LIBERALISM, FEMINISM, AND THE PROMISE OF LOVIBOND'S MORAL REALISM

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As Alison Jagger showed in her masterful overview of feminist politics,[1] the political liberalism of most early feminists has been attacked on many fronts. Despite the universal acceptance of the rhetoric of equal opportunity, the persistence of "glass ceilings" in Western democracies[2] reveals at least the inadequacy and arguably the deceptive abstractness of liberalism's focus on equal rights. Nor is merit the most significant criterion of success even in the academy, despite its historical commitment to Enlightenment ideals and despite the public perception that it is a haven for feminists, liberals, and possibly even socialists. In the empirical sciences, for instance, the availability of "hard" results might have seemed proof against gender discrimination. But even there, as a study in the prestigious journal *Nature* has shown, women really do have to be twice as good as men to be considered their equals.[3]

And if such political objections might merely provide evidence that liberal principles have been ignored, others have raised more radical challenges to the principles themselves. By revealing power relations within the home, the technique of "consciousness-raising" bolstered the insight that "the personal is political," thereby breaching the line between private and public life—the historic core of liberal theory. One alternative was to retain that theory by extending the notion of rights within the family. But soon Carol Gilligan's work gave empirical support to the suspicion that the "thin" self of liberal anthropology reflected a distinctively Western and male understanding of moral reasoning as abstract, principled, and universal.[4]

But if liberalism has failed, what can replace it? Its virtue had been the hope it offered: that all rational people could recognize universal rights and responsibilities as the core of a working political accord. But if we cannot now justify this "thin" universal moral and political theory, or if—what amounts to the same—the thin theory is too abstract to give us substantive guidance in concrete conflicts, how can we resist the apparently inevitable slide into parochialism and irrationalism? Must we revert to resolving difficult conflicts "the old fashioned way"—by gender, class, race or ethnic war?

In epistemology, "standpoint theories" raise parallel problems.[5] The "standpoint of women," for example, is not gender neutral; it attributes to women an epistemic privilege. Exposed through oppression to experiences from which men are sheltered, women gain insights inaccessible to men. One virtue of a standpoint epistemology is that it can be generalized: other kinds of oppression generate other forms of experience and corresponding counter-narratives. But just as clearly, its generalizability produces a theoretical and practical problem: what happens when different kinds of oppression overlap? Black women are doubly disadvantaged, as are gay women and the disabled. Must we rank forms of epistemic privilege, awarding highest honors to the most victimized? Most recoil before the one-up(man)ship that this presupposes, yet it is suggested by the logic of the theory; and worse, it is a practical concern when belligerent or resentful fragmentation threatens the reconciliation sought through institutional commitments to "multiculturalism."

Can we admit the plausible claim that oppression may produce characteristic insights without at the same balkanizing the discursive community? Can we recognize how hard it is to hear another—particularly when our hearing is impaired by interference which amplifies some voices at the expense of others—while still maintaining the possibility of communication across divisions of race, culture, and gender? In this essay I will draw attention to the under appreciated resources that

Sabina Lovibond has brought to the table. I will then point out two puzzles in Lovibond's account. My aim is to point a way through these problems in an attempt to bolster its overall adequacy.

In *Realism and Imagination in Ethics*, Lovibond's primary aim was to develop a plausible form of moral realism.[6] The dominant empiricist tradition of non-cognitivism had, after all, generated two persistent problems that a half-century of work had still not resolved. First, non-cognitivism entailed a radical redescription of moral discourse. Despite our efforts to justify moral decisions rationally, non-cognitivists claimed that such "arguments" were confused: we never give reasons, but rather express evaluative commitments not subject to rational justification. Such a radical redescription inevitably invited some skepticism; and this suspicion seemed confirmed by a second, phenomenological objection. Since we choose our ultimate value commitments, non-cognitivism appeared to identify our desires with the meaning of lives. Yet in consumer societies, as Lovibond notes, "the goods are laid out on the counter—but the relation between *taking what one wants* and *achieving happiness* remains problematic."[7] By reducing our values to our desires, non-cognitivism eliminated the very possibility of a real tension between the two. It thus achieved its valorization of freedom and responsibility only at the cost of subjectivism and irrationalism.

