefore, under the assumption of the rationality of the agents, a justification of democratic practice in order to be valid should be compelling also for those who do not share its grounding principles. On the account I would like to offer, the relationship of justification to practice is conceived in a quite different way, which is neither that of a (quasi) transcendental normativity (Misak) nor that of a relativistic description (Rorty). In this perspective, it does make little sense to say that democracy is the best political solution or to say that democracy is best for us (the two competing alternatives between which Misak's presses us to choose). Striving towards an immanent conception of normativity, we will show how justification should be conceived as being immanent to practices, but nonetheless provided of normative force.

In short summary, the argument advanced by Misak is as follows. Its starting point lies in the peircean conception of inquiry. Of this conception, Misak underwrites especially the following elements; the pragmatic function of beliefs in the orientation of conduct; the theory of truth, and notably the idea that truth is the attribute that guarantees the highest reliability of a belief; the fallibilistic conception of knowledge and the idea that the proper subject of inquiry is not the individual but the community of inquiry to which he belongs. Acknowledging the evolutionary value of stable beliefs, and considering that

⁶⁵ The preferential target of Misak here is Rorty, but also Rawls.

democracy is the regime that guarantees that everybody's voice be heard, Misak concludes to its political superiority over any other political regime. The reason that justifies this conclusion is that if it is true that everybody prefers to have true beliefs rather than false ones and if it is true that democracy is the political regime that is most suited for the search of true beliefs, than also the illiberal and antidemocratic cannot really desire to live in an antidemocratic regime as this reduces their possibility to reach true beliefs⁶⁶. In Misak's theory this epistemic argument⁶⁷ is given a justificatory priority over moral and political principles as, independently from the moral and political beliefs under discussion, it states that anybody that wants his life to be guided by reliable beliefs – and according to Misak everybody necessarily wants this, which means «beliefs which will not be overturned by subsequent experience and reason» (Misak 2000: 107) should take seriously other's experiences. This provides an epistemological justification of democracy that, according to Misak, should be offered to those that refuse substantial political and moral justifications.

A first critical remark we have to oppose to Misak's project concerns the broader question of the meaning that the justificatory practice assumes in the pragmatic perspective. We believe, in fact, that Misak's approach remains too indebted to the classical liberal justificatory ideal of reason, of which she shares the idea that justification transcends the actual domain of the practice it is supposed to legitimize. On this point, Misak fully endorses the liberal idea that justification is addressed (and claims to be valid) also against those that place themselves outside the institutional framework of democracy. This claim, which is fully coherent with the liberal conception, whose starting point is precisely justificatory (how could we justify the use of force to those that are submitted to it), is at odds with the pragmatist approach. For such an approach starts from the critical remark that «liberalism ... is far more suited to founding than to sustaining democracy» (Barber 1998, cit. in Talisse 2005: 84). Notably, a foundational approach to justification contrasts with two main theses of pragmatist epistemology:

1. Justification should be immanent to the practices that need to be legitimated;

⁶⁶ A line of critique to Misak's argument different from mine is offered by MacGilvray 2007. In his account of a pragmatist public reason, he rather stresses the undemocratic character of scientific practice in order to show that even in political matters it is not incontestable that democracy is the best framework for bettering our beliefs; rightly, he notices also that submitting our beliefs to all possible kind of objections like scientific practice would require us to do, is not consistent with pragmatist theory of doubt. Westbrook 2005 and Talisse 2005 provide two distinct epistemic defences of democracy, both indebted to Misak's. For another, though not epistemic, defence of the thesis that pragmatism is necessarily committed to democracy, see Knight-Johnson 1996.

⁶⁷ The argument is epistemic in that it justifies the validity of a political regime starting from its capacity to favour the search for truth.

2. Justification is itself a situated practice, oriented towards the resolution of specific problematic situations.

Concerning the first point, in a pragmatist perspective the effort to justify democracy in the face of antidemocratic persons like Hitler or Schmitt seems to be beside the scope of justification (except in Nazi time), as a justificatory practice, in order to be effective, requires that our interlocutor share with us some presuppositions that his practice has already shown not to be shared⁶⁸. Moreover, the task of a philosophical theory should not be that of providing abstract justifications of self-standing practices like democracy. In this perspective, the role philosophy takes in a democratic society should not be that of providing it with a justification for its legitimate existence, as democracy legitimate itself (or fail to do it) on a totally different ground⁶⁹. On the contrary, a pragmatically suited philosophical task should be that of improving the democratic content of our institutions, playing the role of a self-critical stance whose aim is not justification but rather transformation. Concerning the second aspect (justification as a situated practice), a practice based approach have to acknowledge that external justification of a practice to someone who does not share any of its fundamental tenets is doomed to remain a bankrupt enterprise. On pragmatist ground this claim is justified on the following basis: a) a practice is not merely a set of theoretical principles that could be argumentatively demonstrated; b) a practice is kept going by tacit assumptions, shared values, patterns of behaviour and other elements that have a great share of importance in shaping our explicit beliefs and c) justification of a practice is itself a practice that is brought about as a response to a real challenge.

Pragmatism acknowledges the central role of justification as one of the core practices of rationality, but places it in the context of current practices for the search of agreement. It is from this perspective that we should acknowledge that it is very unlikely that someone who has exited the democratic practice (or has never belonged to it) will enter on the basis of an argument that demonstrate that people should be democratic in order to have more justified beliefs. With the schmittian there's no common ground, no shared practice on which to build a common framework, and our claiming so on the basis of arguments we consider uncontroversial but that he simply dismiss on the basis of different premises will not do the job. Traditionalists, racists, neonazis or other kinds of anti-liberals will not be persuaded by an epistemological argument in favour of

⁶⁸ A point clearly expressed by MacGilvray in his critique of classical justificatory projects (see below ch. 4.3). As it will become clear, we share with MacGilvray's a number of critical remarks on Misak's project, but we nevertheless endorse much of Misak's effort to ground pragmatist rationality in a quest for objectivity whose absence account for the epistemological weakness of MacGilvray's program.

⁶⁹ This could be an epistemic understanding of Rorty's idea of the priority of democracy over philosophy.

the democratic institutions. In front of similar people we should start with the acknowledgment that the differences in what concerns our theoretical position (beliefs, principles, narratives) and practical attitude (behavioural patterns, habits) is a rather adequate explanation of why they hold anti-liberal conceptions and why an argumentative search for agreement will certainly fail. In similar cases disagreement is grounded on basis which are not in the first instance epistemic (we are not simply differing on some kind of belief) and this is a strong basis for considering that a justificatory practice based on an epistemological argument will not reach its end. This is true not only in general terms but also with reference to the peircean paradigm offered by Misak: the disagreement her depicts imply a situation in which what is mostly missing is a rational community of inquiry for which the epistemic values of the common search for truth are doomed to be valid. Therefore, beside the fact that one of the parts claims to know how a well-built inquiry should be conducted, there is no common ground on which such an inquiry could fruitfully be realized. And this is a quite fundamental point if we want to reach a conclusion with our adversary and not against him.

For all these reasons, a justificatory practice cannot be conceived, on pragmatist grounds, along the lines indicated by Misak. Instead of trying to ground in a pragmatist epistemology the classical liberal justificatory project, a distinctive pragmatist contribution consists in showing that the search for transcendental justifications depends on philosophical habits that the pragmatist intends to dismiss. This dismissal, as we are trying to show, is grounded in the acknowledgment of the epistemological significance of practice, whose direct consequence is the attribution to philosophy of a transformative rather than a justificatory aim. Therefore, if it is true, as Misak explicitly acknowledge, that justification is a practical activity that finds its meaning and legitimacy in the context of the practices inside which it is used for stabilising our beliefs that have been troubled by real empirical doubts (Misak 2000: 52), then the retreat on the abstract justificatory ground has to be seen, from the pragmatic perspective, as the failure of a philosophical practice incapable of dealing with reality on its proper ground. If we consider the Schmittian case as an example of what according to Misak is justification, we will see to which extent she is unfaithful to the pragmatist principles she states. Justification is conceived by Misak on the model of a judiciary advocacy: the democratic practice takes the place of a convicted that need a lawyer for pleading innocence in front of the neutral tribunal of justice. Therefore, all the internal reasons for justifying democratic institutions, like the ones offered, in different guises, by authors like Rawls, Bohman or Putnam seems to her insufficient.

