

LAMENTABLE NECESSITIES

GEORGE TSAI

SLAVERY IN ANCIENT GREECE, absolutist monarchy in premodern Europe, and the European conquest of the New World strike us, from our contemporary perspective, as injustices on a massive scale. People were not merely harmed, badly affected, and made worse off by these institutions and activities, they were also wronged—rights were violated, claims owed were denied, promises made were broken, and shares of social goods were radically unequal. But given the impact of these large-scale historical activities on the particular course taken by Western history, they almost undeniably played a role in the development of modern liberalism.

Bernard Williams once asked the following:

[I]f one accepts that historical and social developments were necessary to the emergence of universalistic morality . . . does one accept that among the conditions of the emergence of universalistic morality were many historical activities that depended on the non-acceptance of universalistic morality? . . . Does the Kantian [or universalist] really wish that Kantian [universalistic] morality had prevailed?¹

These questions invite the thought that if the historical achievement of our broadly Kantian or universalistic morality was conditioned by activities predicated on the nonacceptance of that morality—including activities that we would not hesitate to characterize as moral atrocities and severe injustices—then we cannot in good conscience wish, all things considered, that those activities had not happened. The thought relies on the assumption that we greatly value the historical instantiation of universalistic morality, seeing it as having worth that can be set against some of the great horrors of history. Yet, the notion

Correspondence to: George Tsai, Department of Philosophy, University of Hawaii, 2530 Dole Street, Sakamaki Hall, Honolulu, HI 96822

¹ Bernard Williams, "History, Morality, and the Test of Reflection," in *The Sources of Normativity*, Christine Korsgaard (Cambridge: Cambridge University Press, 1996), 217. See also Bernard Williams, "Moral Luck: A Postscript," in *Making Sense of Humanity and Other Philosophical Papers* (Cambridge, England: Cambridge University Press, 1995), 245.

that we do not or cannot wish, all things considered, that the activities that condition the historical emergence of our morality had not occurred also puts pressure on our very acceptance of that morality, given its universalistic aspiration or content (that is, its claim to universal validity). As Williams suggests, the Kantian or universalist who greatly values his moral way of life does not in fact wish that certain horrible events in the past had not happened; but that he does not so wish is in tension with his universalistic moral commitments.

This essay explores some of the ideas implicit in Williams's questions, applying them specifically to the case of modern liberalism. Officially, my aim is not to argue that this or that *particular* activity in history was necessary to the emergence of modern liberalism. Instead, I shall contend that *some* historical injustices were very likely necessary conditions of modern liberalism's emergence. Moreover, insofar as we acknowledge that some social processes and historical activities of a decidedly nonliberal character—involving exploitation, expropriation, and severe injustice—are necessary to the emergence of our greatly valued liberal ethical life, then a form of regret with respect to them may be ruled out for us. After making this argument, I explore some of its implications, returning to the question whether not regretting certain historical injustices is compatible with maintaining a universal liberal outlook.²

I

Throughout this discussion, I will speak of “ethical life.” My use of this term may call to mind Hegel's concept of *Sittlichkeit*, typically translated as ethical life or customary morality, referring to something like the lived experience of ethical norms. This association is deliberate, as by the term “ethical life,” I mean to refer to the patterns of living, models of conduct, and modes of social interaction that are

² Throughout this paper, my use of the first personal plural pronoun “we” is not meant to represent a fixed group, but rather operates as an invitation to the reader. As Williams puts it, “It is not a matter of ‘I’ telling ‘you’ what I and others think, but of my asking you to consider to what extent you and I think some things and perhaps need to think others.” Bernard Williams, *Shame and Necessity* (Berkeley: University of California Press, 1993), 171.

associated with some particular ethical system. Though an ethical life exemplifies or actualizes ethical values and ideals, it is distinct from them in that it has institutional reality, and is a contingent historical formation.

