Testing pragmatic genealogy in political theory. The curious case of John Rawls

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TESTING PRAGMATIC GENEALOGY IN POLITICAL THEORY. THE CURIOUS CASE OF JOHN RAWLS

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Abstract: Starting from the 'Dewey Lectures', Rawls presents his conception of justice within a contextualist framework, as an elaboration of the basic ideas embedded in the political culture of liberal-democratic societies. But how are these basic ideas to be justified? In this article, I reconstruct and criticize Rawls's strategy to answer this question. I explore an alternative strategy, consisting of a genealogical argument of a pragmatic kind – the kind of argument provided by authors like Bernard Williams, Edward Craig and Miranda Fricker. I outline this genealogical argument drawing on Rawls's reconstruction of the origins of liberalism. Then, I clarify the conditions under which this kind of argument maintains vindicatory power. I claim that the argument satisfies these conditions and that pragmatic genealogy can thus partially vindicate the basic ideas of liberal-democratic societies.

Introduction

Can a genealogy of our political practices contribute to their evaluation? In this article, I argue that it can. More specifically, I argue that a specific genealogical method, namely pragmatic genealogy, can contribute significantly to the vindication of practices and may thus represent a useful tool in normative political theorizing. I prove this point by testing the method against a well-known problem in political theory, namely Rawls's struggle to justify the basic ideas of liberal-democratic societies. Starting from the 'Dewey Lectures', Rawls starts framing his conception of justice in a contextualist framework, as an elaboration of the 'basic intuitive ideas that are embedded in the political institutions of a democratic society' (Rawls, 1985: 225). These ideas – the idea of society as a fair system

of cooperation, of citizens as free and equal persons and of a well-ordered society – 'have their origins in the Wars of Religion following the reformation and the development of the principles of toleration' (Rawls, 1996: 14–15). In contrast with A Theory of Justice, Rawls does not take justice as fairness as valid for all societies anymore, but just 'within a democratic society under modern circumstances' (Rawls, 1980: 518). In synthesis, the set of facts defining Rawls's context of reference includes both ideational elements (the presence of these ideas in the public culture) and social elements (most importantly, the fact of reasonable pluralism). These facts pick up the relevant features of the modern liberal-democratic social world and are the assumptions on which his late theoretical outlook is built. But how can we justify the crucial normative role assigned to these facts? Why should we accept the ideas implicit in our political culture?

In the following pages, I reconstruct what I think is the strategy Rawls envisages to solve this problem and I sketch an alternative solution to overcome its shortcomings. The solution I propose is a pragmatic genealogical argument – the kind of argument provided by authors like Bernard Williams, Edward Craig and Miranda Fricker and recently systematized by Matthieu Queloz (2018a, 2018b, 2019). Pragmatic genealogy is a hybrid type of genealogical reconstruction dedicated to unearthing functional origins of practices by combining rational model-building (in the form of a state of nature fiction) and empirical information (i.e. actual history). Starting from an idealized model, the genealogy makes it possible to control whether there is any possible prototypical version of the target practice that would emerge in response to basic needs, i.e. needs we can assume humans have anyway. In the second stage, this ideal starting point is historicized by factoring in historical information. This affords to bring into focus more local needs and contingent circumstances that contributed to shaping the practice into its current form. As we shall see, this hybrid genealogical reconstruction makes the function of the target practice an object of evaluation and, under two conditions I shall spell out later, can vindicate the practice itself.

My primary goal in this article is to assess whether, how and to what extent pragmatic genealogies may serve as a vindicatory tool in normative reasoning. This entails two things. First, that I do not seek to substitute political theorizing with genealogical reconstruction, but rather to show that, under certain conditions, a certain way of doing genealogy can helpfully integrate normative argumentation by providing reasons in favour of certain practices. Second, that I engage with Rawls's thought as a case study and not as an exegetical object. My discussion of Rawls shall thus remain on the logical level, venturing in the interpretative domain only as far as necessary to clarify the problem I am addressing.

I proceed as follows. In the first section, I briefly present the late Rawls's outlook and qualify his contextualist approach in order to elucidate how the problem of vindicating its assumptions – namely, the combination of ideational and social facts seen above – arises. In the second section, I reconstruct and criticize what I think is the strategy Rawls sketches to solve this problem. In my understanding, this strategy underlies a

broadly Hegelian line of reasoning that is incompatible with Rawls's self-imposed metaphysical abstemiousness and, more importantly, with reasonable principles of metaphysical parsimony in political theory. In the third section, I introduce and define pragmatic genealogy as a good way to overcome the shortcomings of Rawls's strategy. To this end, I sketch a pragmatic genealogical argument drawing on Rawls's own brief reconstruction of liberalism's origin in Political Liberalism. After pointing out the conditions under which pragmatic genealogies maintain vindicatory power, I claim that the argument satisfies these conditions. I thus conclude that, as far as liberalism underpins the basic ideas of liberal-democratic societies, we can partially vindicate these ideas through a pragmatic genealogy of it.

1. Rawls's late outlook: A justificatory gap

As noted in the introduction, from the 1980s onwards Rawls starts reformulating the argument supporting his conception of justice in contextualist terms. These terms include both ideational facts (the presence of three fundamental ideas in the public culture) and social facts (most importantly, the fact of reasonable pluralism)[1]. These facts pick up the relevant features of modern, liberal and democratic societies and, in a sense that I will now elucidate, form the contextual premises of Rawls's new argument.

