

CONFLICT

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CONFLICT

The following theses are defended. Conflict has importantly valuable functions, but we obviously need to limit its destructiveness. The efficacy of reasoning together in resolving or restraining conflict is limited; it needs to be supplemented by procedures such as negotiation, compromise, and voting. Despite the urgency of justice, when the resolution or limitation of a conflict needs to be negotiated, the best attainable outcome will often not seem completely just to all parties, and some claims of justice, as seen by the parties, may need to be subordinated to other moral considerations.

I

Framing the Problem. I begin with a quotation from Jesus: ‘Love your enemies’ (*Matthew* 5:44).

Whom *can* I love, if not an enemy? Besides enemies, in a broad sense, is there really anybody there to love? Without another person who is truly other, I am humanly and morally alone in the world. And how truly other are you if you cannot disagree with me in view and will? And how do I know you *can* disagree with me if you never do?

There is a metaphysical analogue of this argument in the philosophy of Berkeley (1948–57, vol. 2, pp. 214–15; vol. 3, pp. 146–7). How do I know that anything exists in the world besides my own mind and its ideas? I know it, Berkeley thinks, because I know that many of my perceptions were not caused by my will, because they were not in fact willed by me, and sometimes occur contrary to my will. And when I find I can interpret them in terms of purposes that are not mine, I may be led to believe I am causally related to wills that are other than mine, and thus that I am not alone.

Be that as it may metaphysically, morally interesting otherness depends heavily on divergence of wills. We would mean less to each other if we could not do things *for* each other. There are at least two ways in which something you do can be done *for* me. Both are important to us.

One way is that you can do something because you think it would be *good for me*. That can be tricky. You may think it would be good for me, but I may disagree. Or I may actually prefer you to do something other than what I agree would be best for me. With reason, we sometimes feel ambivalent, or worse, about people doing what they think would be best for us.

That underlines the importance of the second way in which something you do might be done *for me*, which is that you can do something because I *will* it—because I want it or have asked for it to be done. It would not so clearly be done *for me* in that way if you wanted it too, independently, as much as I wanted it. When you do something just because, or mainly because, I will it, it signifies respect for me, and alliance with me, and calls for my gratitude, in a way that it would not if we did not know that our wills stand in principle in competition, and can and sometimes do conflict with each other. Perhaps there is no enacted interpersonal conflict in this case because you internalized the potential conflict and overcame it in your decision before you acted. But would we be able to do that if we never experienced overt interpersonal conflict?

Thus far I have spoken of the importance of actual and possible disagreement and conflict for much that we value in interpersonal relations. It is important also for much that we value in our *selfhood*. Our selfhood is defined in large part by possible and actual disagreement of views and opposition of wills. That is why, proverbially, children need to rebel in various ways against their parents, or at least to develop disagreements with them, in order to become persons in their own right. It is also a major source of our undeniable fascination with conflict. There is no surer way for a story to hold the attention of readers or audiences than by representing some form of interpersonal conflict—some disagreement, competition, or struggle. For it is in controversies and conflicts that we see characters defining themselves most dramatically, succeeding or failing as persons by standing or not standing up for what they want and believe; managing or failing to love, or at least to honour and do right by each other, across the barriers of conflict.

We find value in disagreement and competition, not only in play and in fiction, but also in earnest. We want children to learn to stand up for themselves. In no small part that is because we do not believe that it is in fact always good to agree with other people's opinions, or to follow their desires. There is perhaps no way in which human in-

dividuals are likelier, sadly, to do something terribly bad than in following a crowd to do evil. It is morally urgent that we learn to think for ourselves and act with moral courage. And we are unlikely to learn to do that without fairly often disagreeing with others and acting contrary to their wills. Moral reformers are not likely to fulfil their vocation if they are too averse to conflict. Even when the crowd is not doing evil, moreover, we may well think that human life is richer, and selfhood more meaningful, where individuals have views, interests and desires that are *not* those of everyone around them. It is hard to imagine creativity without disagreement in thought and deed.

