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Comments on the Morality of Freedom

Joseph Raz

Comments on The Morality of Freedom

Joseph Raz¹

Anyone older than forty must be aware how odd it feels to imagine, perhaps aided by contemporary home movies, what one was like thirty years before. The more important were those past days for one's future the odder it is to think of them now. One comes to them with the hindsight of their consequences, whereas one lived through them minded of the reality that they changed, and which now resists memory.

Not being a reader of my own writings, revisiting a thirty-year-old book of mine brings similar feelings. I would not have ventured to re-encounter my book but for the stimulation of and the lessons I learnt from the comments published in this volume, and from discussions in the conference in which they were first presented. As often, I admire the care with which the contributors read the book, and their ability to express some of its ideas better than I managed. Their observations and criticism taught me more than will be evident from my brief reflections that follow. This is largely because I thought it best not to enter into detailed discussion of their contributions, but to offer a reflection about the book which is largely inspired by them, and engages with their observations, often by implication, sometimes directly.

I do not wish to defend the book; not because it is indefensible nor because it needs no defence. It was launched all that time ago to fare on its own. I was not then, and am certainly not now, best qualified to explain and defend its theses. If there is some good in it, that is because its ideas may spark others, inviting development and interpretation in various, possibly diverging,

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directions. Defending it, especially if successful, may even be counter-productive, discouraging people from developing their ideas on its foundations. Needless to say the welcome possibility that the book (as I will refer to *The Morality of Freedom*) may trigger comments and interpretations that modify and contextualise its content indicates that it was never thought to be the final word on anything. Put aside the obvious possibility that it may stimulate people to make significant contributions simply by becoming aware of mistakes made in it. Generally, we do not hope to enrich understanding by making mistakes that will be corrected. But we may and should aim to improve understanding by advancing sensible ideas that can be improved upon. There are at least two ways in which a work can be developed and improved, even by later work by its author, without imputing to it mistakes. Both result from the fact that whatever we say is said in a context. First, a book is intended to solve some problems, but there are others that were not, sometimes could not be in the mind of the writer, and are not solved by what he wrote. Their solution may not only be consistent with the views of the book. It may cohere with its general approach. Second, the language used in advancing the book's theses was chosen in light of sensible (I am assuming) expectations about how it is likely to be understood by the probable audience, but that same language may be misunderstood by others, who come to the text from a different background and with different preoccupations. In connecting the book's theses to wider concerns, showing how it fits in within a broader outlook, one can build on it, even in far reaching ways, without contradicting it.

In that way, people may find the book's relation to various cultural and other phenomena interesting, even while aware that the author was not thinking about them. They may relate the book to such phenomena, pointing out its limitations, or its potential to shed light on matters not directly discussed in it. Avishai Margalit's discussion of personal autonomy does, among other things,

just that. It relates the book, or an aspect of it, to other cultural traditions about autonomy, about manipulation, about the meaning one may find in one's life. The first way mentioned above in which the book is not meant to be the final word is perhaps best illustrated by Daniel Viehoff's comment. The views about authority the book advances were prompted by a puzzle: how can one person's or institution's words intended to bind people actually bind those people, especially other people? There are many other questions to ask about authority, many that I did not deal with. Some of them have been presented as objections to the account of authority I give, whereas in fact they do no more than underline the point I make, namely that the account is very abstract and further moral principles have to be invoked to show how it applies in more specific political contexts. Others are supposed to be counter-examples, that is cases where on my account there is or there is no authority whereas the objectors think otherwise. Such objections may reflect a difference of opinion not about the nature of authority, but about other matters, e.g. about the duties that people have when they live in societies of one character or another. According to the Service Account (as I call my account of authority) difference of opinions about people's moral duties often generates difference of opinions about the conditions under which institutions have legitimate authority. The issue that Viehoff addresses results from a different kind of objection, one that ignores the ordinary meaning of the language in which the Service Account is couched and focusses exclusively on those parts of it that can be presented in a more formulaic way, i.e. the parts of it that I emphasised, given the difficulty that I aimed to overcome: how one agent's say-so can bind another. He shows how these objections disappear once one considers other elements implicit in the account, and in doing so he enriches the Service Account and makes it more complete.

