

# On Moral Progress: A Response to Richard Rorty

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## I. PROGRESS AND SUBORDINATION

Is there moral progress? I agree with Rorty against Posner that there clearly is.<sup>1</sup> We should probably abandon the nineteenth century expectation for a steady progress of humanity toward greater and greater overall moral achievement. The wars of the twentieth century extinguished that teleological expectation, and the twenty-first, so far, gives us no reason to revive it.

There are, however, more modest notions of progress. There is, for example, the view to which Kant seems inclined; that we understand morality better over time, and learn by slow degrees to avoid, or at least to blame and work against, some especially heinous types of moral error.<sup>2</sup> Anyone who is a feminist has to think that there is at least something to that view. Certain forms of bad behavior can be exposed and criticized in a manner that makes it impossible to return to them, at least in the old way. In Kant's example, the ferment surrounding the French Revolution made it impossible to return to feudalism and monarchical absolutism in the old way, as something simply natural, sanctioned by nature's laws, inevitable, and in no need of justification. Now people still erect social hierarchies of class, ethnicity, and race—but they can't get away with saying that this is just the way nature is. Widespread awareness of the brutality of such arrangements

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† Ernst Freund Distinguished Service Professor of Law and Ethics, Philosophy Department, Law School, and Divinity School, The University of Chicago. It is a great honor to be invited to comment on Richard Rorty's Dewey Lecture. I want to take this opportunity to mention how much, over the years, I have learned from Rorty's courageous and wide-ranging work, "public philosophy" in the best sense. Our sometimes narrow profession is deeply indebted to his willingness to address the largest questions of politics and life, and to do so with both philosophical clarity and literary eloquence. This debt will only grow as time goes on.

<sup>1</sup> I have criticized Posner's Holmes lectures at greater length in *Still Worthy of Praise*, 111 *Harv L Rev* 1776, 1776–95 (1998) (discussing critically Posner's methods and arguments in his critiques of moral philosophy, and his claim that ethics does not influence practice).

<sup>2</sup> See, for example, his famous remarks about the French Revolution in Immanuel Kant, *The Contest of the Faculties*, in Hans Reiss, ed, *Kant's Political Writings* 176, 182–83 (Cambridge 1970) (H.B. Nisbet, trans). Kant argues that the "universal yet disinterested sympathy" we see for the struggles of the French people against tyranny "proves that mankind as a whole shares a certain character in common, and it also proves (because of its disinterestedness) that man has a moral character, or at least the makings of one. And this does not merely allow us to hope for human improvement; it is already a form of improvement in itself." Id.

has put bad behavior on the defensive, and it now looks not like the proper way for things to be, but like an exercise of naked power.

So too, I believe, with relations between men and women. Men used to dominate women heedlessly, thoughtlessly, because that was simply the way things were and must and should be. Now there are still many cases in which men dominate women—an understatement if there ever was one. But the exposure of their behavior as what it is, the sheer naming of it as oppression, and the existence of widespread public argument about it, changes things for good, and is, as Kant said, “already a form of improvement in itself.” In today’s world, such male behavior has to be a conscious, malicious, disdainful choice. It cannot be just routine or tradition. I think this is enormous progress. The only way one can imagine this progress being reversed is to imagine a political cataclysm that would eclipse free speech over much of the globe, something that modern media make very unlikely.

Much the same can be said of slavery, or of the cruel treatment of people with disabilities. Some insights about human dignity cannot be thrown away once they are attained, short of repression on a large scale. If the nineteenth century was overambitious about the totality and unity of the progress of the humanity, there is still something in the world that we can recognize as the progress of humanity.

I now want to pose the question, what is the role of moral philosophy in this progress? I shall address this question by focusing on the cumulative contributions to this question made by Socrates, Aristotle, and Kant. Unfolding their arguments will be a way of articulating my own position.<sup>3</sup>

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<sup>3</sup> I shall not address Hegel and Dewey, Rorty’s primary interlocutors, because I do not know enough about them, although I shall later discuss Dewey’s views on education.

## II. SOCRATES, ARISTOTLE, KANT: THE EXAMINED LIFE<sup>4</sup>

Socrates was the first philosopher in the Western tradition who attempted to use philosophical argument to produce moral progress. What he did (in those dialogues of Plato on which we most rely to form a picture of his historical activity<sup>5</sup>) was to question people about their beliefs on important ethical questions, expecting them both to produce a coherent contradiction-free account of the cases falling under a given virtue and to provide an overall account or definition of that virtue that would give guidance in approaching new cases. None of his interlocutors does well, and Socrates suggests that this shows a kind of ethical half-heartedness.<sup>6</sup> People who haven't sorted out their own beliefs come to new cases ill-prepared. Moreover, they typically become arrogant, thinking that they are well-prepared when they are not. Plato suggests that this ill-preparedness and arrogance are very

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<sup>4</sup> In what follows I shall not discuss a distinction that is fundamental to my own work on these questions—namely the distinction between a comprehensive moral doctrine and a political doctrine. Like John Rawls in *Political Liberalism* 385–95 (Columbia 1996), I believe that political principles ought to be justified in a way that does not depend on any comprehensive ethical, metaphysical, or epistemological ideas, in order that we may show equal respect to citizens who have different religious and secular conceptions of the good. Such citizens could not accept a religion-based or metaphysical conception as a basis for their common political life with others. If the religious or metaphysical conception was not their own, they would view it as a conception that shows disrespect to them and treats them as unequals. On the other hand, citizens with differing conceptions of life, whether religious or secular, can accept, as a conception that respects them, a partial ethical conception introduced for political purposes, if it is framed and justified in a deliberately abstemious way, not making reference to the issues that divide the different religious and secular doctrines from one another. In that way, we may build an “overlapping consensus” (to use Rawls’ phrase) concerning the political doctrines. I believe this distinction between the ethical and the political to be fundamental; I do not know whether Richard Rorty would agree. But since neither Posner nor Rorty focuses on this distinction, and since both seem to be talking not simply about the basis for political principles but about more general social and ethical norms, I will try to prescind from it in what follows.

