EuJAP | Vol. 9 | No. 1 | 2013
1 Gaus, G.
172
321.01
329.12:1

GERALD GAUS AND THE TASK OF POLITICAL PHILOSOPHY[1]

GIULIA BISTAGNINO
University of Milan

ABSTRACT

In *The Order of Public Reason*, Gerald Gaus defends an innovative and sophisticated convergence version of public reason liberalism. The crucial concept of his argumentative framework is that of "social morality", intended as the set of rules apt to organize how individuals can make moral demands over each other. I claim that Gaus's characterization of social morality and its rules is unstable because it rests on a rejection of the distinction between the normative and the descriptive. I argue that such rejection is motivated by certain practical aims Gaus wishes his theory to achieve. His method and his idea that morality needs to be understood both as the dictate of impartial reasoning and as a social and historical fact come from the need for his theory to perform the task of settling the problem of order. I discuss Gaus's philosophical attitude and, finally, distinguishing between "therapeutic" and "evaluative" approaches, I present some points of discussion for understanding the role and scope of political philosophy in general.

Keywords: Gerald Gaus, social morality, descriptive/normative, political philosophy, method

Introduction

Since Rawls's turn towards the issues of legitimacy and stability, *public reason liberalism* has been the most influential position in the philosophical debate concerning the problem of social cooperation and reasonable pluralism, namely of how individuals holding different views and beliefs can live together in a stable and harmonious society. The core of this account relies on the idea that, since political authority must in some sense rest on the free consent of those subjected to it, coercion must be justified to all citizens with reasons they can reasonably be expected to accept. Despite sharing such a strong commitment to the notion of public justification, theorists within the public reason front differ in their proposals and, in recent years, the internal debate has focused on the conception of those reasons shaped to do the justificatory work. In particular, two different models have been put forward: a *consensus* approach and a *convergence* one. Gerald Gaus's *The Order of Public Reason A Theory of Morality in a diverse and bounded world* (OPR from now on) represents, without a doubt, the most important and sophisticated attempt to develop a convergence theory of public reason on the philosophical market.

1 For helpful comments and valuable feedback, I thank Antonella Besussi, David Enoch, Francesca Pasquali, and an anonymous reviewer for EuJAP.

Gaus's book is a rich, long, and very ambitious project. It is an attempt to provide an accurate and compelling account of public reason liberalism by defending a theory of how citizens, throughout rules and practices, are to issue moral demands on each other. In this sense, the focus of such an account is the relation among citizens and what they owe to each other, to put it in Scanlon's well known formula. In developing his conception of public reason, Gaus examines and discusses a number of extremely relevant topics in the philosophical literature, including the role of instrumental rationality in morality, the relation between reasons and emotions, moral indeterminacy, the problem of punishment and blame, civic and property rights, among many others. In what follows, I leave these interesting and stimulating discussions aside and I concentrate on Gaus's view of the method of political philosophy. Although Gaus's goal in OPR is to defend a peculiar theory of public reason, he does not shy away from discussing methodological matters and retains a strong perspective on the issue. I think one of Gaus's merits is to have taken the question "what is political philosophy?" seriously and to have attempted to provide a clear answer to it. Indeed, it is possible to spot how the evaluation of contemporary methodological trends appears to be one of Gaus's main concern and a recurrent theme throughout the book, thus it should not surprise that OPR begins with some distress about how political philosophy is currently practiced. In the preface, Gaus denounces the ineptitude of those common and mainstream approaches that seek to defend one particular theory as true and end up eschewing the complexity of moral questions and phenomena. He, on the contrary, advocates for a philosophical attitude "sensitive to the fact that the complexity of the moral and social world cannot be captured by one value, one method, or one school" (Gaus 2011, xiv). Such an approach, which Gaus labels *foxy* following Berlin's famous distinction, represents an attempt to pursue a broad and diversified method intertwining both normative and positive considerations.