For such reasons, I believe that conflict is not all bad, and that it would be a mistake to wish to eliminate it totally. There is no doubt, however, that conflict can, and all too often does, assume forms that are morally horrendous and cruelly destructive. That is only too evident in the bloody annals of warfare, persecution, and criminal and domestic violence. We should not try to abolish conflict as such, but we have an urgent need to confine it within tolerable and morally appropriate limits and prevent or minimize violence. How can we best do that?

That is the central issue in this paper. I do not pretend to supply a complete solution to it, let alone to answer every question about it. For one thing, I will focus, as philosophers usually have in discussing this problem, on strategies for *morally motivated* efforts at setting appropriate limits to conflict. Such an approach assumes agents who care about morality. It would be naïve to suppose that efforts to deal with conflict in any social context will have *only* moral motives. No doubt many parties to conflicts, and some who seek to restrain conflict, are simply or mainly pursuing their own interests. And there are game-theoretical approaches to thinking about conflict, for which amoral motives are as interesting as moral ones. But moral motives do play a part in human life. It is surely part of the business of moral and political philosophy to consider the strengths and weaknesses of various ways of trying to deal morally with conflict.

In recent philosophical discussion of moral management or limitation of conflict, strategies of trying to achieve agreement by *reasoning together* have held the lion's share of attention. An interest in reasoning is of course both natural and appropriate for philosophers, and I agree that the best ways of limiting conflict will often involve reasoning together. But I am sceptical about the power of rationality to restrain conflict. Some of the most dangerously intractable conflicts are

rooted either in deeply held opposing desires that are unlikely to be uprooted by argument, or in disagreement about issues of principle that seem likely to be permanently contested, in ways very familiar to philosophers. I will return to issues about reasoning in §3.

How else might we hope to moderate conflict and keep it within appropriate bounds? In trying to answer this question I return to my quotation from Jesus: ‘Love your enemies.’ In arguing that we have only enemies to love, I used ‘enemies’ in a broad sense, as I said. In a narrower sense the parties in a morally well limited conflict are not enemies, because they do not hate each other. We might say they are only *opponents*. Perhaps ‘enemies’ is used in both senses in ‘Love your enemies’, referring to people who may indeed be personally hostile to you or even hate you, but whom you are to love rather than hate, though you may in some ways *oppose* them.

That suggests a framework for dealing with conflict. It is a framework in which we focus on finding ways to be opponents without being enemies in the narrower sense—that is, without hating each other, and even while caring benevolently for each other. Being opponents without being enemies involves finding ways of being *for* each other as persons, respecting each other and caring for each other’s good, even though we still oppose each other in various ways. It involves finding ways of integrating conflicts into a fabric of social relationships that are on the whole good. In this framework we will often want agreement, but will want it more urgently on ways of limiting conflict than on the original issues of conflict. Most fundamentally we will want agreement on things we will not do to each other, or to our relationships or the structure of our society, in order to win or prevail in a conflict. We will be interested in practical steps, such as gun control and nuclear disarmament, that make violence less destructive, less easy, and less likely. With such aims we may sometimes have reason to seek a meeting of minds on issues of moral and political theory. But I believe we will generally have more urgent and more hopeful reasons to seek a shared commitment to historically concrete institutions, practices, and patterns of personal relationship that both maintain and limit social spaces for conflict. That is the present paper’s most important thesis about limiting conflict.

II

Democracy. Competitive games demonstrate that a form of conflict can be at the same time a form of cooperation and social union among competitors. Similarly, in typical modern democracies a perpetual rule-governed conflict among political parties is an essential part of a cherished form of political union. Democratic politics provides some of the most vivid and most important illustrations of the main points about conflict made in the previous section.

We tend to believe it is a good idea to vote out of power from time to time the parties and individuals that have been governing. Those who have been in power too long are seen as defensive, too committed to the policies they've been following, which may by now have done most of the good they could do, and insufficiently sensitive to increasingly evident disadvantages of those policies. And power can corrupt; so we want the possibility of 'throwing the rascals out', and we want those who govern to have opponents who are keeping a critical eye on their performance, to keep them honest, alert, and industrious. That depends on the constant conflict among political parties.

