

REVISITING JOHN RAWLS' REFLECTIVE EQUILIBRIUM AS A METHOD FOR ETHICAL DECISION MAKING

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Moral philosophers do not forecast moral truths rather provide a systematic account of matters of ethical concern. One such concern is to inquire about the different methods given at different times by ethicists for moral decision making. At this place, I will focus on one such method, better known as *reflective equilibrium*. First of all it is important to note that the readers need not misconstrue with the use and reference of the concept of *reflective equilibrium*. The paper intends to analyze the nature and method of reflective equilibrium for moral decision making through consensus for distributive justice. Although there are many other methods for ethical decision making, my concern is to analyze and find out the ethical strength of the method of *reflective equilibrium*.

Moral theories generally, give us way to moral justification but at the level of methodology, one problem is about the *moral justification of the methodology itself*; and this paper is concerned exactly with this. First, it is important to discuss what reflective equilibrium means. Etymologically, the term 'reflective' suggest 'something deeply or seriously thoughtful' and 'equilibrium' stands for 'a state of balance'. Thus reflective equilibrium is a method in which a number of thoughtful judgments proposed by inquirers, go through a process of adjustments and result into a balanced theory which is justifiable.

In the *Encyclopedia of Philosophy* edited by Donald M. Borchert, 2008, 'reflective equilibrium' has been explained as coherent method of philosophical justification or inquiry¹. Nelson Goodman in his work *Fact, Fiction, and Forecast* (1995) in a context, introduced the term 'reflective equilibrium' not under ethical discussion but related to deductive and inductive logic². According to him the process of justification is to make mutual adjustment between rules and accepted inferences. In fact, the term *reflective equilibrium* has been introduced by John Rawls in a context of moral inquiry in his work *A Theory of Justice* (1971), which is of our concern here. I would therefore, like to attend forthwith Rawls' position and bring out its originality and strengths and weaknesses.

Rawls has developed the reflective equilibril method with regard to his proposed *model of justice*, especially *distributive justice*. Generally, to evaluate acts as

just or unjust, there are some basic features substantive to almost every theory of justice, namely 'equality', 'fairness' and 'lawfulness'. In this regard Rawls' model proposes the concepts of 'veil of ignorance' and the 'original position'³ that removes the possibility of individual prejudices, and provides a strong base for fairness of agreement or consensus. But one important question is still unanswered, that is, in the original position, in the process of establishing a theory of justice, how does he come to balance between different individual claims or judgments? It needs a logical justification. In case of stiff disagreement among individual claims and general principles, how is it ethically possible to determine which decision will be acceptable to us and in order to reach this end, what should be the desirable way? For this, Rawls proposes the method of 'reflective equilibrium'. In Rawls' word: "It is the intellectual technique which ensures coincidence of reasonable philosophical condition on principles with considered judgments".⁴

According to this method, the inquirer starts with a lot of initial moral beliefs and by the process of elimination he comes to the 'considered moral judgments', those judgments in which the inquirer has highest degree of initial trust. Then she attempts to find a moral theory that best fits with these judgments. Further, one makes revision of both, the considered judgments and the moral theory, without giving advantage to any one of them. One tries to contrive a coherent system of moral beliefs by resolving their mutual conflicts and continue the process of adjustment until it comes to an equilibrium. Rawls says, "[I]...it is necessary to the justification of a moral conception that it 'fit' with our considered moral convictions, at all levels of generality, and after consideration of alternative moral views".⁵ To conclude that Rawls did not merely use the 'term' or gave another name to Goodman's method but he presented it in a form by applying it to moral decision making.