If the traditional forms of moral realism—Kantian, utilitarian, intuitionist, and eudaimonist—each faced their own difficulties, Lovibond saw an opening for a new form of moral realism in empiricism's failure to answer Wittgenstein's challenge. To their credit, the positivists had pursued their program with an admirable intensity. But their attempt to found science on a phenomenalist reconstruction of experience foundered on a dilemma. If immediate sense experience was to be known, it had to be expressible according to some rule. This required relating the sensa to concepts in a judgment; yet if the phenomenalist did this, her sense experience would no longer be immediate. One could avoid this consequence by insisting that sensa were ineffable or non-propositional, but this only delayed the problem. The point of phenomenalism had been to secure science systematically to its perceptual foundation. To admit that this "systematic" relation was inexpressible was in effect to root science in "animal faith"—hardly the degree of security the positivists had originally intended. Quine's rejection of the "two dogmas" impelled post-empiricists toward a non-instrumental, holistic account of the relation between thought and experience.[8] But his holism had a stunning consequence. If thought is embodied in language and if language is socially institutionalized, then we are epistemically dependent on the community that socialized us. According to Lovibond, this holism inadvertently prepared the path for a return to moral realism. This new "realism," to be sure, takes an untraditional form, but her use of the term was not arbitrary.

For the holism which abandoned the dichotomy between "theory" and "fact" at the same time undermined the fact/value distinction. And if there can be no final distinction between facts and values, between judgments about the objective world and merely subjective commitments, moral judgments can and must be justified in the same way as factual ones, by their systematic coherence with the many other moral and factual judgments we make.[9] Lovibond thus legitimates a role for moral argument. Moral judgments really can be right or wrong, as long as the disputants share enough of a form of life to understand one another. As Lovibond notes, we may regard this as the "leveling down" of scientific judgments to the plane of moral ones, or as the "leveling up" of moral judgments to the plane of scientific ones.[10] Indeed there may be a continuum from commitments which are purely voluntary to those which are presupposed by all competent speakers.[11] But all judgments have a factual and an evaluative side; they are all constituted in language which it turn is grounded in a form of life, in our having been trained to see the world a particular way. Consequently there is no difference in principle between scientific and moral judgments. If we cannot be *thinking* beings on our own, we cannot be *evaluating* beings on our own, either.

Yet moral argument's reliance on a shared form of life raises the political challenge: Lovibond's realists clearly cannot claim the "objectivity" to which traditional moral realism had aspired. An individual may be right or wrong vis-à-vis her cultural authorities, but no individual and no community can grasp or communicate moral truths directly. And thus we return to our introductory problem: communicating and resolving differences across fundamental divides of race, class, culture, and gender.

Lovibond is no naïf. Having defended the "expressivist" claim that thought is mediated by a rule-governed, socially institutionalized language,[12] she highlights Wittgenstein's metaphor of "training," an image which, in its neutrality with respect to the good, evokes suspicion of the ugly possibilities to which training can be directed.[13] Yet Lovibond rejects the tendency to link this view directly with a conservative, even reactionary politics.[14] We may consistently argue for a conservative, liberal, or radical attitude to change; no practical political orientation follows immediately from Wittgenstein's private language argument. We cannot examine Lovibond's discussion in all the detail it deserves. But we must examine the rationale for her central claim: that a language constituted by shared social rules does offer the possibility of a radical, yet rational, self-criticism—and thus the hope that we can move beyond ourselves to hear another.

Lovibond begins by acknowledging the obvious: an expressivist must admit the role that coercion plays in primary socialization. We do insist, in many different ways, that our children see the world as we do. Yet this admission is not altogether bad; it does at least clarify why communication can be so difficult across divides of gender, culture, and time. And if communication across such barriers is difficult, it is not impossible. The language which constitutes the way we see the world provides resources for its own internal development. Lovibond makes three important observations:

First, though constituted by relatively constant rules, every language must allow its users to apply its concepts in changing situations. All concepts thus allow some flexibility in their application, and this is especially true of the critical concepts central to every language: dyads such as good/bad, right/wrong, and true/false. Such concepts provide a permanent resource for social change, as the rules which govern their use specifically allow the possibility of application in new ways after critical reflection.