More specifically, an ethical life will typically include:

- (1) a particular set of social practices and institutions (for example, certain legal structures, and social and economic institutions);
- (2) a collective ethical consciousness or outlook (for example, certain shared moral concepts and understandings, certain shared attitudes about what is morally important and admirable); and
- (3) certain ethical dispositions, motivations, and patterns of practical and emotional response (for example, dispositions to treat certain kinds of considerations as reasons for action in deliberative contexts, and dispositions to experience certain reactive sentiments in the face of perceived wrongdoing).

In short, the notion of “ethical life” refers to the historical instantiation of complex structures of mass psychology and behavior connected with an ethical system.

My interest is in “our” historically instantiated ethical life—modern liberalism. That is, I am interested in the ethical life that, as a matter of historical fact, structures the lives of members of Western industrial societies. In general, liberal societies are committed to the rule of law, the protection of basic individual liberties, the democratic process, the equality of status of its citizenry, and the toleration of diversity with respect to people’s normative and evaluative beliefs. Liberal ideals such as autonomy, equality, and toleration have only been fairly recently acknowledged, and would seem quite strange to other people in other times. Most historians and philosophers agree that liberalism did not arrive on the scene historically until the eighteenth century, in the aftermath of the European Wars of Religion. As Raymond Geuss writes, “one can trawl extant historical literature in search of anticipations of the liberal temper, but almost anyone can see that the catch will be very meager until the eighteenth century.”³

³ Raymond Geuss, *History and Illusion in Politics* (Cambridge: Cambridge University Press, 2001), 70.

Similarly, Robert Pippin observes that “It is only relatively recently in Western history that . . . one’s entitlement to a self-determining, self-directed life seemed not just valuable but *absolutely* valuable . . .”⁴ It will be helpful to this discussion to focus our minds on those features unique to social life in modern liberal societies that we value most.

II

As reflective and self-conscious beings, we have the capacity to *identify* with our way of life, or aspects of that way of life. Our identification with our ethical life involves considering it to be, in some sense, part of who we are—or rather, part of what we value about who we are. As part of our identity, our ethical life is tied up with the description under which we value ourselves and consider our lives to be worth living.⁵ In the sense that I use the term, identification with our ethical life involves considering that way of life to be valuable to us and worthy of our commitment to it.

As members of a modern liberal society, we are able to lead a life in accordance with and in recognition of liberal values. That is, we assign weight to values such as autonomy, equality, and tolerance, according them importance in our day-to-day lives. But through our participation in liberal practices and institutions, and through sharing in various liberal dispositions and attitudes, we can also come to value the particular ethical life in which we participate. That is, in addition to our adherence to liberal values, we can also come to value the fact that we value liberal values and that we lead lives in a particular social world structured around liberal values. In other words, as liberals (that is, those who hold liberal values), we can also become valuers of

⁴ Robert Pippin, “Bourgeois Philosophy?” On the Problem of Leading a Free Life,” *2004 Ryerson Lecture*.

⁵ This sentence borrows from a memorable passage in Christine Korsgaard’s *The Sources of Normativity*: “It is the conceptions of ourselves that are most important to us that give rise to unconditional obligations. For to violate them is to lose your integrity and so your identity, and to no longer be who you are. That is, it is no longer to be able to think of yourself under the description under which you value yourself and find your life to be worth living and your actions to be worth undertaking.” *The Sources of Normativity*, (Cambridge: Cambridge University Press, 1996), 102.

our particular ethical life—that is, valuers of our historically contingent liberal practices, institutions, dispositions, and commitments.

