Proof Rather Than Persuasion: A Discussion of Metaphysics in Rawlsian Political Theory

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This paper discusses the role of metaphysics in Rawlsian political theory. Specifically, it examines Jean Hampton's argument that metaphysics should, contra Rawls, be included in political theorizing since public metaphysical debate lowers the chance of expediency arguments that may marginalize members of society. This paper then considers potential Rawlsian objections to Hampton's argument that appeal to the veil of ignorance and original position. However, this paper defends Hampton's argument against the potential Rawlsian objections by referring to Charles Mills' work on ideal theory.

I. Introduction

In this paper, first I will explain Jean Hampton's argument against Rawls for including metaphysics in political philosophy. Specifically, I will explain Hampton's argument that the underlying framework in Rawls' overlapping consensus enables political discussion that could marginalize certain societal groups through expedience arguments. Second, I will offer possible responses a Rawlsian might offer to Hampton's argument. In particular I will consider the objection that Hampton's critique of Rawlsian theory could be avoided by appealing to the veil of ignorance. That is, I will consider the objection that Hampton's point that not including metaphysical discussion in political philosophy can result in marginalization can be addressed by appealing to the veil of ignorance. Finally I will defend Hampton's argument for metaphysics in political philosophy contra this potential Rawlsian objection. In doing so I will appeal to Charles Mills' work on ideal theory to argue that the veil of ignorance may not resolve the issues that Hampton points out in Rawlsian theory.

II. Jean Hampton's Argument Contra Rawls For Metaphysics

In Hampton's *Should Political Philosophy Be Done Without Metaphysics?,* Hampton criticizes Rawls' view of justice and argues that by recommending to exclude metaphysical discussions in political theorizing, Rawls seemingly settles for a theory of justice in which some members would be marginalized at the expense of others' stability.[1] In other words, Hampton argues that by not allowing for public metaphysical proof of something being right or wrong, Rawls' framework would allow the marginalization of certain members of society.

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[1] Jean Hampton, "Should Political Philosophy be Done with Metaphysics?" *Ethics* 99 (1989), 791-814.

Integral to Hampton's argument for metaphysics in political philosophy is her discussion of Rawls' overlapping consensus. Given that one of the main goals of Rawls' view is political stability, Rawls' view encourages political philosophers to consider and discuss the development of an "overlapping consensus"– a set of agreed upon and shared structures that resolve potential disputes in a society.[2] Rawls wants an overlapping consensus in which every individual can accept the outcomes of public forums because they cohere with each individual's personal belief system and ensure a more stable society by committing members to reciprocity.[3] In contrast to this overlapping consensus is a mere "modus vivendi."[4] Unlike an overlapping consensus in which members of the society agree that the structures and framework creating rules are actually right, a modus vivendi is a bare minimum of tolerated conditions that maintain temporary stability.[5] According to Rawls, often a modus vivendi will destabilize when the balance of power in a society drastically changes. For example, Rawls points to the the balance of power between religious factions during and following the reformation. Each religious sect could *tolerate* each other but did not believe their beliefs to be actually right; as soon as the balance of power shifted, instability would ensue.[6] So, according to Rawls, in order for a real overlapping consensus to have power (rather than simply a modus vivendi), the members of society must believe it to be right and not simply expedient and be compelled to conform to the societal rules because they are perceived as actually correct. Moreover, it is the job of the political philosopher, according to Rawls, to develop an appropriate overlapping consensus.[7]

According to Hampton, however, this view leads Rawls to an instrumental view of political structure. She argues that Rawls inadvertently creates a framework which closely resembles the Hobbesian consequences he was trying to avoid, namely, the pursuit of peace through instrumental justification or persuasion.[8] For Rawls' overlapping consensus to work, he must insist on the members of society not only agreeing on a set of beliefs, but also agreeing that they are right.[9] But, Hampton argues, since public metaphysical discussion is not allowed in Rawls' framework in the development of this overlapping consensus, the discussion of whether the overlapping consensus is right is not allowed on the public level. Thus, the generation of this overlapping consensus in a society must come through unreasonable Hobbesian expediency arguments in which certain members of society are excluded to improve stability.[10] In other words, for Rawls to attain the stability that he wants through overlapping consensus, a political philosopher would be obliged to improve the overlapping consensus by excluding members of society in the least damaging way.

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[2] John Rawls, *Justice as Fairness: A Restatement* (Cambridge Massachusetts: Harvard University Press, 2001), 32.
[3] Ibid.,77.
[4] Ibid., 192.
[5] Ibid., 192-3.
[6] Ibid., 192.
[7] Ibid., 12.
[8] Ibid., 802.
[9] Ibid., 806.
[10] Ibid., 807.