Second, while she admits the limiting case of small, highly integrated primitive communities, Lovibond insists that societies and traditions are not functionally monolithic. A community of any complexity includes competing, even conflicting elements; and while the dominant group will favor its own interpretations, minority views form a permanent resource for critiquing the status quo.[15]

Finally, non-dominant groups can develop new concepts to initiate critique. Such new language games can only be formed amongst people who share the new meanings: this is the consequence of denying the possibility of private languages. But it does remain possible that by working together—in fits and starts, and often by stretching old concepts—people can embody thoughts that are new. We can see this happening historically. To adopt a particularly germane example: the concept of alienation sprouted from the Augustinian notion of sin as self-estrangement, grew to a social category in the work of Hegel and Marx, and circled back through Freud's work on the individual psyche to provide Habermas with a powerful model for critical social theory.

Lovibond thus insists that linguistic traditions are transcendental conditions of the possibility of human thought and experience. Critique arises within and applies to a specific location, and thus we cannot but accept many of our local authorities. Yet she also insists on the possibility of self-criticism and self-development;[16] we are not condemned to our prejudices. To be sure, our thought's embodiment in language does limit its freedom—but this is only the obverse of the insight that shared linguistic rules make thought possible in the first place. Indeed Lovibond's argument has a rather surprising implication. Far from legitimating the abandonment of critical method, Lovibond reveals why we could never reify a minimally complex society even if we wanted to.

By revealing how our thought is constituted but not finally trapped by our linguistic traditions, Lovibond shows why standpoint theories have seemed so plausible without falling victim to the paradoxes to which they seem to lead. If the members of an oppressed group share a common set of experiences from which the dominant culture is protected, they can—using the three sets critical resources above—come up with new and potentially illuminating insights. Yet because their insights will inevitably be formulated with resources from the dominant language, they need not be—and are usually not meant to be—inaccessible to the comprehension of sympathetic outsiders. Members of other non-dominant groups are most likely to recognize common experiences and insights. But even the members of dominant groups, given sufficient time, interest, sympathy and willingness to share relevant experiences where possible, can in principle come to understand the world "from below."[17] And yet while I think that Lovibond makes some of the most promising suggestions I've seen, I think her position would be stronger if she could resolve the following two problems.

The first problem concerns the possibility of "recognition transcendence." To recall, Lovibond's defense of realism depended on the claim that I may be wrong vis-à-vis my local intellectual authorities. If I assert that 2 + 2 = 5, I am not being creative: I am simply wrong; I have not mastered the practice of simple addition. Having called this "recognition transcendence" at the individual level, Lovibond goes on to ask whether recognition transcendence is possible at the collective level. Could we all be wrong within a linguistic community? At this point in her argument, Lovibond appears to slip.

In one sense, there is no problem with recognition transcendence at this level: the systemic character of language allows us to decide that one set of judgments is wrong by reference to another set.[18] But Lovibond distinguishes between moral and physical beliefs: only the latter, she contends, allow collective recognition transcendence. I will now argue that Lovibond is wrong to deny the possibility of collective recognition transcendence to moral judgments.[19]

In distinguishing the possibility of collective recognition transcendence of moral judgments from that of physical beliefs, Lovibond is not simply returning to the non-cognitivist view. On her expressivist conception of language, as we saw, physical as well as moral beliefs are rooted in an intersubjective consensus: in neither case can there be any appeal to an "objective" authority external to human practice. But there is, Lovibond contends, a phenomenological difference which justifies "a distinction between moral judgments and material-object statements in respect of [collective] recognition-transcendence."[20]

Lovibond bases her distinction on the following claim.

