

Dewey and Posner on Pragmatism and Moral Progress

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The Editors of The University of Chicago Law Review wish to acknowledge the passing of Professor Rorty while this article was being prepared for press. We offer our condolences to his family, friends, and colleagues.

I was greatly honored to be asked to give the Dewey Lecture, and very happy to have an occasion to revisit my old university. I entered the so-called “Hutchins College” in 1946, and left the University of Chicago with an MA in philosophy six years later. Those were the richest and most stimulating years of my intellectual life.

When I came to Chicago, John Dewey was still alive, but his influence had waned. In those days, the best students in the University were sitting at the feet of Leo Strauss, who taught them that Plato had been magnificently right and Dewey dangerously wrong. “Utility and truth,” Strauss wrote, “are two entirely different things.”¹

In recent decades, pragmatism has made a comeback. Judge Richard Posner has been one of the leaders of this revival. I have learned a great deal from Judge Posner’s books, and share his overall philosophical outlook. But we still disagree on certain issues. I shall argue in this lecture that on one of those issues—the question of whether the modern West has made moral progress—Dewey would have been on my side.

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Strauss was not the first German to be dismissive about pragmatism. Georg Simmel described it as “what the Americans were able to get out of [Friedrich] Nietzsche.”² Simmel was wrong if he thought

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¹ Leo Strauss, *Natural Right and History* 6 (Chicago 1953).

² Rudolf Pannwitz, *Erinnerungen an Simmel von Rudolf Pannwitz*, in Kurt Gassen and Michael Landmann, eds, *Buch des Dankes an Georg Simmel: Briefe, Erinnerungen, Bibliographie* 230, 240 (Duncker and Humblot 1958) (“Über den Pragmatismus sprach er [Simmel] einmal—in

that William James and Dewey got their ideas from Nietzsche, but he was right that their views overlapped his. All three wanted us to stop asking metaphysical questions about the nature of reality and about the nature of human beings. But James and Dewey were better than Nietzsche at formulating a coherent antimetaphysical outlook.

Nietzsche is notorious for his vacillations. He wavers between criticizing the very idea of objective truth and proclaiming that his own views are objectively true and everybody else's objectively false. On one page he tells us that "[w]e simply lack any organ for knowledge, for 'truth': we 'know' (or believe or imagine) just as much as may be *useful* in the interests of the human herd, the species."³ But a few pages earlier he had said that "even we . . . godless anti-metaphysicians still take our fire, too, from the flame lit by a faith that is thousands of years old . . . the faith of Plato . . . that truth is divine."⁴

At his best, however, Nietzsche explicitly rejected the science-worship that still links much of twenty-first century analytic philosophy to nineteenth-century positivism. When he says "there are no facts, only interpretations,"⁵ and seems willing to admit that this goes for his own assertions as well, he edges closer to the more coherent position that James and Dewey adopted. Both of these philosophers would have agreed with Nietzsche that "[a] 'scientific' interpretation of the world . . . might therefore still be one of the *most stupid* of all possible interpretations . . . one of the poorest in meaning."⁶ Unfortunately, however, passages like that one are offset by Nietzsche's bursts of positivistic braggadocio, as when he writes, "long live physics! And even more so that which *compels* us to turn to physics—our honesty!"⁷

The American pragmatists did consistently what Nietzsche did only occasionally and halfheartedly: they abandoned positivism's attempt to elevate science above the rest of culture. They treated the quarrel between Platonic immaterialism and Democritean materialism, as well as all other metaphysical disputes, as irrelevant to practice and thus not worth discussing. Pragmatists substitute the question

ein paar Sätzen—abschätzig: es wäre nur, was die Amerikaner sich aus Nietzsche geholt hätten."). I owe my knowledge of this passage to Wolf Lepenies.

³ Friedrich Nietzsche, *The Gay Science* § 354 at 300 (Vintage 1974) (Walter Kaufmann, trans).

⁴ Id. § 344 at 283.