To some extent the reasons for wanting such a politics of conflict are rooted in suspicions of each other's liability, and our own, to temptations of greed and laziness. It is good for politicians, and leaders in general, to have critics to check up on them. But even if human virtue were more complete than I see a realistic historical possibility of its becoming, there would remain genuine conflicts among values, and the balance of sensitivities to the different values would predictably differ among individuals, cultures, and social groups. I believe that a society totally lacking in internal disagreement and conflict would be gravely at risk of insensitive and unwise neglect of some of the competing values—just as a human individual with no internal conflicts of feeling and impulse would be in danger of blindness to important values.

Nor are those the only reasons why conflicts have an important place in democracy. The ideal of a totally harmonious society in which conflict is *eliminated* through agreement in beliefs and aims is not only unrealistic; it is an insidious threat to both freedom and justice. It threatens freedom because disagreement of views and competition of projects are a natural result of the free play of human thought and aspiration, and can be suppressed, if at all, only by measures that destroy or severely limit some of our most valued

liberties. The fantasy of a conflictless society is a threat to justice inasmuch as justice has hardly ever been established or sustained without a persistent willingness to ‘rock the boat’ in ways that will be contested by powerful interests. For the sake of freedom and justice, democracy must maintain space for conflicts.

At the same time democracy needs to limit conflict, and has characteristic ways of doing so. One of them, undoubtedly, is free and open public debate about contested issues. It is demanded of those who participate in the debate that they should be reasoning honestly with each other, and public opinion will normally punish those who are seen as insincere or deceiving. As a form of collaboration in the improvement of public decision-making, such reasoning together can strengthen civic friendship. But that does not imply that it usually leads to sufficient agreement to end disputes. Many disagreements survive improved understanding.

Fortunately we have other political mechanisms for limiting conflict. One of them is compromise. When agreement about the rights and wrongs of a conflict remains elusive, dealing with it in a way that is perceived as giving something to everyone, without rendering a verdict against anyone on the merits, may contribute to social peace. Compromise plays a significant part in most forms of politics; it is not distinctive of democracy.

The most characteristically democratic way of deciding issues is by majority (or plurality) vote.¹ This mechanism can be used to register agreement or consensus, but is hardly needed for that purpose. Its most important function is as a way of deciding (for the time being, at least) issues that remain controversial. In that function, I believe, it is a form of ritualized, non-violent combat. What it provides is not a way of avoiding conflict, but of engaging in conflict, while at the same time limiting it.

Who are the combatants in a contest decided by voting? Those who campaign actively for one side or another are obviously among the combatants, in the relevant sense. Candidates running for public office can certainly be regarded as combatants (or, as we say more mildly, ‘contestants’) in an election. What about the voters, as such? We may be tempted to regard them as judges, deciding the issues between the more active campaigners and contestants; and that classi-

¹ This is not to say that majority vote is the *only* method of deciding issues to be found in democracies, nor to deny that constitutional restraints on majority rule, such as those provided by the Bill of Rights in the United States, are desirable in a democracy.

fication may fit voters who were undecided most or all of the time before the vote. Thinking of voters as such and in general as judges seems to me misleading, however, in view of the pervasiveness of conflict in a typical body politic. In voting we do arbitrate political conflicts, but at the same time we commonly enter into the conflicts as partisans to some degree. We *want* the side we vote for to win.

Ideally, judges should be *impartial*, but voters are not in general impartial, nor do the processes of democracy tend to make them impartial. They are free to vote in accordance with their personal interests, and often do so. Voters sometimes make it a point of conscience not to base their vote on self-interest, but to vote for what they believe is right, or best for their country or for the whole world. But that does not make them impartial or non-partisan. For political conflicts typically involve conflicting views about what is right or best, and conflicts between convictions about right and wrong may actually be more resistant to political resolution than conflicts between competing interests. Supporting one of the conflicting views on a political issue is a way of lining up on one side of a conflict.

Non-impartial voting is well suited to one of the main functions of democratic processes, providing space for political conflict without violence. Voting is not a plausible way of determining what is the right or best or most reasonable way of dealing with an issue. It is as easy for majorities as for minorities to be wrong. Nor is it accurate to say that a majority vote as such legitimizes a political outcome by the 'consent' of those governed by it; for a sizeable minority may have expressed opposition to that outcome by their vote. If there is to be a consent of the governed that legitimizes the acts of a democratic government, it must be a much more widespread popular support of the political system or constitution, rather than of particular decisions, about which, in a democracy, there generally remains (and should remain) the possibility of controversy. But voting does provide a non-violent way for all citizens to participate in the political struggles of their society, standing up for their own interests or convictions, with at least a possibility in principle that they may affect the outcome. And if voting is to limit conflict by yielding, non-violently, a decision of those issues that must be decided, in a way that gives weight to each vote cast, the most obviously reasonable procedures are those in which a larger number of votes prevails over a smaller number.

