EIGHT

Constructivist Problems, Realist Solutions

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What to do with entrenched moral and political disagreement? How to resolve conflict between different individuals and groups in a society? This problem is central in philosophical discussion over the legacy of John Rawls's—both earlier and later—defence of a liberal democratic society. The question, in those discussions, inevitably becomes: how to persuade—rather than compel by force—citizens with widely different background beliefs, values, and ideals to adopt a liberal democratic framework. In *A Theory of Justice* (1971) Rawls argued that the central principles of such a society will be endorsed by all at least in certain, ideal conditions; in his later work, especially *Political Liberalism* (1996), he wanted to show that citizens, despite their different comprehensive moral views, can reach what he calls an overlapping consensus about the central tenets of a liberal democracy.

Many have found Rawls's suggestion problematic, and for good reason. Instead of listing possible problems, however, my aim is to present a more general perspective on the problems of his position. The first novelty of the discussion here is its wide-reaching formulation of the problem, which is generalizable to all versions of a position in meta-ethics and ethical theory, here to be referred to as *constructivism*. According to this position, in distinction to standard factual claims, normative claims are *valid* if they are or can be agreed upon by individuals and groups under conditions of freedom. Some important differences aside, this view is common to a number of thinkers aside from Rawls, such as Jürgen Habermas and Christine Korsgaard, here referred to as *the* constructivists.

I will argue that the constructivist view ultimately faces a dilemma. The first horn is a form of chauvinism: it makes the possibility of inter-subjective agreement dependent on a conceptually narrowed scope of individuals or groups that are taken into consideration. The second horn is a form of historicist relativism à la Richard Rorty: it renders intersubjective agreement a mere coincidence, a contingent fact of history. Put in classical Kantian terms, the constructivist is looking for a *synthetic a priori* foundation for our agreement on some set of normative principles, but such agreement is ultimately dependent on either *analytic a priori* or *synthetic a posteriori* claims.

The second novelty of this discussion is its attempt to resolve the problem plaguing constructivism—a problem which was anticipated by Charles S. Peirce's remarkable discussion on different methods of fixing belief. As I will go on to argue, Peirce's criticism of the *a priori* method is applicable to contemporary constructivism, and the solution to its problems, the scientific method, entails abandoning constructivism in favor of realism.[1]

THE CONSTRUCTION OF CONSTRUCTIVISM

The constructivist position, as I will here understand it, is not a singular philosophical stance. Rather, it is a family of slightly different views which share important common points of departure. These commonalities can be formulated in three propositions, the details of which are however subject to substantial differences between different constructivists.

The first common proposition is that the claims or judgments made in a particular domain, while not factual by nature, or attempting to represent things as they are, can however be *valid* in another fashion (to be specified).

A substantial difference among the constructivists concerns the domain of the claims in question itself. The label constructivism is from Rawls, who limits his view to what he calls *political constructivism*, in distinction to Kant's *moral* constructivism: he argues for the validity of certain basic principles of the political arrangement of a democratic society. Similarly, Habermas's constructivism pertains to what he calls *discourse ethics*, or the domain of social decision-making, which he claims inevitably entails certain democratic principles. Korsgaard's views are more aligned with (Kantian) moral constructivism: she argues that certain moral principles are valid due to the constitution of our agency itself.

Another difference concerns the logical relationship of the constructivist view with (meta-ethical) cognitivism. Cognitivism maintains that the judgments of a particular domain are cognitive, or truth-apt, while non-cognitivism is standardly conceived of as the denial of this view, at least

when truth is understood in a robust, non-minimal sense. Rawls contrasts his constructivist view with what he calls moral intuitionism, which amounts to the traditional cognitivist position; Korsgaard similarly argues that constructivism amounts to a view distinct from standard cognitivism (and non-cognitivism). Habermas, in turn, has sometimes rather presented his position as a version of cognitivism. This difference, however, is more verbal than substantial in nature: it is based on a differing understanding of "cognitivism." The issue is whether cognitivism is conceptually tied to the view that claims or judgments represent mind-independent facts (Rawls and Korsgaard), or whether it suffices for a cognitivist position that the claims or judgments can be valid (Habermas).[2]

The second proposition is that the validity of the claims of the domain under consideration amounts to an intersubjective *agreement* among (human) agents. Again, the claims in question are not valid by faithfully "representing" facts; instead, their validity is due to the fact that we all, in a manner to be specified, agree or are bound to agree on them.