What motivated the book? What would it be good to think were among its motivating impulses? An important motivation, which is attested right at the beginning, was to avoid adherence to a party; to deflate the importance of any resemblance to a party or a school. Far too many philosophical publications are concerned not with which ideas are sound, or what arguments are good, but whether this or that author or this or that publication belongs or does not belong with some school of thought. To mention but one example: much writing in political philosophy is preoccupied with establishing the credentials, or lack thereof, of a writer as a liberal, or a political liberal. I secretly enjoyed reactions to the book that condemned it for not being true to liberalism. Were they condemning liberalism as a mistaken political theory (exposed as such by the book)? No, the comment appeared to be made by people for whom party credentials were what mattered most.

I do not believe that liberalism is (or contains) a political theory or family of theories united by shared core doctrines. Theories commonly identified as liberal diverge on many central issues, and resemble non-liberal theories (that is ones that are not commonly classified as liberal) on other issues. Liberalism is best understood as a historical phenomenon identified by lines of historical development, by cross references that express the appeal that some writers had for others, and often by a common temperament.

I wish I had been equally successful in avoiding falling into someone else's agenda, which one may innocently do by starting to use – in order not to be a pedant, to facilitate communication, etc. – a term introduced by another writer. By using that term one may be caught up for ever in disputes framed by the presuppositions of that other writer and those interested in his work, and which one finds alien to one's own way of conceiving the underlying issues. All of this happened to me because I used the term 'perfectionism'. I even earned an unsought after position, a location on a Rawlsian inspired map of the world,

having become a Perfectionist Liberal. This brought some of the benefits of moderate fame: those inclined to study political doctrines guided by the Rawlsian map had now to footnote my own spot on that map. In fact, there is no such spot: there is no sensible content to the idea of Perfectionist Liberalism, other than that the term can be used to indicate that the writer or the work does not support Rawls' own version of the justification of political doctrines that should govern life in societies like ours. My views do indeed differ from his in this respect, but the intimation of some positive doctrines carried by 'perfectionism' are chimerical.

There is another feature of some contemporary political writing, possibly exemplified most clearly in some writings in the liberal tradition, that I was determined to avoid. It can be called the Hubris of the Moderns – the belief that some commendable features of some contemporary political arrangements are necessary for any political society to be morally decent, to conform to minimal standards of moral acceptability. My thought was that what matters in political arrangements is the degree to which they enable and facilitate having a fulfilling, rewarding life and avoid excluding people from their protection and benefits, as well as avoid repression of basic human needs. One of the main theses argued for in the book is that the availability of options whose embrace can lead to or constitutes part of a successful life, is provided by the socially defined opportunities and forms of life available in the societies in which we live, and in socially permitted access to them. If this is so then if people can have a successful life in some societies, that is due to those societies' social organisation (and only partly due to attempts to fight and change it). I also think that whatever the imperfections of their societies, many people who have lived throughout human history were able to have rewarding lives, and therefore that whatever the imperfections of their societies quite a few of them met at least minimal conditions of permissibility. I also believe that

most societies, including liberal democracies, today have repressive features and exclude various groups from participation in valuable options to a degree that makes them seriously morally defective. Hence my, admittedly controversial, views about the Hubris of the Moderns, which are manifested in many aspects of the book, and very clearly in its contention that personal autonomy, which is so vital for the possibility of rewarding life in many societies today, was not always so important. More fundamentally, the arguments for value pluralism, for a plurality of ways in which one may have a rewarding life, was fundamental in preparing the way to the rejection of the Hubris of the Moderns.

The sentiments and ambitions to which I here confess are both common and controversial among writers on political philosophy, or at least the way I tried to pursue them is. For example, it seemed clear that in public political rhetoric many terms are validly and effectively used not because of their cognitive content, not because they invoke doctrines of political action or organisation, but because of their emotional force, and their invocation of historical events, aspirations, or because they signal identification with broad political movements that one trusts or distrusts, etc. Rhetorical discourse is particularly helpful when one of the functions of the discourse is to distinguish friend from foe, to reassure, to encourage one to stand with one's friends and so on. In philosophical discussions there is a case for limiting the role of rhetorical discourse and for signalling locations of its occurrence relatively clearly, in order to isolate it from much of the argumentation for or against various views. This helps to avoid prettifying talk and myth-making.