A liberal-democratic society cannot rely on a comprehensive view, understood as a shared and common conception of the good. The fact of reasonable pluralism entails that citizens do not agree on the ultimate ends of life. Judgments in philosophical, moral and religious domains are subjected to heavy burdens, whose weight cannot but produce 'a diversity of conflicting and irreconcilable – and what's more reasonable – comprehensive doctrines' (Rawls, 1996: 36). What a pluralistic liberal-democratic society can rely on is something thinner than a shared comprehensive view, namely a political and public culture, whose basic ideas offer a common ground for the justification of fundamental principles. It is from these ideas that political philosophers – and citizens more generally – should work out their arguments. According to Rawls, political philosophy in circumstances of pluralism 'must remain on the surface' and adopt what he calls 'the method of avoidance', which requires stepping aside from philosophical controversies and longstanding problems (Rawls, 1985: 231).

Two noteworthy differences distinguish the contextualist approach of *Political Liberalism* (PL) from the universalist one of *A Theory of Justice* (TJ). First, in the former, a conception of justice must be a possible object of overlapping consensus among different comprehensive doctrines, and this requires arguing for it with reasons that every reasonable citizen can accept – that is to say, with reasons derived from the basic ideas

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[1] There are four more general facts about liberal democratic societies in Rawls's account. These are the fact of oppression, the fact that a democratic regime requires the genuine support of a vast majority of its citizens, the fact that public cultures normally contain fundamental ideas on which it is possible to elaborate a conception of justice and the fact of the burdens of judgment (Rawls, 1996: 37–38, 58–61).

embedded in the political culture of a liberal democratic society (Rawls, 1996: 141)[2]. Second, the original position is not conceived anymore as the appropriate standing point from which to formulate universally valid principles of justice. In PL, Rawls presents it as a 'device of representation' which operationalizes the three fundamental ideas embedded in the liberal-democratic public culture (Rawls, 1996: 24). This is admittedly a rough account of Rawls's transition, yet it suffices to show how he rewires his arguments around those ideas.

However coherent, Rawls's late approach displays a curious problem of justification. As we just saw, in circumstances of reasonable pluralism stability requires a conception of justice to be a possible object of overlapping consensus, i.e. to be constructed around fundamental ideas that all citizens share: the idea of society as a fair system of cooperation, of citizens as free and equal persons and of a well-ordered society. Yet even conceding that it is possible to identify a single set of shared ideas and that justice as fairness represents a sound elaboration of them, what can we say to justify these ideas once all controversial philosophical considerations are left aside, as Rawls's method of avoidance prescribes? In other words, what reasons do we have to accept the ideas implicit in our political culture?[3]

These questions concern the very status of the basic ideas of liberal-democratic political culture, on which the appropriateness of the original position depends. In light of what has been said so far, questions about the value of these ideas seem to lay beyond Rawls's reach and Rawls himself might be suspected to have abandoned the 'traditional project of moral justification in favour of a purely practical task' (Krasnoff, 1998: 270).

2. Towards reconciliation: Rawls's shortcomings

The question waiting for Rawls's response curiously resembles the one that, according to Bernard Williams, reflective members of ethical communities eventually come to ask themselves: what reasons do we have to stick to our basic ideas and conceptions, beyond the fact that they are our own ones? How can we vindicate these ideas and the social world incorporating them?[4] It is worth stressing that looking for an explicit and thorough answer in Rawls's writings would be vain. However, in his last years, Rawls provides

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[2] On Rawls's transition from TJ to PL, see Weithman (2016: 62–81). On the pivotal role of considerations of stability in this transition, see Krasnoff (2014).

[3] Several Rawls's critics raise similar questions. See, for instance, Habermas (1995, p. 122), Raz (1990, pp. 18-20) and Wingenbach (1999, pp. 220-222). More recently, Rawls's problem of justifying the basic ideas of the liberal-democratic political culture have been discussed, together with the possibility of looking at history for a solution, by Besussi (2019) and Pasquali (2019).

[4] These questions mark a crucial point in Williams reflection, i.e. chapter 8 of *Ethics and the Limits of Philosophy*. They come after a peculiar philosophical path which is obviously different from the Rawlsian one in many important respects. Nonetheless, in both cases we see a reflective attempt to the same task, that of providing a reflective evaluation of given values, shared among a given community. See Williams (2011, pp. 167-172).

some indications on the kind of strategy he envisages. In this section, I reconstruct such a strategy and show its shortcomings.

Indications of this strategy can be retrieved in Rawls's conception of political philosophy. He notoriously assigns four roles to the discipline. Beyond the practical role and that of orientation, which respectively consist in unearthing possible basis of agreement and in guiding citizens in the space of all possible social and individual ends, he lists the reconciliatory task and the role of formulating a realistic utopia. The reconciliatory role is intended to 'calm our frustration and rage against our society and its history by showing us the way in which its institutions, when properly understood from a philosophical point of view, are rational, and developed over time to attain their present, rational form' (Rawls, 2001: 3).

The role of formulating a realistic utopia is conceived as 'a variation of the previous one' and consists in 'probing the limits of practicable political possibility', in feeding our hope for the future of our society, 'which rests on the belief that the social world allows at least a decent political order' (Rawls, 2001: 4). The crucial task to focus on in order to grasp the contours of Rawls's justificatory strategy is the third one. Indeed, the choice of some basic ideas derived from the current social world as starting points for normative theorizing could in principle be justified if one manages to reveal the rationality of such a world and to reconcile to it. Rawls explicitly draws the notion of 'reconciliation' on the Hegelian concept of Versöhnung (Rawls, 2001: 3), which in Hegel as much as in Rawls denotes both the process of overcoming alienation, i.e. the state of anger and frustration deriving from the perception of society as inhospitable and resistant to individuals' understanding and aspirations, and the state of being at home in it, which implies the philosophical acknowledgment that society, as it is, already satisfies important values and needs (Hardimon, 1992: 180).