Going back with the tradition Rawls says, "This is the conception of the subject of the classical writers at least down through Sidgwick. I see no reason to depart from it."⁶ Rawls makes a connection of this method with the method used by Sidgwick for justification of moral judgments, and for this, he makes reference of Schneewind's work: "First principle and common sense morality in Sidgwick's ethics" in his book *A theory of justice*.⁷ We need to give a brief account of Sidgwick's method and also a comparison with that of Rawls. It is also important to note that in

his paper, "Sidgwick and Reflective Equilibrium" Peter Singer has discussed Sidgwick's method and referred to J.B.Schneewind.⁸ According to Schneewind, Sidgwick holds that a two stage argument in moral philosophy is in use. At the first stage of the method, Sidgwick tries to present that the principle of truth, justice etc. have only a dependent or conditional validity. These primary principles of truth, justice etc. are the criteria for resolving conflict among dependent principles. According to Sidgwick these primary principles are the subjects of *rational intuition*. This is why his theory is known as 'philosophical intuitionism'. This is also known as 'foundationalism' because there are some basic principles which act as foundation to other moral deductions. It is to note that here we use the terms 'intuitionism' and 'foundationalism' to be synonymous. In this regard we get the point that Rawls' method *seems* linking somewhere with this foundationalist method of justification. But before justifying this, I would like to deal with another method, which is a rival of the above mentioned method, which is 'coherentism' because some thinkers argue that Rawls' method is concerned with coherentist theory of justification too. This will be considered at a proper place. Giving a brief account of this coherentist method, we can say:

"Coherence is a matter of how the beliefs in a system of beliefs fit together or dovetail with each other, so as to constitute one unified, organized, and tightly structured whole. And it is clear that this fitting together depends on a wide variety of logical, inferential and explanatory relations among the components of the system."⁹

Now the moot issue is to consider whether or not the Rawlsian vision of reflective method for ethical decision making is either foundationalist or coherentist or both and in any case, are there more problems for a ready acceptance of the method proposed by him? Given the first stage of Sidgwick's method and Rawls' position of discourse among individual moral convictions and general principles to formulate a set of principles of justice that is acceptable to all, we find that Rawls is also an *intuitionist* but only to the extent that he gives importance to *considered convictions* and *moral reasoning*, which are purely individual. But Sidgwick takes some primary ethical principles such as, egoism, altruism and intuitionism and then attempts to make a consensus among other dependent principles¹⁰ However, in Rawls' analysis, he tries to make a consensus among the individual judgments first by

moral reasoning without having any dependence on primary principles and then tries to find a coherence between considered convictions and moral theories. So he is not propounding any intuitive principle as such. In this sense Rawls is not a foundationalist in the same way Sidgwick is. Rawls goes on:

“A conception of justice cannot be deduced from self-evident premises or conditions on principles; instead, its justification is matter of mutual support of many considerations of everything fitting together into one coherent view.”¹¹

Further, Sidgwick relies on objectivity of primary principles which are uniformly applicable to all, while Rawls’ method applies to a system of two different agents, living in different societies and have different moral values. Nevertheless, no one’s judgment is condemned to be true or false, but only expected to be in coherence. This point suggests that moral values are particular to different societies and therefore cannot be objective in nature rather these are human constructs. Again in the process of reflective equilibrium, when Rawls authorizes a party for discourse, the values on which they are giving judgments, are internalized in case of the members because their considered judgments of values are not constructed by virtue of external factors, rather they are intrinsic to the ‘rational agents’ as Rawls calls them. The final judgment, then, is the result of their internal values. For this, Rawls appears to be sympathetic to intuitionism in any case. Now we can say that though Rawls has a place for intuitionism in his theory, he is nevertheless, not a typical intuitionist as Sidgwick is. He refers to another concept to support his method and also to disassociate himself from a full fledged intuitionism that is *constructivist* in nature. For that matter, according to which moral beliefs are human constructs. In this regard Rawls presents a Kantian view. To justify the original position, in his work *A Theory of Justice*, Rawls discusses Kant’s notion of autonomy of persons.

“A person is acting autonomously when the principles of his action are chosen by him as the most adequate possible expression of his nature as a free and equal rational being.”¹¹ Kant’s conception of a person is the one, who has moral sense implicit in them. This being a base, Rawls presents common moral beliefs to be latent in common sense while making considered moral judgments in a discourse. So moral truths are constituted by our moral beliefs, and are therefore human constructs.