In what follows, I try to cast some doubts upon Gaus's approach to political philosophy and raise some questions about the aims of the discipline in general. Although I do not hold that seeking to integrate empirical and formal work with moral and political philosophy is unsatisfactory *per se*, I argue that Gaus's method in OPR is problematic in its attempt to bridge the gap between the normative and the descriptive domains. For this reason, in the first section, I focus on Gaus's idea of "social morality", intended as the set of rules apt to organize how individuals can make moral demands over each other. I try to show some inconsistencies and difficulties in Gaus's characterization of the rules of social morality and contend that they are the result of the rejection of the distinction between the normative and the descriptive. In section two, I argue that such a method is directly derived from certain aims Gaus wishes his theory to achieve. As I try to show, his modus operandi and his idea that morality needs to be understood both as the dictate of impartial reasoning and as a social and historical fact come from the need for his theory to perform the task of gaining *reconciliation*[2] and settling the problem of order. Finally, I draw some conclusions and raise some points of discussion

2 According to Rawls, political philosophy's task of reconciliation is "to calm our frustration and rage against our society and its history by showing us that the way in which our institutions, when properly understood from a philosophical point of view, are rational, and developed over time as they did to attain their present, rational form" (Rawls 2001, 3).

for understanding the role and the scope of political philosophy in general. In this sense, my arguments focus on Gaus and are meant to challenge his conception of social morality and of political philosophy as presented in OPR. However, my intention is to take that of discussing Gaus's work as an opportunity to tackle a broader question about how political philosophy should be conceived. Given Gaus's explicit interest and intense engagement with such broad issues, I consider OPR a perfect starting point for such a discussion.

1. What is Social Morality and Can Gaus Have it All?

Despite his desire to defend a *foxy theory*, Gaus admits to be also a hedgehog in the sense of being concerned with one central question: "can the authority of social morality be reconciled with our status as free and equal moral persons in a world characterized by deep and pervasive yet reasonable disagreements about the standards by which to evaluate the justifiability of claims to moral authority?" (Gaus 2011, xv). The nature of this problem is aligned with public reason theorists' worries about the possibility of existence and persistence of a society in which citizens deeply disagree about morality and all other sorts of things[3]. However, Gaus fills an innovative element in the picture by introducing the concept of *social morality*, which represents the basic element of Gaus's entire argument. The idea is that liberals should not be concerned only with political authorities and institutions because social practices may equally threaten personal freedom if individuals are *authoritarian* towards each other. Gaus's thesis is that if those social rules governing the social practices used to issue demands among persons are authoritarian, in the sense of demanding individuals to act in ways they do not have sufficient reasons to comply with, a moral order cannot be achieved. "A social order that is structured by a non authoritarian social morality is a free moral order: a moral order that is endorsed by the reasons of all […]. Only if we achieve an order of public reason can we share a cooperative social order in terms of moral freedom and equality" (Gaus 2011, xvi). Thus, the goal is to justify social morality to all and, in turn, to defeat authoritarianism, intended as the disrespectful request of abiding by one's private, self-appointed, and unrecognized judgment. In short, Gaus's hope is to reconcile moral obligation with freedom and to preserve the moral equality of individuals by stopping the possibility of authoritarian rules and behaviours.

Given the crucial role played by social morality in OPR, it is extremely important to understand precisely what this notion stands for. In Gaus's words, social morality is "the set of social-moral rules that require or prohibit action, and so ground moral imperatives that we direct to each other to engage in, or refrain from, certain lines of conduct" (Gaus 2011, 2). With this characterization, Gaus intends to highlight and identify a sort of new space within the normative domain left hidden when a strong distinction between the private and the political is accepted. In contrast with such sharp polarity, Gaus invites his readers to think that between these two areas there is a normatively relevant sphere, which nonetheless represents only one aspect of morality for "much of what [is called] 'ethics' […] lies outside social morality" (Gaus 2011, 2).

3 Famously, Rawls's starting question in *Political Liberalism* is: "how is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral doctrines?" (Rawls 1993, 4).