> The idea of a circumstance which may obtain beyond the awareness of the entire community is bound up with that of a possible experience which would prompt a *more or less uniform and immediate* response among competent speakers, in terms of their becoming disposed to make a change in their assignment of truth-values to particular sentences. . .[21]

In science we can cite many examples of experiences which have led people to agree that a belief has been refuted. Changes in moral consensus, however, generally occur much more slowly, and fresh experiences do not play as pivotal a role. Lovibond is not denying the possibility of fresh evidence in moral life. But "intellectual authority is not so extensive in morals," and thus we find ourselves "not only 'without guidance' in the transcendent sense [i.e., from a non-human authority] . . . but also 'without guidance' in the immanent, or material sense."[22] More room is left for individual decision.

Clearly Lovibond has noted some significant differences between moral and physical beliefs. Measurable anomalies in the physical sciences, while not indubitable, are often harder to ignore than, for instance, inconsistent moral beliefs. Moreover in modern Western democracies, intellectual authority is clearly not as pervasive in the moral as in the physical sphere.[23] Finally, while scientists can undertake controlled experiments, new moral experiences cannot (or ought not) be arranged in advance: their occurrence and their results are often surprising. The import of new moral experiences is often unclear until we sort out their character and relevance to our current beliefs.

These observations explain both our higher consciousness of recognition transcendence in science and why non-cognitivism could have been thought convincing. Yet neither individually nor in concert do they justify Lovibond's denial of recognition transcendence in morals. If a consensus that "we were wrong" forms more quickly in the physical sciences, a new consensus may result from moral deliberation or experience; indeed under the right conditions, such changes in moral consensus may occur surprisingly broadly and quickly.[24] Moreover insofar as we ever come to a consensus that we were wrong on a moral question, it is hard to see why that judgment would not constitute recognition transcendence at the collective level.

Lovibond, however, resists this description. She concludes her argument with the claim that "we can be wrong about a question in physics, because there is agreement among competent users of natural-scientific language in their (potential) verbal responses to new experiences bearing upon that question." For moral experiences, on the other hand, this kind of agreement is absent: "We do not know where to look for the background consensus that would supply the relevant canons of judgment."[25]

This argument is confusing to me, and I think it is confused. Any judgment that "we were wrong," *as a judgment*, must presuppose some form of intellectual authority if that judgment is to be communicable in language along with a reason. If the relevant intellectual authority is weak, in transition, or contested, then an individual may not be determined to only one answer; she may have to decide which competing partial consensus to join. But while the evidence for her judgment may be ambiguous, it could not be understood as a judgment at all except through some recognized consensus about *possible* views.[26] And if she joins what, with the growth of experience and reflection, becomes the dominant view, she will inevitably say of her attraction to the losing view "we were wrong"—just what a scientist would say about a defeated former paradigm.

To be sure, it may be hard to identify the relevant authorities. Scientific authorities are relatively well-marked both by training and place of employment; moral authorities in Western democracies are much harder to identify. But again, the difficulty of identifying the consensus does not render the moral judgment "we are wrong" impossible. And given that we do make such judgments as, e.g., "we were wrong" about the slave trade of a century ago,[27] or about the innocuousness of exclusively male-gendered language twenty years ago, surely we must admit that some of the beliefs we currently hold may come to be described—albeit by a new or re-constituted intellectual authority—as wrong.[28] Lovibond's arguments show the difficulty of achieving a new moral consensus, but they do not suffice to rule out the very possibility.[29]

The second puzzle is less serious; I merely want to supplement Lovibond's discussion. To recognize that our consensus may be wrong is potentially threatening, and Lovibond distinguishes "liberal" from "conservative" attitudes to the possibility of change. Yet if the contrast above between moral and scientific beliefs involved one distinction too many, the analysis here involves at least one distinction too few. A binary division between liberal and conservative reactions cannot even do justice to relatively simple traditions. People may be more or less willing to consider alternate views, but their willingness cannot be categorized independently of the substantive change proposed.