A principal benefit of such a method of carrying on political struggles, and setting limits to them, is that it provides a mechanism

for transferring political power non-violently. A political constitution that has such a mechanism makes possible a ‘loyal opposition’ to a current government and its policies—that is, an opposition that does not threaten violence, and can be distinguished from treason, because it embodies a loyalty to the constitution. This advantage of such an arrangement, in making political struggles possible without violence, provides, I believe, the strongest moral as well as self-interested reasons for parties that disagree strongly on other issues to support a democratic constitution, and to limit their political actions in accordance with it.

III

Reason. No recent proposal for using reason to deal with political disagreements and conflicts has attracted more discussion than John Rawls’s idea of ‘public reason’. The idea is part of a proposal for achieving political consensus by setting aside moral disagreements that are not directly political, keeping them on the sidelines during political discussion. Two other ideas Rawls uses—those of ‘comprehensive’ doctrines and conceptions, and of ‘overlapping consensus’—are important for understanding the proposal.

Rawls envisages a political society that has within it citizens and groups of citizens holding diverse and incompatible views on fundamental moral and religious issues. He usually refers to the latter as ‘comprehensive’ views; but he acknowledges that in many cases they are only ‘partially comprehensive’—comprehensive only in the (perhaps misleadingly) thin sense that they include moral opinions on non-political as well as political topics. More precisely, they include ethical views on other topics besides ‘the basic structure of a constitutional democratic regime’ (Rawls 1993, p. 175).² Diverse views that are comprehensive in even that sense clearly can (and fairly often do) generate conflicting conclusions on some political issues. Despite such diversity, however, a political society that is not excessively coercive, but is indeed ‘liberal’, ‘democratic’ and ‘well ordered’, must have institutions and practices in which an overwhelming majority of the citizens freely and conscientiously acquiesce. In all that I have no quarrel with Rawls.

² I will generally use ‘comprehensive’ here in Rawls’s sense.

The route to agreement on a political order that Rawls proposes for the kind of internally diverse society that he envisages goes by way of an 'overlapping consensus'. This is a consensus among people who adhere to different comprehensive doctrines. It is not formed by compromise among the comprehensive views, with each party politically accepting, but not sincerely approving, something important to others. Rather, all find in their own comprehensive doctrines, incompatible though they are in some other respects, reasons for embracing shared political values and a single shared political system (Rawls 1993, pp. 15, 39–40, 150–4). For example, a guarantee of freedom to believe and practise any religion or none might be valued and supported by some theists because they believe that God does not want anyone's conscience to be forced, and by some hedonistic utilitarians because they believe that denying such freedom causes unnecessary suffering. The overlapping consensus is thus an agreement on political conclusions among people who do not agree as to what are the deepest reasons, moral or religious, for the conclusions. The comprehensive doctrines are to be sidelined in political discussion, but not irrelevant to it. Rawls hopes that they will support a purely political consensus in such a way that there is no need to invoke them in political discussion.

This hope hardly engages the idea of public reason, however, until we ask more about how the overlapping consensus works. In particular, what is the consensus about? The minimal answer to that question is that the consensus is about the *constitution* of the political society. Rawls points out that shared acceptance of a constitution brings in its wake a kind of shared public reason, albeit of limited scope, inasmuch as it requires a shared basis for legal reasoning in interpreting and applying the constitution (Rawls 1993, pp. 161–2). Rawls does not deny that such a merely constitutional consensus 'may be sufficient for [some] purposes and far easier to obtain'; but it is much less than the consensus that he thinks a really well ordered liberal democracy would have. In particular, the full overlapping consensus would be *deeper*, grounding the basic structure of the society on 'a political conception of justice', or on a family of such conceptions (Rawls 1993, pp. 149–50, 164).