Joseph Raz notes that “identification” with one’s society can be expressed in consent to political authority. He writes that

There are various attitudes towards society that consent to the authority of its laws can express. They can all be regarded as so many variations on a basic attitude of identification with the society, an attitude of belonging and of sharing in its collective life. Attitudes belonging to this family vary. They can be more or less intense. They may be associated with some features of society more than with others. They may, but need not, express themselves in one’s attitude towards the law. . . . That consent to be bound by the law is an expression of such an attitude of loyalty and identification (that is, a sense of belonging) is a matter of fact.⁶

Raz’s reflections fit into a broader discussion of the connection between attitudes of identification and consent to political authority, and of the implications of that connection for consent to be the basis of political obligations. My interest in identification and loyalty concerns not their relation to consent or to political obligations. Rather, I am interested in these attitudes because I think they exemplify a form of valuation that can be had of one’s ethical life. For my purposes, it suffices to register that identification and loyalty as forms of valuation can be expressed in consent to the authority of our society’s laws; involves feeling that we belong and share in our society’s collective life; can be more or less intense; and can be associated with some of features of our society more than others.

Other philosophers speak of a similar and related attitude to identification—that of feeling at home in one’s social world. Thomas Christiano describes “being at home in the world” as having “a sense of fit, connection, and meaningfulness in the larger society.”⁷ A person who feels at home in the world is “able to affirm the institutions of which [he] is a part and which play a large role in directing [his] life.”⁸ For Christiano, it is a virtue of a society that its people are able to feel

⁶ Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986), 91.

⁷ Thomas Christiano, *The Constitution of Equality* (Oxford: Oxford University Press, 2008), 91.

⁸ Christiano, *The Constitution of Equality*, 91.

at home in the world. In a similar vein, Duncan Ivison writes that “to be at home in the world is to be able to identify with those institutions and practices, to see the norms and ends as expressed in the public life of her community as ones that are connected to her flourishing. . . . [and which] help to make her life go better.”⁹

These notions of “identification,” “loyalty,” “affirmation,” and “feeling at home in the social world” are part of a family of related concepts. Each notion differs in some ways from the others, and it can be worth trying to understand how they are different. For the purposes of this discussion, however, my chief concern is with what they have in common. What they have in common is their relation to a general form of valuation of one’s ethical life. I will use the expression “valuing one’s ethical life” to refer to this basic attitude or complex of attitudes. Valuing one’s ethical life involves judging it to have importance, attaching special significance to it, and seeing that it matters to how well our lives go.

The definitive account of valuing, to my mind, is one recently proposed by Samuel Scheffler, who argues that valuing any X comprises at least the following elements:

1. A belief that X is good or valuable or worthy,
2. A susceptibility to experience a range of context-dependent emotions regarding X,
3. A disposition to experience these emotions as being merited or appropriate,
4. A disposition to treat certain kinds of X-related considerations as reasons for action in relevant deliberative contexts.¹⁰

Scheffler’s account of valuing can help us to see how the various attitudes we hold toward the liberal ethical life, when taken together, constitute valuing it. Thus, we judge liberal ideals, practices, and institutions as good, valuable, and worthy. After all, liberal institutions

⁹ Duncan Ivison, *Postcolonial Liberalism* (Cambridge: Cambridge University Press, 2002), 6.

¹⁰ Samuel Scheffler, “Valuing,” in *Equality and Tradition* (New York: Oxford University Press, 2010), 29. Scheffler’s reflections on the nature of valuing are presented in the following essays collected in *Equality and Tradition*: “Valuing,” “Morality and Reasonable Partiality,” and “Immigration and the Significance of Culture.”

are among the features of our social world in which we take the greatest pride. Moreover, our emotional responses in a range of contexts also reflect the importance that we place on liberal ideals and institutions, and our recognition of the central role these play in our lives. Not only are we susceptible to strong feelings of anger and sadness when the liberal way of life is threatened by, say, the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001, we also take ourselves to be justified in feeling the way we do. When liberal ideals and institutions flourish or prevail, we feel not only joy and satisfaction, but also warranted in feeling this way. In valuing liberal ideals and institutions, we are also disposed in relevant contexts to treat considerations about the impact of proposed courses of action as having deliberative relevance: for example, seeing a reason to go to the voting booth on Election Day or seeing a reason to obey the law.¹¹