⁵ Friedrich Nietzsche, *The Will to Power: An Attempted Transvaluation of All Values*, Book III, in Oscar Levy, ed., 15 *The Complete Works of Friedrich Nietzsche* 3, § 481 at 12 (Gordon 1974) (Anthony M. Ludovici, trans) ("[F]acts are precisely what is lacking, all that exists consists of *interpretations*. We cannot establish any fact 'in itself': it may even be nonsense to desire to do such a thing.").

⁶ Nietzsche, *The Gay Science* § 373 at 335 (cited in note 3).

⁷ Id. § 335 at 266.

“which descriptions of the human situation are most useful for which human purposes?” for the question “which description tells us what that situation really is?”

Pragmatism puts natural science on all fours with politics and art. It is one more source of suggestions about what to do with our lives. We might, for example, colonize the planets of other stars. Or we might tweak our genes, in order to give birth to *Übermenschen*. Or we might try to equalize the life-chances of rich children and poor children. Or we might try to make our individual lives into works of art. Dewey thought that we should not try to ground our choices among alternatives such as these on knowledge of what human beings “really” are. For, as he put it, the term “‘reality’ is a term of value or choice.”⁸ Philosophy, he insisted, “is [not] in any sense whatever a form of knowledge.” It is, instead, “a social hope reduced to a working program of action, a prophecy of the future.”⁹

If you agree with Dewey, as I do, about what philosophy is good for, you will see much of contemporary philosophy as a struggle between the heirs of Immanuel Kant and the heirs of G.W.F. Hegel. Present-day neo-Kantians persist in trying to make philosophy into a branch of knowledge. Contemporary neo-Hegelians hope to grasp the present moment in thought, in order to formulate better prophecies of better futures. Dewey praised Hegel for having recognized that “the moral consciousness of the individual is but a phase in the process of social organization.”¹⁰ His own way of doing moral philosophy was to compare alternative programs of action, and alternative prophecies.

Dewey’s legacy is, of course, ambiguous. There is considerable disagreement among his admirers about what programs of action follow from his pragmatism. Cheryl Misak and Robert Westbrook, for example, claim that Dewey inferred from a pragmatist view of knowledge to the need for deliberative democracy.¹¹ Westbrook argues both that “[p]ragmatist epistemology alone is enough to provide grounds for

⁸ John Dewey, *Philosophy and Democracy*, in Jo Ann Boydston, ed, 11 *John Dewey: The Middle Works, 1899–1924* 41, 45 (Southern Illinois 1982).

⁹ Id at 43.

¹⁰ John Dewey, *Moral Philosophy*, in Jo Ann Boydston, ed, 4 *John Dewey: The Early Works, 1882–1898* 147 (Southern Illinois 1971).

¹¹ See Cheryl Misak, *Truth, Politics, Morality: Pragmatism and Deliberation* 12–18 (Routledge 2000) (noting that Dewey’s view that philosophers should demonstrate humility coheres with an inclusive and egalitarian model of deliberative democracy); Robert B. Westbrook, *Democratic Hope: Pragmatism and the Politics of Truth* 187–88 (Cornell 2005) (arguing that Dewey’s democratic thought supports the establishment of a “community of inquiry,” broadly characterized by debate, reason, and recognition, and one that is fully compatible with deliberative democracy).

criticism of those who refuse to open their beliefs to the widest possible range of experience and inquiry,”¹² and that deliberative democracy is the only form of government that can provide such openness.¹³

As Westbrook ruefully remarks, “no pragmatist has worked harder to break the link between pragmatism and deliberative democracy than Richard Posner.”¹⁴ I agree with Posner when he says that “[t]he bridge [Dewey] tried to build between epistemic and political democracy is too flimsy to carry heavy traffic.”¹⁵ Dewey’s attempts to build that bridge were, I think, half-hearted and spasmodic. As long as he defined democracy merely as “a name for a life of free and enriching communion,”¹⁶ it was easy for him to argue that the cause of democracy would be furthered if we abandoned both metaphysics and the correspondence theory of truth. But one can praise such a life without believing that the masses should have a larger role in forming public policy. One can agree wholeheartedly with Dewey about the nature of truth, knowledge, and inquiry, and nevertheless agree with Posner that what he calls “our present system of elective aristocracy” is the best we can do.