In this sense, social morality refers to that part of morality that is actually practiced in society when individuals make moral demands and issue prescriptions over each other. This seems to explain the equivocal form in which the rules of social morality are defined: "social-moral". On a first reading, it might seem that the social-moral rules that belong to social morality are simply moral rules that apply to social interactions, it refers to moral prescriptions meant to target that peculiar space between the private and the political. However, things are not so straightforward for Gaus explicitly states that moral rules are a subset of social rules (Gaus 2011, 102, 124 fn 51, 125, 165, 172, 298) and, therefore, social-moral rules cannot be only moral rules that organize social interaction. What is the nature of social morality and how should social-moral rules be conceived then? The answer to these questions is not easy, especially because it is not clear whether the rules of social morality are social, in the sense of being actual and contingent norms that can be positively assessed, or normative, namely responsive to moral standards, whatever nature they may have. Here, a riddle arise for it seems plausible to think that rules of social morality need to be either normative or positive, if the two levels are not confused. The difficulty in dissolving this riddle has to do with the fact that, according to Gaus, there is no riddle: social morality is both positive and normative. So, the questions I am here concerned with are whether there is a riddle in the first place and, if this is the case, whether Gaus can eschew it.

According to Gaus, the rules of social morality need to meet two criteria: the condition of justification (i) and the condition of minimal effectiveness (ii) (Gaus 2011, 164). The former requires moral rules to be somehow impartial, passing the test of being accepted by free and equal moral persons; the latter, on the other hand, states that moral rules need to exist already in a society and to order some degree of compliance with their prescriptions among a significant number of individuals. Thus, to serve the purpose of practice, moral rules need to be not only relevant, but also actually internalized and in use: "crucial to social rules performing their function is that there is a sufficient number of people following them such that the benefits of reciprocity are achieved" (Gaus 2011, 166). Given this characterization, it seems that the rules of social morality can be understood as those rules, embedded in a society's practical modes, that pass the moral test. On this reading, the rules of social morality are existing norms that qualify as normative from the moral point of view. There are several passages in which Gaus seems to opt for this interpretation (Gaus 2011, 176-180, 425, 436-437, 467-468), especially when he sets out his procedure, in the form of a deliberative model[4], to evaluate and assess whether social rules and polices qualify as moral. However, some problems remain for if we consider social morality in this way Gaus's emphasis on the *social* character of the rules of social morality seems excessive. Moreover, if it is the moral point of view to set the filter on social rules to check on their morality, the fact that the rules of social morality are actually embedded in the society is totally contingent and relevant only as long as we take them as the object to which the moral standpoint needs to focus. Moreover, as David Enoch points out with a similar argument, on a matter of compliance it does not make much difference if rules of social morality are simply a subset of the true moral rules (Enoch forthcoming).

4 In the blueprint of the tradition of public reason liberalism, Gaus proposes a deliberative model to test whether the rules of social morality pass the test of public justification. See Gaus 2011, 261-292.

So, although it is certain that Gaus has something of this sort in mind, it also seems that this interpretation does not capture entirely what social morality really is. Gaus wants something more from his account, otherwise his attention on the positive aspect of social morality would be unnecessary and misleading. Moreover, to limit his view in this way would mean not to take into account his outspoken purpose of combining a "Humean" and a "Kantian" approach[5] and so proposing an original idea of morality that is both positive and normative: Indeed, Gaus's position is a rejection of the distinction between the realm of sociological description and that of normative prescription[6]. When Gaus writes that "the beginning point of understanding 'true morality' is 'actual morality'" (Gaus 2011, 102-103) and "our starting point must be what agents think they are doing when they judge and act morally" (Gaus 2011, 174), but that "we must not give in to the temptation of thinking that the task of philosophical ethics is basically to understand our positive morality" (Gaus 2011, 177), he is trying to flesh out a new understanding of moral rules in which positive and normative aspects are essentially and inherently hinged. On this account, when engaged in moral theorizing, we should begin from social rules present in our society not because they are just there and represent a good initial material to start with. Rather, the idea is that if philosophical investigation is not incepted by the moral circumstances we are facing in the society we are currently living in, we would end up having nothing apt to help us finding the right answers to the problems that moved philosophical investigation in the first place[7]. Starting from what there is leads the way towards what there should be.