A key difference between the constructivists is over whether such agreement is to be understood as actual or as occurring in a set of idealized circumstances (to be specified). In *A Theory of Justice*, Rawls argued that his two principles of justice concerning the arrangement of a liberal democratic society would be agreed upon by idealized representatives of citizens counterfactually situated in an "original position" behind a veil of ignorance which hides much of the agent's particular features and thus diminishes the influence of particular interests and desires. Habermas and the later Rawls have maintained that the relevant type of agreement is rather *actual* by nature. For Habermas, all participants in a social and political discourse are actually bound by a certain set of democratic principles. In *Political Liberalism*, Rawls hopes for a concrete "overlapping consensus" of different substantial normative views (or "comprehensive doctrines") to lay ground to a democratic society.

The third proposition concerns the source of the intersubjective agreement. Constructivists agree that the valid moral or political principles are such that we would arrive at under conditions of freedom. In Rawls's earlier view, the original position is occupied by the representatives of individuals *as* free and equal citizens; later, he has emphasized the overlap of *reasonable* comprehensive views, which are the products of a "framework of liberal institutions" (Rorty 1996, 37). In turn, the principles of Habermas's discourse ethics are designed to ascertain basic liberties, such as the freedom of opinion.

There is, however, much room for substantial differences between constructivist views, especially concerning the individual versus social nature of the locus of the agreement sought for. For the Rawls of *A Theory of Justice*, the principles of justice are such that they would be agreed upon by each *individual* (or his idealized representative) in the original

position. Similarly, in Korsgaard's view, valid moral views are due to the individual's (self-)constitution as an agent. In turn, for Habermas, the discourse between individuals and groups itself already entails princples that ground a democratic society. The later Rawls again comes closer to Habermas's view, as the "overlapping consensus" is to be derived from an actual discussion between citizens promoting different comprehensive doctrines.

Accordingly, we may distinguish two different strands of the concept of freedom that are involved in the constructivist account of validity. The first is freedom from coercion or oppression of opinion by an external authority, which, as the societal type of freedom, we may call *liberty*. The second type of freedom is freedom from an internal coercion of forces within individual agents themselves, which may entail internal compulsion of, say, obsession and mental illness, or even more generally the individuals' particular interests, urges, and desires. This type of freedom, we could—recalling Kant's distinctions—call *autonomy*.

A final, crucial difference between the constructivists concerns what we may call the *focus* of their account. Rawls aims to defend a set of democratic principles *as valid* in the (political) constructivist fashion, and Korsgaard argues for a set of moral principles (of action) in a similar vein. By contrast, Habermas attempts to show that the project of validating norms or moral views itself *assumes*, or implies the adoption of, a set of democratic principles, which we—engaged in such a project—are inevitably bound by. This difference however conceals a central commonality: the constructivist notion of validity must itself be made plausible for either course of argument to be successful.

There is thus a number of substantial differences between different constructivists as to the domain and scope of their accounts, as well as their relation to other philosophical positions. Still, in the following criticism I will remain at a level abstract enough to accommodate the whole family of constructivist views and take up these differences only when relevant to the argument. In the following sections, I will consider each of the constructivist propositions in turn. While the outcome of this consideration will be the constructivist position considerably weakened as to its scope and scale, it is a final criticism—offered in subsequent sections— that I think will show the barrenness of the constructivist project. This, in turn, will finally force us to consider a realist solution, pragmatically conceived.

TRUTH AND VALIDITY

The first constructivist proposition conceives the validity of claims in some domain in a fashion that differs from factual truth. When this domain is taken to be that of normative claims, the proposition faces a

formidable objection from the moral realist and moral sceptic alike. The realist and sceptic disagree on whether moral truth indeed is discoverable, but will maintain, against the constructivist, that the real debate is between *them*. Both will point out that validity is at best a secondary affair: we should look for factual truth also in normative matters.[3] If the constructivist maintains that validity is the same as factual truth, the realist will be claiming a new ally; and if the constructivist admits that there is no factual truth about normative affairs, the sceptic will argue that constructivists are closet moral sceptics.

In dealing with this objection, the classical pragmatist view of truth—with some modifications—can come to the aid of the constructivist. The main contenders in contemporary discussions are the correspondence theory and a variety of deflationary or minimalist accounts. The former maintains that truth is a sort of a fit between a truth-bearer (idea, proposition, belief) and a truth-making reality. This account is often presented as an intuitively plausible *analysis* of our predicate "true." Instead of setting about to uncover the meaning of truth, the latter, deflationary view attempts to give an account of the *use* of the truth predicate in our assertoric practices, an account that the deflationist usually argues is exhaustive of the predicate itself. In contrast, as I have argued at more length elsewhere, rather than focusing on the conceptual content or the use of the truth predicate, the classical pragmatists conceived of truth in terms of the sort of *beliefs* that we should, or would be better off to have (cf. "Pragmatism and the Aims of Inquiry"). In William James's famous dictum, truth is just the "good by way of belief." This notion of truth is indistinguishable from their notion of inquiry: truth is the *aim* of inquiry.