<sup>5</sup> This is a highly disputed area of scholarship, since both the dating of the dialogues and Plato’s purpose in using Socrates as a major character remains uncertain. There are also other sources for Socrates’ life (Xenophon, Aristophanes), who do not present the same picture that Plato does. The best account of these controversial issues is Gregory Vlastos, *Socrates: Ironist and Moral Philosopher* ch 3 (Cornell 1991) (noting inconsistencies between Plato’s and Socrates’s presentations of Socrates’s dialogues and presenting external evidence supporting the claim that Plato misrepresented Socrates’s philosophy). Nevertheless, there is broad agreement that Plato’s *Apology* represents more or less accurately the activity of the historical Socrates, and that some dialogues often called “early” or “Socratic,” for example *Laches*, *Lysis*, *Charmides*, and *Euthyphro*, fill out this picture by showing Socratic cross-examination in action. See generally John Burnet, ed, 1, 3 *Platonis Opera* (Oxford 1902).

<sup>6</sup> See, for example, the examination of Meletus in *Apology*, where Socrates puns on his name, which means something like “Careful,” saying, “So, Careful, you really don’t care, do you?” Plato, *Apology* 27E, in Burnet, ed, 1 *Platonis Opera* (cited in note 5).

dangerous to politics, by using characters who are by the time of writing known to have done disastrously bad things: Nicias (in *Laches*), who led the fatal Sicilian Expedition;<sup>7</sup> and Critias (in *Charmides*), who “later” (meaning later than the dramatic date, though before the date of composition) became one of the Thirty Tyrants who briefly overthrew the Athenian democracy.<sup>8</sup> Socrates himself explicitly claims to have greatly benefited democracy, by acting like a gadfly on the back of a “noble but sluggish horse”: his irritating questioning produced, he claimed, wakefulness, very important to the ability of democracy to conduct its business responsibly.<sup>9</sup>

Socrates assumed that conventional social beliefs contain a good deal of correctness, at least about particular cases. His entire method, in which the philosopher supplies nothing new, but simply works with what is given him by the interlocutor, assumes that the polity is basically healthy. Not only does he assume that the beliefs elicited from people will contain quite a lot of truth, he also appears to assume that in cases of conflict they will judge wisely about which beliefs to give up.<sup>10</sup> These assumptions about people and their beliefs are controversial, clearly. At some point in his life, Plato himself ceased to believe them, and found it necessary to anchor ethical correctness on a prenatal grasp of immortal and immaterial forms.<sup>11</sup> Generous though Socrates was to people’s ordinary moral competence, however, his view still leaves room for a large contribution by philosophy, given democracy’s endemic flaws of haste, inattentiveness, and boastfulness.

Socrates actually attributed to philosophy (meaning a practice of public argument focused on logical rigor, definitional clarity, and overall consistency) not just one but three important contributions. The first, which we have mentioned, is that it wakes people up, getting

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<sup>7</sup> See generally Plato, *Laches*, in Burnet, ed, 3 *Platonis Opera* (cited in note 5).

<sup>8</sup> See generally Plato, *Charmides*, in Burnet, ed, 3 *Platonis Opera* (cited in note 5).

<sup>9</sup> *Apology* at 30E–31C (cited in note 6).

<sup>10</sup> See Gregory Vlastos, *The Socratic Elenchus*, in Julia Annas, ed, 1 *Oxford Studies in Ancient Philosophy* 27, 54 (Clarendon 1983) (“[F]rom assumption *A* Socrates could infer with certainty that any set of moral beliefs which was internally consistent would consist exclusively of *true* beliefs; for if it contained even a single false belief, then, given *A*, it would contain beliefs entailing the negation of that false belief.”), reprinted in Gregory Vlastos, *Socratic Studies* 26 (Cambridge 1994).

<sup>11</sup> See Vlastos, *Socrates* at 117–20 (cited in note 5) (asserting that Plato believed that geometrical discovery—“paradigmatic ‘recollection’”—is the path to all knowledge, including moral knowledge), for a detailed argument for that position. The theory of “recollection” is developed in Plato’s *Meno* and *Phaedo*, though in quite different ways. See Plato, *Phaedo* 72E–73B, in Burnet, ed, 1 *Platonis Opera* (cited in note 5) (arguing that it is impossible for learning to be mere recollection “unless our souls existed somewhere before being born in this human form”); Plato, *Meno* 98, in Burnet, ed, 3 *Platonis Opera* (cited in note 5).

them to think better and more consistently. Second, by demanding universal accounts, philosophy leads people to extend their beliefs in such a way that they will be better prepared for new cases. What was wrong with the generals in *Laches* was that they had not done this sort of preparatory thinking; clearly, then, they would come to new situations badly prepared, as Nicias eventually did, with disastrous results. Confronting a new case with an adequate principle already in hand helps one think when the situation might otherwise lead to confusion or overreaction or bias. Third, philosophy creates a basis for respectful interaction among citizens, as all, notwithstanding political and social differences, might exchange ideas together in a peaceful and attentive way, searching for shared premises and weeding out overambitious claims, rather than simply trading boasts or conclusions.

Dewey is a member of this Socratic lineage. He greatly admired Socrates and the Athenian democracy,<sup>12</sup> and we can see that these claims of Socrates lie very close to what Dewey and Rorty think philosophy can achieve.

Such ideas about philosophy's role in ethical progress remain important today as a basis for democratic education.<sup>13</sup> In *Cultivating Humanity*, I study the way that undergraduate classes in philosophy transform the conception of politics in students brought up on talk radio and its sensationalistic claims. One student I profiled told me that being asked, in a required philosophy class, to argue against the death penalty, which he supports, gave him a new understanding of opposing views. Now he is less likely to see political argument as simply a matter of assertion and counterassertion, and more likely to look for the structure of the arguments on both sides—seeing what they share and where, precisely, they differ.<sup>14</sup>

Aristotle's thought about philosophy's role lies very close to that of Socrates, but his focus is less on the one-by-one questioning of people and more on how philosophers might draw on reliable cultural beliefs to build up an overall ethical account. He urges the philosopher to begin by "setting down the appearances," by which he means those shared beliefs that seem particularly reliable, together with pre-

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<sup>12</sup> See John Dewey, *Democracy and Education* 412–13 (Cambridge 1994) (defending the Socratic and Platonic argument that knowledge of the good is gained through education).

<sup>13</sup> See Martha Nussbaum, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education* 22–28 (Harvard 1997) (discussing the role of Socratic questioning in fostering critical thinking about life's choices, dilemmas, and societal conventions).