Gaus's attempt to reconcile these two aspects cannot help to be highly problematic because his arguments make the status of positive morality difficult to grasp. In what sense does the observation and consideration of positive morality lead to true morality? The suggestion can be interpreted in two ways. First, it can have an epistemological sense, meaning that we come to know moral principles by studying and observing actual morality. Second, it can have a metaphysical sense, meaning that a society in which there are no social rules that qualify as moral is impossible and thus that social practices *are* somehow normative (Gaus 2011, 179-180). In both cases, for his combinatory argument to work, Gaus needs to embrace an Hegelian flavoured[8] approach to morality and to have a strong philosophy of history apt to show that

5 "The proponents of the broadly 'Kantian' and the broadly 'Humean' approaches typically seek to discredit or dismiss the other. Those who conceive of morality as the demand of reason as specified by members of the realm of ends often simply insist that 'positive morality' (the social morality that people actually follow) should not be confused with justified or 'true' morality, which is revealed by impartial reason. […] In this book I set out on a reconciliation project of these two traditions" (Gaus 2011, 45).

6 It is important to note that Gaus is not alone in aiming at overcoming the descriptive/normative distinction: Putnam's idea that normative and descriptive dimensions of ethical concepts are hopelessly entangled (Putnam 2002); Searle's critique of the is-ought logical divide (Searle 1964, 1995); and Rawls's attempt to develop a *political* conception of justice (Rawls 1993) represent three prominent examples in this direction.

7 "Unless our analysis of 'true morality' connects up with what actual agents see as morality, our philosophical reflections will not address out pretheoretical worries. We come to philosophy worried about the nature of morality, moral relations between free and equal people, and the justification of moral claims. If we develop a philosophical account of morality that […] is too far distant from our actual moral concepts [it cannot] enlighten us about our initial concerns" (Gaus 2011, 174).

8 It is interesting to note that Rawls's attempt to develop a middle-ground meta-theoretical position between normative and descriptive commitments, as proposed in his idea of realistic utopianism (Rawls, 1999), has been charged with similar arguments concerning the need for a Hegelian philosophy of history. For such criticisms, see Kukathas & Pettit 1990, Pasquali 2012.

human history is a development towards the discovery of moral truth. Indeed, similarly to Gaus, Hegel believes that philosophers who abstract from actuality are hopeless for they can only construct irrelevant theories built on air. According to Hegel, philosophy must start and deal with the real, actual world in the sense of analysing it in order to understand why it is as it is (Hegel 1821). If Gaus understands the relation between true and positive morality in an epistemological sense, he needs an account of why the study of what there is leads to knowledge of what there ought to be. In this case, a philosophy of history is needed for otherwise the link between positive and true morality and the relation between actual practices and human consciousness are left unexplained. Moreover, on the other hand, if he understands the relation between true and positive morality in a metaphysical sense, Gaus needs to defend an account of how human evolution is linked with moral evolution[9]. To be able to argue that there is something normative attached to actual social rules, so that it is impossible even to picture a society with no social rules that qualify as moral, it is necessary to have some story about the history and evolution of morality. To clarify, I do not mean to argue that Gaus advances any such account of philosophy of history. Rather, I am arguing that Gaus lacks such a theory and thus his idea of morality as a mixture of positive and true considerations fails.

Interestingly, Gaus seems to be aware of the problem of lacking a Hegelian like story about the development of morality when he introduces the concept of *absolute morality*, in contrast with that of social morality. Following Baier, he argues for the existence of a set of moral convictions holding independently of individuals' understanding of them and irrespective of particular social circumstances. In his words, "although the core tasks that morality performs require that it be embedded in a social order, we must be able to stand back from our social institutions and take *the perspective of what […] 'morality itself tells us*" (Gaus 2011, 180, italics mine). In this surprising passage, Gaus explicitly refers to moral principles that transcend the social order and correspond to general and universal human interests necessary in any conceivable community. With this move Gaus can discharge the problem of lacking a philosophy of history, but he cannot get away with his idea of a combined approach to morality. If morality really works outside the social order, for there is a standpoint where absolute morality can somehow be heard and discovered, there is nothing special about positive morality that can help us understanding what rules should govern social interactions.