This pragmatist perspective will offer some conceptual leeway needful to the constructivist. The constructivist, reserving the label "truth" for *factual* truth, will disagree with the pragmatist about always equating the aim of inquiry with truth. Still, reformulating the pragmatist stance somewhat, he may argue that validity (as understood in his account), while not factual truth, is the aim of inquiry in the domain under consideration. From this point of view, the moral realist and sceptic, simply assimilating normative validity with factual truth, are mistaken as to the *point* of inquiry and debate about moral (or political) norms as opposed to inquiry into facts. Especially Habermas has argued for his constructivist position from this point of view, maintaining that the aim *of* a particular discourse, namely the social-political one, is the achievement of a consensus in accordance with a set of democratic principles. This is among the reasons why he has explicitly aligned his view with the pragmatist tradition.

While pragmatism is thus at least an amicable approach for the constructivist, it also offers a perspective critical of his project, and will ultimately bring into question the assumption that there would be a major divide between "factual" truth and validity in some other domain, such

as that of the moral or the political. The central text in this respect is Charles S. Peirce's classical piece, "The Fixation of Belief" (1877), which discusses four different ways of settling opinion—four different aims of inquiry, amounting to four different notions of truth from the classical pragmatist perspective. Despite its being one of Peirce's most read and commented writings, I don't think we have yet exhausted its riches; and in what follows, the different arguments for the constructivist position will be juxtaposed against its insight.

VALIDITY AS INTERSUBJECTIVE AGREEMENT

Assuming, for the sake of the argument, that the response just given on behalf of the constructivist will alleviate the greatest concerns with the first constructivist proposition, let us turn to a consideration of the second. This proposition maintains that the validity of a claim is to be identified with intersubjective agreement on that claim. Many of the constructivists, most prominently Rawls, have not argued at length for this view: it appears to be their basic position that if "factual" truth is unachievable, intersubjective approval is the closest we can get. By contrast, Habermas—following Karl-Otto Apel's lead—has attempted to formulate an argument to the effect that validity *must* be construed in this intersubjective fashion, and it is from this argument that the details of his whole position are supposed to flow.

Habermas's notion of the validity of norms is a notion of (idealized) justification: "Only those judgments and norms are valid that could be accepted for good reasons by everyone affected from the inclusive perspective of equally taking into consideration the evident claims of all persons" (2003, 261). His argument for this notion can be briefly outlined in four claims: firstly, that we discover the validity of moral norms through argumentation; secondly, that any participant in an argumentative discourse is bound by certain principles of argumentation; thirdly, that these principles include a principle of universalizability (or [U]); and fourthly, from [U] a principle of discourse ethics (or [D]) is derivable. [U] maintains that the consequences of a general observance of a valid norm must be acceptable to all, while [D] holds that norms are valid only if they "meet (or could meet) with the approval of all affected in their capacity *as participants in a practical discourse*" (Habermas 1990, 66). This latter principle amounts to the notion of validity of norms intended.

Habermas thus derives his notion of validity from the principles which, he argues, underlie all argumentative discourse. He wants to make it clear that the principles he promotes are not normative principles on par with any others, but principles that must be followed by anyone who partakes in an argumentative discourse. Otherwise, the risk here— as Habermas clearly perceives—is that substantial moral views are im-

ported into the discourse. Here he employs Karl-Otto Apel's "transcendental argument" to show that the principle [U] itself is a presupposition of argumentative discourse, and hence its observance is unavoidable to anyone attempting to justify norms of action: "Every person who accepts the universal and necessary communicative presuppositions of argumentative speech and who knows what it means to justify a norm of action implicitly presupposes as valid the principle of universalization" (Habermas 1990, 86). By this line of argument, Habermas (and Apel) want to show that even those who appear to scorn the opinions of others—say, the proponents of neo-Nazi views—are actually bound by the (democratic) principles of argumentative discourse in attempting to validate their normative views.