I shall come back on these points but, for now, it suffices to note two points. First, reconciliation does not involve resignation. On the contrary, it designates a positive and wholehearted acceptance of the social world as it is (Rawls, 2001: 3). Second, the object of reconciliation, i.e. the social world, needs to be conceived in minimalist terms, as consisting of its fundamental and defining features, which I already identified with its socio-historical conditions and the basic ideas of its political culture. The reason is that predicating reconciliation to the social world as a whole – to all its institutions, customs and laws – would imply that a realistic utopia is redundant[5].

Rawls seems to be oriented towards a Hegelian solution to the problem of justifying the assumptions of his contextualist argument, namely the basic features of liberal-democratic societies. Indeed, a holistic justification of a Hegelian sort, consisting in 'proving that a form of life . . . has a normative content which is already realized and

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[5] Indeed, we may understand Rawls's notion of realistic utopia as a political state of affairs in which the most pressing problems of the present world – or at least the ones realistically solvable – are solved. On the way in which Rawls combines feasibility and desirability in the notion of realistic utopia, see Pasquali (2012), Thomas (2015) and Galston (2016).

that we should just make explicit' (Peña, 2017: 223)[6], appears as a reasonable choice once foundationalist strategies, which would justify those features on the ground of their relationship with some first, self-evident principle, are ruled out by the method of avoidance. But how to achieve this sort of justification?

Rawls is not clear on this. However, his belief that probing the limits of political possibility by devising a realistic utopia is itself 'a variation' of the reconciliatory task provides a significant clue. If Rawls's words are to be trusted when he declares to 'believe that the very possibility of [a liberal and decent] social order can itself reconcile us to the social world' (Rawls, 2000a: 128), the point seems to be that the prospect of a realistic utopia can itself amount to reconciliation. More to this point, Rawls seems to conceive his whole philosophical enterprise as a form of realistic utopianism in his later writings[7]. In this reading, the liberal-democratic social world would be justified (and so would be the basic ideas on which it rests) if it affords some reasons for optimism with respect to the achievement of a realistic utopia. Yet regardless of whether this reading is correct, the thesis it brings out certainly is not.

To understand why, consider Rawls's own inspiration on this topic, i.e. Hardimon's understanding of Hegel's political philosophy[8]. As Hardimon stresses, the linchpin of Hegel's project of reconciliation is the concept of 'being at home' in the social world, and this is both a matter of objective and subjective conditions. People can be at home in the social world if they feel and affirm it subjectively as a home but only, and crucially, if the social world is also, objectively, a home (Hardimon, 1992: 181). Considering this distinction, we can understand why what seems to be Rawls's position cannot be correct. Realistic utopianism can certainly satisfy the subjective condition – it is 'a version' of reconciliation in the sense that showing a decent political order as feasible helps us to feel at home in the current social world by giving us a reasonable faith in its future[9]. However, the prospect of a realistic utopia cannot satisfy the objective condition, which requires showing the current social world as desirable.

On the contrary, one could argue that reconciliation is itself a precondition for the formulation of a realistic utopia. Indeed, our ideas of a political order worth striving for are inevitably dependent and related, to some extent, to the values and principles affirmed in our current social world. Yet this world and its values are historical products. Therefore, we need reassurance against the possibility of their being merely contingent,

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[6] See also Cohen (1995, p. 288). During his career, Rawls increasingly takes up Hegel as a relevant interlocutor for his own reasoning. Whereas his philosophical relation with Kant is the subject of an extensive literature, his relationship with Hegel remains less explored. For a recent appraisal, see Bercuson (2014).

[7] Most explicitly in *The Law of Peoples* (Rawls, 2000a). Rawls's employment of historical arguments also supports this interpretation. Indeed, these arguments typically aim – as Müller (2006) shows – at demonstrating the feasibility of realistic utopia.

[8] Rawls recognizes his own debt with Hardimon in *The Lectures on the History of Moral Philosophy* (Rawls, 2000b, p. 331).

[9] Rawls's conception of reasonable faith is drawn on Kant (Rawls 2000b, p. 309-310). This topic has been recently and illuminatingly examined by Paul Weithman (Weithman, 2016, pp. 213-241).

biased or ideological[10]. Otherwise, we would be exposed to the risk of crystallizing the status quo into a (realistically) utopian ideal. The only insurance against this risk, one should conclude, is to show that the current social world is objectively desirable. But how can we do so? Rawls's few words on reconciliation seem to go, once again, in a Hegelian direction. He claims that reconciliation can obtain by showing that the current social world 'developed over time to attain [its] present, rational form (Rawls, 2001: 3). Indeed, if we could read history as a progressive process and see ourselves at its latest stage, reconciliation would obtain. The current social world, in its most fundamental features, would be a desirable starting point for future developments.

But whereas Hegel has the resources to read history in this way, Rawls does not. When we look back at history from the perspective of our current social world, it certainly looks progressive. But this perception is not enough to reconcile us to this world, because the values and principles on which we ground our historical judgments of progress – the values and principles of the social world from which we look at history – are themselves one of this history's outcomes. One needs an external perspective to legitimately read history in a progressive way and for Hegel, at least, this perspective is provided by his own system, according to which the demands of reason 'are thus that men live in a state articulated according to the Concept . . . as participants in a larger life. And this larger life deserves their ultimate allegiance because it is the very foundation of things' (Taylor, 2015: 78)[11]. Unfortunately, this kind of answer requires a systematic outlook which is not just old-fashioned and incompatible with Rawls's commitment to the method of avoidance, but is also in contrast with any reasonable principle of metaphysical parsimony in political philosophy.