One thing Misak seems not to see is that if we want to persuade an external Schmittian, the first thing we could do is to show him the achievements, the

benefits, the advantages made possible by a liberal society and see if he will be moved by this kind of argument. Instead of doing this, she starts the classical search for a non controversial principle and, acknowledging that it cannot be found at the level of some shared moral values or principles, she retreats into the epistemological citadel. Here, recovering a rather habermasian move, she claims that any interlocutor, even if he does not share any moral principle with us, is all the same «committed to aiming at the truth» (Misak 2000: 34). If this is granted, then «an avenue is opened for the justification of the principles of freedom and equality and for criticism of views which are set against those principles» (*ivi.*). This assumption is at odds with a central tenet of pragmatism, i.e. the idea that a validity of a belief should be defined in terms of its stability, i.e. its capacity of preventing the further insurgence of doubts, rather than in terms of the truth-value of the belief as an independent standard set from an external judge⁷⁰.

As the evolutionary theory of knowledge developed by pragmatists like Peirce and Dewey has made clear, there are different sorts of avenues for the fixation of beliefs and as any self-aware psycho-socio analysis can show, there are situations in which men continue (and legitimately so) to recur to traditional (dogmatic, authoritarian, a priori) ways of settling their belief without this troubling too much their lives. It is then likely that the Schmittian, like other individuals, will simply deny that the experimental method consisting in opening our beliefs to the challenge of anybody's experience and reason will prove as the best way for fixing beliefs. He could even advance arguments based on the rule of experts or on the negative consequences of opening to unqualified audiences the political process. So the Schmittian can still claim to have valid beliefs but without this committing him to respect principles that will lead him to accept the democratic principles of free inquiry and of liberty and autonomy. In this sense, it is again difficult to see how she can claim that in this framework we can assign to our epistemic standard a validity that transcends the effective limits of their reach. Therefore, persuasion, rather than *a priori* commitment, seems to be the appropriate way to make the Schmittian respect these standards. Any reflection on political behaviour will show that aiming at truth is not unanimously considered the proper task of politics. Any form of discrimination that excludes others voices is certainly odious for a democratic people. Even if it were indisputably⁷¹ true that «those who neglect or denigrate the experiences of others because of their gender, skin colour, or sexual orientation are adopting a very bad means for arriving at true and rational beliefs» (Misak 2000: 104), this

⁷⁰ Misak seems to take the peircean tale of the evolution in methods of beliefs at its face value, as if experimental practice would be the last word in belief-fixation techniques and from its vantage point we could negatively judge and dismiss all other belief-fixing practices. A simple look to reality should be enough to show us that this is not the case.

⁷¹ Indisputably means here that this claim should be considered not contentious from the most relevant epistemologies, not only from the pragmatist.

does not seem an unbeatable political argument, especially in front of someone who judges the political action on power and other criteria (vital space, natural resources) considered to be the real lot of politics.

Pragmatist evolutionary epistemology has shown that among the methods of belief-fixation developed by the human race so far, experimental inquiry is the most efficacious for getting at stable beliefs. This claim is used for affirming the evolutionary desirability of adopting a democratic attitude towards beliefs fixations. Both these claims seems to be open to dispute and therefore seems not liable for assuming the role of second order principles Misak wants to assign to the first of these. If, on the other hand, we follow Misak's suggestion that in order to establish a basis of understanding with the other the appeal to the epistemological framework should be considered our last resource before «we discount him as a moral inquirer» (Misak 2000: 124), then we loose the epistemological grip she claims for her approach, as no distinctive weight is assigned to this epistemological argument in respect to the moral. The epistemological fortification, in short, is not enough for providing her approach with the stronger binding force on the Schmittian she considers necessary. The anti-liberal who has reasons for objecting our moral first-order claims can have also reasons for rejecting our epistemic claims. We can despise political conceptions based on rough evolutionary theories of legitimacy based on force. But the reason why we will do so is inextricably tied with our experience and with the values, awareness, judgments we have developed. We can morally and politically dismiss the Nazi's expansive and aggressive policy, but we will hardly say that our refusal is based on the fact that it prevents Nazis to get to truth. To claim that someone has to be committed to something (here moral and political principles) on the basis of a philosophical epistemology is a kind of move that a pragmatist should refrain from doing.

A last argument we would like to present concerns the fact that what a pragmatist conception should provide is not an indefeasible argument against some well known form of evil we have experienced in the past and for which we possess rather well established criteria for criticising it. On the contrary, the prospective and transformative attitude of pragmatism should turn our gaze towards new situations in which we miss valid and shared criteria for discriminating good from evil. Pragmatism, in short, should start from the acknowledgment that more often than not inquiry get stuck and a situation remains problematic precisely because what we lack are the criteria upon which to base our judgment. A pragmatic theory of rationality should then explain how, in the face of disagreement, inquiry should be aimed not generally at truth, but at a transformation of the situation that will make possible a kind of agreement before unattainable. Such an approach requires that the traditional

justificatory attitude be overcome towards a transformative conception based on the epistemological primacy of practice.

4.3 In search of a transformative conception of rationality

4.3.1 Will to believe and public justification: an impossible conceptual encounter

Eric MacGilvray has recently offered an account of justification which, while still being very pragmatic in tone, is quite different from the one offered by Misak. In his proposal, MacGilvray makes use of the concept of narrative framework as a conceptual solution for grounding his prospective conception of justification as an experimental procedure. Following the experimentalist approach defended by pragmatism, MacGilvray assigns to the notion of narrative framework the conceptual task of justification. Although MacGilvray's approach overcomes some of the epistemic limits we identified in Misak's work, it is our contention that his recourse to a narrative epistemology is neither plausible nor desirable. It not only disparages the attempt to build a pragmatist theory of rationality but moreover shows to be unnecessary.

The idea of a narrative epistemology is developed by MacGilvray with reference to MacIntyre and Taylor's works but is grounded in William James' epistemology⁷². James' influence is evident in the importance MacGilvray assigns to the volitional dimension of the motivation that lies behind people's decision to act upon a given belief. Whereas a Deweyan epistemology would see our tentative beliefs as hypotheses that have argument and experience that speak in their favour (we should never adopt beliefs blindly, not even as prospective guides for inquiry: our assessment is generally based on prior knowledge and experience), a Jamesian epistemology tends to consider the adoption of a prospective belief as the result of an act of will. While in the Deweyan perspective the burden of justification is distributed all along the whole path of inquiry, from the initial choice of the hypothesis to be put under test to the following activity of experimentation, in the Jamesian approach it is all concentrated in the final act, when a given belief (it does not matter how it has been formed) is put under scrutiny through the assessment of its consequences. For this reason, an account of justification based on Jamesian assumptions – and this is the case of MacGilvray's proposal – finds that the faculty of will is a suited methodological prerequisite in order to explain why a determinate belief and not another is chosen in order to undergo justification («the will to believe

⁷² As Peirce's influence is evident and explicit in Misak's work, the same is true of James' impact on MacGilvray's framing of his theory of public reason.

highlights the possibilities and limits of justification in an especially perspicuous way» p. 51).

The starting point for the acknowledgment of a role to imagination in justificatory practices is found by MacGilvray in the awareness that the object of our ethical and political preferences is underdetermined as long as we do not know the consequences that will be produced by acting upon given beliefs. «Our judgments regarding moral and ethical conduct are therefore shaped, as few of our judgments are, by our desires and inclinations» (MacGilvray 2007: 46-47)⁷³. As MacGilvray clearly reminds us, the “will to believe attitude” is legitimized in all those cases where existing evidence is not sufficient for decision making and the decision has in any case to be taken. Only if both these conditions apply, then «we are justified in choosing the course of action that is most in accordance with our existing desires and inclinations» (*ivi*). In a deweyan perspective the judgment of practice, although hypothetical as any other judgment, is nevertheless based on some kind of evidence, be it only the hypothetical outcome of a dramatic rehearsal of the competing options taking place in *foro interiore*⁷⁴. In this perspective, in no case a decision to act can be considered the outcome of an act of will but always the outcome of a process of deliberation, where the last is defined as «an imaginative rehearsal of various courses of conduct. We give way, in our mind, to some impulse; we try, in our mind, some plan. Following its career through various steps, in imagination we find ourselves in the presence of the consequences that would follow; and as we then like and approve, or dislike and disapprove, these consequences, we find the original impulse or plan good or bad» (MW 5: 293)⁷⁵. This citation makes incontestably clear that, according to Dewey, even the activity of choosing which hypothesis to adopt as a tentative guide for our conduct can be seen as a part of inquiry that is governed by epistemic criteria of experimental validity. Therefore, even if we were ready to accept that there were cases where the underdetermination of the situation was such that no evidence would speak in favour of acting according to an hypothesis rather than another (this being the situation that would, according to a jamesian epistemology, legitimate the recourse to the ‘will to believe’), we have to claim that as a general rule decisions

⁷³ Although he immediately precise that «they also depend, to the extent that they are intelligently formed, upon an assessment of the possibilities that the world will admit», the role assigned to imagination imports in his epistemological outlook difficulties that we will try to make explicit.