We need not consider the detailed analyses of communication and argumentation that Habermas (and Apel) supply to note that the strength of the transcendental argument is crucially dependent on our notion of discourse and argumentation. If argumentation is *defined* as the attempt to derive a shared opinion among a group of individuals, it immediately follows that anyone engaged in argumentation *is* concerned with finding such a common view, however the discourse is otherwise expected to proceed. But obviously, the hard case for the discourse ethician is exactly individuals or groups who do *not* wish to engage in such a project. Merely holding an opinion—entertaining some belief or another—does not imply that one is open to debate and argumentation with others. Habermas's account reflects this fact in his admission that, while his principles may be requirements of participating in an argumentative discourse, their observance is not prerequisite to acting itself. Outside of the discourse people may act on opinions which have not been tested against those of others.

This fact is brought clearly to the fore by Peirce's classic piece. The first of the four methods of fixing belief Peirce discusses is that of tenacity, the steadfast clinging to one's own opinion. Oblivious to the intersubjective appeal of his views, the tenacious is the paradigmatic "hard case." And from the pragmatist point of view, the possibility of tenacity implies serious problems for (Habermas's) constructivism. In the pragmatist sense, this method amounts to its own (albeit crude) notion of truth: it is the aim of the tenacious inquiry to stick to the beliefs one already has. Translating this into the constructivist's terms of the constructivist, it becomes evident that the tenacious employs a notion of *validity* which is *not* the same as the constructivist's own, intersubjective view. The example of the tenacious thus shows that in fact, aiming at validity construed as intersubjective agreement is not a condition—let alone a transcendental one—for maintaining a moral norm.

Peirce does point out that we are *de facto* dissatisfied with fixing belief just for oneself; a "social impulse" will count against tenacity (1992, 116). We wish others to share our views: to settle opinion so that it is fixed for

all in an intersubjective fashion. On this conclusion, the pragmatist and the constructivist agree. But instead of attempting a transcendental (or "nazi-proof") argument to this effect, Peirce does not intend to show that inquiry inevitably *must* have such validity as its aim. Instead, tenacity remains a live option, and the implication is that the constructivist's most straightforward defence of his view is not sustainable as such.

AGREEMENT AND FREEDOM

If the foregoing is along the right tracks, the constructivist has no alternative but to scale back ambition. His arguments will not convince those who simply are not concerned with convincing others, but who nevertheless maintain moral or political opinions. The constructivist is forced to give up the initial high hopes of persuading such individuals solely by argumentative means. But perhaps this is not fatal to the whole of his project. After all—the constructivist can maintain—as social creatures embedded in social contexts and political arrangements, we are almost inevitably concerned with gaining others on our side. Along Peircean lines, the constructivist may hope that everyone will ultimately become disillusioned by mere tenacity. The constructivist may still point out that he supplies a feasible account of how intersubjective agreement is to be achieved among those concerned with it.

This latter account is encapsulated by the third proposition, which maintains that valid claims are those that can be intersubjectively agreed upon under conditions of freedom. Habermas's formulation nicely captures the joint constructivist stance: in his view, argumentative speech as a process of communication presupposes universal and equal rights of participation in the absence of "all external or internal coercion other than the force of the better argument" (1990, 89). The sort of agreement that counts is one that is brought about under conditions of (external) liberty and (internal) autonomy.

This demand is, however, again more substantial than it might initially seem. Intersubjective agreement can be achieved by other means. Consider an option discussed in Peirce's "Fixation." By the second of Peirce's methods, the method of authority, agreement across individuals is brought about by external compulsion: the state itself imposes the correct opinion on its subjects, and puts down heresy by all means necessary. The followers of this method, then, achieve agreement by relying on the testimony of an infallible authority in settling their opinion. What is there to show that intersubjective agreement should not be derived in this way?

Again, Habermas attempts to "go transcendental": he argues that a number of principles, including the freedom to voice one's own opinion as well as to question any view, are required by an argumentative dis-

course, or communicative action, as its "inescapable presuppositions" (1990, 89). But again, this is simply to define argumentation (or other relevant concepts) in a way that assumes these principles. Such a transcendental argument will not convince those to whom the project of drawing intersubjective agreement is *de facto* based on an authoritative source. If argumentative discourse, as conceived of by the Habermasian democrat, shrugs the opinion of the authority, the follower of the authority will simply shrug argumentative discourse.

Rawls, in turn, attempts to argue that there will be an overlapping consensus about a set of liberal democratic principles, among people maintaining different comprehensive doctrines. Importantly, however, Rawls demands that the members of the society maintaining those doctrines are *reasonable*, or "desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept" (1996, 50). Similarly, in the original position, our idealized representatives setting the principles of the democratic society are our representatives *as free and equal citizens* under constraints that express "the reasonable and so the formal conditions implicit in the moral powers of the members of a well-ordered society whom the parties represent" (Rawls 1996, 106). The problem with such a view is its circularity: Rawls's liberal democratic principles are supported by all parties (at least in idealized conditions) simply because the relevant parties *are* those who agree on those principles. Again, Peirce's contrary example shows the problems of such an attempt. The follower of the authority will simply fall out of the picture simply by not being willing to accept the principles of a liberal democracy at the outset.