Though what is involved in valuing a thing depends in some ways on the nature of the thing valued, it is a general fact about valuing a thing that it involves seeing a reason of some kind to sustain, retain, or preserve the valued object. This point has been widely acknowledged. T. M. Scanlon observes that, "Often, valuing something involves seeing reasons to preserve and protect it (as, for example, when I value a historic building)."¹² Raz argues that "there is a general reason to preserve what is of value."¹³ For Raz, each of us has a reason to preserve that which is of value, whether or not we ourselves are "engaged with" (that is, value) those valuable objects.¹⁴ Scheffler writes that, "If there is a conceptual gap between valuing and the impulse to conserve, it is not a very large one."¹⁵

Not only is valuing something conceptually tied up with holding certain prospective normative attitudes, such as seeing reasons to

¹¹ Recall Raz's claim that identification with one's society can be expressed in consent to be bound by the law.

¹² T. M. Scanlon, *What We Owe to Each Other* (Cambridge: Harvard University Press, 1998), 95.

¹³ Raz, *Value, Respect, and Attachment* (Cambridge: Cambridge University Press, 2001), 162.

¹⁴ Here, I assume a distinction between valuing something and judging it to be valuable.

¹⁵ Scheffler, "Immigration and the Significance of Culture," in *Equality of Tradition*, 269.

sustain or to retain or to preserve the valued object, valuing something can also commit us to holding certain retrospective normative attitudes. In particular, to *greatly* value something involves seeing reasons to appreciate or cherish the existence of the valued object, preferring the actual case in which the valued object should exist and should have come into existence to the alternative scenario that it should not have. This preference involves *accepting* the valued object's necessary causal and historical conditions, in the sense that one would not want to "overturn" (if one could) the causal processes that are implicated in the emergence of the greatly valued object, given that the greatly valued object's existence is conditioned and determined by those processes. This notion of acceptance does not imply unconditional or unqualified endorsement of the relevant causal processes, but it does imply the absence of wishing or preferring on balance that the implicated causal processes of the valued object had not obtained, in knowledge of the fact that those processes condition the existence of the greatly valued object. In other words, to accept the relevant causal processes is to prefer on balance what has actually happened to what would have happened otherwise, given that what would have happened otherwise would have entailed the nonexistence of the greatly valued object. Suppose, for example, that I come to learn some horrific details about the causal history that enabled the existence of a dearly valued object, say, the life of a loved one, or perhaps my own life. Insofar as I greatly value the object in question, the idea is that I would still "choose" (if I could and it came down to it) the causal processes that are implicated in that object's existence, for without that causal history, my dearly valued object would not exist.¹⁶

Recall Raz's observation that the attitude of identification with one's society can be more or less intense. The idea is that we can value our ethical life to different degrees. We can also value our ethical life more than other things that we also value, attaching greater

¹⁶ Of course, the extent to which we value a thing may also depend on our holding certain beliefs about, or being in ignorance of, other things pertaining to the emergence of the valued object. For example, as an environmentalist who loves to ski, I might really value the activity of downhill skiing, but then value it less than I did, if I were to be made aware that downhill skiing is made possible only by the devastation of environmentally sensitive forests, which I value above all else.

value to our ethical life than to other valuable things. I want to concentrate on the case whereby one is said to *greatly* value one's ethical life (or certain of its core features).¹⁷ A liberal who greatly values modern liberalism in this way will take himself to have strong reasons to accept the historical activities and social processes that condition it. Insofar as there are past events and processes that make possible the existence of modern liberalism, and this person is aware of them as such, he prefers on balance their occurrence to nonoccurrence.