The appeal to an ideal of Equality is a prime case in point. I tried to show how so far as the concept of equality is concerned it can be invoked in support of various principles of entitlement, indeed in connection with various principles that have some truth in them, that is principles that state *pro tanto* reasons,

that are true when applied to some contexts. In fact, 'equality' is used in connection with some principles but not at all with others. For its use is determined by historical and rhetorical reasons. I bolstered that point by explaining the structure of principles of entitlement that indicate concern for equality that is not merely rhetorical. It was my view that sound principles of this latter kind are not among the more fundamental moral or political principles. This is of course a non-existence claim: There are no sound fundamental principles of equality. Such claims are hard to prove, and I certainly did not, and did not claim to have proved it. I attempted to make it plausible by explaining how some unsound principles are plausible only if supplemented by principles of (non-rhetorical) equality. Once one realises that those principles are not sound the inclination to endorse those principles of equality is undermined.² They are no longer required: their work, I wrote, is done without them and they are mere decorations. Michael Otsuka is right to point out that that last point is false. One way in which it is false is that there are circumstances in which non-rhetorical egalitarian principles make a difference even within ethical outlooks that avoid those unsound theories. Some of the correct points made by Otsuka in this regard do not undermine my argument. Because it is not meant to be a proof of anything, it need not cover all logical possibilities. It has to apply only to conditions likely in our circumstances, for the aim is to persuade people out of belief in fundamental non-rhetorical equality principles by showing that the ethical beliefs they hold are vindicated by sound moral principles that do not include principles of non-rhetorical equality. But other of his points do undercut my case. For example, a particularly regrettable oversight of mine was the failure to see that even if

² Steiner's argument in favour of the value of equality mentioned by Sharon is, in a way, an example: I do not wish to allow that his argument from the value of negative liberty to the value of equality in its distribution is valid. However, his misconception of the value of liberty, which undermines his argument about the value of negative liberty, makes its implications for equality irrelevant.

when sound principles are completely realised they (trivially) achieve equality (what I call by-product equality) it does not follow that the degree of advancing towards their full realisation is matched by the degree of advance towards equality. Therefore, those who believe in non-rhetorical equality may differ from those who don't about the way to progress closer to complete realisation of those principles. The second way in which my claim was false, or at least exaggerated, is that, as Otsuka remarks, my arguments cannot hope to account for all ethical beliefs people have, especially not for their beliefs about the desirability of equality. This is consistent with the aim of the arguments: in the conditions of our life whatever equality people believe in is unlikely to be achieved in practice. Practical ethical debates are usually about the desirability of reducing inequalities of certain kinds (and about what kinds of inequalities matter). My argument in the book was that reducing these inequalities is, for the most part, justified without invoking equality. That leaves unresolved disagreement about what is the ideal situation. On this I was hoping to convince some people to change their views. In this regard both Otsuka and Asaf Sharon have a point when they say that I beg the question against non-rhetorical egalitarians. The point is not that I beg the question against them. It is that I do not offer an argument for the non-existence of sound ethical outlooks in which non-rhetorical egalitarian principles are fundamental. I rely on good sense in identifying some of the considerations that can make non-rhetorical egalitarian principles attractive, and showing that they do not lead to fundamental egalitarian principles. I think that these observations were basically sound, though I would have expressed them differently had I written the book today. That I failed to convince many, including Sharon³ and Otsuka, does not

³ I suspect that Sharon's views and mine share much, especially because he looks for principles of more limited scope among which he finds sound principles of equality. Once we locate equality in specific contingent contexts we encounter many sound concerns for equality of treatment and many for curtailing the acceptable range of inequality in distribution, based on both consequentialist and non-consequentialist considerations.

show otherwise. Attempts at persuasion of my kind cannot convince everyone. Possibly they are the best we can do when faced with the suspicion that a putative value is in fact illusory, that whatever good is claimed for it is no good or is due to some other value. But even if this is the best form of argument it requires different examples, different arguments for different people, given the variety of their other beliefs and temperaments.⁴