CONCEPTUAL CHAUVINISM

If the foregoing criticism hits its mark, the constructivist is again forced to reconsider the scope of his view. It cannot be that we are all inevitably wedded to the notion of validity as agreement under certain kinds of conditions, such as those of liberty and autonomy, as Peirce's example of the method of authority shows. But perhaps the constructivist position can again recast itself by admitting that it addresses only people relevantly similar to the constructivist himself—those who are reasonable in Rawls's fashion. Surely there are many enough such people around, and constructivism, it may be argued, will at least supply a conception of what it means for (moral or political) norms or principles to be valid for us *as* such people.

Obviously, the basic structure of the constructivist view will then guarantee that norms enabling the liberal moral or political discourse will themselves be agreed upon by everyone involved: again, this is because we are engaged in a discussion only with those who already do agree on

these norms. This can easily be shown either in the Habermasian transcendental fashion, or by employing a Rawlsian notion of reasonableness. Habermas would not be satisfied with such a line of argument, but for the later Rawls and other less transcendentally inclined constructivists, this could be quite enough. After all, what the constructivists wanted to show (in their different ways) was always the validity of the democratic principles themselves.

Still, what of any other substantial moral norms concerning correct conduct, or political norms—such as those governing social institutions and policy, criminal justice and distribution of wealth—when their implementation is *not* prerequisite to the participation of all other liberal democrats? What makes us think that there will be any (lasting) agreement over this or that moral or political view—any claim that could be valid in the constructivist fashion—even among the liberal? The constructivists have not made any efforts to answer such questions. Quite the contrary, Rawls himself maintains that under conditions of liberty, different mutually irreconcilable comprehensive doctrines will develop (1996, 36). Then, however, it follows that no agreement will be reached over any policies *other* than those immediately derivable from the democratic principles themselves.

The issue at hand shows the underlying dialectic we have faced in considering both the second and the third constructivist propositions. Once again, to show some substantial norm to be valid, we might of course simply argue that we are all bound to agree on it, for that is what it *is* to be a participant of a free argumentative discourse, or a citizen of a liberal democratic society—to be one of *us*. This option leads to a (conceptual) *chauvinism*: it is for us to take into account only those who are relevantly similar. Alternatively, we may argue for the validity of some substantial moral or political position by pointing out that a wide-reaching agreement over that position actually prevails. But this alternative leads to a form of (historicist) *relativism*. The constructivist's view, if I am correct, is stuck between the horns of a dilemma between chauvinism and relativism. Validity conceived of in its terms is achieved either by definition—or by coincidence.

The first horn of this dilemma is readily illustrated by one of Korsgaard's key examples. Korsgaard argues that the Kantian hypothetical and categorical imperatives are the *constitutive*, normative principles of agency, for they are the principles "that we must be at least trying to follow if we are to count as acting at all" (2009, 45). Korsgaard explicates the idea of constitutive principles by drawing from an analogy with a particular activity, namely swimming:

> Constitutive principles, like constitutive standards more generally, are normative and descriptive at the same time. They are normative, because in performing the activity of which they are the principles, we

> are guided by them, and yet can fail to conform to them. But they are also descriptive, because they describe the activities we perform when we are guided by them. . . . If I am not swimming . . . then my failure to make headway through the water is no failure at all. But if I'm trying to swim . . . and all I succeed in doing is splashing around in the water, then my failure to make headway is a failure indeed. (2008, 9)

Again, however, this notion of constitutive principles uncomfortably rests on the definitions we have given of the activities in question. If we have *defined* swimming as the attempt to make headway in water, then it does follow that someone who tries to swim but only manages to splash water around is making a bad job at swimming. By analogy, then, if we have defined *agents* as those who purport to follow certain principles of practical reason—those engaging in the Korsgaardian project of "self-constitution"—it immediately follows that someone who fails to abide by those principles is doing poorly *as* a self-constituting agent. But what of those who are *not* interested in self-constitution, or being an agent in Korsgaard's fashion—or those who are not trying to swim?