This 'depth' of overlapping consensus has a crucial role in Rawls's conception of the public reason of a liberal democracy. Political conceptions of justice are the middle layer of a three-layer cake, so to speak. The top layer does not go much deeper than the merely con-

stitutional consensus. It is just a consensus supporting and approving of the institutions and practices that constitute a particular democratic political and social order. The deepest reasons that members of the society have for supporting and approving of those democratic arrangements make up the bottom layer. To the (probably large) extent that the bottom layer reasons are found in citizens' diverse comprehensive views, they are not purely political and can hardly be shared by the whole society. But the top layer does not rest directly on the bottom layer. Between shared approval of particular political arrangements and any non-political deepest reasons supporting such approval come conceptions of justice that are purely political and can be shared by the whole society. What the deepest reasons are supposed to support directly are the conceptions of justice, which in turn are supposed to be distinct enough from evaluations of particular institutions and practices to provide non-circular reasons for such evaluations. It is the middle layer that gives the society a public reason—that is, a shared way of reaching and justifying its most basic political decisions, on the basis of shared reasons. Or so I read Rawls as supposing (1999, pp. 145–6; 1993, pp. 212–13).

I am sceptical about the middle layer of the cake. In the final version of Rawls's idea of public reason, the conceptions of justice in the middle layer, though not comprehensive in his technical sense, because they do not go beyond purely political concepts and doctrines, are 'complete' in an extremely demanding sense.

This means [as Rawls says] that each conception [of justice] should express principles, standards, and ideals, along with guidelines of inquiry, such that the values specified by it can be suitably ordered or otherwise united so that those values alone give a reasonable answer to all, or nearly all, questions involving constitutional essentials and matters of basic justice. (Rawls 1999, pp. 144–5)

We should not suppose that such a conception provides an *algorithm* for drawing political conclusions. There will be competing interpretations of any conception of justice, and there will still be a role for reflective equilibrium among competing considerations. But each political conception of justice will provide 'an adequate framework of thought in the light of which the discussion of fundamental political questions can be carried out' (Rawls 1999, p. 145).

If there were overlapping consensus on a single complete political conception of justice, then a rather definite and well worked out

form of reasoning would play a pivotal part in the resolution of political disagreements. But surely the history of political philosophy to date suggests that even without religious differences, such a consensus could not reasonably be expected. Nor does Rawls in the end expect it. Rather, he allows a family of related but somewhat diverse 'liberal' conceptions of justice in the middle layer of the cake. As I read Rawls, it is not of the body politic, but of the conscientious individual political agent that he demands commitment to a single complete conception of justice. In society as a whole, Rawls seems really to hope for overlapping agreement on no more than a less sharply defined and less precisely ordered set of 'liberal' political considerations or 'values' that would be common to a family of purely political conceptions of justice.

I will develop here three objections to the ideal of public reason, so understood: first, that there is not a compelling reason for insisting on the sort of middle layer consensus that Rawls advocates; second, that his ideal of political reasoning for individual political agents is unhelpfully unrealistic; and third, that a systematic sidelining of comprehensive doctrines is not the most helpful approach in fostering mutual respect and civic friendship.

(I) A middle layer consensus as loose as Rawls actually advocates may be both possible and desirable in a liberal democracy. But it hardly assures agreement in rationales that may be given for a consensus on the top layer. For that reason it is hard to see a strong objection to bypassing the middle layer of the cake by seeking overlapping consensus directly on top layer evaluations of particular institutions and practices. So long as all parties to the consensus can sincerely accept those evaluations, why should we worry very much about failure to agree on the *reasons* for them?

To take an example that Rawls discusses, many nineteenth-century abolitionists argued for the abolition of slavery on explicitly religious grounds drawn from their own comprehensive views.³ Is there any compelling reason why they should have avoided doing that? One of Rawls's motives in demanding that political agents have purely political justifications for their actions and stances is the thought that holders of comprehensive views different from one's own should be respected as equal partners in the political life of the society. He thinks such respect should lead one to try to act always

³ He discusses the example in Rawls (1993, pp. 250–1; 1999, pp. 154–5).

with a reasonable belief that holders of any reasonable comprehensive view could see it as reasonable to regard one's action as justified (Rawls 1993, p. 226; 1999, pp. 14, 138).