3. An alternative way: Pragmatic genealogy

Considering what has been said so far, the strategy Rawls seems to sketch ends up in a deadlock because it cannot carry the metaphysical baggage it would need to reach the right conclusion. I submit that there may be another way towards reconciliation. This way

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[10] Citizens' values and principles do not form an independent evaluative benchmark. They are formed under the institutions and the political culture of a given society. Rawls himself concedes this when he claims that 'the social system shapes the wants and aspirations its citizens come to have', determining 'in part the sort of persons they want to be as well as the sort of persons they are' (Rawls, 1999, p. 229). In the same vein, he also makes clear that social influence extends to the very criteria against which society itself is evaluated, claiming that 'the nature of the political system teaches forms of political conduct and political principles' (Rawls, 2008, p. 7). To be sure, Rawls refers to this dependency to support his argument for stability of a just society – under just institutions, citizens will develop a sense of justice appropriate to support them. However, we cannot expect this to hold only for just societies (McKean, 2017, pp. 1182-1183). If unjust societies can also shape their members' aspirations and ideals, taking the implementation of these ideals as the standard measure for reconciliation would expose the notion to the ideological distortions that Rawls himself urges to be wary of (Rawls, 2001, p. 4).

[11] For Hegel, a society worth reconciling to ought to follow the articulation of Geist in its moments of immediate unity, separation and mediated unity and these categories are duly fulfilled in the conception of the objective spirit as articulated in the family, the civil society and the State. On the normative role of the system in Hegel, see Thompson (2017).

consists in the provision of what Matthieu Queloz, interpreting Williams (2002), Craig (1990) and Fricker (2007), calls a 'pragmatic genealogy' (Queloz, 2019)[12]. This is a form of genealogical reconstruction focused on unearthing functional origins of practices – conceived as ways of going on in the conceptual, social and political domain (Queloz, 2018b). Before articulating this genealogy, let me explain what pragmatic genealogy is and how it works by means of contrast with Foucauldian versions of genealogy. Once this is clear, I shall proceed by showing that Rawls himself provides some of the elements we need to arrange a successful pragmatic genealogical argument. I will claim that once properly integrated, this argument satisfies the two conditions under which pragmatic genealogy can claim vindicatory power.

3.1 Foucauldian vs. pragmatic genealogy

There are two main differences between Foucauldian and pragmatic genealogy. A first difference concerns the ways in which these two approaches avoid the genetic fallacy, i.e. the 'alleged mistake of . . . inferring something about the nature [and/or merits] of some topic from a proposition about its origin' (Blackburn, 2016: 149)[13]. Foucauldian authors usually steer clear of this fallacy by conceding that genealogy lacks any normative potential (in the sense that it cannot provide reasons either for or against its target) while claiming that it maintains an indirect critical purchase thanks to its denaturalizing or problematizing effects[14]. On the contrary, pragmatic genealogists hold that knowledge of the process through which the target of genealogy emerged, in some cases, can offer reasons either for or against it by providing insights into its functionality and by making the function an object of evaluation. The second distinguishing feature concerns the way in which genealogy proceeds. Foucauldian authors usually insist on the historiographical and empirical character of this mode of inquiry, whereas pragmatic genealogists endorse a hybrid approach in which actual history and hypothetical reconstruction coexist. In order to understand a) the relation between these two components and b) the way in which the vindication is provided, consider Williams's pragmatic genealogy of truthfulness, i.e.

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[12] Fricker recently moved towards paradigm-based explanation, arguing that it is a more perspicuous way of reaping the same pay-off as pragmatic genealogy while dispensing with its combination of fictionalizing and historicizing (Fricker, 2016). Queloz offers a qualified defence of the method in Queloz (2019). On Fricker's disaffection toward pragmatic genealogy, see also Fricker (forthcoming).

[13] Blackburn refers to the genetic fallacy as an 'alleged' mistake because he correctly maintains that there are many non-fallacious ways of linking the context of discovery (the space of origins and causes, in which the stumbling and tentative process of belief formation takes place) and the context of justification (the space of reasons, where merits and flaws can be properly assessed). For instance, as Blackburn himself notices, it is not fallacious to see the make of an automobile as an indicator of its likely quality (Blackburn, 2016, p. 149). Indeed, many contributions on this topic claim that the prohibition of inference from origins and formation processes to justification is not an exceptionless rule. Items in the first context can enter in the second, if elements of the first are relevant in the second. As both Pashman (1970) and Crouch (1993) convincingly argue, the case for relevance cannot be established in advance and in general terms - it depends on the case at hand. It should be noted that in epistemology there is no shared definition of the genetic fallacy. For instance, cf. Hamblin (2004) and Glock (2008).

[14] Colin Koopman (2013), David Owen (2002), and James Tully (2002) are among the authors endorsing this approach.

the ethical concern with the truth and the corresponding dispositions to tell the truth, as an illustration (Williams, 2002).

Let us start from a) the relationship between the hypothetical, rational component and the historiographical, empirical one. In Williams, the hypothetical component of genealogy outlines a fictional state of nature picturing a primitive community dealing with the natural environment and the cooperative pressures it exerts. The point of such fiction is to understand whether and why truthfulness, in some prototypical form, has a point for creatures like us. Williams answers positively to the 'whether' question and his explanation for such an answer goes roughly as follows. Members of the fictional community need information about the environment, its risks and its opportunities, but since they are in different places at different times, they need to divide epistemic labour efficiently. These members are thus required to become reliable contributors of information and this implies that dispositions to sincerity and accuracy will be praised in the community. Finally, since the practical value of these dispositions largely consists in their advantageousness to others, members of the community must come to appreciate them intrinsically if the practice is to avoid succumbing to free-riders. This means that dispositions to sincerity and accuracy, in some prototypical form, will become intrinsically valuable and praised as virtues.