But though Posner and I agree on this matter, we disagree about another issue. As good neo-Hegelians, we both view the moral consciousness of the individual as a matter of internalized social norms. I think that our norms are better than those of our ancestors. Posner, however, rejects the idea that we have made moral progress. I see this rejection as a relapse from the true pragmatist faith into positivistic science-worship.

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Towards the beginning of his book, *The Problematics of Moral and Legal Theory*, Posner defines “morality” as “the set of duties to others . . . that are supposed to check our merely self-interested, emotional, or sentimental reactions to serious questions of human conduct.”¹⁷ He goes on to say that “[t]he genuineness of morality as a sys-

¹² Westbrook, *Democratic Hope* at 197 (cited in note 11).

¹³ Id. at 200 (“For one might reasonably suppose that only the demand for more democracy will insure that we do not get less democracy or even no democracy at all.”).

¹⁴ Id. at 189.

¹⁵ Richard A. Posner, *Law, Pragmatism, and Democracy* 113 (Harvard 2003).

¹⁶ John Dewey, *The Public and Its Problems*, in Jo Ann Boydston, ed., 2 *John Dewey: The Later Works, 1925–1953* 235, 350 (Southern Illinois 1984).

¹⁷ Richard A. Posner, *The Problematics of Moral and Legal Theory* 4 (Belknap 1999).

tem of social control is not in question.”¹⁸ But since systems of social control are obviously local, he argues, so are moralities.

Posner admits “[t]here are a handful of rudimentary principles of social cooperation—such as don’t lie *all* the time . . . that may be common to all human societies.”¹⁹ But these, he says, “are too abstract to be criterial.”²⁰ To get guides to action, genuine checks to self-interest, you need thicker notions than those used to state these abstract principles. As Posner says, “what counts [for example] as murder, or as bribery, varies enormously from society to society.”²¹ So, he continues, “[m]eaningful moral realism is therefore out, and a form . . . of moral relativism is in.”²² Furthermore, “[m]oral principles that claim universality can usually be better understood as just the fancy dress of workaday social norms that vary from society to society.”²³

Up to this point, Posner and Dewey are pretty much in accord. Dewey’s early reaction against both John Calvin and Kant left him very suspicious of universal moral principles. He says, for example: “Ready-made rules available at a moment’s notice for settling any kind of moral difficulty . . . have been the chief object of the ambition of moralists. In the much less complicated and less changing matters of bodily health such pretensions are known as quackery.”²⁴

One searches in vain through Dewey’s work for the sort of abstract principles offered by Kant, John Stuart Mill, John Rawls, and Jürgen Habermas, and indeed for anything that can happily be described as “a moral theory.” Dewey might well have agreed with Posner that “academic moralism is incapable of contributing significantly to the resolution of moral or legal issues.”²⁵

But it is less clear that Dewey would have inferred, as Posner does, from moral realism being out to moral relativism being in. It depends, obviously, on what you mean by “moral relativism.” If you mean merely that, as Posner puts it, “our modern beliefs concerning cruelty and inequality are contingent, rather than being the emanations of a universal law,”²⁶ then both Hegel and Dewey will count as

¹⁸ Id.

¹⁹ Id. at 6.

²⁰ Id.

²¹ Id.

²² Id.

²³ Id.

²⁴ John Dewey, *Human Nature and Conduct*, in Jo Ann Boydston, ed, 14 *John Dewey: The Middle Works, 1899–1924* 1, 164 (Southern Illinois 1983).

²⁵ Posner, *Problematics* at 30 (cited in note 17).

²⁶ Id. at 19–20.

relativists. So, for that matter, will Rawls. For in this sense moral relativism is merely the denial that knowledge of something transcultural—something like the will of God or the dictates of pure practical reason—can help us decide between competing systems of social control. But when Posner goes on to say that “[i]t is provincial to say that ‘we are right about slavery, for example, and the Greeks wrong,’”²⁷ I think Dewey would demur. He would be startled by Posner’s claim that “[t]he relativity of morals implies that there is no moral progress in any sense flattering to the residents of wealthy modern nations.”²⁸

I think Dewey would respond to Posner by saying:

Of course our judgment of our own rightness is provincial. So are all our judgments about anything. But why should the fact that we use the criteria of our time and place to judge that we have made progress cast doubt on that judgment? What other criteria are available? If you mean simply that only nations as rich and lucky as those of the modern West can get along without slaves, you have a point. But why deny that our wealth and good fortune have enabled us to become morally better?