To make it more clear, let us have a look on the two forms of constructivism, i.e. relativism and non-relativism. “Relativist constructivism is true just in case there are a plurality of sets of moral facts each constituted by different moral beliefs...nonrelativist constructivism holds that there is a single set of moral facts which are constituted by some function of our moral beliefs,e.g., by our moral beliefs in reflective equilibrium.”¹³This distinction categorizes Rawlsian constructivism as *nonrelativistic* because his attempt is to find *a set of guiding principle* and for this he proposes a discourse between different individual moral claims and general principle.

Coherentism, as we know, is an alternative to foundationalism. Rawls, in his method, demonstrates that there should be consensus among our considered convictions, moral theory and background theories which all are the subject to revision. On this ground of systematization, we find his theory to be closetoherentism. In a radical sense, his theory presents an alternative which strictly denies having any dualistic approach about foundational and super-structural theories as coherentist believes.

Having a comparatively practical view is good enough but Rawls fails to present a method for ethical decision making for common people. In this regard, in his, *A Theory of Justice*, Rawls mentions that ‘original position’, wherein theories of morality have to be established, is not like a general assembly rather selective of rational people from the society by representative system of selection, called *social engineers*, who goes by the process of debate, make a consensus that creates minimum loss to all.¹⁴ However, if he only includes these ‘rational members’ of the concerned society for discussion (who truly form the core group or the vital body of the said ‘social engineering’), we cannot claim that the resultant would be applicable to all.

Now, focusing on Rawls’ engineering method for moral decision making, Rawls authorizes social engineers for the given task. The problem is, who are these social engineers? Does the term cover the whole society or a group merely? Which people should be included in this group? Rawls argues that to consider every member’s view is not possible so it is a group of rational people who make decisions. Second, persons in the original position of decision making, being rational, each of them will try as best he can to advance his or her interest but because they are in a

veil of ignorance about personal gains, they cannot make any inordinate favor to themselves that affects fairness of decision making.¹⁵ Justification of this ‘social engineering’ method is of central concern. What is the method or process by which engineers proceed for decision making in society? People having different considerations about justice, when are engaged in establishing a just way, for instance, distribution of goods, make a consensus, but how do they come to the consensus? Generally two known methods are there that are the *deductive and the inductive methods*. When a universal principle is deduced from different specific instances, it is induction, and on the contrary, when some universal principle works as a criterion for individual decision making in specific instances, it is called a deductive method. In light of what Rawls has said, his method is basically *discursive* in nature, based mainly on reasoning and discussion among a specialized group of people concerned about social engineering. This is an inductive method because Rawls starts with individual moral conceptions and ends up with common principle for just distribution. Though this method of discourse is unsatisfactory method of just distribution for Rawls includes only a group of special people apt in intellectualism and engineering for discussion and the resultant is believed to be applicable for all. Thus to get a universal theory only from some individual considerations is the method of induction. Apart from this, Rawls uses the theory of deduction to propound a theory of just distribution as well.

In *A Theory of Justice* Rawls favors *pure procedural justice* or distributive justice, the procedure is believed to be just itself. So far as the procedure is just, distribution is also just. Though the effort of Rawls was for establishing a new method, finally it results into a type of deductive method because it is a “theory churning method” by which he tries to find a set of principle, common to all, and then applied to particular instances of doing justice in distribution. Therefore, according to me, in his claimed new method, that is, reflective equilibrium, Rawls has used both the inductive and deductive methods. To be clearer, by the method of induction he reaches a general theory for just distribution and using the deductive method, he goes on to justify the judgments in different references. So it is a synthesis of both generally known methods.