<sup>14</sup> See discussion of Billy Tucker in Chapter 1 of *Cultivating Humanity*, id at 44.

vious theories on the topic.<sup>15</sup> (Unlike Socrates, then, he has a keen interest in major theoretical contributions; by his time there were many, which was not the case during the lifetime of Socrates.) Like Socrates, he thinks that all these beliefs, when sorted out, will prove to contain numerous contradictions. We must then sort them out, fashioning an account that preserves “the greatest number and the most basic” of the beliefs.<sup>16</sup>

Aristotle, like Socrates, expects that any pupil who is going to learn anything from moral philosophy will have to have had a pretty good upbringing: so young people should come to philosophy after being ethically trained in some different way, by their parents and by the general culture.<sup>17</sup> Nonetheless, like Socrates, he thinks that the culture contains many moral errors. (He devotes particular emphasis to the obsessive pursuit of money and honor.<sup>18</sup>) These errors are in tension with some great truths; if that were not the case, progress through this type of philosophy would not be possible. But the tension might elude people’s attention if they are lazy and ill-educated. So once again philosophy, by making explicit arguments that connect one thing with another, conduces to wakefulness and thoroughness. And this, in turn, conduces to progress. Aristotle compares the philosophically educated person to an archer who will be more likely to hit the target if he gets a clear view of it.<sup>19</sup> He also says that philosophical education shows you the “why” of your choices, if you start with only the “that.”<sup>20</sup> (For example, by connecting friendship to the very possibility of a complete and satisfying life, it gives people reasons they might not have recognized for valuing friendship.<sup>21</sup>)

One great difference between Aristotle’s conception of philosophy and Socrates’s is that Aristotle is a writer and a reader. Famous in antiquity for possessing a large library, and keen at all times to show his interest in the views of his predecessors on many topics, he created a form of public philosophy that could be set down in books and

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<sup>15</sup> Aristotle, *Nicomachean Ethics* 1145b2–7 (Oxford 1894) (I. Bywater, ed). See also Martha Nussbaum, *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy* 240–63 (Cambridge 2001) (interpreting Aristotle’s discussions of the appearances in this way).

<sup>16</sup> Aristotle, *Nicomachean Ethics* at 1145b2–7 (cited in note 15) (arguing that competent students must be brought up well and hold first principles).

<sup>17</sup> See *id.* at 1095a2–13, 1095b4–6.

<sup>18</sup> *Id.* at 1096a (arguing that wealth is only good as a means, rather than as an end).

<sup>19</sup> *Id.* at 1094a23–24.

<sup>20</sup> *Id.* at 1095b6–7 (stating that those who already clearly believe that something is the case will see why it is without extensive convincing).

<sup>21</sup> See *id.* at 1169b3–19.

taught to all. Socrates questioned people one by one, and there were many people that he did not meet. Although he did manage to meet and question one slave (in *Meno*),<sup>22</sup> he could not meet women of good family (his wife excepted, and she is represented as quite unphilosophical),<sup>23</sup> and he mentions in *Apology* that when he gets to the underworld he would quite like to question women there!<sup>24</sup> Aristotle's books could in principle reach anyone literate, and they could be the basis not only for his own lectures, but (as is by now obvious) for lectures by all and sundry in thousands of different times and places. Distance learning, as we may call it, has its disadvantages, as Plato has Socrates mention in the *Phaedrus*; one may develop a "false conceit of wisdom" because one has read some important books, without sufficiently focusing on the cultivation of one's own mental alertness and activity.<sup>25</sup> But distance learning has great advantages in larger communities and across time. Aristotle produced a version of Socrates that could promote moral progress independently of the presence of a great philosopher; and that is very important for philosophy's role, since most classes in philosophy, in all times and places, are not taught by great philosophers.

Aristotle's conception of philosophy's role in moral progress has had great influence. It was used by Henry Sidgwick as the basis for his account of moral progress in *The Methods of Ethics*, where he follows Aristotle by working through the major theoretical conceptions that were by then known to him, and holding them up against reliable social beliefs.<sup>26</sup> Socrates, Aristotle, and Sidgwick, in turn, were called upon by John Rawls as the basis for his account of ethical method in *A Theory of Justice*. Rawls argues that the moral philosopher should begin with reliable ethical beliefs, which he calls "considered judgments," and should then confront them with the most influential theories of the time.<sup>27</sup> (In his case, the focus is on Utilitarianism.) If one keeps on doing this, adjusting the considered judgments if a powerful theory gives one reason to do so, but also rejecting a theory that seems initially attractive if its cost in terms of considered judgments is too

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<sup>22</sup> See *Meno* at 80D–86D (cited in note 11).

<sup>23</sup> See *Phaedo* at 60A (cited in note 11) (asking Xanthippe to leave the room).

<sup>24</sup> *Apology* at 41B–D (cited in note 6) (claiming that death is not unpleasant and that it would provide the opportunity to interact with many wise men and women).

<sup>25</sup> Plato, *Phaedrus* 275A–B, in Burnet, ed, 2 *Platonis Opera* (Clarendon 1902) (criticizing this method of learning as creating merely the appearance of wisdom).

<sup>26</sup> See generally Henry Sidgwick, *The Methods of Ethics* (Macmillan 1907).

<sup>27</sup> See John Rawls, *A Theory of Justice* 42–46 (Belknap 1971) (defining considered judgments as those formed under just circumstances, and contrasting such principles to Utilitarianism).

high, one may over time achieve what Rawls calls “reflective equilibrium.”<sup>28</sup> (He does not claim to have achieved this, and he was wise not to, since the critical aspect of his book does not engage with some powerful theoretical alternatives, for example, Marxism, which were known to him.)

In Aristotle’s conception, as in Socrates’s, the professional philosopher is not doing something different from what the ordinary person might do and ought to do. That is why both thought it so important that everyone should learn to think philosophically. But the professional philosopher still makes a contribution, since most people are too busy, too inattentive, and too governed by tradition and habit, to think things through thoroughly. They also may lack Aristotle’s awareness of the many theoretical alternatives and his aptitude for sorting them out and comparing them perspicuously to one another. So Aristotle can make a genuine contribution by virtue of having chosen to spend his life in the examination of arguments. It is important, however, to recognize that he is not supplying something altogether different from what a mindful, alert person could supply in his or her own life. I have said that in that sense the philosopher might be called a “professional human being.”<sup>29</sup> That is why the teaching of philosophy is more like empowerment than like imposition, when it is done at all decently.