To make this point, we must start from Lovibond's distinction. If we are very comfortable in the present moral/political order, the possibility that "we are wrong" may be threatening indeed. Lovibond thus sketches two possible attitudes to change. One posture would commend "a policy of toleration—of keeping an open mind as to whether the anomalous way of acting can be brought into connection with established social practices."[30] Mere non-conformity would not be a sufficient ground for expelling the dissident, on this view; indeed one would "attempt to adopt a 'participant' attitude towards experimental or dissident thinking, i.e., to treat the dissenting views as possibly true."[31] The other posture would involve a greater willingness "to call into question the participant status of any person who expresses unorthodox or non-consensual opinions."[32] Committed to "a strict policing of *Sittlichkeit*," it would demand "positive disciplinary measures against the author of any anomaly."[33]

While her distinction between these two reactions is reasonable and important, Lovibond muddies her claim by using "the familiar terms, 'conservative' and 'liberal'."[34] By calling the terms "familiar," Lovibond suggests that she is using them in an ordinary sense, and one can understand the associations she has made. One could, for instance, gloss the development of the concept of "respect" as having undergone a shift in application to ever wider groups: e.g., from Protestant white propertied men, to propertied Catholics, to propertyless white men, to men of color, and, finally, to women. Since political liberals have consistently championed these extensions against conservatives committed to the status quo ante, one can understand the link that Lovibond has suggested. Ronald Dworkin begins his essay "Taking Rights Seriously" with a corresponding categorization of liberals as "much more sympathetic to at least some cases of [civil] disobedience," while conservatives "seem to disapprove of any act of disobedience" aimed at changing the law.[35] But in traditions with the historical and political complexity of Western democracies, we can no longer divide those for or against change using only a two-fold distinction.

A brief example will illustrate the point. Pro-life activists protesting and going to jail appear to be, in a straightforward sense, "conservative"; yet they are fighting for a change in the law of the land: the repeal of *Roe v. Wade*. One might object that these activists want the law to change *back*; that they are protesting what they perceive as an awful aberration of the last twenty-five years. But this observation makes my point just as well. One cannot identify "liberals" as supporting change in the status quo, without identifying the status quo and the proposed direction of change. Again, if I value the (admittedly minimal) toleration reflected in our society, I am not unequivocally "conservative" with respect to someone who wants a return to the "good old days" of overt anti-Semitism and Jim Crow. We need not reject Lovibond's distinction, but it is incomplete as it stands. One's desire for change will vary with the change proposed; and thus one cannot apply the terms "liberal" and "conservative" to someone's openness to or resistance of change without attending to the direction of change proposed.

Lovibond's attempt to sketch the philosophical and political implications of an expressivist account of language is boldly and creatively drawn. By focusing attention on the ways in which small communities may begin to form counter-narratives which express their unique experiences and insights, she makes clear why standpoint epistemologies have been plausible; at the same time, by showing how language can develop and grow she provides a way around the paradoxes that such theories can generate. Though surely capable of further refinement, Lovibond's work provides a breath of fresh air in the overheated moral and political climate of our day.

ENDNOTES

1. Alison M. Jaggar, *Feminist Politics and Human Nature* (Totowa, NJ: Rowman and Allenheld, 1983).

2. Documented (again) in the US in the presumably unsympathetic, and thus all the more convincing, forum of President Bush's commission on affirmative action.

3. I owe my awareness of the study to an unsigned piece: "Bias against women scientists," *The Economist* (May 24, 1997): 79. For the study itself: see Christine Wennerås and Agnes Wold, "Nepotism and Sexism in Peer Review," *Nature* 387 (1997): 341–43.

4. Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge: Harvard University Press, 1982).

5. Sandra Harding makes both the approach and its antinomies the subject of *The Science Question in Feminism* (Ithaca: Cornell University Press, 1986).

6. Sabina Lovibond, *Realism and Imagination in Ethics* (Minneapolis: University of Minnesota Press, 1983). All further references to Lovibond will be from this volume. As will soon become evident, Lovibond's "realism" is very different from the classical formulations of Plato, Aquinas, or even Kant, all of whom would see

her as some type of cultural relativist. But insofar as she claims that moral judgments can really be right or wrong against an intersubjectively shared background, she is at least more of a realist than her primary opponents.