⁷⁴ For the deweyan use of the concept of ‘dramatic rehearsal’ cf. MW 5: 291-293 and LW 14: 132-134 See also Frega 2006: 256-260.

⁷⁵ And also: «Deliberation is a dramatic rehearsal (in imagination) of various competing possible lines of action. [...] Deliberation is an experiment in finding out what the various lines of possible action are really like. It is an experiment in making various combinations of selected elements of habits and impulses, to see what the resultant action would be like if it were entered upon» (LW 14: 132-133).

concerning which hypothesis should guide our moral and political inquiry have to be considered themselves as based on prior existing evidence. In order to make this point clearer we should notice that the alternative to the act of will is not, as in the image offered by James, the refusal to believe. Deweyan theory of ideas as hypothesis shows itself as a *via media* among this two equally undesirable alternatives. As hypothesis, in fact, our prospective beliefs are credited of a validity that is based on considerations whose force need to be proved by experience but that nonetheless rests on some sort of external evidence based on the account of similar situations, available knowledge, inferential conclusions and so forth. But MacGilvray's recovery of James' epistemology has another reason. He traces the legitimacy of the will to believe to the idea that often the existing body of evidence can be the result of prejudices and therefore any hypothesis-choice based on accepted evidence risks to be unwarranted. In such cases, «the investigation of certain beliefs may be justified precisely *because* they go against the weight of the existing evidence» (MacGilvray 2004: 60). And if we admit, as James is prepared to do, that «the state of existing evidence on a given question is itself a function of the desires and inclinations of previous inquirers» (MacGilvray 2004: 60), then the connection chosen is found.

We should be aware that this explanation takes us from the normative level – appropriate to the justification talk – to the descriptive level of how, in empirical processes, it happens that humans fix their beliefs⁷⁶. We find therefore ourselves into a dilemma:

1. If we take the will to believe thesis to be a normative account of the conditions that justify our beliefs, than we have to conclude that the entire epistemology based on a jamesian premise is flawed;
2. If we take the will to believe to be a simple warning against the fact that more often than not our existing body of evidence has been built through psychological processes that transforms our desires in beliefs, than we have not yet on the ground of a theory of justification.

The fact that will gives shape to action and that action influence beliefs can certainly make us more suspicious (in a sort of genealogical attitude) of our current stock of evidences, and this is a critical remarks we certainly should take into great account. This is a strong point in MacGilvray's rehabilitation of James theory, but its relevance for a theory of justification and for a normative account of how we fix our beliefs remains very small. In a way, this is acknowledged by MacGilvray himself, where he says that James' theory does not affect our way of justifying beliefs but only «the conditions under which we are justified in acting upon uncertain propositions» (MacGilvray 2007: 63). Unfortunately, this

⁷⁶ «The state of the existing evidence on a given question is itself a function of the desires and inclinations of previous inquirers» (MacGilvray 2007: 60).

solution escapes our dilemma only to fall in another insoluble epistemological problem. In fact, as the reference to the deweyan dramatic rehearsal was meant to show, even in cases of uncertain beliefs and lack of evidence, there are still rational means – as imaginative as they could be – to provide a tentative assessment of the relative degree of desirability of each of them, and this is, methodologically speaking, far more rational than simply taking at face value our wills and desires. Certainly James proposal can account for some private decisions where the individual, like in the Pascal's wager, can decide to take a chance of which he is the only responsible. But can we seriously consider this to be a plausible way of explaining how inquiry in domains that have public consequences should be conducted? James strong individualism, that so clearly pervade his 'will to believe' philosophy, lacks the necessary resources for dealing adequately with the intersubjective factor that becomes crucial as soon as we consider the social and political dimension of morality⁷⁷. If Dewey and James (and I and MacGilvray) agree on the fact that in moral inquiry «we should be less concerned with the evidentiary grounds upon which our beliefs are adopted than with the manner in which they are tested over time» (MacGilvray 2004: 67), then the appropriate way to decide which belief have to be put under test should not be left to the play of interests and desires, but managed through the resources that inquiry offers us even in cases of uncertainty, among which the dramatic rehearsal proposed by Dewey. Assuming uncertainty and risk does not yet mean to abandon oneself to private preferences but, as long as possible, hypothetically assessing different courses of action. Risk analysis, precautionary principle, simulations are only some of the tentative methods that could be used in order to frame a decision under conditions of uncertainty, without needing to resort to will and desires. MacGilvray here does not seem to see that the absence of "fixed standard of evaluation" does not mean the bare absence of standards, but coexistence of competing standards. And in this case, rather than falling back on private wills and desires (an option always at disposal but that sounds always as a retreat from reason), we are precisely in the condition that, according to Dewey, calls for the exercise of the core function of reason: judgment. Deciding which hypothesis to put under test is neither a matter of applying already given and undisputed criteria nor of having recur to our preferences (waiting for them to be verified or falsified by events), but rather of taking into consideration more complex factors like the 'remarkable opportunities' invoked by MacGilvray himself (p. 69). Therefore, if we wish to rely, as Dewey proposes, on the resources of inquiry, than the language of will and desire seems to be quite misplaced. Here, as we can see, what is a stake is not merely the status of unjustified beliefs in controlling inquiry but rather, as we said at the beginning, our deeper understanding of the functioning of human

⁷⁷ A point acknowledged also by MacGilvray (p. 70-71).

rationality. If we see jamesian will to believe through the eyes of deweyan epistemology, it is easy to acknowledge that he is forced to recur to will and imagination only because he has previously shaped reason in a too formalistic way that prevents him to recognize the full rational import of the practice of formulating a judgment in the absence of fixed and uncontroversial standards of evaluation⁷⁸. But if we acknowledge the active and transformative nature of thinking as activity, and if we fully appreciate the specific traits of the practice of judgment, then we will recognize that what a jamesian is forced to categorize as an act of will, on a deweyan perspective can easily be brought back under the umbrella of a reflexive pragmatic reason.

4.3.2 From the will to believe to the narrative framework

It is not clear whether MacGilvray recurs to the will to believe in order to justify his narrative approach or if on the contrary he relies on the narrative framework in order to back his jamesian understanding of rationality. In every case, what is clear is that the will to believe and the narrative approach are both necessary parts of his argument. If the will to believe offers us an explanation of how beliefs are fixed, the narrative approach is invoked in order to provide a framework for the use of public reason. In fact, having renounced the classical quest for an uncontroversial rational principle of justification and having not taken full advantage of the experimental conception of beliefs as hypothesis, MacGilvray finds himself in need of some further criteria for reaching a starting agreement for inquiry. Accomplishing a move that is opposite to that undertaken by Misak, MacGilvray refuses the classical ideal of the search for a universal understanding of justification and declares that «any effort to *justify* [democratic] commitments must be addressed to particular agents situated in particular historical and cultural contexts» (MacGilvray 2007: 79). The concept of a narrative framework enters precisely with the intention of identifying a contextual grounding for public reason. As we will try to show, although we share with MacGilvray the persuasion that narrative is a crucial feature for understanding human agency and self, and although we share his suspicion for universalistic approaches to justification, we believe that his proposal lacks the epistemological resources for undertaking the justificatory task he declares to endorse. This impossibility, as we will try to show, depends on the fact that in itself the notion of narrative is totally deprived of the normative force⁷⁹ required

⁷⁸ Quite on the contrary, as Dewey has so clearly shown, the act of judgment is precisely the act through which we choose our criteria of evaluation. This particular trait of judgment has been described by Dewey at the clearest in “The logic of Judgment of Practice”, MW 8: 14-82. For a fuller examination of this point, see Frega 2006a: 135-142.