HISTORICIST RELATIVISM

Avoiding the chauvinistic alternative means that the constructivist cannot rely on definitions in his attempt to show that certain principles are agreed upon by everyone. But what if, without the aid of such "transcendental arguments," there are no such principles to be uncovered? This is the upshot of Peirce's discussion of the third method of fixing belief, the method of *a priori*. By that method, we settle our opinion in a free discussion with others under conditions of liberty. However, as Peirce points out, in the absence of any further constraint to the opinion agreed upon, this method makes inquiry "something similar to the development of taste; but taste, unfortunately, is always more or less a matter of fashion" (1992, 119). The condition Peirce describes is the second horn of the constructivist's dilemma, which, I have claimed, amounts to lapsing into a variant of relativism.

As relativism is a broad notion, it is useful to distinguish at least three different variants. (I by no means intend to claim that these alternatives exhaust different philosophical positions that have been called by this name.) A first variant might be called *conceptual* relativism. It maintains that truth is conceptually or indexically tied up to the opinion of some individual or group of individuals: to call some claim true is to say that the claim is believed by the speaker, his group, or a whole culture that the speaker represents. As such, this brand of relativism has not gained much popularity. It does however have an analogue in the somewhat more popular meta-ethical position called speaker subjectivism, which maintains that usage of key normative terms is pegged to the speaker's own
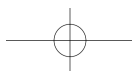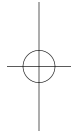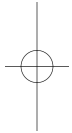
attitudes: for example, to call an act "right" is simply to say that the act is approved by the speaker (or his group). Such a view is, of course, incompatible with the constructivist's notion of validity.

A second variant we might call *factual* relativism. Instead of making conceptual claims about central semantic (or normative) notions, this variant attempts to argue that the world itself, or the "facts," are different for different individuals (groups, cultures). Hence truth, too, is relative. This version faces a number of well-rehearsed problems. One is the self-referential problematic famously levied by Plato's Socrates against Protagoras. Another is the Davidsonian challenge of making sense of how we could even intelligibly realize that we occupy different worlds (or "conceptual schemes"). As such, this version of relativism has not received much serious philosophical support, and in any case has no clear affinities with the constructivist view.

A third and far more interesting form of relativism is the ethnocentrist and historicist position prominently advanced by Richard Rorty. This view abandons the idea that there is something like "the world" which would constrain our opinion in a rational fashion. (All that remains, in his "Darwinian" story, are the *causal* connections that we, including our opinions, have with "facts.") Following Donald Davidson, Rorty attempts to show that the idea of the world, and of truth as correspondence with the world, have fueled both realism and (factual) relativism alike. The upshot, Rorty argues, is that there is no hope for truth and objectivity in a sense that would exceed the approval of one's peers. While we may hope to bring others under the same fold, our success is not due to the influence of anything but sheer historical occurrence. For Rorty's unabashedly ethnocentrist "Western liberal intellectual," there is "nothing to be said about either truth or rationality apart from descriptions of the familiar procedures of justification which a given society—*ours*—uses in one or another area of inquiry" (2010, 229), admitting as he does that "we must, in practice, privilege our own group, even though there can be no non-circular justification for doing so" (2010, 335). In Rorty's slogan, intersubjective agreement is grounded on "solidarity" rather than (fact-based) "objectivity."

While Rorty does not think that his view amounts to a form of relativism deserving of the name, there is reason to hold that the converse moral can be drawn.[4] Neither of the two other variants of relativism just listed have received much serious support; if anything, it is Rorty's view that can seriously be advanced as the philosophically interesting relativistic position. It is this *historicist* form of relativism that the constructivist position threatens to collapse into. (Of course, nothing crucial depends on labels: if one rather reserves "relativism" to the two other possible views, one may call this third variant simply historicism instead.) It entails the three constructivist propositions: it maintains that intersubjective agreement is the (only) sort of validity we may attain, and that the relevant

kind of agreement is forged among Rortian "wet liberals." At the same time, it holds that there are no grounds for intersubjective agreement beyond mere historical fact. Indeed, it readily admits that there are no grounds for holding the agreement among our liberal peers itself on a place of prestige; that is simply what we do.

A REALIST SOLUTION

The problem faced by the constructivist can be put in distinctly Kantian terms. On the one hand, the constructivist may define key terms of his argument in a way that immediately leads to his conclusion. Perhaps all agents attempt to follow a set of principles because that is what it *means* to be an agent. It is then an *analytic a priori* truth that all agents agree on those principles. On the other hand, the constructivist may note that agents *do* follow some set of principles. This claim is then a *synthetic a posteriori* truth. But what the constructivist is seeking is neither analytic, a matter of how we have defined key terms merely, nor *a posteriori*, a matter of coincidental fact. What he *is* seeking all along is the Kantian *synthetic a priori*: that there would be a truth concerning the acceptance of a set of principles neither dependent on our definitions (but, rather, synthetic) nor captive of historical coincidence (but, rather, *a priori*). The agreement on such principles would somehow be *inevitable* without being a matter of conceptual analysis merely.