This is the riddle I wanted to highlight: in OPR Gaus wants to propose an innovative and original understanding of morality by defending a combined approach between Humean and Kantian understanding of it; within such a view, rules of social morality are somehow both positive and moral. However understanding such a precarious equilibrium between the descriptive and the normative is not easy for it seems that the rules of social morality cannot be both normative and positive. If the rules of

9 It is important to stress that Gaus does provide an evolutionary account. However, he does not commit himself to the view that human history represents and evolution to the discovery of moral truths. Rather, he argues for an evolutionary account of social practices: human beings have evolved in the sense of having certain judgments and behaviour, for example, about the fact that social interactions matters and that those failing to follow rules are to be punished. On this point, see Gaus 2011, 101-122. However, an evolutionary account of social practices does not imply an evolutionary account of morality for such an evolutionary story does not say much about the normative status of evolved social practices.

social morality are normative because they pass the test of the moral point of view, it is irrelevant whether they are embedded in a society for such an embracement is only contingent. On the other hand, if rules of social morality are those that are actually followed in society, it is not clear in what sense they are moral. The only way out of this riddle would be to endorse some sort of philosophy of history apt to show that human progress corresponds to moral progress. Gaus does not propose any account of this sort and, on the contrary, retains that there is an absolute morality telling us those moral principles that transcend any contingent social circumstances. If my argument is correct, Gaus has a strong moral theory to propose (and even metaphysically thick, despite his intentions[10]), but his project of rejecting the distinction between the level of description and that of prescription fails. Without a philosophy of history, which is a complicated and controversial story to tell, Gaus cannot have it all.

2. The Task of Political Philosophy

Why is the riddle there? Why does Gaus want to put forward a precarious and unstable theory of how positive and true morality are so essentially intertwined? The reason of Gaus's choice lies, I think, in how he conceives social morality and his idea of political philosophy in general. Gaus insists so heavily on the positive aspect of social morality, on the fact that its rules need to be embedded and already practiced within a society, because social morality has a task to perform (Gaus 2011, 4-6, 101, 164, 175-176, 297). Gaus explicitly argues that social morality serves a social function[11]: social morality is to structure social interaction for "one of the things morality must do is allow us to live together in cooperative, mutually beneficial, social relations" (Gaus 2011, 4). Here I am not interested in the question whether morality can indeed have a function. As Gaus himself notes, it might worry some philosophers to talk about morality in terms of the job it needs to perform, for it seems that morality simply exists and it is the study of its principles that may play a role in individuals' lives (Gaus 2011, 176). Rather, my focus is on the reasons why Gaus defends an idea of morality as a performative enterprise, namely as something set to complete an assignment.

As all public reason liberals, Gaus too is moved by the urge of finding solution to *the problem of social harmony* (Eberle 2002, 48-51). The fundamental issue that moves Gaus's entire book, alongside his fellow public reason theorists, is the need to solve the problem of disagreement in order to reconcile authority and liberty in liberal democratic societies. The idea of political philosophy underlying this project is eminently *practical*[12]. According to this view, political philosophy should not focus on abstract principles, utopian conceptions of justice that could never be implemented,

10 "I do follow [Hare] in putting aside ontological issues about the nature of morality" (Gaus 2011, 14).
11 It is important to stress that, although it has a task, on Gaus's understanding, social morality is not merely instrumentally valuable for individuals have reasons to follow it even when it is not to their advantage. On this point, see Gaus 2011, 53-100.
12 "Political philosophy is related to politics because it must be concerned, as moral philosophy need not be, with practical political possibilities" (Rawls 1987, 24).

or never-ending philosophical disputes[13] for these are unproductive to the realization and reform of a stable society. Indeed, one of the main themes characterizing Gaus's book is his clear dismissal and rejection of a way of doing political philosophy that aims at uncovering principles and proposing conceptions of justice that are not deeply-rooted in existing social practices or contingent values, but derived from theoretical reasoning. According to Gaus, such an approach is disastrous because fails at taking how individuals relate to each other in society seriously and confers to the political philosopher a sort of religious mandate allowing her to claim what principles are true, in an absolute and eternal sense[14]. As Gaus vigorously states, "a moral theory that refuses to take seriously an analysis of how morality is necessary to secure cooperative human life is academic in the most pejorative sense" (Gaus 2011, 176). Gaus thinks that philosophers who do not feel the urge of practical results are culpable of not seeing that making cooperation possible is one of the fundamental characteristics of morality and one of the needs of society. Moreover, theorizing about utopias and ideal theories is not only counterproductive, but dangerous. Political philosophy must not even be *aspirational* in Estlund's sense (Estlund 2008, 267), but needs to be focused on those reforms that a society's contingent circumstances require. Although it might only get a sketchy picture of them, political philosophy should draw some conclusions from its finding to suggest actual public policies (Gaus 2011, 546). If just reforms are to be enacted, ideal theories of justice are to be left off the table.