⁷⁹ The normative force MacGilvray assigns to narrative framework should rather be considered as regulatory in practice but not properly speaking normative: the fact that in

by any justificatory practice. This normative force, in the pragmatist perspective, can be assigned only to the experimental assessment of the consequences of actions on those that are affected by them (the public in the deweyan sense).

But let's see how MacGilvray intends to use the notion of narrative in his account of justificatory practice. After having delegitimated the justificatory role assigned to evidential beliefs, MacGilvray is in need of a different basis on which to ground justificatory practices, a basis not strictly defined in terms of empirical evidence but rather coherent with the prospective role he assigns to will and desire. Having this problem in mind, he orients himself toward the notion of narrative frameworks, as they provide legitimacy and meaning to beliefs and actions even in those cases where evidence at hand is neither available nor reliable. A narrative, in fact, is a sense-making structure that orients, gives meaning and assigns value to human activities and goals. In this way, «by thus placing our beliefs and actions within the horizon of past experiences and present self-understanding, narrative frameworks give us access to a richer normative vocabulary than a purely prospective orientation would admit – a normative vocabulary that can make sense of retrospective judgments such as pride and shame, gratitude and regret» (MacGilvray 2004: 75). The scope of MacGilvray's proposal is quite clear: once acknowledged that our justificatory practice does not rely on evidential uncontroversial basis but that it is rather grounded on basis that either lack the sufficient justification or are themselves the result of arbitrary decisions and acts of will, then the need becomes evident for a different account of both their genesis and legitimacy. Therefore, having abandoned the traditional quest for an uncontroversial starting point⁸⁰, he looks for solutions in the epistemically milder but pragmatically richer territory of narratives. We will see that, like for the will to believe doctrine, MacGilvray's proposal, while managing correctly to throw light on a rather crucial dimension of our sense-making and belief-fixing practices, is not able to pass from the descriptive to the normative dimension. This, of course, disparages entirely his justificatory program. In fact, narratives can play a justificatory role if the following conditions are satisfied: they have a normative content; this normative content is itself legitimate. Now, if we can agree on the fact that narrative framework have a normative content – although often only implicitly expressed – the problem still remains of how, in cases of disagreement, the conflict among competing frameworks is managed on a rational basis. This is precisely the task that a theory of public reason has to face, and this is precisely the point on which MacGilvray's proposal fails as it cannot offer any justificatory ground on

practice our action is oriented by certain beliefs does not mean that they are justified. A narrative, like any other symbolic artefact, in order to be justified should be the object of a critical appraisal.

⁸⁰ See the path followed by Misak.

which to legitimize his narrative framework. This legitimacy, following a rather communitarian vein, comes from the fact that, according to MacGilvray, something like an uncontroversial «narrative self-understanding of a given individual or group» (p. 79) exists. Now, this givenness is precisely what we cannot accept. Therefore, the plurality of narratives MacGilvray correctly admits risks to be another avatar of Rawls' plurality of comprehensive doctrines, and so we will find ourselves thrown back at the starting point of the fact of pluralism (think of the catholic and of the liberal narrative frameworks concerning the meaning and value of human life). If for the classic justificatory liberal theory justification is based on the premise that there exists public reasons that every citizen can be expected to endorse, MacGilvray's pragmatic liberalism is based on the epistemically similar premise that «there exists some narrative framework to which all of its members can be expected to subscribe in common» (MacGilvray 2004: 155). As it can be seen, the structure of the argument is astonishingly analogous. This is puzzling, especially because one of the salient distinctive traits of a pragmatist theory of practical reason is precisely that commonality, shared frameworks or common assumptions are always the tentative outcome of the very process of inquiry, never its necessarily presupposed starting point. In a pragmatist perspective, what is found to be shared cannot be stated in normative terms (what we *should* share) but on rather purely descriptive terms: we share a form of life, institutions, beliefs as long as this can factually be proven to be the case.

MacGilvray rejoins MacIntyre and Rorty in assigning to narratives a crucial function in orienting and coordinating human actions. A narrative provides a group with expectations concerning the outcomes of actions and shared standards for interpreting and assessing facts. Therefore, they can be confirmed or falsified. Here MacGilvray seems to collapse criteria of efficacy («success in accounting for our experiences over time»; «ability to preserve a certain degree of harmony and coherence among the various sub-narratives of which it is composed») with criteria of political legitimacy. If the pragmatist novelty depends surely on its full account of criteria of pragmatic efficacy, it should nevertheless continue to account for the legitimacy of the explanation it offers of the institutions under test. This confusion of descriptive and normative instances becomes apparent once MacGilvray leaves the ground of a general defense of the narrative approach in order to face the critical question of political justification. On this plane, we believe that «the practical foundations of moral and ethical conduct are to be found in the narrative frameworks through which we organize and evaluate our experiences»⁸¹ does not imply as on the contrary MacGilvray claims, that «discourse of political justification must

⁸¹ This is simply a way to state the primacy of practice defended by pragmatism. Other equivalent defences could be offered without referring to the notion of narrative framework.

therefore be expressed, implicitly or explicitly, in narrative form» (90). On the contrary, the awareness of the experiential basis of our commitment is only the starting point for a process of articulation that should end in claims that can be defended in the face of others⁸². MacGilvray speaks in this respect of a “phenomenological claim” - a claim we fully subscribe - according to which «because the complexity of our experiences far exceeds our cognitive capacities, we necessarily structure these experiences into discrete, though multiple and overlapping, sequences of events» (p. 73). So described, narratives are important factors for explaining how we fix our beliefs and which is the relationship between human experience and beliefs. But it should be stressed that this fact refers to a sort of implicit normativity that in pragmatist language we should place on the side of habits: narrative frameworks are among those elements that define our stable patterns of belief and action, and as such are not in need of justification (we can only suppose that we have adopted them as stable and non problematic as a result of a process of inquiry). If we remain in the conceptual framework of classical pragmatism – a move I and MacGilvray are both ready to do – we should acknowledge that in a proper sense inquiry and justificatory practices emerges precisely whereas a narrative framework breaks down and is no more able to orient our ordinary practice. In this sense, the concept of narrative or experiential accounts is a valid and reliable device for describing the existing stock of beliefs⁸³ but is not suited to the task of explaining how we should act when it breaks down and we need to find new frameworks for public action. The lack of a properly normative discourse for the assessment of justificatory competing claims makes MacGilvray’s proposal of a narrative epistemology rather arbitrary and unsuited to the task of answering the question: why this narrative and not another? To this extent, the author can only state his persuasion that the pragmatist narrative that connects democracy and inquiry into a whole set is a widely shared framework and can therefore operate as a vastly shared presupposition to which appeal can be made in order to justify policies⁸⁴. It plays notably a role in the justification of democratic institutions as far as it celebrates the importance of intelligence for «the realization of individual potentialities, the pursuit of individual and collective goals, and the promotion of the general welfare» (MacGilvray 2004: 117). The acknowledgement of this function of inquiry and of the fact that democracy is

⁸² The logic of articulacy and expression developed by MacIntyre, Taylor and Cavell, among others, on which we have insisted in ch. 2 above.

⁸³ Even if, still on pragmatist ground, I continue to prefer the language of inquiry, as this makes more explicit the inferential – rather than narrative – dimension of our practical and theoretical commitment.

⁸⁴ «Pragmatism so conceived provides a narrative framework for discourses of political justification that is widely shared and relatively independent of the norms and practices of more narrowly drawn communities» MacGilvray 2004: 117.

the political system that best favors the exercise of inquiry «place the burden of proof upon those who would limit the application of this faculty not only to show why this should be done but to defend their position by appealing to the ends of experimental inquiry itself» (MacGilvray 2004: 117-118). In this perspective, the place traditionally occupied by rational justification is maintained, but assigned instead to a narrative. The problem with this proposal is that the narrative framework covers the same function that classical liberals have tried to fill with the idea of an uncontroversial starting point, i.e. that of a necessary presupposition that inquiry should find already given at its beginning. While the epistemic candidate changes, the role and function it occupies remains the same. This poses serious limitations on MacGilvray's proposal, that in the end risks to be not so different from Misak's effort to justify democracy on the ground that it is the best political system for the development of the inquiring attitude.