7. Ibid., p. 9.

8. W. V. O. Quine, "Two Dogmas of Empiricism," in *From a Logical Point of View* (Cambridge: Harvard University Press, 1953, 1961), pp. 20–46.

9. Classical and medieval realists, of course, would agree with Lovibond's denial of the fact/value distinction while resisting her claim that factual and moral judgments must be decided by systematic coherence alone. Lovibond's primary target is the dominant empiricist tradition; she does not take time to critique the metaphysics or epistemology of classical realism.

10. Lovibond, pp. 42–43.

11. Lovibond does not develop this thought very far, but Jürgen Habermas has worked very hard to distill moral principles from the commitments pragmatically presupposed by all competent speakers. I'm not sure that Habermas can get as far as he hopes. But I do think that he is on to something, and Habermas's strategy is open to Lovibond as well if she wants to maintain a critical tension between the "truth" and any factual moral consensus. For Habermas's approach, see his *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholsen (Cambridge: MIT Press, 1990); and *Justification and Application*, trans. Ciaran Cronin (Cambridge: MIT Press, 1993).

12. Lovibond borrows the term "expressivism" from Charles Taylor, but as she points out, this thesis has been defended in different guises in Hegel and Heidegger as well as in Wittgenstein. For Taylor's formulation, see *Hegel* (Cambridge: Cambridge University Press, 1975), Chapter 1.

13. Lovibond, pp. 30, 54–58.

14. Ibid., pp. 99–113, 167–73.

15. Indeed one could systematize Lovibond's point by noting that would-be critics can take advantage of the complexity of tradition in at least three different dimensions. Most traditions permit at least some cross-cultural contact through commerce, travel, the arts, and the media; thus they open themselves horizontally to different models of organization and action. Second, traditions are complex vertically through time. This is especially obvious when histories have been written down, but even oral traditions can be very rich: along with the dominant stories, one can also hear echoes and memories of other gods and other stories which were misplaced or forgotten, and which may subsequently be rediscovered once "their time has come" (think here of the wrestling between Uranus, Chronos and Zeus in the Greek pantheon; of the puzzling references in Genesis 6 to the giant "sons of God"; and again from Genesis, of the new importance of the story of the Fall when Christian theologians reinterpreted the Hebrew Scriptures). Finally, all cultural traditions have some depth; they involve not only aspects obvious to all, but prejudgments so deep and unrecognized that only a shock or a genealogy may bring them to critical attention (is God really just a projection or Christian *agape* merely a subtle cover for *ressentiment*?).

16. On the legitimacy the phrase "self-*development*," see note 19 below.

17. I will leave aside the significant question whether the perspective "from below" is in some way uniquely privileged. I'm tempted by this claim for religious reasons, but need now only presume that a full understanding of society must involve the perspective from below along with others. At very least, members of oppressed groups are in some sense "bi-lingual": they must be sufficiently socialized into the untroubled worldview of the dominant group in order, for instance, to get the jokes on TV, but they must also be taught what it takes to get by in the face of the current regime's racism (or classism, or sexism, or . . .).

At a recent conference, for instance, an African American academic described being in a rush to get out of the store with a fan he had just bought. The clerk asked whether he didn't want to wait for a bag and his receipt. To "no, thanks," the clerk objected: "what if they catch you outside the store with a new fan and no receipt?" In this context, as at the time, the referent of "they" is clear—and also, I trust, the point that members of out-groups both can and do repeatedly remind one another of the insights necessary to survive.

18. Lovibond, pp. 73–77.

19. In arguing that Lovibond ought not distinguish scientific and moral beliefs with respect to the possibility of recognition transcendence, I am leaving aside the prior and arguably more important question whether Lovibond's expressivist view of language allows her to talk about collective recognition transcendence at all, even in the case of science. Doesn't her expressivism, one might well ask, commit Lovibond to a form of historical and cultural relativism? And if so, in what sense could we meaningfully say "we were wrong"? We might in a trivial sense think our former views wrong by our current lights. But at the former time we'd have thought our later views wrong, and if neither perspective has independent access to reality, could the expressivist's claim that "we were wrong" amount to anything more than the observation that "then, our views were different"?

