

Structuring Dialogue

Pierpaolo Marrone

Università di Trieste

Dipartimento di Studi Umanistici

marrone@units.it

ABSTRACT

In this paper I offer some observations on the liberalism of Ackerman and I interpret it as a mixed method of solution of the problems of rivalness of goods by means of a set of dialogical norms.

KEYWORDS

B. Ackerman, liberalism, neutrality, dialogue, equality

1. I would like to highlight some elements of B. Ackermann's theory of social justice, as it is set out in his *Social Justice in the Liberal State* (henceforth *SJLS*) and, especially, in his theory of distributive justice. Ackerman's theory is interesting since it promises to describe a possible justification of liberal state, starting from some, as it were, minimalistic assumptions.

The first feature of a theory of social justice –as opposed to a theory of moral justice as in Nozick's thought– is the reference to some structural principles. This reference to a set of structural principles is necessary in order of making interpersonal comparisons between at least two different agents at a given time or, in general, between the different states raising from the distribution of social goods. For example, pursuing social equality means to make use of a structural principle. Of course, it is the same with act-utilitarianism, rule-utilitarianism, the maximin criterion, Gauthier's theory of strategic cooperation, and so on. To enforce a structural principle we must know two things: (a) which set of outcome, amongst the possible ones, has to be preferred; (b) which values must be held as a real pay-off for individuals. From this viewpoint, Ackermann, like Rawls, describes a structural theory of justice. The difference is that in Rawls's case, when we are negotiating under the veil of ignorance, we are already in a social contract situation, where we already know that every future pay-off is contingent upon the fact that the social agents are agreed on the importance a certain number of goods, the so-called primary goods (incidentally, it is well-

known that it is part of the primary goods the basis for self-respect, that is the self-knowledge of an agent as a moral person).

2. From Ackermann's perspective, social contract is a useless intellectual artifact. All we need is a set of conversational rules –*rationality, convergence, neutrality*. The application or, better to say, the lexicographical application of these rules makes sure that the outcomes of cooperation –what in Ackermann's fiction is a fictional ubiquitous good, which represents goods in a situation of natural scarcity– are translated into the language of the monetary outcomes, health, education, and, surprisingly enough, into the acceptance of a general framework of liberties and political obligations, that we are get used to think as incorporated into liberal-democratic institutions. To know how to enforce distributive justice Rawls turns to maximin concept in the general conception of justice and to lexicographical order of the principles of justice in the special conception. Ackermann, from the beginning, turns to *undominated equality*. Undominated equality requires only that we are enjoying the condition to be a part of the dialogic exchange. So, equality as far as is the main condition of a dialogue aspiring to neutrality is a yardstick for a structural approach to justice.

There is a second main feature that is shared both by Rawls and by Ackermann, maybe, more evident in Rawls's construction than in Ackermann's theory. While both Rawls and Ackermann try to rule out every intuitionistic result from their procedural approaches to justice, they have to persuade the reader that the uniqueness of the starting-point –original position or undominated equality as a part of the dialogic exchange– is a guarantee that the same uniformity is somehow passing on to the ideal finishing line.

Rawls is explicitly worried to avoid social conflict from his analysis of liberal institutions, and since social conflict mainly arises from disputes on distribution of resources, he tries to explain how to reach an outcome compatible with our social framework –a framework based upon the division of the classes–, but that is not destructive of the social order. For Ackermann, too, shaping an acceptable form of social conflict is one of the aim that social philosophy tries to pursue and justify. The principles of liberal dialogue seem to be the main instrument to state the priority of neutrality, that is of undominated equality. But this strategy is valid for us, now, from our historical, Western-based view-point. If in the next future we could discover another set of strategies, well, we would have come to a new phase of the liberal theory.

Would we have to take seriously such a prudent way to affirm the priority of liberal neutrality? I do not think so. My opinion is that the principles of dialogue are shown in a decreasing order of generality, but in a reverse order of importance.

Rationality is a very general requirement, defined as follows. “whenever anybody questions the legitimacy of another power, the power holder must respond not by suppressing the questioner but by giving a reason that explains why he is more entitled to the resource than the questioner is” (*SJLS*, p. 4). *Convergence* is less general than rationality, because it requires to have a coherent set of believes through time and not contradictory believes. *Neutrality* is less general than convergence because it refers directly to one agent’s reasons, prescribing that “no reason is a good reason if it requires the powerholder to assert: (a) that his conception of the good is better than that asserted by any of his fellow citizens, or (b) that, regardless of his conception of the good, he is intrinsically superior to one or more of his fellow citizens” (*SJLS*, p. 11).

What is interesting to know is if the principles of neutrality goes with or without a substantive content. In Ackermann’s theory I guess we can find two different strategy of defense of neutrality. The first one is a strict interpretation of neutrality. The second one is a more relaxed interpretation. I will try to show that the first interpretation is neither consistent with the uniformity required to a structural theory of justice nor with undominated equality. The strict interpretation simply state that since “I am at least as good as you are”, you cannot pretend to have a greater quantity of goods or if you can, you have to justify your pretension deriving it from the principles of liberal dialogue. What happens when I pretend to a greater quantity of public goods than yours? The assumption is that since our conceptions of good, of what is worth to pursue during a human life, are not ‘out there’, waiting for us to decide which one is the ‘true’ conception of good, we must stop to search a measure of their comparative value. But the fact that we can sometime trace a line of division amongst different and competing vision of goods, abstaining from a decision on which one is the ‘better’ one, does not mean that we are gotten clearer on how to distribute public goods. Maybe we would believe that, once accepted the plurality of different ways of living, we are giving concreteness to the liberal ideal of ‘unforced agreement’. What it is sure is that this line of reasoning is on a pair with the liberal struggle against paternalism.