We believe that we will fully appreciate the novelty of the pragmatist outlook only if we will be able to see that it does not aim at replacing old claims concerning which beliefs all citizens should necessarily share with the new claim that we all share a narrative framework (MacGilvray speaks of «an uncontroversial starting point», p. 93), as in this way we only shift the disagreement from the level of true beliefs (or comprehensive doctrines) to that of legitimate narratives. Here, again, we would have expected a pragmatist approach to break more radically with traditional epistemological moves. While sharing MacGilvray's interest for the place of narratives in the explanation of individual and collective behavior, we consider the very idea of a normativity based on a narrative framework to be damaging for every epistemological enterprise, as it deprives it of any serious ground for adjudication. The only alternative reading that would make the appeal to a narrative legitimate is that which considers it merely a stylistic variant of the pragmatist experimental conception of ideas as hypothesis. This second reading seems to be justified by MacGilvray's stating that any narrative self understanding is admissible «provided that some distinct set of expectations about the course of future experience can be shown to follow from it, that these expectations are met over time» (MacGilvray 2004: 80). But if this is the case, we have then to conclude that each narrative is assumed as a plausible starting hypothesis not for reasons connected to its intrinsic sense-making power or in accordance with prior desires, but because of its assumed explanatory power, to be verified through its application in experience. If this is granted, we will then have to admit that the choice concerning which narrative put to test is not blind nor effected for mere narrative reasons: it is accomplished on the basis of our former experience, which provides us with reasons for supposing that such an hypothesis is more liable to prove true than another. Narratives are that taken back down to the

arena of inquiry, where they struggle against competing narratives on the basis of their respective epistemic merits. We should then consider narratives as part of this web of beliefs and habitudes that, according to pragmatism, constitute the basis of our ordinary experience and agency, the tacit background which, if not challenged, provides stability and continuity to our experience. Now, according to pragmatism, this background can be said to be justified only in the sense that unless a belief (and accordingly the habit of action it sustains) is not called into question, then there's no reason to question it. In ordinary experience, we rely on thousands of habits and beliefs we have not personally tested but we consider 'justified' as long as reality do not prove them to be problematic. But to call this 'justified' is not satisfying, as justification is precisely that kind of practice to which men recur when their shared lack of tacit assumptions loses its tacit evidence. Here, again, MacGilvray's contention that in order to overcome the attitude consisting in considering justification an *a priori* practice we can only rely on wilful attitudes seems to me problematic. Contrary to MacGilvray's recovery of James' will to believe theory (MacGilvray 2004: 81), there are other and more satisfying ways for defining justification through practices of *a posteriori* empirical testing. Of course, narrative as any other kind of theoretical assumptions, if duly conceived, can be subjected to test. But this assures no particular status to narratives compared to other forms of beliefs. Moreover, this leaves totally undetermined the focal point of a pragmatist epistemology, which is that we should not concern ourselves with the intrinsic value of hypothesis (be they beliefs, narratives, theories, etc.) but rather with the specific consequences that can be connected with their assumption. It is certainly true that in a pragmatic perspective «justification becomes necessary only when some belief that we hold has been placed into doubt». It is also pragmatistically uncontentious that «in such cases all arguments about how to proceed will necessarily rest upon claims about the course of future experience, whose soundness cannot immediately be ascertained» (MacGilvray 2004: 155). But we don't see any specific connection between such claims and the narrative framework he propounds. On the contrary, it seems quite plain that MacGilvray's proposal should be considered as a reassertion of what is the ordinary course of scientific experimental practice: we encounter situations that do not match with our former beliefs, we make some tests, we formulate hypothesis trying to explain what we have observed, we decide on the basis of existing evidence which hypothesis put into trial and we leave to further experimental practice to verify whether the selected hypothesis is valid or not.

For all these reasons, we consider unsatisfying attributing to 'narrative commitments' this epistemic role so fundamental for a theory of inquiry that would be better played by the idea of 'inferential commitment'. Narratives fix our gaze over the past, ie over what is or is supposed to be already (*a priori*)

shared, while inferential commitments forces us to focus on the rational, judgmental and deliberative process through which agreement is eventually reached. The turn from the inferential to the narrative dimension accomplished by MacGilvray weakens the justificatory and rational force of the pragmatist program. It is then no surprise that MacGilvray feels forced to turn towards a rather psychologist explanation of justification as a motivational enterprise in which we should take into consideration other's desires and inclinations and in which the claimant's sincerity is as important as the truth-value of his claims. Although this is pragmatically wise, this still does not tell us anything about the relative superiority of an option (be it a narrative or whatever) over another. Saying that in trying to solve political disagreement with others «we must engage *their* desires and inclinations by articulating a relationship between the proposed course of action, their past experiences, and their present self-understanding» (MacGilvray 2004: 90) does not lift us above the sheer level of political persuasion. None of these dimensions, in fact, has any direct connection whatsoever with what a pragmatist is committed to consider as its main normative reference: the practical consequences that derives from the fact of assuming a given belief as a leading criteria for inquiry and action. Again, MacGilvray's claim that this prospective experimental orientation means that the possibility of agreement and common action depends «on our ability to persuade others to act upon one set of uncertain beliefs rather than another» (MacGilvray 2004: 155), disparages the epistemic basis of inquiry. On the contrary, the experimental attitude included in the pragmatic conception of judgment and inquiry is precisely what takes us out of a purely persuasive and motivational enterprise to grounding justification – although in its prospective and then hypothetical form – on our ability to offer argument, reasons and experiences in support of our claims.

MacGilvray's theory of narratives commitments has an important and legitimate place in the psycho-socio framework of a theory of motivation, but not in the epistemological framework of a theory of justification, as he implicitly recognize when he states that «when we seek to motivate others to pursue a particular course of action, as we inevitably must in cases of political justification, we must engage *their* desires and inclinations by articulating a relationship between the proposed course of action, their past experiences, and their present self-understandings» (MacGilvray 2004: 90). In such a task narrative reasons should certainly play a crucial role. Narratives are a powerful condition for integration that could and should be used in actual justificatory practices, as MacGilvray shows for what concerns the individual assumption of social and institutional roles. Therefore, we are willing to acknowledge that a narrative theory of motivation could be considered as the useful complement to a pragmatist theory of rationality, as this last requires that the epistemic

examination of beliefs be integrated with the examination of the actual processes through which their transformation takes place. But in no way a narrative approach could be considered a self-standing theory of justification.

Another epistemic consequence that we would ascribe to the Jamesian perspective adopted by MacGilvray concern his interpretation of the category of publicity, that in MacGilvray's account tends to assume a moral rather than an epistemic outlook. In his analysis, publicity of our commitments is seen as a condition of political action because it makes possible to assess people's effective conduct against their proffered narrative commitments. But in a justificatory public practice what we need is not a criteria for assessing individual's moral status but rather criteria for assessing the social impact of collective choices. That an agent's self-understanding is coherent with his trajectory of life is certainly a fundamental moral requirement, but hardly a relevant one when what is at stake are public decisions.

A last point to be noted concerns the role MacGilvray assigns to inquiry in relation to narratives. On a vein that shows once again to be Jamesian, he assigns inquiry the function of testing the 'truth' of narratives (here narratives stands for what James termed 'world formula') through the assessment of their practical consequences – James cash value. Disagreement and political confrontation takes place for MacGilvray on the level of ample metaphysics, narratives or comprehensive doctrines that, being in themselves inescapable, have to be made explicit and assessed through the pragmatic method. The route we suggest to follow is a different one, which consists in dropping any metaphysical talk⁸⁵ and shifting the discussion to the level of the consequences that affect our collective social life. As Dewey once remarked with reference to James (MW 4: 104-105), pragmatism should not be considered as a tool for testing the truth or validity of already existing doctrines or for assessing pre-existing questions but rather as a philosophy trying to give shape to its own questions. MacGilvray's proposal seems to be subjected to the same kind of critical remark. To use an actual example, I can consider that I will never ever come to terms with a catholic prolifer on what concerns our respective 'world formulas', nor I believe that agreement on policies should be sought through an examination of the practical consequences of our formulas considered as a way of assessing the respective merits of our metaphysical outlooks. Moreover, I believe that at the end of a confrontation each of us will in any case stick to its preferred metaphysic and that this common quest for meaning will not serve the purpose of collective action. What, on the contrary, should be seen as an effective tool for fostering mutual confrontation and (hopefully) agreement on common practices is the

⁸⁵ Here lies one of the biggest differences from mine approach and MacGilvray's. According to him, in fact, pragmatism can become the basis for a theory of public reason only if supplemented through a substantive metaphysical position (cf. MacGilvray 2007: 144-145).

common exploration of consequences we desire and consequences we dislike, quite independently from the fact whether these consequences are directly derivable from a metaphysics rather than from another. Of course in both cases the approach requires an analogous reference to consequences as the decisive criteria for selecting beliefs and policies, and this is a point the catholic will not be easily ready to concede. But while in the first case consequences are appealed to in order to determine the meaning and validity of a doctrine, in the second they are considered for themselves as what really is at stake whenever a public gather together with the aim of facing a common problem.