As it results from this brief reconstruction, the goal of the hypothetical component is to explain why creatures like us would come by a certain prototypical practice in terms of the difference such a practice makes for them. The state of nature fiction serves this goal by providing a model in which basic needs, i.e. needs that we can thus assume humans have anyway, can be identified (I will return to this point later)[15]. The historical component of genealogy, on the other hand, aims at explaining how the prototypical practice assumed its current configuration, developing into the target practice we are concerned with in drawing the genealogy. It resorts to real history to show how, outside the simplified model, contingent circumstances and more local needs gave the target practice its specific form[16]. An example of this is the practice of scientific history, i.e. the specific version of truthfulness based on the idea of telling the truth about the past, whose condition of possibility, for Williams, is the contingent event of the invention and diffusion of writing (Williams, 2002: 168–171). Given this contingent event, this specific form of truthfulness is, for Williams, necessary.

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[15] This implies that the state of nature fiction is not supposed to provide insights into the hominid past of our ancestors. The state of nature, as Williams himself argues, 'is not the Pleistocene' (Williams, 2002, p. 27) but rather, as Fricker states more clearly, a construct designed to characterize our basic needs and what they entail (Fricker 2007, 108-109). This is the reason why, following Queloz, I refer to the state of nature as a model, whose role is to allow the formulation of sound basic needs ascriptions and to understand the relation between simple prototypes and these needs.

[16] While history informs the empirical component of pragmatic genealogy, it is not the primary purpose of this genealogy to mirror the actual historical development. Its main purpose is rather to extricate from the nit-and-grit of history the main practical pressures and dynamics that have sculpted our practices (Queloz, manuscript, p. 20).

Now let us consider b) how this sort of genealogical explanation retains a positive normative purchase, i.e. under what conditions it can offer reasons in favour of the continuation of its target practice. Following Queloz, I think these conditions are two, namely 1) avoidance of the genetic fallacy and 2) avoidance of continuity failures. As we have seen, pragmatic genealogy avoids the genetic fallacy by connecting origins and justification through the notion of function. In Williams's case, this is done by showing that truthfulness, given certain needs and certain facts about us and our environment, represents an apt response. But this strategy for avoiding the genetic fallacy requires the argument to satisfy another condition. The functional insights of the sort provided through pragmatic genealogies, in order to provide reasons for affirmation, must prove to be valid not just in the hypothetical model, but also in the current situation (Queloz, 2018a). In other words, the circumstances need to be similar enough to present our current version of the prototypical practice as still functionally answering to the same predicament[17]. Simply assuming this is the case or failing to show that it is equates to running into a continuity failure.

If both of these conditions are satisfied, pragmatic genealogy can rightfully claim vindicatory power. Vindicating through pragmatic genealogy amounts to deriving needs we are less confident that we have (e.g. the need to value truthfulness as a virtue) from needs we are more confident we have (e.g. the need to have reliable information concerning the environment). As Queloz claims: 'when questions arise over whether we should cultivate these [practices] . . . revealing [their] instrumental relations to some of our most basic needs acts as a powerful vindication to them: it frees them from suspicion by showing them to be rooted in basic human needs and thereby . . . provides reasons for us to continue cultivating these practices' (Queloz, 2018a: 18–19)[18].

3.2 A pragmatic genealogy of liberalism

Now it is time to consider whether this kind of genealogy may be helpful in Rawls's case, i.e. whether we can resort to it in order to provide a justification of the three basic ideas Rawls takes as his argumentative starting point. To answer this question, I propose to start

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[17] Nietzsche blames 'English genealogists' for making this assumption and thus for thinking a-historically (Nietzsche, 1998). We must thus be aware of the repurposing and the historical variability that may have affected the object of genealogical inquiry. By factoring real history into the reconstruction, pragmatic genealogy steers clear from this error. Of course, the continuity clause does not exclude that the practice may have come to serve other purposes. It just ensures that, as far as the original purpose is conserved and worth delivering, there is a prima facie reason to affirm the practice. Therefore, it does not follow that this reason is enough to draw a conclusive judgment concerning what should we do with the practice.

[18] Queloz also argues that Williams's genealogy satisfies both conditions. For our purposes here, we do not need to agree on this point. Williams's genealogy of truthfulness is indeed controversial and very much debated - see, for instance, McGinn (2003) and Fleischaker (2004). However, I maintain that the reconstruction above, despite its necessary simplifications, provides a good account of the pragmatic approach to genealogy – an account particularly suited to understand its proper functioning and thus to spot Williams's own possible shortcomings.

from a relatively overlooked text, i.e. the concise reconstruction of liberalism's origin that Rawls himself provides in the introduction to *Political Liberalism*.

Before examining this text, however, three important qualifications are in order. First, Rawls's reconstruction is not a genealogy of liberalism tout court. Liberalism is, in fact, a contested and variable concept, with many possible interpretations[19]. Rawls's reconstruction rather brings to light what is arguably the fundamental configuration of liberalism, that he plausibly identifies in the tolerance of the State towards citizens' comprehensive doctrines (what we might call the practice of liberal government)[20]. Second, it might not be the case that the three ideas Rawls indicates are actually the best representatives of liberalism. Proving this point first-hand would require extensive engagement with Rawls's texts that would go beyond the scope of this article. Therefore, I will just outline a pragmatic vindicatory genealogy of the practice of liberal government, leaving open the issue of which ideas best capture the character of such a practice. Third, Rawls's purpose in deploying his reconstruction of liberalism's origin is not that of vindicating liberalism but rather of explaining the peculiar character of modern political philosophy (Rawls, 1996: xxiii)[21]. Therefore, what I shall say should not be understood as an interpretation of Rawls's thought but rather as an intervention on it.