That is an appealing aspiration. But couldn't one reasonably believe that all reasonable citizens could see it as reasonable to regard the abolition of slavery as justified (and indeed morally required), whether or not there is a single *argument* for abolition that all could find it reasonable to regard as compelling? Among more general principles of freedom and equality that are precise enough to be of much use in argument, is any more compellingly plausible than the thesis that slavery is wrong? Why couldn't one be content with an overlapping consensus on the moral necessity of abolishing slavery, without such a consensus on any single argument for abolition?

(2) The ideal, for individual political agents, of commitment to a *complete* conception of justice seems to me extremely unrealistic, involving a level of intellectual articulateness and broadly philosophical sophistication that might perhaps be reasonably demanded of judges, but probably not of public officials in general, and certainly not of voters as such. Except perhaps in strictly judicial contexts, moreover, I think it is morally unwise to insist that ethical positions, political or non-political, be sufficiently justified by intellectually articulate reasons alone, no matter how articulate we may be. We should not exaggerate the role of articulate reasons in our capacities of moral judgement. The moral judgements of ethically competent adults normally have direct inputs that are not articulate reasons, but include feelings, desires, and experiences, such as perceptions of the feelings and desires of others. If the adults in question are religious, some of the inarticulate inputs may derive from practices of worship or meditation, or reading and interpretation of religious scriptures, or response to religious images and stories. It is very likely impossible for many or most of us in some political contexts to make moral judgements that seem reliable to us that do not have part of their basis in inarticulate inputs shaped by comprehensive views that we could not reasonably expect all our fellow citizens to share. That being so, I believe we are likelier to see clearly, and judge wisely, regarding possibilities of overlapping consensus, if we are quite open with each other, in public discussion, about our different comprehensive doctrines, their associated practices, and their bearing on political issues.

(3) For such reasons I believe that in seeking the sort of overlapping consensus that a well ordered liberal democracy needs we will

do well to direct at least as much attention to qualities of social relationship among citizens as to the form and content of their articulate reasoning. What is perhaps most important in dealing well with political conflict is that we should respect and support each other as persons. Rawls's account of public reason, it should be noted, is not without attention to qualities of personal interaction in political contexts. He says, for instance, that the ideal of public reason 'expresses a willingness to listen to what others have to say and being ready to accept reasonable accommodations or alterations in one's own view' (Rawls 1993, p. 253). Such a willingness is surely important for maintaining civic friendship in the midst of political conflict.

More broadly, it is surely important for the mitigation of political conflict that citizens be 'reasonable', as Rawls puts it, in their dealings with each other. I take that to mean, primarily, that one should be appropriately responsive, not only to one's own reasons as seen from one's own point of view, but also to the reasons of the other people involved and the perspectives in which they view them. It is surely reasonable in this sense, and respectful of one's neighbours, to seek political solutions that holders of all reasonable comprehensive views could regard as justified. There is an obvious and powerful objection to the reasonableness and respectfulness of advocating political solutions that one knows could seem reasonable only from the standpoint of one's own comprehensive view.

But I doubt that sidelining our divergent comprehensive doctrines in political discussion will help us to be more reasonable or more respectful toward each other. It is neither reasonable nor respectful to assume that we can make adequately informed ethical evaluations of political positions without understanding or reflecting on relevant aspects of our neighbours' comprehensive views. I think we can do better in our reasoning together if we acknowledge and respectfully address each other's non-political as well as political values and ideals, allowing non-political moral and religious identities to come out of the closet, so to speak. Such attention to each other's religious and moral views can be a way of furthering or seeking overlapping consensus, as well as expressing mutual respect.⁴ Moreover, the self-defining and self-affirming function of participation in conflict

⁴ Rawls does not wholly disagree. He proposes a form of discourse that he regards as non-public but potentially helpful and calls 'conjecture'. He suggests offering respectful, sincere, and non-manipulative conjectures about reasons that may be found in other people's comprehensive views for political conclusions that one supports (Rawls 1999, pp. 155–6).

suggests that people and groups will be readier to listen to others and to participate in reasonable compromises if they feel that they have adequately expressed, and ‘stood up for’, their convictions, concerns, and allegiances, and that they have been heard, than if they feel that their self-expression has been suppressed or ignored.