4.4 A different pragmatist account of justification

The pragmatist approaches to justification, tend, as we have tried to show, to reduplicate a divide already present in political philosophy. On one side, there are those pragmatists that seek to provide an epistemic justification of democracy, so pursuing with different means the traditional approach developed by political liberalism. Cheryl Misak, Robert Talisse and Robert Westbrook are among those that have undertaken a project of epistemic justification of democracy on pragmatist basis. On the other side we find those pragmatists that dismiss the epistemic justificatory program and replace it with the project of a foundation of democracy on a moral basis. Eric MacGilvray and William Caspary can be placed on this second side. This second approach is motivated by the will to avoid the difficulties of the epistemic accounts of democracy. While refusing to assign to truth the central role the epistemic approaches give it in moral theory, they exceed in dismissing the epistemic dimension of public reason. In this sense, we could say that while epistemic approaches like Misak's ask epistemology too much, non epistemic approaches like MacGilvray's ask it too little, placing all the justificatory burden on the shoulder of conceptual entities that, like narrative frameworks, are not suited for this role. It has been our contention all along this chapter that the conceptual change required in order to provide a justification of democracy on pragmatist basis should be far more radical than that accomplished in the approaches we have examined. A pragmatist account of public reason, in fact, does not simply require that we replace a justificatory strategy with another, but rather that we drop the justificatory stance as it has ordinarily been intended, but without renouncing a rigorous quest for the objectivity of our moral and political claims. From a pragmatist point of view the dualism of epistemic versus non epistemic justificatory approaches is rooted in an inadequate understanding of the nature and scope of disagreement, and of the role democracy should play in order to face it. On one side, liberals see disagreement as a fact that is irreducibly rooted in our nature and should therefore be left outside the political arena. On the

other, more community oriented thinkers search in moral values (MacGilvray's narrative framework has this function) the commonality that will provide the basis for settling disagreement. We have seen that a pragmatist account of democracy should start precisely with the refusal of this dilemma and that this can be done only if we adopt a different account of the place of agreement and disagreement in the political process. Such a different account drives to a different understanding of justification, as this last enters the political debate as a solution to the problem of disagreement.

It is pragmatically sound to remark that the recent shift of political theory towards a justificatory program (begun with John Rawls) has determined a turn away from a more pragmatic attitude towards focusing on specific political and moral problems. Discussions about moral and political ends tend to be replaced by discussions of the epistemic legitimacy of justificatory moves. Pragmatist thinkers like Misak and MacGilvray have remarked that this attitude has a detrimental effect on our ability to deal with moral and political disagreement, as also our discussion has shown. Seen from a pragmatist's perspective, this evolution has a familiar outlook: it accomplishes the passage from a transformative to a justificatory attitude towards our beliefs. Against this trend in political theory, pragmatism brings a different attitude towards justification. As it has been nicely put by MacGilvray, «the essential question is not “which of my beliefs *are* justified?” but rather “which of my beliefs should I *seek* to justify?” (MacGilvray 2004: 39). If justification is seen as a part of the process of inquiry itself rather than an independent, external and successive activity, than we can define it as «the process through which we decide which of our uncertain beliefs we are prepared to act upon» (MacGilvray 2004: 39). If, following the pragmatist maxim, we consider that inquiry is focused only towards beliefs that are (or have become) uncertain and problematic, justification cannot be separated from the experimental process that aims at fixing a belief in order to settle a problematic situation. On this pragmatist outlook the political process should be seen as focused on problematic situations where concerned people (the public in deweyan terms⁸⁶) are not able to find a shared solution. In such a context, differing and competing ‘solutions’ (but for the pragmatist they should be considered hypothesis rather than solutions) are offered as the justified option to be implemented. If, according to the experimental approach, we acknowledge that all the competing claims in cases of disagreement are not settled solutions but rather hypothesis in need to be tested, than the justification should be considered as a two step process. At

⁸⁶ A suitable notion of public should of course be integrated with a suitable account of those people that cannot directly have a say in the deliberative process as they constitute an occult or still virtual part of the public itself. On this, see the remarks of Young 2000, whose approach can be easily integrated into a pragmatist account of public reason.

the first step one of the competing hypothesis is chosen as that which is the best candidate for political practice. At the second step, its implementation is considered not as simple and straight application of a justified belief but as the condition for its future justification through its experimental testing. As MacGilvray puts it, «justification is inherently a *prospective* enterprise: when we seek to justify a given belief, we are making an uncertain claim about the future consequences of present changes in conduct» (MacGilvray 2004: 39). This perspectival character shouldn't be read under the light of the narrative conception. On the contrary, the decision concerning which hypothesis put at work has to be considered a) as a political decision b) that should be backed by a process of public inquiry. Therefore, the paradigm of political decision making we consider as adequate is not that of narrative frameworks but that of democratic deliberation. It is precisely this approach that enables us to frame the question of justification in the light of the role pragmatism assigns to consequences both as a general epistemological category and more specifically as far as the public sphere is concerned. Seen in this functional perspective, each justificatory practice – of a belief, of a principle, of a value – has to be conceived starting from the consideration of the effects produced by its adoption as a working hypothesis. Be it the value of sacredness of life, the principle of autonomy or the belief that a given distribution of resources should be pursued, what is in need of justification is not the general idea (I use here the term idea in the broad deweyan sense of a cognitive artifact that can be used as a working hypothesis in the course of inquiry) but rather the quality of the form of life we would obtain were we to choose it as a guide for our public action. This makes justification an empirical enterprise that has to rely on experimental considerations. All this enters perfectly into the classical tradition of pragmatism, and notably of deweyan pragmatism in that it accepts the epistemic consequences of the primacy of practices of inquiry over normative epistemic categories.

A key remark suggested by MacGilvray enables us to further develop this point. As he correctly points out, the experimental nature of justification should be understood against the background of the specific kind of inquiry that is political practice. Through this argument our former criticism of Misak's endorsement of the peircean notion of inquiry is reinforced. This point is important as it sheds some light on the broader question of how a pragmatist theory of rationality should be conceived, providing further elements needed in order to better define the otherwise rather vague concept of inquiry. Accordingly to pragmatist epistemology, we fully endorse the idea of a unified paradigm for inquiry as encompassing every form of human search for knowledge based on experimental practice. But, still according to pragmatist epistemology, we should also be aware of the differences that distinguish diverse

kinds of inquiry, as we have formerly distinguished different conceptions of the social dimension of inquiry (an assumption that has led us to criticize Misak's extension of Peirce's notion of community of inquiry to the field of social practice). As we have seen, the problem generated by a too fast identification of democracy with a community of inquiry are at the basis of some misunderstanding of the pragmatist conception of practical reason here defended. In the perspective open by the theory of inquiry there is no justification independent from the process of inquiry itself: to say that a belief is justified is equal to saying that it has been warranted by the process of inquiry itself. A belief is justified when it is the legitimate outcome of a valid process of inquiry. In traditional justificatory political theory, justification is considered to be a practice that comes after that political judgment has taken place and whose aim is to ground that judgment. It is a defensive strategy that aims at reinforcing what we already consider to be true. On the contrary, the pragmatic approach to justification considers it a practice whose aim is to *discover* which belief should be defended and adopted. This move can be traced back to Dewey's theory of judgment, as his concern has always been to show that traditional theories of judgments fail to account for what a pragmatist considers the very bulk of the act of judgment, i.e. the act through which a hypothesis is formed through the selection of what will become its subject and its predicate (cf. LW 12: 127ff.). The pragmatist attitude towards justification implies, therefore, that we rather focus «on what we should expect of democracy and on how those expectations might best be realized in practice» (Shapiro 2003: 2). It is a move that expresses the traditional pragmatist attitude towards the future. The conception of ideas as hypothesis that characterizes pragmatism is fully visible in this change of focus whose main presupposition is that even in the political field assessment of consequences has priority in the determination of meaning and legitimacy of policies and that every theory has to be considered as experimental and that validity claims are to be tested in experimental terms.