Dewey thought that the contingency of our moral outlook, and its dependence on material conditions, no more impugns our moral superiority than Galileo’s dependence on expensive new optical technology impugned the Copernican theory of the heavens. We can no more help thinking of ourselves as morally superior to our ancestors than we can help believing modern astrophysics to be better than Aristotle’s. Mock-modesty about either intellectual or moral progress is an example of what Charles S. Peirce called “make-believe doubt”²⁹—doubt that has no effect on practice.

The line of argument I am attributing to Dewey marks the point at which pragmatism and positivism diverge. Pragmatists of my persuasion spend a lot of time doing what Posner disparagingly describes as a “level[ing] down” of science.³⁰ We do this so that science will no longer seem to tower over morality. Posner says of this strategy that it “may succeed in equating scientific to moral inquiry at the semantic

²⁷ Id at 19.

²⁸ Id at 23.

²⁹ See Charles S. Peirce, *Some Consequences of Four Incapacities*, in Philip P. Wiener, ed., *Charles S. Peirce: Selected Writings* 39, 40 (Dover 1958) (arguing, against René Descartes, that “[w]e cannot begin with complete doubt. . . . [I]nitial skepticism will be a mere self-deception, and not real doubt”). See also Charles S. Peirce, *What Pragmatism Is*, in Wiener, ed., *Selected Writings* 180, 188–90 (describing radical doubt as “make-believe”).

³⁰ Posner, *Problematics* at 18 (cited in note 17).

level, but it leaves untouched the vast practical difference in the success of these enterprises.”³¹ I do not see any such difference. We in the modern West know much more about right and wrong than we did two centuries ago, just as we know much more about how nature works. We have been equally successful in both morals and physics. To be sure, we have more difficulty convincing people of our moral views than of our scientific views, but this does not mean that the two differ in something called “epistemic status.”

I reject the notion of epistemic status because, like Thomas Kuhn and Dewey, I see scientific inquiry as working in much the same way as does moral and political inquiry. Posner, like the positivists, sees a big difference. When Posner argues that moral philosophy is “epistemically feeble”³² on the ground that “the criteria for pronouncing a moral claim valid are given by the culture in which the claim is advanced,”³³ Kuhnians like myself reply that the same argument would show the epistemic feebleness of physics and biology.

In response to this line of argument, Posner says:

[E]ven if scientific realism is rejected in favor of the view that science yields “objective” results only because scientists happen to form a cohesive, like-minded community—even if, that is, we accept the view that consensus is the only basis on which truth claims can or should be accepted because consensus makes “truth” rather than truth forcing consensus—moral theorists are up against the brute fact that there is no consensus with regard to moral principles from which answers to contested moral questions might actually be derived.³⁴

Posner is claiming that, even if we give up the idea of “truth forcing consensus,” a crucial difference between science and morals remains. I would make two points in reply. First, brute facts about the presence or absence of consensus—whether about planetary orbits or about sodomy—are to be explained sociologically rather than epistemologically. To explain absence of consensus by “lack of cognitive status” is like explaining a substance’s failure to put you to sleep by its lack of dormitive power.

Second, it does not matter whether we can get consensus on moral principles as long as we can get it on practices. As I said earlier,

³¹ Id.

³² Id at 12.

³³ Id at 8.

³⁴ Id at 62–63.

I agree with both Posner and Dewey that moral philosophy will never come up with analogues of Newton's laws—principles that bear on particular cases in the straightforward and uncontroversial way in which physical theory bears on particular observable events. But that asymmetry between physics and morality does nothing to impugn the existence of moral progress. Our practices have changed for the better, even if philosophers cannot agree on what principles “ground” these improved practices.