Arudra Burra mentions that when the book offers an account of concepts the accounts are theory driven, and are not meant to be accounts of the meaning of the term(s) we use to express the concept. I was rather opaque about the way such 'conceptual accounts' are justified, and therefore rather vague about what sort of claims they make. While this is not the place for an extensive discussion of the matter I will essay a few observations that may clarify matters somewhat, and that are relevant, in various ways, when assessing the comments contributed here by Burra, Margalit, Sharon and Japa Pallikkathayil. The meaning of a word is its contribution to the content of an utterance in which it features, when it is used correctly. Rules of meaning, in other words, spell out how to use the words whose meaning they specify in order to make utterances with a certain content (and depending on one's semantic theory: force, resonance, etc.). The words used to express concepts whose clarification is of philosophical interest are also used in many other ways. So that explanations of their meanings explain too much (their contribution in other contexts) and too little (they are unlikely to help with the philosophical elucidation of the concepts even when dealing with the use of the words expressing them in a philosophically relevant context).

⁴ One claim by Otsuka surprised me. I cannot see why he thinks that it is a criticism of my views that they do not enable one to distinguish between the one and two child cases in the way that he does. My views may entail something about the two child case, and they entail nothing regarding the single child case, and thus they enable one to reach different conclusions about the two cases. Naturally one would not reach them the way that a non-rhetorical egalitarian like Otsuka does.

So what am I, and others, trying to do? We identify a range of phenomena that have some puzzling aspects, and offer explanations that dissolve the puzzles. As already mentioned, one of my puzzles was how can people create duties, or more broadly, normative reasons by expressing an intention to do so (there are of course conflicting accounts of the puzzling phenomena, e.g., some people think that these reasons are generated by intending to generate them. So there is also an argument about that issue, but leave that on one side here). The phenomena affected by this puzzle divide into at least two classes, depending whether the reasons apply to their creators, as in decisions or promises, or to others. I have argued that there are two different explanations of the puzzle in these two cases, though both share some formal features. Given that a central case of so generating reasons for others is that of authorities, the explanation of that part of the puzzle became an account of authorities (through being an account of legitimate authorities). However, not all authorities are of this kind, or if you like, the word 'authority' applies to various other phenomena as well. Given that those other phenomena do not raise the same puzzle, and given that the ability to generate reasons in this way appears to play an important role in human life, it seemed sensible to focus on that type of authority. Not to denigrate the others, but simply because there is something of importance to say about this kind of authority.

That is not the end of the story. But I will add only one point: we employ, in our reflections, plans and intentions, many concepts derived from different religious, philosophical and other cultural traditions. I share with many who write on these topics the dual ambition of, first, focussing on some of those concepts that are, taken together, powerful enough to enable rich reflection, planning etc. while avoiding others, primarily because they appear to be mired beyond redemption in false ideas, or ethically objectionable outlooks. Second,

to make clear their interrelations, to make explicit the inferential relations between them.

These remarks bear on the character of arguments for and against various normative theses. They indicate, for example, that arguments from counter-examples require much more than producing a counter-example (or if a counter-example is understood as a successful counter-example then they require more than producing a putative counter-example). A claim that (the concept) *C* is defined by conditions *i* to *n*, may be true even if there are statements, properly made with the use of (the word) 'c', that show that it is proper to use 'c' even when those conditions are not met. Such counter-examples may damage claims about the meaning of 'c', but my discussion (like many others in philosophy) is not about the meaning of any word, and need not be affected by the existence of the counter-example unless it shows a use of 'c' in a context relevant to the thesis about *C*. Furthermore, it is no simple matter to judge whether the counter-example is relevant. To review the situation: There is a wide range of phenomena that 'c' is properly used to talk about; its boundaries will not be agreed to by all, but theoretical considerations may help to delineate some of its boundaries. However, in advancing theses that determine the content of a concept *C* one is identifying a range that is both unified and significant in its role in life, and in the intellectual challenges that it presents. That may well leave out perfectly legitimate uses of 'c', and as the basis for leaving them out is judgement about importance or significance, practical and theoretical, the matter may well be controversial. Many putative counter-examples are not successful in undermining the account of the concept, but they underline the need for a good case for the disputed views that lead to their exclusion.

Let me again illustrate the point by drawing on my concern with the intentional creation of reasons: Promises, I argued, are obligations created by the

promisor by communicating an intention to create them by that very act of communication. Not all promises are like that. If Anne tells Bob: 'the next time you do that I'll break your bones', she does not undertake an obligation to do so. Some promises are not undertaken obligations, but threats. But that does not invalidate my account of promising. It is not about the meaning of 'promises', it does not deny that one can use 'promise' to threaten. It focuses on a different range of uses of the term, which arguably are more important and more puzzling.