IV

Justice. My discussion of Rawls in §3 hardly addresses his main concern. I focused there on the question how conflict may best be confined within minimally destructive and morally appropriate limits. Rawls’s account of public reason is only secondarily addressed to that question. His primary question is how to deal *justly* with conflict. Those are not unrelated questions, but they are distinct. In this fourth section I address issues about justice in dealing with conflict.

Certainly we should all aspire to act justly, and we should wish to see justice done. It would be wrong to cast these concerns aside in dealing with conflict. But it is not in general a simple matter to do justice in conflictual situations. I believe that we need much more than conceptions of justice as moral resources for dealing with conflicts. We need other types of moral concern too; and the parties will sometimes need to set aside some considerations of justice, if conflicts are to be resolved or limited in morally desirable ways.

It may be illuminating, in this connection, to look at two related features of the way in which Rawls sees public reason as working to assure that conflicts are treated justly. The first is that a decisive phase of the process is monological rather than dialogical. Rawls does say, as I have noted, that the decisions of reasonable political agents are to be informed by dialogue with representatives of diverse points of view. But public reason is not a method of negotiation. I am to decide on my own political actions, guided by my own political conception of justice. The monological aspect of the process is clearly visible in Rawls’s formulations:

The point of the ideal of public reason is that citizens are to conduct their fundamental discussions within the framework of *what each regards* as a political conception of justice based on values that the others can reasonably be expected to endorse and each is, in good faith, prepared to defend that conception so understood. This means that

each of us must have, and be ready to explain, a criterion of what principles and guidelines *we think* other citizens ... may reasonably be expected to endorse along with us. (Rawls 1993, p. 226, italics added)

In other words, a citizen does not need actual agreement of any other citizen in order to act reasonably, and with a reasonable assurance of acting justly. She needs only to be reasonable in *thinking* that others *ought* to endorse (or at least to see her as reasonable in endorsing) her principles, guidelines, and the values of her conception of justice, on which she acts (Rawls 1993, p. 253). It is in order to be as assured as possible of being reasonable in that way that the individual political agent is to have a *complete* political conception of justice.

What a process that is monological at the decision stage does not seem to provide is a method for resolving or limiting conflicts between distinct persons or groups. At this point the second feature of the operation of public reason to which I alluded comes into play. That is that public reason is conceived primarily as operating in processes of political decision-making that can and commonly do *impose* limits (or even outcomes) on conflicts. It is largely because political agents are participating in a process of deciding how the coercive power of the state should be used that Rawls thinks they should take care to use guidelines designed to assure justice and impartiality among the various comprehensive views that citizens hold.

Rawls explicates the concept of public reason primarily as part of what he calls 'ideal theory', and first of all in his account of an ideally just state. He then extends the concept of public reason to international relations in sketching a 'realistic utopia' of 'reasonable peoples'. His accounts of reasonableness, conflict, and many other political concerns, in less ideal contexts are much less completely developed.

The focus on ideal theory fits Rawls's conception of justice as primarily a property, not of individual actions or characters, but of the basic structure of a political society (Rawls 1993, pp. 257–9). So conceived, justice is certainly an ideal condition of societies. This conception of justice has proved, I think, to be a useful framework for dealing with many issues in political philosophy. But it may have limited usefulness for dealing with conflicts, since situations of conflict are often very far from ideal. They may afford no path to an ideally just situation that is short enough or promising enough to

have a reasonable claim on the most urgent present efforts of parties to the conflict. The idea of a 'just war', for instance, has figured in much valuable writing on the ethics of war. But I fear that the terminology of justice in such a context is a temptation to self-righteousness, and a 'good guys versus bad guys' mentality, which in turn may seduce us into acts of the greatest inhumanity. It may be wiser, in thinking about ethical constraints on warfare, to focus on limiting its destructiveness, without pretending that war can establish anything so ideal, morally, as justice.