I have mentioned one difference between Aristotle and Socrates; there is a second. Aristotle thought that philosophical arguments about the good human life could help politicians design good institutions. In his view, ethics was a propaedeutic to politics, and he is very critical of political planners who try to improve people’s lives without having thought much about what a good life is.<sup>30</sup> Here John Rawls is following Aristotle and not Socrates, using philosophical reflection to work out a scheme of institutions that will provide, impartially, for a decent life for all. Rawls, of course, denies that we should use a fully worked-out conception of the good in drawing up our political princi-

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<sup>28</sup> Id at 43 (“From the standpoint of moral theory, the best account of a person’s sense of justice is not the one which fits the judgments prior to his examining any conception of justice, but rather the one which matches his judgments in reflective equilibrium.”). On Rawls’s ethical method, with full references to all the relevant passages of *A Theory of Justice*, consider Martha Nussbaum, *Women and Human Development* ch 2 (Cambridge 2000) (adopting Rawls’s ethical method).

<sup>29</sup> Nussbaum, *The Fragility of Goodness* at 261 (cited in note 15) (describing such a person as one who provides a clearer view of ethical goals and greater satisfaction of natural desires).

<sup>30</sup> For the relevant texts see Martha Nussbaum, *Nature, Function, and Capability: Aristotle on Political Distribution*, in 1 *Oxford Studies in Ancient Philosophy Supplementary* 149–50, 157 (Oxford 1988).



ples, for he is a respectful pluralist, as Aristotle was not, and he understands that reasonable people hold many different conceptions of the good. I agree with Rawls: when we pursue this aspect of Aristotle's project we should be less paternalistic than he was about the good. Nonetheless, philosophical thought about what is needed for a good life can inform political planning, as all my work on capabilities and quality of life has been intended to do.<sup>31</sup>

Aristotle and Socrates were committed rationalists, by which I mean that they ascribed great power to good reasoning and thought that the primary impediment to good moral action was bad reasoning. Bad reasoning, in turn, was, they thought, produced not by deep emotional obstacles to goodness, but by laziness, sloppiness, inattentiveness, and excessive deference to authority. They really thought that once people sort things out clearly for themselves, they will be very likely to choose the right beliefs and hence to do the right thing. In this respect they were both psychologically naïve. For this reason their confidence in philosophy's power to set things right may have been excessive.

Aristotle does qualify his rationalism in the famous discussion of *akrasia* or weakness of will in *Nicomachean Ethics* Book VII, where he argues that sometimes the lure of a present pleasure may impede a person's ability to recognize a concrete practical situation as what it is.<sup>32</sup> (The sort of thing he has in mind is the way in which someone about to sleep with a friend's partner may fail to say to him or herself, "this is betraying my friend," because the lure of pleasure causes the person to view the situation in a self-comforting light, saying, for example, "this is a harmless diversion," or, "I need to console her in this acute unhappiness, and that surely is all right.") This important passage tells us an important truth: that the way one imagines or sees a particular choice is of the greatest importance for good conduct, and that selfish desires may often impede the ability to see correctly. Aristotle, here, is on the track of the view of bad conduct, and of moral progress, that Iris Murdoch developed so much later in *The Sovereignty of Good*: the great impediment to moral practice is the force of

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<sup>31</sup> See generally Martha Nussbaum, *Frontiers of Justice* (Belknap 2006); Nussbaum, *Women and Human Development* (cited in note 28).

<sup>32</sup> Aristotle, *Nicomachean Ethics* at 1147a24–35 (cited in note 15). The interpretation of this passage is much disputed.

selfish desire, and the great ally of good practice is a patient effort to see or imagine correctly.<sup>33</sup>

On the whole, however, Aristotle is Socratic, and therefore ascribes a power to philosophical reason that may be implausible, given the facts of human psychology. We should, then, turn next to Kant in order to understand how even a philosopher who has a much more realistic appreciation of the complex psychological barriers to goodness can still find a substantial place for philosophical argument and philosophical theory in helping people surmount those obstacles.

Kant, heavily influenced by Rousseau, holds that people have tendencies that conduce to good conduct, but also tendencies that conduce to bad conduct. In *Religion within the Boundaries of Mere Reason*, Kant articulates his famous doctrine of “radical evil.”<sup>34</sup> Evil is radical, according to Kant, that is to say it goes to the root of our humanity, because human beings have, prior to any experience, a propensity to both good and evil, in the form of tendencies that are deeply rooted in our natures.<sup>35</sup> Thus, we are beings who can follow moral norms, but there is also something about us that makes it virtually inevitable that under certain circumstances we will disregard them and behave badly.<sup>36</sup>

What are those conditions? Our bodily nature, all by itself, is not the problem.<sup>37</sup> The tempter, the invisible enemy inside, is something peculiarly human, a propensity to competitive self-love, which manifests itself whenever human beings are in a group. The appetites all by themselves are easily satisfied, and animal need is limited. The human being considers himself poor only “to the extent that he is anxious that other human beings will consider him poor and will despise him for it.”<sup>38</sup> But a sufficient condition of such anxiety is the mere presence of others:

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<sup>33</sup> Iris Murdoch, *The Sovereignty of Good* 38 (Routledge & Kegan Paul 1970) (“[I]t is perfectly obvious that goodness is connected with knowledge . . . with a refined and honest perception of what is really the case, a patient and just discernment and exploration of what confronts one, which is the result . . . of a certainly perfectly familiar kind of moral discipline.”).

<sup>34</sup> Immanuel Kant, *Religion within the Boundaries of Mere Reason* (Cambridge 1998) (Allen Wood and George di Giovanni, trans) (citations to the Akademie edition).

<sup>35</sup> Id at 6:37 (“This evil is *radical*, since it corrupts the ground of all maxims.”).

<sup>36</sup> Id at 6:36–37 (stating that a human being becomes evil when the desire to do good is subordinated to the desire to do evil).

<sup>37</sup> Id at 6:32, 6:57–58 (arguing that human beings are not naturally predisposed to evil through their animal nature but rather have chosen evil throughout history).

<sup>38</sup> Id at 6:93.