Finally, it is crucial that theses about a concept are part of (an incomplete) attempt to analyse and map the generality of concepts that are important in normative reflection on any matter. Part of the case for theses about a single concept is that they clarify its relations to other concepts, thus contributing to generating such a map. That imposes constraints on the theses and the case for them, constraints that strengthen them. One such constraint is in the interdependence of apparently distinct theses. Whether the service conception does justice to practical authority depends, e.g., on whether my account of what makes a life go well for the person whose life it is is along the right lines. Failure in one area may undermine success in another. On the other hand, mistaken assumptions about one concept may undermine a criticism of theses regarding another concept. Burra's paper repeatedly draws attention to the fact that putative counter-examples are not necessarily successful counter-examples. He also brings out another phenomenon that is even clearer in Pallikkathayil's paper. The inter-dependence of the accounts of different concepts may make one feel, when thinking of one of them, that the account, even though true, falls short of providing enough information or did not offer the right explanation. Typical were responses to the service account by those complaining that they still do not know who has legitimate authority. It seems to me likely that some of the critics of my account of rights, as well as suffering

(as Pallikkathayil points out) from incomplete reading of the account, also felt that something is missing. In a way they are right, there is much that is missing. What is probably not missing is an account that identifies rights and connects them to other normative concepts: what is good for a person, duties, justification. A good example is Pallikkathayil's criticism of my account of parental rights:

'A parent may, for example, have a right against others' interference with her parenting choices (at least for a certain range of choices). What explains this right? I am tempted to think that it is explained by the duty parents have to raise their children, a duty they can only successfully satisfy without such interference. Now, as I have just pointed out, it is entirely plausible that parents'[sic] have an interest in being able to satisfy their parental duties. So, I am not claiming that Raz's account has no explanation of this parental right. Instead, I am claiming that it is the wrong explanation. The right protects parents' ability to fulfill their duties. Describing the right as instead responsive to the interest parents have in fulfilling their duties unnecessarily obscures the object and purpose of the right.'

The difference between our views is not great. It is not that I give a different explanation of or ground for parental rights. Rather, I contend for an additional step in the argument that explains their existence: Parental duties establish an interest in being able to discharge them that is the ground of a right parents have to the means that facilitate discharging the duties (a duly qualified right) and that gives Jamie's parents the derivative right (for example) to tell Miki's parents not to expose Jamie to some dangerous chemicals.

Is the extra step needed? Is it ever mentioned or in the thought of parents when discussing such rights? Of course it is: 'I must be able to do what I have a duty to do', 'I cannot be left with a duty that I am unable to fulfil', and similarly phrased thoughts are in their mind whenever there is a doubt about their rights. They manifest the thought that they are personally wronged if denied a way to discharge their duty. It is worth remembering here that while parental duties are a burden, they, like duties generally, are not only a burden. They

indicate that the parents have responsibilities and are entrusted with tasks that they are proud to have, that sometimes they have children partly in order to have those tasks. Their standing in their own eyes and in the eyes of others is affected by their attitudes to those duties and responsibilities. They have a powerful interest in being able to do well in fulfilling these responsibilities. One need not disagree with Pallikkathayil that sometimes focussing on that side of the picture may divert attention from the other side – the connection between the rights to the duties towards the children and the welfare of the children. But the fact that sometimes it is best not to mention the parental interest does not mean that it does not play a role in justifying the right.

I suspect that many of the criticisms of my account of rights, though not all, derive from a blinkered view of what rights are, much of it inspired by a Kantian sentiment, leading to an exaggerated view of rights. Many rights are pretty ordinary, mundane affairs, like a right to cut off branches overhanging my land, and many are held by corporations and other entities that have nothing like the dignity or worth that humans are supposed to have, and they do not all derive from some important rights related to human dignity or the like. Many rights derive from duties, functions, purposes, like the rights of public bodies (which are subject to conditions and qualifications) to take actions necessary for the discharge of their duties or the pursuit of the purposes they were entrusted with. What some critics have in mind are features that belong with some classes of rights and are not shared by all classes, not being essential features of rights.