Lovibond answers this question by drawing on Hegel (see note 29 below for detailed references). I'm not so sure that this strategy can work. But in a book I'm now revising, I will argue one can meaningfully and rationally make claims of progress even if one has accepted an expressivist account of language.

20. Ibid., p. 81.

21. Ibid., pp. 78-79.

22. Ibid., p. 80.

23. Of course the relative weakness of moral intellectual authority in our culture is not obviously a reflection of the relative authoritativeness of moral and scientific beliefs per se. In Galileo's time, the relative strength of intellectual authorities appears to have been the opposite.

24. Two historical examples spring immediately to mind. My interpretations of both may be contested, but they should at least suggest that swift changes in moral consensus are possible.

First, the undeniable evidence of newsreel footage seems to have inspired an immediate, deep, and broadly shared revulsion at the horrors of the Holocaust. Of course, one could argue that genocide has always been considered mass murder and thus that our moral rejection of it was not (or should not have seemed) new. But it does seem to me that the Second World War generated not only a new name but a new degree of moral sensitivity. We have obviously not figured out how to act on this sensitivity, as the genocides of the last four decades have shown, but the compulsion at least to ring our hands about them does seem new.

My second example concerns the civil rights struggle of the 1960's. According to at least one common interpretation, a defining moment came when—as white "go slow" liberals hesitated to endorse change—Martin Luther King Jr. led a major march in Birmingham, Alabama. Stopped on the road, the protest leaders fell to their knees to pray, whereupon Sheriff Bull Connor turned police dogs and policemen with billy clubs loose to tear at and beat the marchers before national TV. Martin Luther King Jr. and his heroic marchers may not have changed any of the Birmingham policemen's minds, but their courageous and dignified non-violent witness before manifest injustice produced the consensus which allowed passage of the Civil Rights Act of 1964.

Again, I'll admit that these examples are open to alternate interpretations. But they should at least shake any confidence that a broad, deep, and even quick change in moral consensus is impossible.

25. Ibid., p. 81.

26. If some moral choices are unguided because the relevant authority is so weak, surely scientists commonly encounter a similar situation in theory construction at the growing edge of their field of specialization. There may well be a difference in degree; I do not think there can be a difference in kind.

27. Of course the judgment that "we were wrong" would require an account of the integrity of "our" culture, so that we see our predecessors and our progeny as part of a common history. For one attempt to provide an account of the integrity of our legal tradition, see Ronald Dworkin's *Law's Empire*, (Cambridge: Harvard University Press, 1986), especially Chapters 3-7.

28. If the above arguments suffice to resist Lovibond's arguments against the use of the phrase "we were wrong" with respect to moral beliefs, then the very existence of the phrase in our moral discourse must weigh heavily in its favor. Presumably this is part of what Wittgenstein means in saying that "philosophy can in no way interfere with the actual use of language; it can in the end only describe it." Ludwig Wittgenstein,

Philosophical Investigations, (Oxford: Blackwell, 1986), I, #124.

29. Indeed Lovibond herself seems to presuppose the possibility of moral recognition transcendence in her proto-Hegelian references to the historical process by which "'dialectical reason' progressively encompasses and cancels" our "empirical parochialism" (on dialectic, see Lovibond, p. 188, cf. pp. 164, 193, 217, 225; on empirical parochialism, see ibid., pp. 210–19). If there is no external Absolute from which to measure dialectical progress, then these evaluations must be made by people on the basis of some authority they respect. And as Lovibond points out following Wittgenstein, our critical concepts do attain some independence: "is wrong", while originally rooted in consensus, means more than simply "denies what the current majority believes" (ibid., pp. 149–51). Our capacity to judge others is at the same time a capacity to apply our critical concepts to our own deepest beliefs.
30. Ibid., p. 173.
31. Ibid., p. 184.
32. Ibid., p. 183.
33. Ibid., p. 173.
34. Ibid.
35. Ronald Dworkin, "Taking Rights Seriously," in M. Winston, ed., *The Philosophy of Human Rights* (Belmont, CA.: Wadsworth, 1989), p. 98.

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