Posner has remarked that even Justice Scalia would now adjudge the lash and the stocks to be cruel and unusual punishments, even though they were not so regarded by those who drafted the Eighth Amendment. Most of us, and probably Scalia as well, would agree that this change constitutes moral progress. One can agree with Posner that moral philosophy is of no help in providing the courts with reasons for enjoining the use of the lash. But that is no reason to deny that our judges have, like the rest of us, become better able to tell cruelty when they see it. They do not need to be able to define it.

The advantage of pragmatism over positivism is that pragmatists have no trouble with the idea that propositions such as “the stocks and the lash are cruel punishments” and “there is nothing immoral about sodomy” have recently been discovered to be true. They are true, on a pragmatist view, in just the same way that it is true that $E = mc^2$. The fact that moralities are, among other things, local systems of social control does no more to cast doubts on moral progress than the fact that scientific breakthroughs are financed by people hoping for improved technology casts on progress in the “hard” sciences.

A willingness to level down science in this way is, as I see it, the biggest difference between pragmatism and positivism. Kuhn was one of the best things that ever happened to pragmatism, for his work helped us accept Dewey's suggestion that reasoning in morals is no different from reasoning in science—a suggestion Posner explicitly rejects. As I see it, Kuhn demythologized scientific theory—choice in the same way that Posner has demythologized judicial decisionmaking.

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Admittedly, however, leveling-down of this sort still looks fishy both to common sense and to the majority of analytic philosophers. This is because both are still tempted to say that if a sentence is true, there must be something that *makes* it true. The physical world, they continue, makes Newton's laws true, but it is not clear what makes moral judgments true. So, the argument goes, perhaps the only value

judgments that can be thought of as true are empirical predictions about what means will best serve which ends. Posner seems to buy in on this line of thought. He is quick to argue from what he calls “our inability to reason about ends” to the conclusion that there is no such thing as better apprehension of moral truth.

But pragmatists, at least those of my sect, do not think that anything—either the physical world or the consensus of inquirers—*makes* beliefs true. We have as little use for the notion of “what makes a true sentence true” as we do for that of “what a true sentence corresponds to.” On our view, all consensus does is help us *recognize* moral truths. We can cheerfully agree that truths—all kinds of truths—are eternal and absolute. It was true before the foundations of the world were laid both that $2 + 2 = 4$ and that I should be wearing this particular tie to-day. It was also true that the lash is, in the sense of the Eighth Amendment, a cruel punishment. Eternal and absolute truth is the only kind of truth there is, even though the only way we know what is true is by reaching a consensus that may well prove transitory. All that can be salvaged from the claim that truth is a product of consensus is that finding out what other people believe is, most of the time, a good way to decide what to believe oneself.

But only most of the time. If consensus were all we ever had to go on, there would never have been either scientific or moral progress. We should have had neither Galilean mechanics nor the civil rights movement. One of the features of science that Kuhn helped us appreciate is that great leaps forward occur only when some imaginative genius puts a new interpretation on familiar facts. Percy Bysshe Shelley’s *Defense of Poetry* helped us realize that the same thing is true of morality. As he put it, “Reason is to Imagination as the instrument to the agent, as the body to the spirit, as the shadow to the substance.”³⁵

Dewey endorsed this analogy, as well as Shelley’s claim that “[t]he great instrument of moral good is the imagination; and poetry administers to the effect by acting upon the cause.”³⁶ He agreed with Shelley that “[e]thical science arranges the elements which poetry has created.”³⁷ Only the imagination can break through the crust of convention. Galileo did for Aristotle’s hylomorphic physics what Martin

³⁵ Percy Bysshe Shelley, *A Defense of Poetry or Remarks Suggested by an Essay Entitled “The Four Ages of Poetry,”* in Donald H. Reiman and Sharon B. Powers, eds, *Shelley’s Poetry and Prose* 480, 480 (Norton 1977).

³⁶ Id at 488.

³⁷ Id at 487. For Dewey’s thoughts concerning this passage, see John Dewey, *Art and Civilization*, in Jo Ann Boydston, ed, 10 *John Dewey: The Later Works, 1925–1953* 329, 347–48, 350 (Southern Illinois 1987).