Given all these points, is there a case to describe theses and arguments of this kind as offering conceptual analysis? Yes and No. The more straightforward the argument for an account is, the stronger the case for regarding it as an account of an existing concept. For there is a strong argument to say that the account brings to light a distinction that people generally, or a significant sub-

population, actually deploy, and that plays a role of some importance in their thinking. The more complex the argument for an account the more it relies on disputed views, and the weaker is the case for regarding it as no more than an explanation of an existing concept. However, if it is a sound argument it has a claim to be a reforming or a creative case for a concept, albeit not one widely recognised. Either way, even when the account does little more than elucidate a generally used concept, the case for the account does not rely on it being an explanation of an existing concept.

So far I have not mentioned Jonathan Quong's comment. It belongs to a different world. Reading it I sometimes feel that I live, or think I do, in a different world from the one he inhabits. Or perhaps, that he believes that people regularly have emotions and attitudes that I think are had only occasionally. In thinking about his comment I avoid using the terms 'liberalism' 'perfectionism' and 'anti-perfectionism'. Even though his comment pivots on them, I think (for reasons sketched earlier) that no content is lost, and some clarity is gained by avoiding them.

What exercises Quong is the possibility of some people having to live and act under rules that they disagree with. He introduces us to that possibility by telling us of a philosophy department in which 'some faculty members must subordinate their convictions about the nature of philosophy to the justification of the department's rules, but others will not have to do so' (because they agree with the rules). So phrased you may think that he is not so much exercised by people having to 'subordinate their convictions' and apply rules they disagree with, as by the fact that only some have to do so. However, Quong's worries are unlikely to be put to rest if all members of the department have to 'subordinate their convictions' in that way, for example, if

they cannot change rules that were laid down in long forgotten times.⁵ I should make it clear that Quong's comment is an argument that we have a strong reason (I am not sure how strong he thinks it is) to avoid such subordination in some cases only. But there is something in his terminology that suggests a sentiment that finds subordination of one's convictions undesirable in itself. I find the need to live under rules one disagrees with to be a precondition of any social life in the contemporary world, and thus while not necessarily something to be desired for its own sake, at least something which the capacity to adjust to is highly praiseworthy.

I am yet to identify any philosophical disagreement with Quong.⁶ I do not find it easy to do, mainly because so much appears to turn on factual disagreements. For example, he introduces his argument with the following factual observations:

Disagreements about ideals are widespread and sharp. They threaten to make mutually advantageous forms of cooperative life difficult or even impossible. Appropriate political institutions and rules can be at least a partial solution to this problem by serving as an impartial framework to resolve certain disputes.

Agreed. And it has to be added that some societies are led to internal conflicts that make their continued existence undesirable. Partition or some other transformation of their identity may be the only reasonable escape from their plight. Interestingly, in some cases when partitions do occur the differences in

⁵ Quong explicitly denies that equality plays no role in his argument. He claims to have an intuition that the case in which everyone is subjecting their judgement is better (at least in one respect) than the case he describes, because there is no inequality. By now the reader would know that I have no such intuition and would have regarded it as false had I had it. Still, it is true that Quong's argument invokes an equality concern; that is how it is presented: 'But in the version of the department we have been imagining, the department's rules and institutions are designed in a way that does not offer anything like the equal protection of this interest for its members. Some members will have this interest perfectly protected, whereas this interest for other members of the department is entirely thwarted.' He invokes equality, but he invokes it in defence of – what I will claim – is a non-existing interest. As I argued in the book: if one starts with false principles it may be that they entice one towards some equality principles.

⁶ He has an intuition that I do not have, but that is hardly a philosophical disagreement.

ideals between the two new countries (when ideals are understood to exclude the desire to separate and be independent, and closely related aspirations) are much smaller than the divisions inside the two resulting countries. All manner of historical memories, physical and economic circumstances, emotional reactions and symbolic associations are most powerful in keeping societies together, as well as in driving them apart. That is consistent with differences in ideals having an impact. What is worrying is not concern about ways to ameliorate the damage such differences may make, but the exaggeration of the role such differences sometimes play in social life, to the extent of appearing to exclude all other factors.