Hampton's argument here is that Rawls really seems to be generating his overlapping consensus by excluding certain members in a manner that is not morally justified for *all* members of the society. Hampton concludes that this appears to be a mere modus vivendi which Rawls argues is less stable and was deliberately trying to avoid.[11]

It is this conclusion that motivates Hampton to argue for metaphysics in political philosophy. Philosophers, she insists, want to prove the truth rather than merely persuade an audience.[12] However, if the Rawlsian methodology is correct, political philosophers should be persuading societies to hold certain beliefs with the intention of creating an overlapping consensus and thus ensuring societal stability. Hampton's main objection then is that the Rawlsian method requires political philosophers to trade "attempts at philosophical proof" for "noncoerced social agreement" as the goal of political philosophy.[13] That is, rather than really *proving* that something is right, and therefore should be included in a society's structure, political philosophers would merely be trying to convince that certain elements should be included, which could easily lead to expedient marginalization.

As a result of this potentially exclusionary consequence, Hampton argues that Rawls' method should be (at least partially) rejected since political philosophy ought to incorporate metaphysics in public discussion, which Rawls' view does not allow, so that genuine *proof* of concepts being right is incorporated. In particular Hampton suggests engaging in this form of public metaphysical discussion about items "upon which there is no consensus" but are still important to the structure of the society, such as the granting of universal healthcare.[14] Furthermore, she suggests that this sort of philosophizing naturally entails the assumption that the arguers are prepared to change their minds if they were shown to be wrong and take the view of their opponent.[15] Hampton points out that even if persuading a member of society to be part of an overlapping consensus were to provide more stability than a modus vivendi, an actual metaphysical proof of a position as right is even better since people would really believe its importance. Therefore, since Rawls' view does not allow for this best alternative, it cannot be considered the best possible view of political philosophy.

Although Hampton concedes that she does not think a theory being Hobbesian is grounds to completely reject it,[16] her point that it is Hobbesian illustrates why Hampton's view is a reason to reject Rawls. If, as on Hampton's view, there were to exist a possibility to publicly philosophically discuss the metaphysics of what is right and wrong, then there could be an opportunity to create an overlapping consensus by really proving to the public that an overlapping consensus (or another belief) is right. Confined to a Rawlsian method, and thus confined to merely private metaphysical reflection, even if people believed privately that the

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[11] Ibid., 192-3.
[12] Hampton, 807-8.
[13] Ibid., 808.
[14] Ibid., 810.
[15] Ibid.
[16] Ibid., 807.

creation of an overlapping consensus is right and would lead to the most stable society (as a Rawlsian might argue), there would be no way for people to argue for it publicly. Instead, political philosophers would be confined to creating a society with the least political exclusion and justify an overlapping consensus in a *instrumental* way. As a result, "noncoerced social agreement" rather than truth will become the ultimate goal of political philosophers; she worries that "persuasion rather than proof" becomes the primary objective.[17] This new task, Hampton worries, could lead to policy makers to create an overlapping consensus without public debate and thus potentially alienate members of society.[18]

III. Potential Rawlsian Objection

A Rawlsian may object to Hampton's argument for metaphysics in political philosophy in two ways. First, a Rawlsian might argue that the creation of the overlapping consensus is not necessarily exclusionary if it were developed in such a way that the members of the society viewed it as right. Second, a Rawlsian might object that the marginalization Hampton worries about would be avoided by appealing to the veil of ignorance. While this paper will consider both potential objections, I will focus primarily on the second objection.

 First, in order to reject that Rawls' overlapping consensus could lead to expediency or coercion, a Rawlsian might argue that there could exist a society in which the members have reasonable comprehensive views which conceive the creation of the overlapping consensus as right. In this case, Rawls would argue that the society does not suffer from the problem of being forced into an overlapping consensus (and thus the problems of marginalization would not arise), since members of the society would believe actually believe that the formation of an overlapping consensus itself is right. In other words, a Rawlsian might suggest that if all of a society believed that the formation of an overlapping consensus was right, then there would be no need to convince members that it is right, and thus there would not be a risk of expedient marginalization.

However, the Rawlsian view does not allow for private metaphysical beliefs to count towards public justification of a structure.[19] So, even if in the private sector the members of this hypothetical society believe that the generation of an overlapping consensus is right, in the public sector they cannot agree with each other that an overlapping consensus is right because doing so would be justifying a public project with a private metaphysical belief. In this case, if a political philosopher were to contribute to the creation of an overlapping consensus by offering justification of "public reason"–reasons accepted by the society as legitimate ways to argue–then it would be at "the lowest political cost" in the society, thus

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17 Ibid., 808.
18 Ibid.
19 Rawls 89-94.

leading to a Hobbesian view.[20] Hampton seems to underscore this towards the end of her article with reference to marginalized and subordinated groups in society.[21] She insists that people with "second-class status" are potential targets for expedient justification since without public metaphysical debate these marginalized groups cannot argue that their position is wrong.[22] Consequently, when creating a stable society, it would be easier for a governing group to simply ignore, rather than accommodate these people, which the Rawlsian view would allow. So, while it could be possible that all the members of a society believed that the generation of an overlapping consensus was right, since the Rawlsian view does not allow for public metaphysical discussion, the members would not be able to discuss that they all believe it to be right–the society would still be potentially vulnerable to expedience arguments leading to marginalization.