Envy, addiction to power, avarice, and the malignant inclinations associated with these, assail his nature, which on its own is undemanding, *as soon as he is among human beings*. Nor is it necessary to assume that these are sunk into evil and are examples that lead him astray; it suffices that they are there, that they surround him, and that they are human beings, and they will mutually corrupt each other's moral disposition and make one another evil.<sup>39</sup>

It is easy to see that this fact about people (which seems plausible enough) poses difficulties for the Socratic enterprise. For even when a good argument against some form of self-indulgence or self-aggrandizement presents itself, we can always expect people to try to wriggle out of it, making an exception in their own case. If competitive self-love is as deep and ubiquitous as Kant thinks it is, impartiality will be truly difficult to attain. (Notice that, as we suggested, this failure is in part a failure of imagination, as selfish desire eclipses people's ability to see the thing in front of them for what it is.) Kant's view of how and why we are morally unreliable shapes not only his account of why philosophy is necessary for moral progress, but also his sense of *how* it is best conveyed to people: not just by Socratic question-and-answer, but in a theory that will give people a way of testing the principles on which they are about to act.

In the *Groundwork*,<sup>40</sup> Kant argues—in a way related to these insights—that even when ordinary thought contains a lot of healthy beliefs (for he agrees with Socrates and Aristotle that this is our situation), philosophical theory is necessary. He argues as follows: If we could live our lives on the basis of the sound thoughts that (let us suppose) a sound culture has taught us, we might not need philosophy. This much Kant grants, stating that “ordinary understanding in this practical case may have just as good a hope of hitting the mark as that which any philosopher may promise himself.”<sup>41</sup> But that is unlikely to happen, Kant argues. That is so because we find within ourselves many counterweights to the moral demands that we recognize as legitimate.<sup>42</sup> These counterweights come from our selfish inclinations, our aggressive feelings, and so forth.

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<sup>39</sup> Id at 6:94.

<sup>40</sup> Immanuel Kant, *Grounding for the Metaphysics of Morals* (Hackett 1993) (James W. Ellington, trans). This article refers to the more familiar title, *Groundwork*, throughout the text.

<sup>41</sup> Id at 404.

<sup>42</sup> Id at 405 (positing that the desires for satisfaction and happiness are powerful counterweights to the commands of duty).

When we feel these counterweights—when, for example, our deeply habitual conceptions of honor and personal prestige cause us to resent another person or group and to contemplate aggressive action against them—we may tell ourselves that we have good thoughts about the worth and dignity of human beings, the badness of treating human beings as mere means to our ends, and so forth. But what then happens, according to Kant, is that our passions begin to quibble with these good thoughts, telling us (using my own examples) that it is ridiculous to think of dignity, when someone has just insulted our own, or unnecessary to think of women as ends, given that they are parts of our very own household.<sup>43</sup> These quibbles then start to eat away at the good thoughts: “Thereby are such laws corrupted in their very foundations and their whole dignity is destroyed—something which even ordinary practical reason cannot in the end call good.”<sup>44</sup> Kant concludes that something more than ordinary practical reason is therefore required:

Innocence is indeed a glorious thing; but, unfortunately, it does not keep very well and is easily led astray. Consequently, even wisdom—which consists more in doing and not doing than in knowing—needs science, not in order to learn from it, but in order that wisdom’s precepts may gain acceptance and permanence. . . . Thus is ordinary human reason forced to go outside its sphere and take a step into the field of practical philosophy, not by any need for speculation (which never befalls such reason so long as it is content to be mere sound reason) but on practical grounds themselves. . . . Thus when ordinary practical reason cultivates itself, there imperceptibly arises in it a dialectic which compels it to seek help in philosophy.<sup>45</sup>

In other words, philosophical theory is needed because it provides a support structure for our good intentions, giving us, so to speak, some mental rails to hold on to, as the gusts of competitive and selfish passion assail us. The theory that Kant proceeds to offer is designed to accomplish precisely this task. For he gives us a series of tests that help us see whether the maxim on which the action we are contemplating is going to be based has been truly impartial, or has made a special exception for our own case; whether it proposes to use other

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<sup>43</sup> Id (arguing that humans tailor their sense of duty to make it comport with their own inclinations).

<sup>44</sup> Id.

<sup>45</sup> Id.

human beings with proper respect for their humanity, or is proposing to use them as mere means for our own gratification; whether it is the sort of thing we could freely will as a self-given law, or whether it looks more like the sort of thing that results from being bossed around by power, or habit, or passion; and, finally, whether it can be imagined as a decent element in a society of free and equal beings who respect one another's humanity.<sup>46</sup>

Let us consider an example that arises in Kant's late work, *Perpetual Peace*: the choice to invade and colonize parts of the developing world.<sup>47</sup> People generally agree, he says, that people have certain duties of humane and hospitable treatment to aliens. But if we now consider

the *inhospitable* conduct of the civilised states of our continent, especially the commercial states, the injustice which they display in *visiting* foreign countries and peoples (which in their case is the same as *conquering* them) seems appallingly great. America, the negro countries, the Spice Islands, the Cape, etc. were looked upon at the time of their discovery as ownerless territories; for the native inhabitants were counted as nothing. In East India (Hindustan), foreign troops were brought in under the pretext of merely setting up trading posts. This led to oppression of the natives, incitement of the various Indian states to widespread wars, famine, insurrection, treachery and the whole litany of evils which can afflict the human race.

China and Japan (Nippon), having had experience of such guests, have wisely placed restrictions on them. . . . The worst (or from the point of view of moral judgements, the best) thing about all this is that the commercial states do not even benefit by their violence, for all their trading companies are on the point of collapse. The Sugar Islands, that stronghold of the cruellest and most calculated slavery, do not yield any real profit; they serve only the indirect (and not entirely laudable) purpose of training sailors for warships, thereby aiding the prosecution of wars in Europe. And all this is the work of powers who make endless ado about their

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<sup>46</sup> Id at 397–98. This is my (rather conventional) way of summarizing the four statements of the categorical imperative. It has been recognized for some time that the categorical imperative is, in fact, a series of tests, not an independent principle.