I have argued that, abandoning conceptual chauvinism, the ultimate outcome of the constructivist position is, if anything, a relativism of the historicist stripe. This latter view is not inherently problematic. Just as against the followers of Peirce's methods of tenacity and authority, there is no method-neutral, independent argument by which to refute the *a priori* method.[5] Neither is the following of that method self-refuting: there is no *a priori* proof that the *a priori* method itself will not lead to any substantial results. Rather, if anything, once the method is found unsatisfactory, we have already started to think in terms of *another* method. The realization that the *a priori* method leads to no substantial results can only be made from the point of view of a method that tracks the historical and factual development of human opinion.

This move anticipates the solution that Peirce offers to the problem of the *a priori* method, which is turning to the fourth and final method of fixing belief he discusses, the scientific method. By this method, our opinions are to be "determined by nothing human, but some external permanency" which "affects, or might affect, every man" (Peirce 1992, 120). Instead of relying on the opinions of one or the many, the scientific method renders our beliefs answerable to an independent reality. The hypothesis that underlies the scientific method is the assumption that there are things independent of whatever any number of us may think—the view

we could call *hypothetical realism*. As such, it avoids both of the pitfalls of the *a priori* alternative. It renders intelligible how the acceptance of a particular opinion may be inevitable as the opinion that reality itself (at least ultimately) would force upon us. Such an opinion is not coincidental, a mere product of taste, nor is it based on our deliberately limiting the group of those whose opinions count.

The abstract notion of the scientific method is readily open to two lines of criticism. The first is the standard objection that its notion of truth is that of the "mystical" correspondence with a reality as it is by itself, a notion which has been the subject of much well-rehearsed philosophical criticism. Another objection, more pertinent to the topic at hand, is that such a realist view is not suitable for dealing with normative issues. But the pragmatist is set apart from the traditional correspondence theorist and realist in several ways, on which I will be here limited to the following remarks.

Firstly, there is the pragmatist's unique way of deriving the notion of an independent reality. The pragmatist does not attempt to argue that truth, on *conceptual* grounds, amounts to something like "correspondence." Instead, notions of truth are as various as are the methods of fixing opinion. As we will ultimately find the scientific conception the most satisfactory, realism is rather the outcome of a normative story about the aim of inquiry.

Secondly, the pragmatist does not remain on a high level of abstraction but insists that what it means for our opinions to accord with an independent reality is to be worked out in a practical fashion. Making this notion a slight bit more concrete, Peirce suggests that truths are those opinions that would continue to withstand doubt were scientific inquiry pursued indefinitely. The particular methods of science—norms and desiderata for inquiry and theories—are themselves open to revision and up to scientific practice. Crucially, the inquiry in question is not just *any* investigation but such inquiry that attempts to find out how things are independently of our opinions and desires. This prevents the scientific method from collapsing back to the *a priori* method. Instead of pulling solidarity and objectivity apart in Rorty's fashion, then, the scientific method glues these two together in its practice: it is by the truth-seeking activity of a community of inquirers that factual objectivity is to be achieved.

Thirdly, the pragmatist approach opens a novel way of understanding truth in normative matters. The problem of the standard cognitivist approaches has always been to find the sort of *facts* that our normative claims could "correspond" within a scientific and naturalistic framework. The constructivists attempt to avoid this problem by diverging factual truth from the validity of moral or political norms. The pragmatist alternative here explored brings factual and normative opinion back under the same fold by its insistence that the latter, too, could be settled by
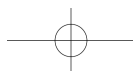
scientific means. However, this does not amount to a return to the usual cognitivist problematic. Equipped with a traditional correspondence notion of truth, the traditional cognitivist has been looking for a sort of one-on-one match (or accurate "representation") between, say, a truthbearer and a truthmaker. The pragmatist conceives of the answerability of opinion to reality far more broadly: it does not require of our opinions to "represent" reality to be *guided* by it. This loosens the grip of standard picture so that the reality in question can be reconceived.

Fourthly, the pragmatist also has at hand at least the beginnings of an account of the sort of reality that our normative opinion can be answerable to in Peirce's later views, especially his naturalistically conceived of teleology. Peirce argued that certain ideas (or ideals) themselves have the tendency of becoming more powerful by gaining more ground. (Peirce's statistical understanding of final causation and its connection to normativity has been discussed in great detail by T. L. Short in *Peirce's Theory of Signs*.) Although I cannot defend this highly original position here, it opens up the possibility that our normative opinions are to be settled in accordance with such tendencies, which are independent of our particular inclinations and desires. This is the form that hypothetical realism may take on normative matters.