All this considered, the approach to justification we propose integrates the more experimental approach offered by MacGilvray with the stronger commitment to objectivity expressed by Misak, but avoiding the limits of these approaches that we have underlined. A promising starting point for such enterprise is Dewey's epistemology of practice⁸⁷, as it combines:

1. a thoroughly experimental and contextual commitment to inquiry;
2. an inferential rather than narrative conception of justification;

⁸⁷ This will explain the web of similarities and differences that we have traced among our proposal and Misak's and MacGilvray's. It is easy to see how, to a large extent, our divergences can be traced back to the original differences between Peirce, Dewey and James epistemologies.

3. a conception of justification as a contextual move that is immanent to a given practice and that takes place as a specific answer to an analogously specific problematic situation.

In this approach, the classic pragmatist theme of the interconnectedness of inquiry and democracy is developed along a path that avoids the limitations both of the excessively cognitive approach that Misak infers from Peirce's work and of the epistemologically weak paradigm that MacGilvray borrows from James. On one side, the permanence of a classical ideal of rationality prevents Misak to free herself from the limitations of the liberal approach to justification, and forces her to search for a new form of neutrality in a purely epistemological conception of justification. On the other side, the narrative paradigm proposed by MacGilvray, while it enables to fully consider the more practical and experimental aspects of practice, it leaves us with an account of justification epistemologically inadequate. Both these limits can be overcome once we acknowledge that the pragmatist conception of the relationship between inquiry and democracy is neither an uncontroversial epistemological truth nor a vague narrative framework but a scientific hypothesis which finds strong evidential support in historical inquiries. The historical account of how the intertwinement of science and democracy has given its outlook to contemporary society does not enable us to claim that to be undemocratic is irrational (the strong justificatory end acknowledged by Misak). But it is more than a mere narrative framework in which experimental intelligence would find its legitimacy (MacGilvray). Such an apparently weaker justificatory outcome is fully adequate because the epistemological priority accorded to practice frees us from the supposed need of a stronger uncontroversial ground of justification. The priority of practice, if applied to the concept of democracy, implies that traditional justificatory attitude (how could I offer a justification of existing democratic institutions that could be universally valid and that could be enforced against those that does not share its presuppositions) should be replaced by a *transformative perspective* that accounts for democracy as a practice that has developed along time, overcoming the social and political problems and proving to be better than alternative regimes (notably the totalitarian regimes). Along these lines we can offer an account of the genesis of democratic institution and of the leading role that inquiry has progressively acquired at their heart. It is well known that such an account can be built starting from the Deweyan theory of the role of economic, scientific and political revolution in the shaping of the western modern world, as this account explains why democratic institutions, experimental science and values of liberty and equality are the marks of a global social system in which any of this trait is inextricably tied to the others. Without being indisputable, this account has nevertheless the epistemic force of a scientific hypothesis backed by strong

evidential support. It has, therefore, an objective validity which is higher than that provided by a mere narrative framework whose validity cannot be said to be defended on objective ground. This account is such that it justifies, on the basis of evidence and argument, that we stick to democratic institutions, that we cherish and support values of liberty and equality and that we expand the role of experimental knowledge in public life. This account has both a descriptive and a normative content. On the descriptive level, it explains why western civilisation has reached the present configuration following an historical path that can be seen as the progressive emergence and resolution of problematic situations, according to an evolutionary paradigm. On the normative level, if we admit that human processes have a self-corrective character, and if we recognise that the development of more democratic forms of government, the progressive turn of all the sciences toward an experimental model and the reinforcement of individual autonomy are not the haphazard results of a blind mechanism but are answers to problems and difficulties faced by a given civilization in the course of its own history, we will then be able to assign to democracy, liberty, equality and experimental inquiry (just to name the principles called into question by Misak and MacGilvray) the normative force of institutions that have been tested into practice and that so far has proven to be the best answers to the kind of problematic situations that western societies have faced in the course of their development. This very rough and short account provides an example of how justification should be conceived in a pragmatist perspective, once we acknowledge the epistemological primacy of practice. The justification of a practice is not undertaken through the identification of uncontroversial principles that would ground it from outside but is left to an immanent account that, while being immanent, has nevertheless a normative force. Pragmatism can draw normative conclusions from a factual explanation precisely because it acknowledges the fact that human agency is self-corrective, which means ruled by the use of intelligence and as such responsive to experience. As long as it is self-corrective, a practice can be considered to be self-standing, where self-standing does not mean confined to the repetition of the status quo but capable of developing its own normative standard and of revising them according to the consequences produced by their application. Therefore, an account of the development of actual institutions can have normative power as long as it offers criteria that enables to criticise present experience on the ground of past experiences in a way that transcends the actual practice but only as it put it into the context of a broader spatio-temporal horizon.

A normativity grounded in experimental inquiry is of course fallible: it accounts for the kind of values and norms that have been developed in the context of our experience, as answers to the problems and situations we have faced. Their grounding is not universal: other civilisations and other situations

would probably give rise to other values and norms. But this still does not mean that normativity is merely relative. In our historical experience we have experimented opposing visions, we have lived under theocratic regimes, we have experienced confessional states, restraints on liberty, diverse mix of liberty and equality and so on. Beliefs, in their responsiveness to experience, have been rejected and modified according to our assessment of the consequences they have brought about. Therefore, when we say that the sentence “liberty is a value to be preserved” is true ‘by our light’, if we consider that our light is made of centuries of experiences and speculations, than we can consider this claim to have a strong degree of evidence, while we still avoid the pretences of a universal claim: extension of the field of applicability of a norm or value to other contexts is always submitted to the test of experience. An experimental account of normativity leaves of course objectivity exposed to the challenge of falsification. It is on this ground that I would place the challenge of anti-liberals and anti-democrats like the ones called into question by Misak. Oftentimes in western history this has taken place and other and different political regimes have been claimed to be preferable to democratic institutions. But as we have already noted, before such claimants no formal demonstration of fallacy will have any appreciable effect, and limiting oneself to ‘proving’ to the other that his perspective is morally wrong or epistemically incoherent will contribute nothing to the preservation and flourishing of the values we consider best. But if we renounce to this second order form of symbolic certainty, we can still count on forms of insurance⁸⁸ provided by the historical evidence that our present convictions are not borne out of a night dream but are the outcome of centuries and sometimes millennia of trial, experimentation, and argument. We should probably give more weight to the fact that below the epistemic level of philosophical and scientific debates and beyond our more or less ‘definitive’ and ‘incontestable’ justifications, the historical permanence of values, ideas, principles is the better evolutionary proof of their value for experience. The immense weight of history (and history of ideas belongs to it) accounts for the primacy of practice we are advocating, a primacy that not only shows some philosophical moves (notably foundational moves) to be vain, but, if properly understood, opens new avenues for philosophical thinking. Therefore, no justification can overcome the limits, as broad as they can be, of a tradition: we can only extend the limits of this tradition, and we can do this submitting our cherished beliefs to the test of argument and experience. In this sense it would be illusory to believe that we are in the position to offer a definitive and uncontroversial justification to some of the constitutive principles of western civilisation (emancipatory role of reason, trust in scientific knowledge, primacy

⁸⁸ On the epistemic difference among the concepts of insurance and assurance, cf. J. Dewey, *The Quest for Certainty*, LW 4: ch. 2.

of individual autonomy, respect and equality). They are rather confirmed and adjusted through the process of their conceptual articulation.