Nevertheless, once we have agreed upon the impossibility to find a rationale to put in order –and it would be necessarily a lexicographical order– our competing *Weltanschauungen*, we cannot say, at the same

time, that we have a rationale to put in order their different pretension over goods. If we are adopting a relaxed version of neutrality, we have to say that a peculiar set of distribution is to be preferred over another set, but that this is not a neutral outcome. If the story we are telling about liberalism is open-ended, we must prefer a neutral starting-point. But a neutral starting-point is unsuitable for preferring a peculiar distribution of the goods. So, there is no reason to exalt equality as a pure procedural effect of neutrality. Undominated equality is neither a direct nor a side-effect of neutrality for this reason: because equality is a value. If we are arguing on the basis that neutrality is a matter of procedure –and not a matter of value–, then we cannot derive a value from it. But, if we, from the beginning, have decided that neutrality is a value, then we can have two possible cases: (1) it is an intrinsic value; (2) it is an instrumental value.

(1) If it is an intrinsic value the problem is to show that equality is embedded in neutrality. But this is the same to say that the assertion ‘neutrality is about equality’ is an analytical assertion. But, unless we are Platonic, we know that the attribution of meaning is a matter of agreement. So, the link between neutrality and equality is contingent.

(2) If we think that neutrality is an instrumental value, a value needed to pursue or to reach another value, we have already decided that the other value is an intrinsic one. In doing so, we have built a lexicographical order and to have this kind of order in mind is not to have a neutral stance about social cooperation.

If we are adopting a looser and more relaxed interpretation of neutrality we have to introduce at some point a shared notion of equality. But the result is the same as above. Every formal notion of equality is a matter of signing a contract about a social meaning. Besides, even when we have permitted the intrusion of a yardstick to define equality we cannot be sure that we are going to have one set of possible outcomes. From the side of a theory of justice, we shall have an appropriate account of future payoffs as far as we could cut the semantical variety of meanings. Nevertheless, we have here two problems. First of all, the uniformity of outcomes is undermined *via* the possibility of refusing our yardstick. Why could we choose an equal portion of ‘ackermanian-manna’ or equal resources rather than equal time sharing, equal utilities, equal opportunities or other rationale such as the happiness of the greatest number? In this last case, we can say that a kind of equality has been preserved, since the ambition of the utilitarian criterion is to treat people equally. Secondly, the problem of conflict is an internal feature of every distribution of goods, so we cannot hope to avoid it looking for an external measurement of equality.

Why is it an internal problem of distribution? Most public goods interactions are characterized by a certain degree of rivalness. It is usually said that a good is rival to the extent that the consumption of a unity of the good by one individual decreases the benefits for others who consume the same good. In the case of a perfect divisible good the consumption of a particular unit prevents any other individual from consuming it at all, so that there can be no question of benefiting from consumption. In this case we may say that the good is perfectly rival. Where there is some degree of divisibility, consumption reduces the amount available to other. This is the same as saying that where there is some degree of rivalness, consumption reduces the benefits to other consumer, bringing out the point that rivalness is strictly speaking a property of individuals, that is of their utility functions, not of the goods themselves. Broadly speaking, there are two sorts of solution of collective action problems, internal solution and external solutions. Internal solutions neither involve nor presuppose changes in the game, – for example, specifying how much of the public good can be produced with a given contribution, or the preferences of the players or more generally their attitudes and their beliefs, including expectations. External solutions, on the other hand, work by changing the game, that is changing people's possibilities, attitudes, and beliefs. The changes do not necessarily originate outside the group of individuals who have the collective action problem. Someone thinks that where an internal solution is forthcoming, there was no problem there to solve. For example, if the problem is correctly modeled as a dynamic game consisting of an iterated Prisoners' Dilemma, as a consequence the outcome produced by rational egoists –without any external assistance or other interference– would be mutual cooperation throughout the game, then it could be said that preferences –including inter-temporal preferences– are such that there is no collective action problem. All the external solutions presuppose the solution of other problems, always of collective action problems. Many of them, for example, involve the use of threats and sanctions and the creation and maintenance of the sanction system entail solutions of collective action problems.

When we are thinking to a social agency which can enforce the patterned distribution of goods, we are operating through an external solution of the collective action problem, while a typical internal solution is an appeal to a shared sense of community. Ackermann's strategy is a mix of external and internal solution. The most part of his theory seems to be external, because of his appeal to a set of rules which can solve the conflict between different systems of norms. The social game is typically conceived as a bargaining-game. But, clearly,

Ackermann's bargaining is not merely a matter of bargaining strength, with no place for norms. Sometimes, it could happen that one actor believes so strongly in norms of fair distribution that the other actors are constrained, sometimes by short-sighted interpretation of their self-interests, to accept outcomes dictated by norms, but this is not the normal case in a liberal society, while it can be normal in totalitarian society. Liberal society is a place for regulating conflicting norms. We often forget this and insist on the aspect of social order or in the rhetoric of the harmony produced by an invisible hand. In Ackermann's view there is a kind of harmony, the harmony of dialogue which is external only in our reconstruction. As a matter of fact, it is an internally-morally-based constraint to determine that the different social distributions are fair because of their being adequate to the outcome of rational dialogue, while they are a contingent point of equilibrium in a regulated struggle within a shared value: preserving and extending freedom.