<sup>47</sup> See Immanuel Kant, *Perpetual Peace*, in Reiss, ed, *Kant's Political Writings* 93, 105–08 (cited in note 2) (criticizing the claimed right to cosmopolitanism as incongruous with colonialism).

piety, and who wish to be considered as chosen believers while they live on the fruits of iniquity.<sup>48</sup>

We begin with decent moral practice. We then introduce the desires for gain, conquest, and power. These desires give rise to self-deception on a large scale: conquest is only “visiting”; the native inhabitants are not really people. (Kant suggests that religious theories may aid and abet these self-deceptive stratagems: for the claim to piety was clearly underwritten by religious leaders, who saw Europe’s mission as the Christianizing of the East.) The good thoughts about hospitality and universal humanity are silenced, and bad behavior ensues.

What happens next? If we remain at the level of unphilosophical critical discourse and practice, we will always be left, Kant plausibly claims, with some good thoughts, corrupted by selfishness, aggressiveness, and urges to dominate.<sup>49</sup> Even if not utterly silenced, these thoughts will not steer practice in a consistent manner. Sometimes they may still prevail; but there will be no constancy to their victory.<sup>50</sup>

For this reason, ordinary judgment reaches beyond itself to seek the help of philosophy, asking to have the good thoughts laid out perspicuously and systematically, so that it will be clear ahead of time exactly what they entail in the different areas of life. This way we steal a march on ourselves, building up bulwarks in thought against our all-too-pressing tendencies to slight the dignity of others. We get something to cling to, to look to when we are tempted, so that the self-deception of quibbling is less likely to prevail. From theories that connect and systematize the good thoughts, ordinary judgment, Kant concludes, derives “information and clear instruction regarding the source of its own principle . . . so that reason may escape from the perplexity of opposite claims and may avoid the risk of losing all genuine moral principles through the ambiguity into which it easily falls.”<sup>51</sup> This, he suggests, is one reason why a good ethical theory needs a theory of the passions: so that judgment can come to understand the origins of its own tendencies to be led astray. His conclusion is, then, that ordinary reason seeks theory as an ally against its internal (as well as its external) enemies. Theory, then, can help our good judgment by giving us additional opposition to the bad influence of corrupt desires, judgments, and passions.

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<sup>48</sup> Id at 106–07.

<sup>49</sup> Kant, *Groundwork* at 405 (cited in note 40) (arguing that reason and philosophy can command human pursuits toward the good).

<sup>50</sup> Id at 393 (claiming that only a good will can make good character consistent).

<sup>51</sup> Id at 405.

How does theory do this? First, it makes the good thoughts clearer and more explicit, so we can't delude ourselves into thinking, say, that colonial conquest is really just "visiting." Kant thinks, plausibly, that self-deception is frequently involved in bad behavior, and that theory's clarity cuts like a knife through that sort of error. Second, it gives us an account of error itself, showing us what our passions are and how they might incorporate bad cultural material, or other types of bad tendencies. It shows us what we have to watch out for in ourselves. Finally, it pursues the good thoughts into areas we might not have thought about much; if we've thought about human dignity but not about foreigners and what they deserve, a good theory will force us to ask this question, connecting one thought with another. In this way too it puts us on our guard against our own selfish tendencies.

One device theory uses in pursuit of this project is that of *estrangement* or *defamiliarization*. Our judgments frequently feel so natural to us that it is hard for us to doubt them. And of course these intuitions are one part of the data that good theory will take seriously. But by asking us to look at the logical form of our judgments, and by urging us to describe them in an unfamiliar theoretical language, theory offers us a perspective on them that can be very valuable as we ask to what extent we have been engaging in self-interested rationalization. Just as Bertolt Brecht famously urged the theatrical spectator to suspend identification with the theatrical characters and their lives, in order to scrutinize the represented situation from a critical practical perspective, so good philosophy often gets us to do this with ourselves and our own lives. We look at the overall form of our judgments in ways we frequently don't, and we use the unfamiliar language of "the kingdom of ends" or "the categorical imperative" to test reactions we usually don't even scrutinize. Often this can help us overcome our tendency to rationalize by getting us to see relationships that had eluded us in our daily thinking. Thus the very detachment and remoteness in theory that theory's opponents sometimes find problematic can serve a valuable practical function. Defamiliarization should not be pushed to excess; more immersed and intuitive descriptions are also important. But we should see that even what strikes us as cold and forbidding in Socrates, or Aristotle, or Kant may be of significant practical value.

What of the imagination? I suggested that practical error often results from an obtuse imagination, or the defeat of good imagining by crude selfish passions. So it would seem that a part of moral progress must involve the cultivation of the imagination: not just flights of fancy, but what Iris Murdoch talked about, the ability to see a person

or thing truly, without one's vision being occluded by selfish fantasy.<sup>52</sup> Kant's own discussion in the *Groundwork* does not highlight this issue, but Barbara Herman has argued that Kant's view not only contains room for the idea of accurate vision but badly needs such a view, if the moral tests are to have any efficacy.<sup>53</sup> It is very much in the spirit of Kant that the good Kantian agent would be straining to ensure that her vision of other people (say, the inhabitants of colonized countries) is not occluded by selfish and competitive desire.

The first job of philosophical theory, then, is as a support to the judgments of individual people, giving them something to look to that will help them counter the bad tendencies in themselves. But people rarely if ever live in a theory-free space, and the theories that wield most influence in the world are often themselves creations of the bad passions of human beings. As Kant shows us, people went around attempting to dominate people in developing countries in part because they had a theory (we might call it the "white man's burden") that told them that this was actually a good thing to do; and degenerate forms of Christianity chimed in, speaking of the duty to convert the native inhabitants. That theory was a powerful ally of the selfish desires that were already in play.<sup>54</sup> Today, that theory has been unmasked, and we see it as the self-deceptive stratagem it was. We have not, however, stopped dominating people in poorer nations. Now we use different theories: in particular the theory that improving the quality of life in a place means nothing more than increasing its GNP per capita.<sup>55</sup> Armed with this theory, and the related theory that the best way to increase GNP per capita is to open markets to foreign competition, the wealthy nations and their corporate agents quickly conclude that the very policies that promise maximal enrichment to themselves will all by themselves solve the problem of global poverty. When this demonstrably doesn't happen, they conclude not that their theory might have been incomplete, but that the people of foreign nations are lazy and unworthy. Or, worse, noticing that GNP per capita has in fact in-

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<sup>52</sup> Murdoch, *The Sovereignty of Good* at 31, 36–38 (cited in note 33) (claiming that virtue is developed by paying conscious attention to the world in order to know it more clearly).