In OPR, Gaus draws a harsh picture of political philosophers who do not share his view on the scope and method of the discipline. From his point of view, such theorists are intellectuals who are too worried about their theoretical interests not to be bothered by urgent and vivid problems affecting our societies. But are political philosophers who reject Gaus's practically engaged approach really so distant from political problems? And more importantly, what is an adequate profile for political philosophy? Is it really necessary for it to be practically engaged to be of any value? Gerald Cohen's fact-insensitivity thesis is certainly the most prominent example of the kind of political philosophy Gaus wishes to criticize[15] and he indeed refers to Cohen's arguments in the book (Gaus 2011, 176 fn173), although he does not specifically address them there[16]. On Cohen's view, there is a fundamental distinction between what he calls "rules of regulation" and "fundamental principles of justice". The former are considerations about the realization of some principle or value under real, actual circumstances, whereas the latter are independent values that help us evaluating the effect of adopting rules of

13 Consider Gaus's discussion about reasons: he explicitly tries to leave aside metaphysical controversies by invoking a distinction between the existence of reasons ("what reasons are and what reasons there are") and what reasons individuals can be said to have. See Gaus 2011, 233. Although it is dubious that the issue concerning what reasons individuals can be said to have is any less metaphysical than the former, Gaus wants to argue for such a difference in order not to enter metaphysical debates about the nature of reasons.

14 "Such a view threatens to transform this indispensable way that humans relate to each other in a cooperative social life into somewhat unpalatable practice of judging others, charging them, and criticizing their actions, employed by the high-minded (or, the priestly) who refuse to acknowledge that the facts of our social life can possibly have a fundamental impact on their perception of how the world ought to be" (Gaus 2011, 176).

15 Gaus cites Cohen's work as a paradigmatic, negative example of an approach that does not take the necessary social task that morality needs to perform seriously. Ironically, although in the same passage Gaus labels his theory as fundamentally Rawlsian, the concept of justice underlying his idea of social morality is closer to Cohen's than Rawls's, for his project is not limited to a society's basic structure, but it refers to individuals' relations, choices, and commitments.

16 Recently, Gaus has referred to Cohen's arguments in defending a strong Rawlsian interpretation of justice and philosophy. See Gaus forthcoming.

regulation. In this sense, fundamental principles of justice are neither chosen nor based on facts, but independent of any non-normative consideration. With this thesis, Cohen warns philosophers not to conflate pure normative considerations with contingent junctures and invites them to understand that fundamental principles of justice are necessary in deciding what rules of regulation or policies are to be implemented (Cohen 2008). From this very sketchy and rough presentation of Cohen's argument, there are two important things to note that Gaus seems to miss when discussing the social function of morality and, in turn, the task of political philosophy. First of all, arguing that principles of justice are fact-insensitive and vigorously normative in their being independent of circumstances, or even of what individuals may think or will, does not imply that rules of regulation are irrelevant. Since rules of regulation are a sort of tool to make normative considerations somehow actual by constraining them by the evaluation of their practical possibility, they are crucial for the political life of a given society. Stressing a distinction and highlighting a possible confusion between two different orders of considerations does not show that one of the two is insignificant. Therefore, it is not the case that elucidating what justice is entails holding that practical concerns arising from the analysis of actual circumstances are of no interest.

Moreover, it is important to understand that an approach that focuses on fact-insensitive principles and tries to uncover their nature and content is of normative relevance. Cohen's idea that "the question for political philosophy is not what we should do but what we should think, even when what we should think makes no practical difference" (Cohen 2008, 268) can be interpreted as a proposal for political philosophy to occupy an evaluative standpoint. The point of seeking fact-insensitive principles or outlining an ideal picture of a perfect just society may consist in clarifying a standard apt to enable individuals to evaluate and test the social circumstances they are facing and to inform their convictions and beliefs. The point here is not to argue for standards that are not currently met but could be met in the future. Rather, the idea is that as long as normative principles are considered criteria concerning how things should be, they can function as tools to assess how the current world works. Ironically, Gaus's idea of the point of view of absolute morality as presented in OPR, despite his intentions, does not seem too far away from this evaluative conception of political philosophy.