For those who greatly value modern liberalism, what could be their reasons for privileging the existence of their ethical life in this way? In other words, what is it about modern liberalism that would lead some people to see its historical instantiation as having been worth all that made it possible? There is no simple or easy answer to this question, nor is there going to be one single ethical idea that those who greatly value modern liberalism will all agree on as the basis of their attitude, for there may be a number of different reasonable ethical ideas that support the attitude of greatly valuing modern liberalism. However, I believe attaching great value to modern liberalism is closely associated with believing it to be specially good, valuable, or worthy. Here are some considerations that might ground a liberal's greatly valuing his ethical life:

- (1) that the liberal ethical life embodies the one true or correct ethical-political system (or set of ethical-political principles, values, and ideals) for everyone, everywhere, at all times;¹⁸
- (2) that the liberal ethical life embodies the true or correct ethical-political system (or set of ethical-political principles, values, and ideals) here and now, given the contingent empirical conditions of our circumstance (for example, the fact that the

¹⁷ Recall Pippin's remark that entitlements to a self-determining, self-directed life are viewed as *absolutely* valuable.

¹⁸ Contemporary philosophers who are committed to *liberal universalism* in some form include: (the early) John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1999); Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974); Ronald Dworkin, *Taking Rights Seriously* (Cambridge: Harvard University Press, 1977); Thomas Nagel, *The Last Word* (Oxford: Oxford University Press, 2001), *Equality and Partiality* (Oxford: Oxford University Press, 1991); Jeremy Waldon, *Liberal Rights: Collected Papers 1981–1991* (Cambridge: Cambridge University Press, 1993).

modern world is scientifically and technologically advanced, pluralistic, capitalistic, and so forth);¹⁹

- (3) that the liberal ethical life enables certain valuable human relationships and projects, and so promotes our good in a nonnarrowly egoistic sense (that is, liberal arrangements contribute to our well-being, enabling us to lead flourishing, meaningful lives);²⁰ in other words, liberal attitudes, practices, and institutions make possible our self-fulfillment by enabling the opportunity to exercise our talents and to realize ourselves.²¹

In outlining these possible justifications, I do not claim that the considerations mentioned are completely independent of each other. On the contrary, these considerations may have quite a lot to do with each other—for instance, one might appeal to (3) as the basis of (1) or

¹⁹ Joseph Raz is one representative of this position in contemporary discussions. Raz holds that liberal values “apply only to advanced capitalist societies.” See *The Practice of Value* (Oxford: Oxford University Press, 2003), 152. Bernard Williams is also committed to something like this position though, importantly, he denies that a “cognitive account” can explain the recent emergence of liberalism. Williams rejects liberal universalism because he thinks liberal principles and practices simply did not “make sense” as an authoritative form of political order until a recent point in modernity. Because liberalism fails to “make sense” for premodern people, it does not meet a necessary condition of legitimacy (for them); thus, it is a mistake to treat liberalism as normative for premodern societies. See, *In the Beginning Was the Deed* (Princeton, N.J.: Princeton University Press, 2005), particularly chapters 2 and 6; and *Truth and Truthfulness* (Princeton, N.J.: Princeton University Press, 2005), particularly chapters 9 and 10.

²⁰ This is not meant to deny that people can and do lead good lives in nonautonomous societies. Rather, the point is that for us, life in a nonautonomous society would be less good. As individuals whose lives have already been significantly shaped by a form of ethical life based on individual choice, we need opportunities to exercise our autonomy in order to lead flourishing lives. On this point, see Raz, *The Morality of Freedom*, in particular chapter 14: “Autonomy and Pluralism.”

²¹ Something like this view—at least the idea that human happiness is the basis of a liberal commitment to tolerating different and inconsistent values and practices—goes back to John Stuart Mill. More recently, Raz has defended this view by arguing that liberal institutions are justified because, for those social formations capable of sustaining them, they provide the best way of promoting human well-being. For Raz, autonomy has a central place in the human good, and practices of toleration make it more likely that people will attain that good. See Raz’s *Ethics in the Public Domain: Essays in the Morality of Law and Politics* (Oxford: Oxford University of Press, 1994). Additionally, one could point out that liberal arrangements contribute to our well-being by allowing us to exist in a peaceful and stable social world.

of (2). Moreover, the considerations listed are not meant to be exhaustive of all possible compelling grounds for greatly valuing modern liberalism. I have only mentioned what seem to me the most compelling and obvious candidates.