Now the issue before us is to consider whether or not this synthesis of deduction and induction is justifiable? Is it a sufficiently *desirable* method for common decision making? In his paper “Sidgwick and reflective equilibrium” Peter Singer claims that though Rawls, in a sense like Sidgwick, attempts to perform a historical task of guiding our conduct by virtue of one moral theory or the other, he is indulged into a different activity altogether. In his words: “systematizing the considered moral judgments of some unspecified moral consensus” which is a *descriptive task*.¹⁶ Therefore, while systematizing considered convictions and moral theories, the ultimate goal is to find out a theory which can help us to understand the basic structure of society because this determines the rights and duties. One may object that Rawls’ stand is not clear but I think this misconception is due to the idea that deductivism and inductivism are irreconcilable. It is not a compulsion to choose one of them and follow it but to have a critical eye on pre-established tendencies for drawing any conclusion may be fruitful so as to enrich our knowledge, on the basis of which, we can perform much better in case of decision making on moral issue.

As far as common decision making is concerned, Rawls supports Kantian notion of person that gives priority to free and rational agents as ‘end in themselves’ but not means. In this regard, he gave space to individual considerations, but not to each and every member of a given society. Question is, whether or not he is dealing with actual ethical concerns of common people in decision making?

Based on the discussions above, we find that Rawls limits his discourse to a group of intellectual agents, though the resultant is thought to be applicable to all the members of a concerned society. At this point, in his paper “A defense of hermeneutic and feminist application of ethics”¹⁷ Debashis Guha presents that, when we make a discussion among some rational ethically trained persons, who have enough knowledge of ethical theories, we are not dealing with value laden practical problems for resolution in and with concerned people for considered judgments. In such method we do not include concerned person’s *moral perception and moral sensitivity*¹⁸ about the problem with which they are considering. Such discourses deal only with superficial questions, the deeper questions emerge only when we go through common people’s moral opinions, their moral intuitions, disagreements, agreements, possible impacts on them and socio-cultural setup etc. We thus limit the

social net for decision making to a group thereby making it *intellectualist chauvinism*, not a moral one. Rawls seem overlooking Kantian perception of the person as an end too. Problems are subjective, historically and culturally set to each and every individual, and morality demands that personal sensitivity or moral convictions for resolution ought to be taken care of. For this, we have to expand the social net to the non-specified and non-intellectual members of the given society as well. Generally, we ignore this point in a democratic set-up while abiding by representative and intellectualistic discussion for moral decision making. This is why, a large section of society disagree with resultant decisions to be morally chauvinist.

I think the reason, behind why Rawls deals with a group only, is his model itself because in his model, he starts with *theory analysis*, which demands intellectuals, having enough knowledge of ethical theories. A common, non-intellectual agent cannot discuss such theoretical aspects while moral decision making through considered moral judgments. He is only concerned with practical problems based on available moral capacity. At this place, the *anti-theory model* looks more sympathetic to actual ethical concerns of common people in decision making. This model starts with the *problem analysis* not theory churning. In case of practical moral problems, the anti-theorist starts with the very grass root level inspection. His initial concern is to find the nature of problem in actuality. Then he goes through “party analysis”, meaning thereby identification of parties for moral decision making. He tries to unravel moral perceptions and sensitivity of the party for resolution by the process of moral debate in society among the concerned parties. Through this process, while we reach a consensus for a commonly accepted decision, the social activism can further initiate legislature to give a legal shape to find ways to distribute claimed rights to people. It does not mean that in this anti-theory model, “theory-analysis” is redundant. It is important here too, but only at the post-problem resolution level. Ethical theorists actively analyze the real dynamics or pragmatics of historical ethical theories compatible to moral resolution and decisions taken not in an intellectual coterie. This is then return to theory as well because in post-problem resolution, theoretical analysis is of *academic value* and of some importance at least. In this regard Guha’s claim is that while solving practical moral questions and to take moral decisions, initiating from people for their moral intuition and considered

judgments is the best way¹⁹. This way of resolution does not demand a static base of one or more theory or theories among theory churning intellectuals, as Rawls' two principles of justice holds to be the case.

