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Norman Daniels: Justice and Justification. Reflective Equilibrium in Theory and Practice & Folke Tersman, Reflective Equilibrium. An Essay in Moral Epistemology

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BOOK REVIEW

Norman Daniels, *Justice and Justification. Reflective Equilibrium in Theory and Practice*, Cambridge (Cambridge UP) 1996, 365 pp.

Folke Tersman, *Reflective Equilibrium. An Essay in Moral Epistemology*, Stockholm (Almquist & Wiksells International) 1993, 144 pp.

Since Rawls introduced the method of reflective equilibrium as a way of developing an acceptable theory of justice, reflective equilibrium approaches have gained prominence in moral theory, moral epistemology and applied ethics. This is to a large extent due to the work by Norman Daniels who has shown how a reflective equilibrium approach may provide for (i) a successful coherentist account of justification, and (ii) a successful method of tackling and solving practical problems.

The key idea behind reflective equilibrium is that in developing and grounding moral theories and in seeking for answers to practical moral problems we bring to bear – in some ordered way – all kinds of moral and non-moral beliefs and theories that may be relevant to the issue. A reflective equilibrium process starts by paying attention to our moral and non-moral beliefs on various reflective levels (particular intuitions, moral principles, abstract theories), and 'testing' various parts of our belief system, by 'confronting' beliefs with each other. In a process of mutual adjustment we seek coherence among all the beliefs that are arguably relevant in establishing a moral theory, in selecting moral principles or in judging on a practical moral problem.

The plain coherentist character of the method of reflective equilibrium has evoked the readily available criticism that there is no independent reason to believe that a process of mutual adjustment brings us one inch closer to credible moral views, instead of moving us back and forward between the perhaps highly prejudiced beliefs in which we initially put credence. What makes us think that the reflective equilibrium thinker is doing better than just refining and systematizing his or her prejudices?

In answer to this no credibility objection Norman Daniels has developed the idea – already manifest in Rawls' work – of a *wide* reflective equilibrium. The idea is to seek coherence among the widest possible set

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of moral and non-moral beliefs – including so-called background theories – by revising and refining them at all levels. In a by now famous article in *The Journal of Philosophy*, Daniels argues that one may pose a simple question to the sceptic who wonders whether the established wide equilibrium of beliefs still does not just build a coherent set of prejudices: what consideration makes you think that this is just a amalgam of cooked up prejudices? What consideration gives you reason to be suspicious? And when the sceptic comes up with this consideration the moral thinker will invite him to throw back in the ring his critical consideration and seek a new wide reflective equilibrium. It seems plausible to suppose that enriching the wide reflective equilibrium in this way contributes to the credibility of the beliefs contained in it.

Daniels article on wide reflective equilibrium and many other important essays on the subject that he has written in the last 20 years have now been collected in a volume with two sections: a section on the epistemological and theoretical questions involved in using a reflective equilibrium approach and a section on 'wide reflective equilibrium in practice' which contains important previously published papers on the problem of distributive justice in health care, including an article on health care needs (which extends Rawls' theory of primary goods to health care), an article on medical necessity, one on equality and one on merit and meritocracy. Some essays – appearing as chapters in the book – have been actualized and changed. Some chapters are compilations of earlier work, e.g. the chapter on the 'prudential lifespan account of justice across generations'. Two new essays are added, each concluding one of the two main sections in the book. The first one is a wonderful and deep study of the consequences of the move Rawls has made into the direction of a political conception of justice as fairness. Daniels describes how this development first appeared to him as a gross philosophical loss, now Rawls had left behind the idea that philosophical argument – along wide reflective equilibrium lines – could be expected to move everyone who can think clearly and rationally about matters to convergence on justice as fairness, regardless of their starting beliefs. But then it became clear to Daniels that politicizing justice could mean an important gain to the method because of the introduction of other coherence producing mechanisms and experiences which enhance the viability of the approach.

The essay concluding the section on wide reflective equilibrium in practice is less moving and interesting, however, mainly because it does not really seem to take seriously the deep methodological disputes which have been prominent in bioethics in the last years. Seeking wide reflective equilibrium, says Daniels, may involve *all* the various philosophical activities

proclaimed by 'principlists', 'theorists', 'contextualists' or 'casuists' to belong to the core of practical ethics: close examination of the details and texture of cases, appeals to principles as a way of providing for a more systematic account of our case-by-case judgments and the development and application of comprehensive ethical theories. Daniels may be right that all these philosophical activities are important, but – then – it seems that doing wide reflective equilibrium requires the reflective powers of the gods, and this was exactly one of the reasons for anti-theorists to turn to casuistic methods. Daniels suggests that we may narrow our reflective efforts – sometimes operating more bottom-up, other times operating more top-down – depending on the problem at hand and our purpose in solving it, but, apart from this suggestion, he does not provide for much insightful methodological guidance that may help the ethical practitioner in choosing and finding his reflective path. He speaks of a kind of 'division of moral labour' but the illustrations he gives do not show how this can be laid out more systematically. It seems as if the reflective equilibrium approach is in some sense more successful as an account of moral epistemology than as an account of moral methodology.

Folke Tersman, in his resourceful and sensitively argued book on reflective equilibrium, would not fully agree with this last observation, as he concludes that the epistemological success of reflective equilibrium approach is only a relative success. Daniels' wide equilibrium answer to the sceptic who thinks that achieving a reflective equilibrium need not bring us moral credibility may be successful, but there are still good reasons to fear that the sceptic is right in claiming that moral beliefs are likely to be significantly less justified than many non-moral beliefs. Coherence and justification is a matter of degree. Whether a moral belief could be regarded as significantly justified is – in coherence terms – dependent on the level of evidential complexity, i.e. the measure to which the belief is evidentially connected with the rest of our belief system. We know, however, that even wise and learned people have held moral beliefs – embedded in rich and complex evidential networks of other beliefs – which after all proved false. Still, there is no hope that other methods of epistemic justification might do better. Moreover, as Michael DePaul has argued, it may be just unfair to expect of any method of moral thinking that it must do all the epistemic work to convince the sceptic. The best that we can expect, says Folke Tersman, is (1) that our method of epistemic justification accounts, or rationalizes our actual argumentative practice, i.e. accounts for common ways of moral reasoning, and (2) that the method cannot be shown to conflict with the aim of epistemic justification: holding true and avoiding false beliefs. It

seems that reflective equilibrium is completely successful on the first, and relatively successful on the second expectation.

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