Rawls reconstruction draws a contrast between three stages of western history, i.e. ancient Greece, medieval Europe and post-Reformation modernity. This contrast mainly revolves around the roles of religion and it starts with a characterization of the Christian faith, whose unity under Catholicism formed the common comprehensive doctrine in Europe up to the Reformation. According to Rawls, Christianity is, in contrast to the ancient Greeks' civic religion, a salvationist, doctrinal and expansionist creed. With the Reformation, religious unity breaks into a plurality of conflicting doctrines sharing the same intolerant character. The result is the massive bloodshed of the Wars of Religion, which stormed Europe throughout the 16th and 17th centuries. It is because of these conflicts and their horrors, according to Rawls, that liberalism could emerge (Rawls, 1996: xxiii–xxvi)[22]. He identifies the fundamental configuration of liberalism in the

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[19] For a recent and well-documented analysis of the historical variations in the concept of 'liberalism', see Bell (2014).

[20] As Muller points out, there are alternative self-understandings of liberalism (Müller, 2006, p. 331). However, I here take side with Rainer Forst, who authored a careful and detailed historical analysis of toleration. Forst recognizes that 'liberalism, which has many parents – one need only think of its political-economic component – should be regarded as a child of toleration' (Forst, 2013, p. 171).

[21] One might object that a vindicatory genealogy of liberalism cannot reconcile us with a liberal *and democratic* social world. Guess (2001), for instance, stresses the heterogeneous and conflicting nature of liberalism and democracy in a historical perspective. This is an important point whose importance, however, should not be overstated because a vindicatory genealogy of liberalism could at least bring us significantly closer to reconciliation. In some occasions, Rawls treats democracy and liberalism as somehow continuous with one another - as based on a common moral/political core. However, his conception of political liberalism and his idea of public reason clearly serve to limit the scope of democracy in important respects. On this point, see Guttman (2003).

[22] Rawls also mentions other factors, like the development of the centralized state, of modern sciences and of market economies (1996, pp. xxiv-xxv). On the historical relevance of the Wars of Religion in the emergence of liberalism, see also Charles Larmore (1996).

practices of tolerances through which many states in Europe separated political obeyance from issues of the highest good, and in other texts he specifies how this practice, engaged for prudential and instrumental reasons, eventually and thanks to its success came to ground moral principles that now inform the sense of justice of liberal-democratic citizens and their disposition to reasonableness (Rawls, 2000a: 44).

The structure of Rawls's reconstruction resembles Williams's genealogy of truthfulness in three important respects: in its reliance on basic human needs (the need to avoid conflict and securing social peace), in the transition from prudential to moral reasons and in its account of the target practice (liberal government) as a functional response to some basic need tailored to more local needs arising out of contingent historical circumstances (securing social peace among a plurality of reciprocally intolerant doctrines). As Williams does in accounting for historiographical accuracy – a situated and local form of truthfulness, at least in the times of the ancient Greeks – Rawls recognizes that contingent historical factors led the target practice to its current configuration. However, Rawls's reconstruction does not start from a hypothetical state of nature model. What is the relevance of this difference?

This difference is not determinant, because Rawls's reconstruction itself, to some extent, fulfils the roles assigned to the state of nature model in pragmatic genealogy. It allows us to grasp the basic need the target practice of liberal government responds to – the need for securing social peace – and, from there, it is not difficult to grasp what the prototypical version of the target practice in a hypothetical state of nature would look like. This would be the practice of government as such, understood as the rule of any legitimate (in a Weberian sense) political authority. However, this would be going too fast. A clearly defined model would certainly provide a more stable starting point for genealogical reflection, affording to draw a sound attribution of basic needs and to flesh out more clearly the relationship between the prototypical practice, on the one hand, and the target practice we are concerned with, on the other. Interestingly enough, we can find the resources to do so in another of Williams's texts.

In 'From Freedom to Liberty', Williams (2005) sketches another pragmatic genealogical argument which he envisages as potentially leading to a justification of liberalism[23]. Let us imagine a hypothetical community sharing a language but no sophisticated technology. All members of this community have a basic need in securing peace as a condition for personal security and for social cooperation inside the community. Moreover, they all care about their primitive freedom, i.e. their being unobstructed in doing what they want by any form of humanly imposed coercion. Indeed, they react with resentment and with the actions that resentment invites when obstructed.

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[23] The article was originally published in 2001, a year before *Truth and Truthfulness*. Williams does not appeal there to a hypothetical community and ground his basic need ascription on a straightforward universalist argument. As I claimed before, I do not take this as a problem because the state of nature model works primarily as a useful (but not necessary) tool to make this kind of ascription perspicuous (see footnote 15).

This generates conflict and the need to define the borders of individuals' freedom to avoid it. An authority endowed with coercive powers over the community, i.e. a political authority, may represent a solution to the problem. However, if this authority is to solve the problem rather than substituting private oppression and violence with a public version of them, it needs to have authority or, in other words, it needs to be taken as legitimate by the ones subjected to it. And since legitimation needs to be as widely and firmly accepted as possible, in our hypothetical fictional community – as well as in most of the communities of the past – the legitimation story is likely to draw on some deep and commonly shared beliefs such as, for instance, religious ones.

This is admittedly a rough sketch of what a model in a pragmatic genealogy of liberalism might look like. Nonetheless, it elucidates quite clearly what can be indirectly derived from Rawls's reconstruction. This model can now be historicized by factoring in two important practical pressures namely the diffusion of a salvationist, expansionist and authoritarian religious doctrine as the base for political legitimacy in the middle ages and, subsequently, the fragmentation of this religious base in a plurality of incompatible and reciprocally intolerant doctrines in modernity[24]. Given the circumstances of modernity and the local needs they bring about – most importantly, the need for legitimation in the absence of a common and shared background of pre-political beliefs – the tolerance involved in the practice of liberal government thus emerges as an apt, functional solution. Once integrated in this way, the argument effectively portrays the target practice (liberal government) as a functional answer to a basic universal need (securing social peace), given the peculiar and contingent historical circumstances of modernity and the local needs they give rise to (the circumstances of pluralism of incompatible comprehensive doctrines and the need to ensure their peaceful coexistence).