Luther King did for the Southern Way of Life. He dreamed up an alternative. The attractiveness of that alternative gradually undermined an old consensus and built up a new one.

Posner's label for people like King and Catharine MacKinnon is "moral entrepreneur[.]"³⁸ He is quite ready to acknowledge that if it were not for people like these, we should still be sentencing criminals to the lash, segregating the water fountains, and enforcing the anti-sodomy laws. But his positivistic leanings are apparent from his description of how these entrepreneurs do their work. Of MacKinnon he writes: "Her influential version of radical feminism is not offered without supporting arguments. But her influence is not due to the quality of those arguments. It is due to her polemical skills, her singlemindedness, [and] her passion."³⁹ "Moral entrepreneurs," Posner tells us, "persuade, but not with rational arguments."⁴⁰ They use "techniques of nonrational persuasion."⁴¹

Posner's positivism takes another form when he tries to explain the success of such entrepreneurs by saying that they are "like arbitrageurs in the securities markets. . . . They spot the discrepancy between the existing code and the changing environment and persuade the society to adopt a new, more adaptive, code."⁴² I think that Dewey would have found Posner's analogy with the arbitrageur misleading, and perhaps a bit repellent. Posner (like his fellow economics fan, Karl Marx) is distrustful of moral idealism. Dewey wallowed in it.

If we adopt Shelley's and Dewey's account of moral progress we shall think of Martin Luther King, Betty Friedan, and the leaders of the gay rights movement as helping to create, rather than as detecting, a changed environment. They changed it by telling us, singlemindedly and passionately, how human lives were being needlessly damaged by cruel institutions. They incited social hope by proposing programs of action, and by prophesying a better future. These so-called "nonrational" methods worked. Posner's notion of "adaptation" seems to me of no use when we try to explain why they worked.

Posner has set things up so that moral idealists cannot look good. For if they try to avoid nonrational persuasion by appealing to abstract principle, he (like Stanley Fish) will point out that they are ignoring Ludwig Wittgenstein's point that no rule can determine its own

³⁸ Posner, *Problematics* at ix (cited in note 17).

³⁹ *Id.* at 43.

⁴⁰ *Id.* at ix.

⁴¹ *Id.* at 42.

⁴² *Id.* at 44.

interpretation. Yet if the romantic idealists refrain from citing such principles, Posner will tell them that they have abandoned rational argumentation in favor of other, more dubious, polemical tactics.

Posner draws an invidious contrast between heroic figures like Mill and Nietzsche, whom he admires, and such “modern moral philosophers” as Rawls, Ronald Dworkin, Joseph Raz, and T.M. Scanlon, about whom he is less enthusiastic.⁴³ The latter, he says, are not “likely source[s] of moral entrepreneurship.”⁴⁴ But Posner, here again, is setting things up so that Rawls and the like are damned no matter what they do. The more unlike Nietzsche and MacKinnon these philosophers are, the more useless. The more like them, the less rational.

Consider the following conundrum: is Posner’s own attempt to stigmatize various sorts of advocacy as “nonrational” an example of rational argumentation or of polemical strategy? I have no idea how to answer that question, and see no point in trying to do so. For I would say about criteria of rationality what Posner says about moral principles: they are “just the fancy dress of workaday social norms that vary from society to society.”⁴⁵

In the sixteenth century it was only rational to test astrophysical or biological theories against holy scripture. We can rightly claim to be more rational than Copernicus’s contemporaries if that means simply that our beliefs about what to test against what—and, more generally, of what is relevant to what—are true, whereas many of theirs were false. Our social norms are indeed better than their social norms. But there is no discipline called “epistemology” that can show this to be the case. Our judgments of progress and of rationality will remain as parochial as our judgments of everything else. Yet the parochial, historically-conditioned character of justification is compatible with the eternal and absolute character of truth.

What is the point of dividing the various tactics we use to persuade our fellow citizens into the rational ones and the others? What difference in practice, one can imagine Dewey asking, is this difference supposed to make? Why hang on to the distinction between the cognitive and the noncognitive that the logical positivists tried to enforce—the distinction that philosophers such as Hilary Putnam and Donald Davidson have done their best to discredit? The question of

⁴³ Id at 5 (“The members of the family think that the kind of moral theorizing nowadays considered rigorous in university circles has an important role to play in improving the moral judgments and moral behavior of people.”).