<sup>53</sup> Barbara Herman, *The Practice of Moral Judgment* 81–83 (Harvard 1993) ("To be a moral agent one must be trained to perceive situations in terms of their morally significant features.").

<sup>54</sup> See Kant, *Perpetual Peace* at 106–08 (cited in note 47) ("And all this is the work of powers who make endless ado about their piety, and who wish to be considered as chosen believers while they live on the fruits of iniquity:").

<sup>55</sup> See Martha Nussbaum and Amartya Sen, *Introduction*, in Martha Nussbaum and Amartya Sen, eds, *The Quality of Life* 1, 2 (Clarendon 1993) ("Most social scientists and economists would agree . . . that GNP per capita is a crude and incomplete measure of quality of life.").



creased in a nation, they simply ignore the large and possibly increasing problems of poverty and disease, and stipulate by definition that the quality of human life in that place has gone up.

To contest the GNP theory, it is not enough to make specific fine-tuned arguments about people's lives in this or that place. Theories have prestige in places such as the World Bank, and a bad one can only be displaced by one that is better: by approaches based on ideas of international human rights, combined with the so-called "human development approach," based on ideas of human capability.<sup>56</sup> So we might say that the second role for philosophical theory is as countertheory to defective theories that might otherwise wield power unchecked.

Needless to say, this second role for theory cannot be fulfilled by well-intentioned philosophers acting alone. It needs the participation of institutions at many levels, and I shall later discuss some aspects of these partnerships. Here we come upon a third role for theory: it can offer a good blueprint for institution-making, in a way that piecemeal critical judgments could not. (Indeed my version of the Human Development Approach is explicitly so intended.)

At this point someone (it might be Richard Posner) is bound to ask, why should we trust the moral philosophers? Are they particularly good, or particularly sensitive? Do we really want old Kant making decisions about sex relations, or even about foreign policy? Trusting theory when passions are likely to be corrupt seems odd: for aren't the theorists just as corrupt as other people, and isn't their striking failure (with the honorable exception of Mill) to say anything profound about the sexes a sign that they are not any better than the ordinary judgments of their era?

Here we have to make a distinction. Of course no philosopher could create a distinguished moral theory without insight. To the extent that we allow ourselves to be guided by a great moral theory, we do thus far trust the reasoning of its creator. But people may say both profound and silly things together. Most great philosophers write very badly about sex, and many have other significant gaps in human understanding. (I note that Judge Posner has maintained that most

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<sup>56</sup> For my version of that approach, see *Frontiers of Justice* at 75–78 (cited in note 31) (delineating ten capabilities required for a life of dignity, including life; bodily health; bodily integrity; senses, imagination, and thought; emotions; practical reason; affiliation; other species; play; and control over one's environment); *Women and Human Development* at 12–15 (cited in note 28) (comparing my approach to that of economist Amartya Sen).

judges know very little about sex,<sup>57</sup> and I am sure that he thinks at least some of them have written outstanding work in other areas despite that gap.) Many philosophers, prominently including Kant, have drawn from their own theory conclusions that the theory itself plainly does not imply. Many have included in their arguments false empirical premises that lead them to a whole group of wrong conclusions. But the main thing is this: ethical theory does not ask us to trust a person at all. It asks us to listen to an argument and then to trust ourselves. It does not demand slavish adherence; it repels it. Insofar as we get insight from Kantian moral theory, well and good. But if we judge that Kant has bizarre things to say about sex, we don't have to believe them. Kant is our interlocutor, not our authority.

We do have to consult the links between the theory and those wrong conclusions: if those conclusions really are entailed by the theory, then we need to go back and question our acceptance of the theory. On the other hand, we should also ask what judgments the theory itself seems to generate—and in this case we may well discover that they are very different from the fallible concrete judgments of the very inexperienced philosopher. Thus, John Stuart Mill demonstrated that the sexism of actual liberal theorists was not a defect in liberal theory, it was a defect in people, who failed to apply their own theory correctly out of self-interest.<sup>58</sup> Thus too, many contemporary feminist philosophers are heavily influenced by Kantian ethical theory, despite Kant's own ineptitude in writing about women.<sup>59</sup> In other words, philosophers start a conversation in which the reason of each of us is the interlocutor. What we are trusting, insofar as we go for ethical theory, is this process, and ultimately, therefore, our own reasoning powers. Theory is preferred to ordinary judgment not because it is authoritative over ordinary judgment, but for the reasons Kant gives: because, through it, we get the best out of ourselves.<sup>60</sup>

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<sup>57</sup> See Richard A. Posner, *Sex and Reason* 346–48, 442 (Harvard 1992) (“[W]hat lawyers and judges mainly know [about homosexuality, in particular] is their own prejudices plus what is contained in judicial opinions.”).

<sup>58</sup> John Stuart Mill, *The Subjection of Women* 6–11 (Hackett 1988) (noting that even in an advanced society that has abandoned the “law of the strongest,” men continue to exercise power over women to serve their personal interest).

<sup>59</sup> In this group I would include Seyla Benhabib, Barbara Herman, Christine Korsgaard, Onora O’Neill, and myself. I am sure there are many others.

<sup>60</sup> Kant, *Groundwork* at 405 (cited in note 40) (arguing that philosophy helps to structure ordinary human reason toward the good).