Moreover, with this arrangement, the argument comes to adhere to the structure of pragmatic genealogy, which Queloz formalizes as follows:

(P1) In a prototypical group G, a set of root needs RN1 – RNn under root circumstances RC1 – RCn generates a practical problem.

(P2) This generates a practical pressure on G to solve the problem: the target need TN.

(P3) Prototypical practice P would meet the target need TN by serving function F.

(P4) P could develop quite naturally, i.e. out of the capacities we are prepared to grant G anyway, via the set of steps S1 – Sn.

(C1) Therefore, circumstances permitting, P would be highly likely to develop in G.

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[24] To be sure, Rawls historical reconstruction is a just-so story, like many others we find in philosophical texts, and it could benefit from a more detailed engagement with actual history. However, we need to be clear about what kind of details would be relevant, from a pragmatic perspective, to make a genealogical account more compelling. As I stated before (footnote 16), quoting Queloz, the primary purpose of pragmatic genealogy is not to mirror actual historical development, but to extricate from history the main practical pressures that have shaped our practices. A more careful and detailed engagement with history could clearly help in identifying these historical pressures and in determining their force.

(C2) Therefore, it is rational for G to engage in P in order for F to be served in G (in the sense that people with these needs under these circumstances would welcome and, if they could do so, aim for engagement in P with a view to securing P).

(P5) In the actual group G*, there are close analogues to RN1 – RNn and RC1 – RCn, namely RN1* – RNn* and RC1* – RCn*.

(C3) Therefore, it is also rational for G* to engage in P*, the closest analogue to P in G*, for F to be served.

(C4) Therefore, the best explanation for why G* goes in for P* is that it serves F.

(C5) Therefore, there is a prima facie reason for G* to continue to engage in P*, and P* is to that extent vindicated.

(Queloz 2018a)

The scheme above highlights how the argument offers a perspicuous representation of how a current practice bears instrumental relations to a basic human need. It starts from a need we can take as natural and necessary for there being such a thing as a society and then tailor the functional responses these needs trigger to the contingent and local elements at play here and now. Most importantly, however, the scheme above also highlights the logical juncture on which the vindicatory power of the argument depends, namely P5, which engenders the 'continuity condition' I spelled out in the previous section. In order for the argument outlined to be more than explanatory or, in other words, in order for the argument to provide reasons to affirm and sustain the target practice, we need to show that such practice still answers to the basic need pointed out in the model. In the next section, I provide two arguments to show this.

3.3 Two arguments for continuity

By presenting liberalism as a functional response to pluralism and to the conflicts it generates, the pragmatic genealogical argument outlined above shows that liberalism represents a historical lesson worth remembering, thus avoiding the genetic fallacy. But is this lesson still valid today, in the current circumstances? In his contribution on Rawls's 'genealogy of liberalism', Beiner tackles precisely this problem. In his view, Rawls's reason to 'excavate the origins of liberalism qua reaction to the devastation wrought by the Wars of Religion . . . conveys in an especially dramatic way why it is necessary for political liberalism to detach itself from any and all comprehensive views' (Beiner, 2016: 82). However, it is far from clear that this necessity still holds in current circumstances. Since religious fanatism is long gone and since the problem of tolerance is now settled, Beiner rhetorically asks if there really is any reason to stick to the principle of neutrality underscoring Rawls's account of liberalism (Beiner, 2016: 81). This point clearly shows that continuity cannot be assumed but should rather be argued for on historical grounds.

I think there are two arguments we can bring against Beiner's point concerning continuity. Let me start with the first. When he claims that our current society is secular, moderate and reasonable he is certainly right. Religious zeal now moves just a minority of citizens and the extent to which it moves them is insufficient to threaten peaceful

coexistence. But it is crucial to observe that even though the exposition to the risks connected to sectarian and potentially violent tendencies decreased, these risks are not down to zero. Indeed, scholars see the polarizing trends and the mutual intolerance between political parties and their supporters as major threats to social and political stability (Dworkin, 2006). Moreover, political antagonism, in some countries like the US, assumes increasingly identitarian traits, tracing differences in social upbringing, geographical location and sometimes race, suggesting the possibility of even further radicalization (McCoy et al., 2018).

One may reasonably dismiss the risks connected to these tendencies by trusting the robustness of liberal-democratic institutions, but recent studies suggest that the stability of liberal-democratic regimes is only weakly related to institutional design. For instance, despite having a constitution and an institutional framework almost identical to the US, many South American democracies in the course of the 20th century collapsed under polarizing tendencies into violent and oppressive regimes (Levitsky and Ziblatt, 2019: 97–106). These regimes cannot represent a solution to the problem of social peace and security if they merely represent, as they often do, the institutionalization of a civil war, in which one faction represses the other by gaining control over the State's apparatus[25]. The point here is that even once religious zeal and fanatism have faded away, the risk of sectarian antagonism and conflict, in one form or another, remains. If the risk is still actual to a relevant extent, then the need to secure tolerance and protect a common, neutral and reasonable way to deal with the disagreement between incompatible views continuously obtains.

If the first argument challenges discontinuity, a second argument takes off from reflecting on the causes which led circumstances to change – to the extent that they changed. In fact, if contemporary pluralism is more moderate and reasonable than the one from which liberalism emerged, it is worth asking why. Rawls's argument in this respect seems alarmingly circular, for it apparently suggests that citizens' doctrines became reasonable because they were reshaped under a political conception of justice defining the boundaries of reasonableness. If this was the case, reasonable pluralism would not be 'a pregiven fact of democratic regimes', but rather 'the end result of the implementation of political liberalism' (Wingenbach, 1999: 222).