Part of the attraction of focusing on ideal states and ideal societies of reasonable peoples is in their supposed ability to impose resolutions or limits on many conflicts and to assure procedurally that what they do is just. To the extent that a justly organized society can impose outcomes on conflicts, it may be thought that the conscientious individual political agent acting within such a structure does not need to worry about *negotiating* outcomes but can focus on deciding what she thinks is most just and acting accordingly.

In many cases there is good reason to want outcomes to be imposed by a just political system. Claims of justice are commonly controversial, and we should all be somewhat sceptical about our ability to make reliably right judgements about such claims when acting as judges in our own cause. For this reason, in many cases, hopes of achieving justice must rely heavily on having legal systems in which controversies can be resolved by neutral judges who are decisively governed by considerations of justice, or of legality in relation to laws that are substantially just, or approximately so.

But we cannot expect, and should not wish, all conflicts to be resolved by such judicial processes. Even the best systems of human laws are only approximately just, and even the most conscientious neutral judges will sometimes err in their judgements, or find no way of avoiding some measure of arbitrariness. The administration and use of judicial systems is expensive too, and stressful and time-consuming, and sometimes inordinately so. It is not surprising that such processes are often short-circuited by settlements negotiated between the parties themselves.

When settlements are *negotiated*, the parties certainly have a moral obligation to try to be fair to each other. But negotiating a settlement is fundamentally different from deciding what is just. Agreement about who was right and who was wrong about what can be a major contribution to justice and peace, but in many cases

such agreement is unattainable and insisting on it will kill chances of a settlement. The realistic goal of negotiation in such a context is not an agreement about justice, but an outcome that the parties are willing, in the circumstances, to live with. Convictions about what is just are commonly, and sometimes rightly, very resistant to change. In resolving a conflict our own views about what is just may be part of the problem; but it will often be much less clear to us that we ought to change them than that we ought morally to want an outcome that offers some advantage to all parties, and not only to ourselves.

Although an outcome that offers some benefit to all is likely to have thereby a sort of fairness, a negotiated outcome is likely not to satisfy all the claims of justice in which the parties severally believe. And because the outcome is negotiated rather than imposed, the parties in such a case cannot simply and consistently pursue the goals that they believe to be most just, but must participate voluntarily in deciding jointly on an outcome that they individually believe to depart significantly from justice. That is obviously uncomfortable for people who care, as we should, about justice. But cases in which it is best to negotiate a settlement are typically cases in which a concern for justice must be supplemented, and to some extent superseded, by other concerns, and ideally by a respectful concern for the good of all who are involved.

Many important conflicts, including probably the most dangerous ones, cannot be settled peacefully except by negotiation because they are between parties, such as sovereign states may be, that have not subjected themselves to a system of neutral judges and laws. Without mutually accepted neutral judges, there is usually little chance of resolving a conflict by a decision about what is just, for reasons such as I have laid out. The parties need rather to find an outcome that offers sufficient benefits to all of them—an outcome with which they can all live and flourish in peace, though surely not altogether without future disagreements. These latter considerations too can be seen in some perspectives as considerations of justice, but giving them priority may involve a shift of focus from disputed claims of justice in which the parties passionately believe.

Especially when conflicts between states or ethnic groups have long and violent histories, there are usually more than enough wrongs to go around, more than enough wrongs that have been committed by each side against the other. Such a history heavily en-

cumbers peacemaking processes. And heavier even than the burden of too many wrongs is that of too many rights. More precisely, there are likely to be claims of right on all sides of the conflict that are separately plausible but cannot all be satisfied. It can be very difficult—even morally difficult—to give up such claims.

In such a context, if the parties are to succeed in resolving their controversies sufficiently to enter into a lasting peace, they will have to turn their backs on some claims of entitlement rooted in past history. Or at least they will have to subordinate them to other considerations. For their central task is not solving a problem in justice theory, but finding a way in which they can relate to each other peacefully, freely, and as well, in general, as they can. And justice will be only one of several dimensions of moral success or failure in this context.⁵

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REFERENCES

- Berkeley, George 1948–57: *Works*, 9 vols., ed. A. A. Luce and T. E. Jessop. London: Nelson.
- Rawls, John 1993: *Political Liberalism*. New York: Columbia University Press.
- 1999: *The Law of Peoples, with 'The Idea of Public Reason Revisited'*. Cambridge, MA: Harvard University Press.

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