## III. VARIETIES OF PRACTICAL PARTNERSHIP

Philosophers should not claim, and typically do not claim, that philosophy can do its work unaided. Kant, for example, emphasized that quite a few other things were of crucial importance to moral progress: a critical public culture, hence the freedom of speech; practices of education that develop the critical faculties; the fortification of sympathy through deliberately engineered experience, as people should visit hospitals and other places where suffering is to be found; and, as he controversially argued, membership in religious institutions of the right (that is, rational or critical) sort. Moral education can and should be informed by philosophy's insights, but the education theorists will also have to know quite a lot of other things: what the psychology of children is, what the culture and politics of his or her society currently are, and so forth. The great philosophical educators (as contrasted with armchair theorists about education)—Socrates, Seneca, Dewey, Rabindranath Tagore—have all been versatile, highly practical, and highly sensitive to the psychology of different human beings. It is simply implausible to imagine Kant, or even Rousseau, having any success designing a school. Nobody should fault their philosophical contribution, however, for being incomplete and non-hegemonic. It is on the whole a good thing for disciplines to learn from one another, and to know when to leave the field to others. Posner's mistake is to think that moral philosophy has practical value only if it corrects conduct all by itself.<sup>61</sup>

Let's think, then, about the different ways in which philosophical theory becomes practically influential (to the extent it does). The rarest case is that the philosopher him or herself exercises political power. This is a rare case because philosophers rarely have the talent to be good politicians, but it sometimes happens. Cicero, at the end of the Roman Republic, was both a very serious philosopher, whose works have influenced Western culture almost more than any others, and also a supremely skillful politician and orator, who fought hard to save republican institutions at Rome; failing, he paid with his life. A century later, Seneca was regent of the Roman Empire during the reign of Nero, and by all accounts did a very fine job, in a way that shows a distinct effort to implement at least some of his philosophical

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<sup>61</sup> See Richard A. Posner, *Reply to Critics of The Problematics of Moral and Legal Theory*, 111 Harv L Rev 1796, 1806–07 (1998) (describing moral duties as a leash which constrains instinctive or impulsive action “in the interest of social order”).

ideas.<sup>62</sup> Marcus Aurelius, later, was both Emperor and a philosopher, and I think one may draw at least some connection between his Stoic views and his conduct. Much later, John Stuart Mill, as a Member of Parliament, introduced the first bill for women's suffrage, thus attempting to convert the philosophical ideas he had expressed in *The Subjection of Women* into political reality. In America, Roger Williams, one of the great philosophical writers about religious freedom (although his two 500 page books on the topic are rarely read), also founded the colony of Rhode Island in which, with Charles II's cooperation, these ideas were implemented.<sup>63</sup>

A second case, still relatively rare, is that the philosopher, while not him or herself a politician, does other things in the world of practical affairs that carry out his or her philosophical ideas. Again, this case is relatively rare, because success of this sort takes additional practical talents that philosophers do not typically possess. Henry Sidgwick, with his wife Eleanor, founded Newnham College, Cambridge University's first women's college. This was an expression of some of Sidgwick's philosophical ideas, but it clearly took lots of political talent as well. John Dewey was able to convert the theoretical ideas about education that he expressed in his various books on education into practical reality, starting the Laboratory School and then encouraging teachers around the country to make similar experiments. Dewey was a very good entrepreneur as well as a very good philosopher, and his philosophical ideas have perhaps led to more moral progress in our country than any other person's because of this entrepreneurial skill in education.

In this category I would also put Posner's two examples, Peter Singer and Catharine MacKinnon. Both are first-rate theoretical thinkers, but both also have other talents, in particular a gift for evangelism and gripping writing and speaking, that were very important in ensuring that audiences of many sorts would pay attention to their ideas. So I agree with Posner that the theoretical arguments didn't do the work on their own, but that does not mean that they did no work. MacKinnon's revolutionary conception of sex equality has transformed legal thought, particularly in the domain of sexual harassment, and this has made a great practical difference to women. Indeed, the recognition and application of the concept of sexual harassment

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<sup>62</sup> See Miriam T. Griffin, *Seneca: A Philosopher in Politics* 148–52 (Oxford 1976) (describing Seneca's attempts to inculcate particular virtues in the emperor).

<sup>63</sup> See Martha Nussbaum, *Liberty of Conscience: In Defense of America's Tradition of Religious Equality* ch 2 (Basic Books, forthcoming February 2008).

should be counted as one of the great instances of moral progress during the latter part of the twentieth century.

More common, however, is the case where the philosopher works in partnership with another person or people who have different skills. (MacKinnon is already this sort of case, because her partnership with Andrea Dworkin greatly enhanced the evangelistic or prophetic component of her work.) One excellent example of such a partnership is that of Amartya Sen and Mahbub Ul Haq. Sen's theoretical work on human capabilities has by now had enormous practical influence around the world, via the Human Development Reports of the UN Development Programme. By goading governments to attend more to health and education, they are producing at least some moral progress. But Sen's ideas never would have had this influence but for the entrepreneurial genius of Ul Haq, who was in charge of the reports, and who insisted that they had to simplify and dramatize the ideas in ways that Sen and the other economists involved were initially unwilling to do.

This case involves a personal relationship, but many cases of philosophical influence do not. At present there is a Human Development and Capability Association that has about seven hundred members from about fifty different countries, with publications and annual meetings, dedicated to the further implementation of the capabilities approach. There are many instances of appropriation, however, that do not even involve a tenuous link to the original theorists. Marx's ideas were implemented by people who knew nothing of Karl Marx. If we don't want to count this as a case of moral progress, we can turn to the American Founding, where the ideas of Locke and Montesquieu, but also the ideas of Cicero and the Roman Stoics, were enormously influential.<sup>64</sup> Madison had studied a lot of philosophy during his political theory major at Princeton, and if he was not himself a philosopher of the first rank like Roger Williams, he knew how to do politics with philosophical ideas, as did Jefferson and Paine and quite a few others. The Framers were making a lot of moral progress when they designed institutions that protected the freedoms of religion and speech in a way for which there was no European precedent. Nobody could doubt that philosophical ideas played a role in that progress, though other skills were clearly required as well.

Rorty and I emphatically agree that one of the most important ingredients in moral progress is the cultivation of the imagination. It

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<sup>64</sup> On the Stoic influence, see Gordon S. Wood, *The Radicalism of the American Revolution* 100–04 (A.A. Knopf 1991) (asserting that, after 1688, for most Englishmen—including aristocrats—“Cicero and Cato, not Augustus, were the Romans to be admired”).

therefore seems important to stress that one of the most important forms of partnership for moral progress will be between philosophers and people with psychological understanding, including artists, astute psychoanalysts, and, all-importantly, teachers. The obstacles to being good are deep and complex, and philosophers are not equipped by professional expertise to have that understanding, and the most we can hope for is that they know their own ignorance and search for insight in alliance with others.

There is so much to be said about this topic that concluding here feels terribly incomplete, and utterly inadequate to the challenge that Rorty's lecture poses. I hope, however, that it is clear that his lecture has indeed challenged each of us to think about the aspects of the moral life that are most important to us, and to articulate the issue of moral progress each in our own way.