We may defuse this apparent circularity by taking, as a more charitable reading would suggest, citizens' transition towards reasonableness and governments' transition towards liberalism as co-extensive and mutually reinforcing. In such a reading, the more citizens divided by incompatible doctrines engage in successful cooperation under prudential reasons, the more reasonable they get, in the sense that they become more well-disposed towards their fellow citizens. And the more this process proceeds – the more the

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[25] The obvious examples here are Chile and Argentina. One may object that they do not represent significant cases for they lack the democratic tradition or the liberal political culture that the US, for instance, have. But this reinforce my point, which is precisely about the importance of such a culture, together with the implicit norms of toleration embedded in it, for the stability of liberal democracy.

practice of tolerance is interiorized and turns into the virtue of reasonableness – the more likely it is to find expression in politics and to be reinforced. As far as this Humean reading is correct in respect to Rawls, and as far as it is historically plausible, Beiner's suggestion to drop the quest for political neutrality between comprehensive doctrines seems to presuppose that the process such a reading describes cannot be reversed or stopped and that pluralism, once it became reasonable, will remain so. Yet what the previous argument shows is that such a process is fragile and requires continuous maintenance. And if the quest for a neutral politics is part of it, then it should not be dropped.

If these two arguments are correct and the continuity clause is thus respected, the genealogical argument outlined in the previous section can maintain a vindicatory power with respect to liberalism. And as far as liberalism is based on the three basic ideas Rawls proposes, these ideas would be vindicated too. To be sure, the pragmatic vindication so delivered ultimately rests on naturalist grounds, for it works by showing its object as a functional response to basic human needs. And of course, we learned to be wary of any attempt to derive normative claims from alleged 'facts' about human nature. For instance, it is unclear whether Rawls's commitment to the method of avoidance would allow him to accept this vindication.

Against this doubt, I just want to stress that the ground on which the argument rests is naturalistic in a rather minimalist sense. The hypothetical component of pragmatic genealogies serves precisely to bring to light needs that are likely to occur in every form of society, like the need to have reliable information about the environment and the need for social peace. Using Craig's words, the needs so identified 'are so general . . . that one cannot imagine their changing whilst anything we can still recognize as social life persists' (Craig, 1990: 10). Therefore, there is an extremely heavy burden of proof on anyone who claims to find a society in which they were not operative. Whether this is enough to comply with the method of avoidance is an open question, but how exclusive this method is and to what extent we should stick to it are open questions too. What is certain is that basic needs represent a more stable ground for vindicating liberalism, and thus for reconciling us with a social world deeply characterized by it, than any metaphysical narrative of a Hegelian kind.

Conclusion

So far, I have answered two questions: whether and how pragmatic genealogy can contribute to bridging the justificatory gap in Rawls's late outlook. By way of conclusion, I want now to briefly consider the extent to which it can do so. Does the genealogical argument succeed in showing that our social world is objectively a home and that it is thus worth reconciling to? As we have seen, as far as our social world is a liberal one, and as far as the three basic ideas which are among its defining features underpin liberalism, the ideational component of our social world is vindicated. However, nothing in what we

have said so far entails that pluralism, however reasonable it might be, is a fact that we should appreciate and embrace whole-heartedly. It might be the inevitable outcome of practical reasoning under free institutions, as Rawls suggests, but the genealogical argument itself cannot show that this is the case. Pluralism remains beyond the scope of genealogical vindication, for it represents the bedrock from which the liberal-democratic way of arranging society emerged. In light of this argument, the social world is thus a home, but in a very specific sense: not the joyful and comfortable hearthstone we may wish for, so to speak, but the shelter we need.

A final clarification concerns the kind of reasons pragmatic genealogy provides and the sort of justification it achieves. As we saw, these reasons are functional, instrumental and precautional, and the justification is, therefore, pragmatic[26]. This fact is not necessarily problematic, but it stands in apparent contrast with what might be a relevant desideratum. Rawls himself claims that a political agreement based on precautional reasons would be an unstable modus vivendi, whose endurance depends on the ever-changing power balances between the forces taking part in it (Rawls, 1996: 148). In light of this claim, it may seem that we are facing a dilemma. On the one hand, the genealogical argument could contribute to reconciling citizens to their social world, but their knowledge of the argument would weaken their moral commitment to liberal-democratic ideas, making the political agreement at the cornerstone of liberal-democratic societies less stable. On the other hand, the requirement of stability for moral reasons apparently prescribes forgetting the functional origins of our ideas for the sake of moral adherence to them and thus suggests concealing the genealogical argument. However, this would be incompatible with any minimally democratic view of political philosophy.

A full treatment of the issue would fall beyond the scope of this article and would require a thorough discussion of the relation between functionality and normativity. However, I think that a proper grasp on the character of pragmatic genealogies could display this dilemma as an apparent one because the first horn of the dilemma wrongly presupposes that learning about the functional origins of a normative commitment would weaken it. However, this is not necessarily the case. Indeed, sceptical or disaffected citizens could make sense of their commitment to liberal values through pragmatic genealogy in a way that dogmatic re-affirmation does not allow and, by doing so, they can stick to them in good conscience. Moreover – and most importantly – virtually everybody, even those who are outside the liberal and democratic community, could make sense of those values through pragmatic genealogy. This does not mean that a pragmatic genealogical argument will or should convert them to the liberal cause. It rather means that the arguments can show them why citizens of liberal democracies, given their history and their current situation, have good reasons to affirm their social world, its institutions and its fundamental ideas, thus performing a vindicatory function.

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[26] This is the reason why I talked of the genealogical argument as providing a vindication rather than a justification. Justification is indeed a term that, in the context of normative political theorizing, has a moral dimension.

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