Fifthly, and finally, the scientific method thus conceived can be defended by its own means, in the light of the method itself. Someone—a Rorty perhaps—could argue that the scientific method and its account of objectivity is just another story we let pass by. While, as with any other method, the scientific one cannot show its own supremacy in a method-neutral fashion, it can still draw from its own notion of truth in its own defence. (For elaboration on this point, see my "Naturalism and Normative Science.") The acceptance of the method, from its own point of view, is not a simple matter of having convinced our peers to assume a certain "objectifying" vocabulary. Instead, the scientist may argue that the scientific method—its normative principles concerning the fixation of opinion—are those imposed upon us by reality itself.

CONCLUSION

The constructivists have attempted to show that there are principles which we must unavoidably follow: for Rawls, these are the principles of a liberal democratic society, which would thus be shown valid; for Korsgaard, the inevitable principles constituting us as agents; and for Habermas, the constructivist principles concerning validity itself. As I have argued, at bottom this search has been for principles that we would agree on neither by definition nor by coincidence: our agreement on them would be a synthetic truth, but still necessary in the *a priori* fashion. However, the constructivist proposals for such principles face formid-

able, concrete counterexamples, such as those that Peirce invokes in his discussion on the different methods of fixing belief. In each case, the constructivist is forced either to limit the scope of his discussion by definitional means, leading to what I called conceptual chauvinism, or to draw from the fact of coincidental agreement, which amounts to a historicist variant of relativism. Crucially, as we have seen, the constructivist's own notion of validity—especially its second and third propositions as distinguished above—is itself among the principles that Peirce's examples render doubtful.

   The solution to the constructivist's problems, here promoted under the banner of pragmatism, is the bold acceptance of wide-reaching realism. Peirce's scientific method, I have argued, makes our (inevitable) agreement as inquirers intelligible by relying on the hypothesis of an independent reality. Moreover, in explicating agreement in terms of the influence of such a reality—or drawing solidarity from objectivity—it is extendable to the domain of the normative as well. This goes against much contemporary philosophical acumen, which maintains that the whole idea of normative truth, unless conceptually reducible to some innocuous natural facts, has unacceptable non-naturalist implications. This assumption has lead to the popularity of the simile of the first constructivist proposition, which drives a wedge between factual truth and normative validity. To many, contesting this dichotomy will appear outlandish, and any proposal of a robust realism about normativity dangerous. Much work is thus required to carve the conceptual space for a position which attempts to bridge the chasm. But to make good on the promise of the realistic solution to the constructivist problem—as well as to be consistent with its own, normative story about the development of the scientific method—this is the direction that the pragmatist enterprise must take.

NOTES

   1. It is thus that Rawls's problem will here receive a Peircean "fix"; indeed, an early draft of this paper was originally presented under the title "Rawlsian Problems, Peircean Solutions" at the conference *Persuasion and Compulsion in Democracy*, in Opole, Poland, April 2012.
   2. Especially on this point, Habermas's account has undergone substantial revision during the past decades. Earlier, he proposed an epistemic conception of truth in terms of agreement derived from an idealized argumentative discourse, which in effect assimilated the notion of truth for factual and normative claims. In his more recent work, Habermas has emphasized the differences between the two, maintaining that the notion of factual truth (unlike that of the validity of norms) cannot be exhausted by an epistemic conception.
   3. Contemporary pragmatists have been critical of the constructivist's way of distinguishing between factual truth and normative validity, arguing that such a dichotomy will be difficult to maintain (cf. Misak 2000, 37–38; Bernstein 2010, 198–99). This criticism is well founded, but we have yet to see the pragmatists offering a plausible

alternative approach. The solution offered here attempts to overcome the dichotomy by showing that the pragmatist perspective enables us to assume a realist approach to factual and normative questions alike.

4. Rorty himself distinguishes three forms of relativism somewhat analogous to the ones discussed here, the third form being his own ethnocentrist view, which he wishes to distinguish from the first and the second.

5. Some contemporary Peircean pragmatists, most notably Cheryl Misak and Robert B. Talisse, have argued that a certain notion of truth or epistemic norms—that embedded in Peirce's scientific method—is inevitable due to the nature of *belief* itself. But this does not align well with Peirce's discussion of different methods of fixing belief, as it renders all of the other methods moot. If anything, in its reliance on a definition of belief *as* fixable only by certain means, this approach slips into the problematic argumentative strategy of the constructivist.

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