Justification so conceived ceases to be a transcendental move aiming at grounding a practice from outside and becomes a more contextual practice whose functions are motivational and transformative. This is so because the existence of a practice is a given fact and cannot be cancelled nor 'falsified' by a thought's act. Criticism, as thinkers like Thomas Kuhn, Alasdair MacIntyre and Stanley Cavell have so clearly showed, is always and inevitably grounded in the practice it aims at criticising, even in its most virulent and radical forms. But, I would like to add, is nevertheless a rational enterprise provided of objective criteria of adjudication. This sort of deflationary character of justification has nothing to do with a form of conservation as it has sometimes been said of pragmatism⁸⁹. On the contrary, it is compatible with the adoption of a strong form of social and political criticism. But its main aim is epistemological: it offers an explanation of what provides objectivity to moral and political judgments while acknowledging their contextual and at some length relative validity. If we accept all this, we will be led to assign to the practice of justification a rather different scope. Both Misak and MacGilvray tends to consider that justification is something we do against someone who does not belong to a certain practice and we have to persuade him that our practice is best. In order to do so, we exit our practice and, from this vantage point, we try to justify it in the face of those who does not share its assumptions, as if we could neutrally decide among the two competing conceptions. This strikes me as very far from the pragmatist attitude, as it presupposes that we would be able to stop our current practice and get out of its web of beliefs and habits in order to assess it. Contrary to that, the primacy assigned by pragmatism to the practices in which we are embedded makes this move theoretically problematic. The Schmittian to whom Misak answers is, like us, part of a common history and has shared, with us, the misfortune and the successes of it. He has passed through democratic and totalitarian regimes, he knows the pros and cons of each. In order to counter the claims of the racist, the sexist or whatever antiliberal, we do not need to jump to a theoretical level transcending this specific practice which is our common social and political history. Equality, liberty, solidarity are among the principles that the western history has distilled through its experience. They are part of us and constitute both our identity and our stock of living resources. The fact that, after the challenges they have undergone in centuries or millennia, they are still cherished and hold tight is the best proof of the fact that, pragmatically, they constitute good beliefs, beliefs for which so far we have found no better substitute. To answer the question why should we prefer the liberal pluralistic world to the Schmittian homogeneous world, we need not

⁸⁹ The first and second acquiescence remarked by MacGilvray, cf. MacGilvray 2004, ch. 4.

refer to a set of truths rooted in moral objectivity. The answers lies rather in our history not because, as for the hermeneutics, tradition would be the custodian of truth, but because history is in itself a vast process of inquiry. And, as Dewey has clearly showed, inquiry – as it is can be seen also in the history of sciences - is a self-corrective process, that establishes its own normativity criteria, tries them against reality and revise them accordingly.

The following points resume the core of a pragmatist approach to justification:

1. Justification is immanent to the practice that is its object;
2. Justification is a discursive practice we enter when some distinctive feature of our practice is put into question and becomes problematic;
3. A practice is a self-correcting entity that develops its own normative criteria;
4. Historical and human sciences are part – a very relevant part – of the self-correcting mechanism developed by the western civilisation;
5. A historical explanation is not merely a narrative, but the outcome of a rational process of inquiry that, if valid, contribute to the self-assessment of the choices, decisions and solutions undertaken by a society. Moreover, a historical explanation is subject to rational processes of justification and can be verified or falsified according with the evidential force of its propositions;
6. Political-moral normative discourse is rooted in the experience of those that belong to a specific practice. It obtains its relative independence through a movement of self-transcendence made possible by the distancing effect produced by critical reflection, according to the paradigm of inquiry.

These elements derives from the application to the field of moral-political practice of the pragmatist paradigm of an epistemology of practice. A civilisation or a society, like a scientific theory, is a complex web of beliefs, attitudes, expectations, patterns of action. Of these, some can be considered more fundamental, for reasons that can be made explicit: historical duration, pervasiveness, level of consensus, impact on the whole set of experience and so on. We know from the philosophy of science that in current practice when a problem emerges what is primarily put into question are the most peripheral assumptions, i.e. those whose substitution will have the smallest impact on the whole field covered by the theory. We can consider that in the evolution of societies something of the sort holds. Faith in individual reason, respect for the individual, communal solidarity, democratic institutions are the legacy of a long run period of experimentation in social life in western countries, from the Greek experience to the contemporary democracy, passing through the institutional experience of the Roman Empire, the cultural challenge of the Christianity and the state formation of modern Europe. The values most cherished by liberals, like individual autonomy and equal right of opportunity should be seen, pragmatically, as the enduring outcome of this long self-confirming (because

successful) process, an outcome whose justification lies in great part in the results that, through their implementation, have been reached. If we see the western tradition as progressively shaped by those and other principles, we will also recognize that no other independent form of justification is required. As in Emerson's circles, the justificatory practice is a movement of self-transcendence that puts us in a broader circle, but still on the plane of immanence. We rise from the context of a given practice to that of a broader one, from practice to practice, always bound in the field of experience. If we look at our history, we see that totalitarianism has proved not viable and that liberty has proved to be one of the greatest sources of flourishing and development, both at individual and social level. These and similar arguments will not necessary (which means *a priori*) apply to other peoples and history. Thinking differently will only lead us to believe that we are justified in imposing our values outside the boundaries of our society with the use of force.

A last point that should be kept in mind when framing a pragmatist approach to justification (and broadly to public reason) concerns the role assigned to private beliefs in justificatory practice. Here MacGilvray's proposal joins Misak's, as both recur to a fallibilistic conception in order to justify the liberal attitude of toleration towards individual's conceptions of the good. This fallibilistic approach is intended as a necessary condition in order to assure the coexistence of the epistemic dimension of inquiry (and the correlative hope that one day we will reach agreement on each debated topic) with the recognition of the fact of pluralism. Here, again, such an understanding of the fallibilistic principle derives from an inadequate endorsement of the pragmatist principle of the primacy of consequences. Both Misak and MacGilvray remain inside the classical epistemological frame of mind according to which whenever we find ourselves in disagreement, this has to be ascribed to a lack of inquiry. Therefore, the moral-political process of search for agreement is seen as a quest for the best belief. We consider that, while fully accepting the fallibilistic framework as a necessary element of a pragmatist epistemology, moral disagreement should be faced with a more sophisticated approach, one that conjoins a broad fallibilism with the acknowledgement that what is often at stake in public decisions is not the truth value of our cherished beliefs but rather the assessment of the social consequences that their public endorsement would produce. What MacGilvray calls a "fallibilist narrative", therefore, has the consequence of diverting the focus of inquiry from the public decision concerning future consequences to the assessment of the validity of prior beliefs. This risks to maintain moral inquiry into the path of a verificationist model that is only partially suited to this kind of inquiry, as the status of human values is not totally reducible to that of hypothesis that have to be tested and selected according to their predictive power. Even in MacGilvray's proposal the focus of the whole justificatory

practice are the beliefs we rely on in order to sustain a claim. According to him, the pragmatist approach to justification differentiates itself from the classical liberal in that while the liberal tries to settle *a priori* the boundary between public and non public reasons, the pragmatist's does it *a posteriori*, leaving this decision to the experimental examination of the belief. In MacGilvray's words, «if we find that one of our beliefs is controversial *and* if we wish to advance that belief as a ground for public action, then we should be willing to defend it to our fellow citizens in experimental terms» (MacGilvray 2004: 229). We propose to accomplish a further step towards a more pragmatically minded account of justification. This consists, as we tried to show, in dropping the question of the intrinsic validity of beliefs and shifting the focus of inquiry towards the question of the social consequences of their adoptions as plans for action. Face to a given comprehensive belief or doctrine, a pragmatist approach should invoke experience not in order to settle its truth value but in order to explore – through the use of former experience, argument, scientific knowledge and imagination – the social consequences that would be produced were we to use this belief as a basis for legislation and policy.

If we consider cases like that of the different conceptions of human life, we are faced with different possible strategies. On the one side stand the 'insularist' approaches, whose solution consists in leaving the problematic controversy outside of the public arena. On another side lie those pragmatist approaches that see in the appeal to experience the condition for assessing the competing conceptions and choosing among them which should be publicly adopted. But on a still another side we should place those different pragmatist accounts that consider the fact of holding a belief to be quite independent from that of public decision making. In the case of disagreement concerning the value of life, a pro-choicher can certainly try to persuade his fellow pro-lifer of the fact that there's no life without qualification and that qualification means quality, but his opponent will equally try to persuade him that life is an unconditioned principle and no experience will prove one position to be false and the other to be right. And appeal to consequences will be of no help in order to assess which of the competing views is true. A different strategy that can be adopted on pragmatist ground is to discuss, with the support of all the instruments inquiry (social, psychological, anthropological, etc.) at our disposal, the social consequences that will be produced by the adoption, say, of an anti-abortion legislation in the context of a free and increasingly globalised society. This discussion does not aim at verifying or falsifying the competing options but only at deciding the ground for social action. Each part will probably stick to his view, but social action will be shaped according to a pragmatic assessment of their different impact. Even so, we will probably not find conclusive arguments for deciding which policy to adopt. But we will have provided individuals affected by it

(Dewey's public) with adequate knowledge in order to decide in which kind of world they want to live. Then, given the institutional framework of a democratic society that recognizes certain principles and protects certain basic rights and liberties, it is democratic deliberation that will have to have the last word.

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