Suppose we face countries, like the US, whose people strongly prefer to keep together, whose identity is sustained by a powerful sentiment of national pride, perhaps made possible by a distorted view of their history. How should they confront their disagreements about ideals? One is inclined to say that anything, which is not morally objectionable, may help them. It may be pride in their sporting achievements, pride in their military might, which is the fear and envy of the world (though whether this is morally acceptable may be questionable). It may be the prospect of economic improvement to oneself and one's offspring, which overshadows any religious reservations about the character of one's society, or it may be a realisation that raising certain issues, however fundamental they are among one's ideals, would cause aggravation and strife without doing any good. It is significant that in western societies most people are aware that their most basic and cherished ideals are not realised and are unlikely to be realised in their lifetime or any time soon afterwards. They, for the most part, without much awareness of the fact, reconcile themselves with how things are, because of what has been achieved in their country and for themselves, and try to improve conditions, within the range of the possible. Differences, including the deepest differences and disappointment about failure

to realise their ideals, are often dormant, if only for lack of a rational way to make progress with their realisation. Repressive societies are those that block all or most important avenues for amelioration, not those – which include all of them – in which full realisation is impossible. It is true that even in non-repressive societies waves of insistence on full realisation of some ideals, best known to us as waves of radicalisation and extremism, do occur, sometimes incited by self-interested bodies, sometimes for more complex causes. They do face governments, however enlightened, with very hard choices. What is clear is that the solution is not to give way, and that change in the principles governing the public domain plays only a limited, though sometimes vital, part in overcoming such waves.

Quong may be aware of all this. But he is disturbed by the fact that when social peace and a modicum of social harmony is attained in such ways it still involves some people accommodating themselves to being subject to rules they disagree with. And it does indeed involve that. Two aspects of contemporary life are relevant here. First, most people who live under rules that they disagree with and most of the people who, regarding some such rules, deeply mind that fact, disagree mostly not with the rules by which decisions are socially or legally taken, but with some of the results of the use of these rules, that is some of the rules that were decided upon in accordance with rules about how to take decisions that they do agree with. Second, even though they all regret that they live under rules that they think are wrong or unjust, etc. what they regret is being wronged or being subjected to injustice. Compared with that the fact that they personally disagree with the rules is relatively insignificant. Moreover, they have an interest not to live under those rules only if they really are wronged by them or subjected to injustice through them. They all, if rational, implicitly or explicitly acknowledge that if they are mistaken, and if the rules are justified, and worse still, if repealing them would

wrong either themselves or others or would be unjust either to themselves or to others, then it is a good thing that they are subjected to these rules even though they are of the (mistaken) opinion that the rules are bad or wrong.⁷ Therefore, people do not think that an arbiter is partial just because he has reached a decision which favours one side in a dispute over the other. They know that the impartial arbiter is the unbiased one, and that in many disputes one side is right and the other not, so that his task is to find for the one who is in the right. There is much more to discuss: what of disputes where there is no right or wrong, or where each side is partly right, or where there are many dimensions to the disputes, or where humane concerns arise because one side is so often in the wrong that its self-respect is undermined etc. But they take us beyond the current discussion.

Does Quong's paper disclose any philosophical disagreement? I am still not clear. The disagreement about what constitutes impartiality may well turn out to be terminological, though behind that there may be a philosophical disagreement of an unidentified content. The disagreement about what interests people have is at least half factual, though it may also be philosophical with moral implications.

⁷ Yes, I am claiming that Quong has not identified an interest that people have in not subordinating their judgement. There are, of course, in cases like that of the philosophy department, real human interests. I have ignored them because Quong does. But it is not only about what is philosophy and what is rubbish. It is also a matter of the livelihood, respect and life prospects of people who sincerely believed that their brand of alchemy will produce gold. They do not have the right to practise alchemy just because otherwise they will have to practise chemistry. But their genuine needs should not be ignored. I changed from philosophy and pretend philosophy to chemistry and alchemy because Quong presents the dispute as if it is of this character. It rarely is that kind of dispute in philosophical departments, but it came close to that in countries in which for dozens of year the only philosophy permitted to be taught was Marxism and variants or derivatives of it. When that period ended, the sitting professors found themselves in something similar to a Quongian dilemma. If they were not fired they were required to teach Hume and other philosophical writings which they did not want and were not qualified to do. That was no reason to deny their university the teaching of the great philosophers. But it presented the human dilemma that I mentioned.