⁴⁴ Id at 80.

⁴⁵ Id at 6. See also notes 19–23 and accompanying text.

whether it was rational to let Galilean mechanics undermine Christian faith, or whether this was the result of passionate, irrational, Holbachian, and Voltairean polemic, is not worth raising. Neither is the question about whether the suffragettes achieved victory through the use of reason or by virtue of their remarkable singlemindedness.

Consider Posner's claim that "[a]t its best, moral philosophy, like literature, enriches; it neither proves nor edifies."⁴⁶ What follows from this? What does it matter whether we say, with Posner, that "moral philosophers are poets and novelists manqué"⁴⁷ or instead say that poets and novelists are amateur moral theorists? We know the sorts of things that moral philosophers, poets, novelists, economists, and lawyers have achieved. We know how they did it. We are in a position to evaluate their contributions to culture and to consider how they might best make further contributions. What purpose is served by separating them into rational sheep and nonrational goats?

Posner seems to think that such separation is essential to doing good sociology. Sociology, he tells us, is the "scholarly niche" that his book on moral and legal theory occupies.⁴⁸ He describes himself as employing "Weberian insights concerning professionalization and its alternatives, including charismatic moral entrepreneurship,"⁴⁹ and as skeptical about "knowledge claims advanced by certain academic disciplines."⁵⁰ Such skepticism, he says, "is a leitmotif of sociology. . . . [Sociologists] insist that what is 'professed' may mask the pursuit of self-interest."⁵¹

But adopting a Kuhnian view of scientific progress—replacing epistemology with history and sociology of science—has not encouraged skepticism about knowledge claims advanced by physicists. Nor should it. It was only the invidious contrast between natural science and the rest of culture, the contrast that was at the heart of positivism, that made possible skepticism about moral entrepreneurs. From a Kuhnian perspective, a Weberian sociology of suspicion looks like just one more strategy employed by self-interested professionals hoping to carve out a niche within the academy.

The main reason positivism still seems attractive and pragmatism counterintuitive is the belief that criteria of rationality are more than

⁴⁶ Id. at 32.

⁴⁷ Id.

⁴⁸ Id. at xiii.

⁴⁹ Id.

⁵⁰ Id.

⁵¹ Id.

“just the fancy dress of workaday social norms.”⁵² That conviction is the legacy of passionate singleminded polemics composed by such intellectual entrepreneurs as René Descartes, John Locke, and Kant. These men tried to make the epithet “irrational” do the work previously done by “un-Christian.” Their strategy was to insist, implausibly enough, that relations of relevance between propositions are noncontingent and nonlocal; they taught that an innate faculty called “reason” made such relations evident to any honest mind. We, their heirs, are persuaded that thinking *Genesis* relevant to biology, or *Leviticus* to morality, is evidence either of irrationality or of dishonesty.

Dewey and Kuhn tried to persuade us that criteria of relevance, and thus of rationality, are social norms. Such norms have changed, sometimes for the worse and sometimes for the better. They will keep right on changing. But we shall never be able to prove that any given change was a good or a bad one. To do so we would have to find an Archimedean standpoint from which to compare our sentences with the things that make them true or false. The pragmatist denial that there is any such relation as “being made true by” amounts to denying that we shall ever find such a standpoint.

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I have been arguing in this lecture that Posner’s refusal to admit that we have made moral progress is a rhetorical gesture that can have no bearing on practice. For moral progress is not an idea we can possibly get out of our heads. Only the lingering influence of science-worship tempts us to try. The positivists agreed with Plato that to have knowledge was to see things under the aspect of eternity, and they then argued that only natural science could do that. But if we can bring ourselves to give up that Platonic view of knowledge, we might become willing to admit that doubts about moral progress are as phony as doubts about the reality of electrons. Once Plato’s attempt to escape from time to eternity is abandoned, we are left with nothing but the hope that we will look good to our future selves, and to future generations. Dewey thought that hope was enough.

⁵² Id at 6.