Given this discussion, it is possible to distinguish between what I may call a "therapeutic" and an "evaluative" approach. The former conceives the role of the philosopher as that of a medical doctor, someone who is trying to figure out a cure to a specific disease. Within such an approach, the performance of the theory is assessed on the results it can secure, and as a medical doctor's duty is to prescribe drugs apt to make patients feel better, at least in the medium run, so the therapeutic political philosopher's business is to fix some social contingent problems. Therapeutic political philosophy displays a problem-solving attitude and, thus, it is an eminently practical activity. In this framework, the value of political philosophy is to be measured only on the standard of practice. The evaluative approach, on the other hand, proposes a methodological standpoint concerned with providing evaluative standards apt to critically consider the normative problems we struggle with in our moral and political existences. It is not a matter of taking into account the practical performance of such standards and practices, but of better understanding moral problems and strategies in order to deal

with them. On this account, a political philosopher is not one pressed by the urge to treat a problem and solve it, in the sense of dissolving it, to make it disappear. Rather, a political philosopher is one whose main goal is to provide new intellectual tools to better comprehend those problems we struggle with in our moral and political lives. This does not mean that the evaluative philosopher is not concerned with pressing political problems. It is not the case that she is blind on what happens in her political world, but she is not moved to the urge to alleviate those very problems and works on a framework of understanding instead.

3. Conclusions

In this article, I focused on Gaus's idea of social morality because I take it to be the most fundamental feature of his entire theory of public reason. I argued that the concept of social morality is intrinsically unstable in trying to mix up normative and positive considerations and that the choice of proposing it rests on a practically engaged conception of political philosophy. I am personally not sure whether political philosophy should have a unique attitude and whether, if this is the case, it should be therapeutic or evaluative. I think that different political philosophers can work on different problems with different methods and aims, as long as they are good philosophers, in the sense of proposing sound and rigorous arguments. Thanks to Gaus's latest work the need for political philosophers to clarify their theoretical attitudes and to engage with methodological questions to understand the kind of theorists they want to be is more and more pressing.

REFERENCES

Cohen, G. A. 2008. *Rescuing Justice and Equality*. Cambridge: Harvard University Press.

Eberle, C. 2002. *Religious convictions in liberal politics*. Cambridge: Cambridge University Press.

Enoch, D. 2013. The Disorder of Public Reason: A Critical Study of Gerald Gaus's *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World*. *Ethics* 124 (1): 141-176.

Estlund, D. 2008. *Democratic Authority*. Princeton: Princeton University Press.

Gaus, G. forthcoming. On the Appropriate Mode of Justifying a Moral Constitution. *The Harvard Review*.

Gaus, G. 2011. *The Order of Public Reason A Theory of Freedom and Morality in a Diverse and Bounded World*. Cambridge: Cambridge University Press.

Hegel, G. W. F. 1821. *The Philosophy of Right*. T. M Knox (ed.), Oxford: Oxford University Press, 1967.

Kukathas, C. and Pettit, P. 1990. *Rawls "A Theory of Justice" and its Critics*. Stanford: Stanford

University Press.

Pasquali, F. 2012. *Virtuous Imbalance Political Philosophy Between Desiderability and Feasibility*. Farnham: Ashgate.

Putnam, H. 2002. *The collapse of the fact/value dichotomy and other essays*. Cambridge: Harvard University Press.

Rawls, J. 2001. *Justice as Fairness. A Restatement*. Cambridge: Harvard University Press.

Rawls, J. 1999. *The Law of the People with "The Idea of Public Reason Revisited"*. Cambridge: Harvard University Press.

Rawls, J. 1993. *Political Liberalism*. New York: Columbia University Press.

Rawls, J. 1987. The Idea of an Overlapping Consensus. *Oxford Journal of Legal Studies*, 7:1-25.

Searle, J. 1964. How to derive a 'ought' from 'is'. *The Philosophical Review*, 73: 43-58.

Searle, J. 1995. *The Construction of Social Reality*. London: Penguin.

Received: May 1, 2013
Accepted: May 29, 2013

Department of Social and Political Sciences
University of Milan
Via Conservatorio 7 – 20122 Milan
Italy
giulia.bistagnino@unimi.it