However, the far stronger objection that a Rawlsian might offer could be made by appealing to the Rawslian concepts of the "veil of ignorance" and the "original position."[23] As Rawls explains, the original position and veil of ignorance are used by policy makers to remove themselves from the structures of the real society and examine whether a structure is fair to those who are the least well off.[24] During this process the theorizers attempt to ignore their own "race and ethnic groups, sex, or various native endowments such as strength and intelligence."[25] In other words, the veil of ignorance forces those making structures to consider whether the structures are fair to the least well off in a society, and asks those making structures to imagine that they could be in this least well off position.

Using the concepts of the veil of ignorance and the original position to respond to Hampton's argument contra Rawlsian political theory, a Rawlsian might argue that the marginalization that Hampton worries about would not arise. That is, because theorizers would be using the veil of ignorance to evaluating if structures are fair to the least well off members of society, marginalization would not occur. Thus, since proper Rawlsian political theory would avoid problems of marginalization, then Hampton's main worry of metaphysics-less political theory leading to marginalization is unwarranted.

IV. A Defense of Hampton's Plea for Metaphysics

While Rawls' veil of ignorance may offer an interesting thought experiment, its use as defense in the above potential objection is ultimately flawed and does not resolve the apparent need for metaphysics in political philosophy. An illustration of this can be drawn from Charles Mills' "Ideal Theory as Ideology" in which he discusses flaws in ideal theory. Mills argues that idealizing in political theory ultimately becomes flawed when coming from

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[20] Ibid., 807.
[21] Ibid., 813.
[22] Ibid., 813.
[23] Ibid., 15.
[24] Ibid., 14-16.
[25] Ibid., 15.

the non-ideal position.[26] He argues that abstraction to what an ideal society would look like will inevitably come from the perspective of the status quo. That is, non-marginalized members of society will have difficulty abstracting to the ideal society in such a way that makes it difficult for them to foresee and mitigate problems that subordinated groups may face.[27] For example, Mills argues that abstracting away the actual the realities of childrearing in family life, which would ignore important historical and contemporary burdens on women in families, obfuscates issues that a theory of justice should address and mitigate.[28] In other words, because certain aspects of political theory depend upon correction of burdens connected to social identity, and because idealization (particularly when done from the perspective of a privileged member of society) obfuscates these burdens, idealization is flawed. At best, it offers an incomplete picture of ethical theorizing, and at worst, it acts a way for privileged groups to maintain and rationalize their privilege.

This critique of ideal theory is particularly effective for Rawlsian theory. Since the veil of ignorance asks theorizers to abstract away "race and ethnic groups, sex, or various native endowments such as strength and intelligence,"[29] it clearly constitutes ideal theory. That is, the veil of ignorance asks theorizers to imagine social structures as a whole without the certain features (such as sex or class) playing a role, which directly fits the definition of ideal theory.[30] Thus, the Rawlsian veil of ignorance encounters the flaws of ideal theory in general.

Mills' critique of ideal theory and the veil of ignorance can be used to defend Hampton's argument contra Rawls for the inclusion of metaphysics in political philosophy. Hampton's reason for including metaphysics in political philosophy was to avoid the marginalization of members, to which a Rawlsian would likely respond by appealing to the veil of ignorance. However, I argue that appealing to the veil of ignorance would not necessarily avoid the problem of potential marginalization. That is, following Mills' work, I argue that the veil of ignorance may not allow theorizers to properly address the concerns of marginalized groups and thus could encounter problems of marginalization, exclusion, or expedience in the Rawlsian creation of structures.

Moreover, while the veil of ignorance does not solve the problem of marginalization, Hampton's argument for the inclusion of metaphysics can. I argue that if Hampton is correct that public metaphysical debate is necessary in political philosophy, then this veil of ignorance would not be necessary. That is, if people were able to openly debate if an issue is right or wrong and if their opponents were obliged to respect their arguments (as Hampton suggests is integral to proper philosophy), then marginalized groups would have a chance to argue whether their position in society is actually right or wrong. In other words, if public

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[26] Charles Mills, ""Ideal Theory" as Ideology", (*Hypatia* 20:3, 2005).
[27] Ibid.
[28] Ibid. 178-9.
[29] Rawls, 15.
[30] Mills, 166-7.

metaphysical debate were allowed in political philosophy, then the onus of considering the potential consequences of social structures would not fall only to a select few, and would thus avoid the problems of ideal theory as outlined by Mills.

V. Conclusion

In this paper I have explained Jean Hampton's argument for the inclusion of metaphysics in political philosophy Specifically I have examined her argument that by not permitting proof of concepts in the polity, Rawlsian political theory may allow for marginalization of oppressed groups as a way to achieve an overall societal stability. In response, I have considered the possible Rawlsian objection that suggests that this alleged problem of marginalization can be avoided by appealing to the original position and the veil of ignorance. However, through reference to Charles Mills' work on ideal theory, I have defended Jean Hampton's plea for metaphysics in political philosophy by arguing that the veil of ignorance cannot necessarily be used to address the complexity of issues faced in social structures. Because metaphysics can offer the opportunity at genuine proof of concepts as right or wrong, metaphysics may offer a solution to resolving issues of marginalization in the political sphere.

Bibliography

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