The question is, whether Rawls' theory analysis is useless? In fact, Rawls' theory analysis is not useless because in anti-theory model of decision making, when we return to theory, we find the same things which we have got from Rawls' theory churning. His model is not aimless but for a concrete purpose of distributive justice, which is ultimately a practical problem. The real question of the debate of theory versus the anti-theory model is that where from we have to start? So we have to start from theory or the problem? Rawls' concern for *just distribution* is genuine but for this, he starts with standard theories playing in considered judgments of moral intellectuals, while anti-theorist move one step ahead and try to find *justice for whom and how* and for this, they start with the concerned party for explicating their moral opinions to reach at moral consensus.

Nevertheless, this is not without problem. The problem of "limit" to moral discourses in social milieu, even in democracies cannot be put aside. The problem of "limit" to moral debate and consensual decision making in smartest democracies cannot be ruled out either. However, it is only in a democratic set-up that distributive justice through moral consensus is in principle justifiable in an ideal atmosphere of cultural-revolution of public participation for moral decision making going alongside legislative activism having a moral or human face.

NOTES AND REFERENCES :

1. Borchert, Donald M. (ed.) *Encyclopedia of Philosophy*, Thomson and Gale, 2nd edition, vol.8, p. 291. print
2. Readers may refer to Nelson Goodman's *Fact, Fiction, and Forecast*, Harvard University Press, Cambridge, 1995
3. Readers may refer to Rawls' work *A Theory of justice*, Oxford University Press, Oxford, 1972, chap.3 for further details about the referred conceptions.
4. Mukhopadhyay, Ashok. "Rawls's theory of justice" *Journal of Social and Political Studies*, vol.1, Pentagon Press, New Delhi, December 2010.
5. Freeman, Samuel, *Rawls*, Routledge publication, London, 2007, p.37
6. Rawls, John, *A Theory of Justice*, Oxford University Press, Oxford, 1972, p.51
7. Ibid
8. Singer, Peter, "Sidgwick and Reflective equilibrium", *Metaethics: Critical Concepts in Philosophy*, edited by Russ Shafer Landau, vol.4, Routledge, 2008, p.73.
9. Craig, Edward.(ed.) *Routledge Encyclopedia of Philosophy*, vol.5, Routledge, 1998, p.225

10. According to *Routledge Encyclopedia of Philosophy*, op.cit., Sidgwick presents this classification in his work *The Method of Ethics* (1874) i.e. *egoism* says each person ought to maximize their own good, while *Altruism* intends to help others.
11. Rawls, John. *A Theory of Justice* (rev. edition.), Harvard University Press, 1999, p.21.
12. Ibid, p.252
13. David, O. Brink. "Rawlsian constructivism in moral theory", *The Two Principles and their Justification*, edited by Henry S. Richardson, Garland Publishing Inc., New York, 1999, p.263.
14. Rawls, John. *A Theory of Justice*, op.cit., p.139.
15. Ibid, p.142
16. Singer, Peter, "Sidgwick and Reflective equilibrium", op.cit., p.87
17. Guha, Debashis. "A Defence of hermeneutic and feminist application of ethics", *Journal of Indian council of Philosophical Research*, vol.26, no.4, Oct.-Dec., New Delhi, 2009, p.45
18. As per *Routledge Encyclopedia of Philosophy*, op.cit., generally, perception is the use of senses to acquire information about the world around us and to become acquainted with that. When the perception is concerned with morality it is known as moral perception, "means intuitions of people in moral discourse aimed at resolution of moral crises" mentioned by Debashis Guha in his paper "A Defence of hermeneutic and feminist application of ethics". On the other hand while solving practical moral problems by the virtue of discourse, we go through people's moral perception and are empirically enriched. The expression of moral sensitivity means our care and steadfast commitment towards applying what we gather out of empirical enrichment, as per Guha's interpretation.
19. Guha, Debashis. "A Defence of hermeneutic and feminist application of ethics", op.cit.