Though it is more than I can do in this space to argue for one (or more) of these candidate justifications, the last justification (3) does strike me as particularly compelling, in view of the formative role that the liberal ethical life has played in our personal development, and in our conceptions of ourselves and our lives. Those who accept the first justification (1)—the idea that liberal values, principles, and ideals are true or correct for everyone, everywhere, at all times—would perhaps be inclined to do so on the broadly Kantian grounds that moral value or worth is the *supremely* good thing achievable by human beings. However, even those who deny that liberal values are universal or deny that moral value is the supreme value would have to accept that without the existence of the liberal ethical life, we would be unrecognizable to ourselves. In a sense, then, I think being true to ourselves may commit us to attaching great value to modern liberalism.

III

Our ethical consciousness and practice have a history. They are as they are here and now because of the ways they were elsewhere and in earlier times. Modern liberalism has been conditioned in countless ways by the long sweep of Western culture, stretching from the Enlightenment back to the Renaissance and beyond, to the Medieval and Classical worlds. There was a certain historical path that led eventually to the development of modern liberalism. Along the way, that path might have gone otherwise than it actually did: for example, the Mongol invasions (1206–60) could have penetrated further West, with significant implications for the development of Western culture; the Reformation could have drawn Europe into an endless vicious circle of religious war and violence which might have undermined the future for the West. But unless there is reason to think the development of liberalism was strongly impervious to historical contingencies—that its emergence was in some way inevitable—it is almost certainly the case that the historical path could

not have gone very differently and still resulted in the rise of liberalism. After all, it was anything but a foregone conclusion that liberalism would be the outcome of the long historical process leading up to the present.

In *Truth and Truthfulness*, Williams observes that:

Our ethical ideas are a complex deposit of many different traditions and social forces, and they have themselves been shaped by self-conscious representations of that history. However, the impact of these historical processes is to some extent concealed by the ways in which their product thinks of itself.²²

What I want to now explore is the possibility that one of the things “concealed” by the product of the complex historical process that gave rise to modern liberalism, and to the liberal universalistic outlook, is the truth captured by *the lamentable necessities thesis* (LN):

LN: Had some past injustices not occurred, then the historical emergence of our form of ethical life—or some of its central features—would not have been possible.²³

(Or equivalently, modern liberalism—or some of its central features—could not have come into existence but for the occurrence of past injustices.)

Note the relevant modal notion here is not logical or absolute necessity. It is not that we cannot imagine or conceive the historical emergence of modern liberalism, unless we suppose there were preceding injustices; we plainly can, just as we can imagine a single human being consuming a whole elephant in one meal. Rather, the relevant modality is a kind of empirical (sociological or historical) necessity.

LN says that “the historical development of modern liberalism could not have come about in *any other way* than by occurrence of activities involving severe injustice, exploitation, and expropriation.” The sense of “could not” here is similar to the sense of “could not” in the following three claims:

²² Williams, *Truth and Truthfulness*, 20.

²³ Compare Williams’s own suggestive statement: “The circumstances in which liberal thought is possible have been created in part by actions that violate liberal ideals and human rights, as was recognized by Hegel and Marx, and, in a less encouraging spirit, by Nietzsche.” *In the Beginning Was the Deed*, 25

- 1) Not only was *The Critique of Pure Reason* not written at the court of Genghis Khan in Outer Mongolia, but a book like *The Critique of Pure Reason* could not have been written there, given the social conditions.
- 2) At present, there could not be the existence of a worthwhile life for some people without the imposition of suffering and deprivations on others.
- 3) There could not be cultural genius in a social world defined by egalitarian values (as Nietzsche argued).

I find each of these claims very difficult to reject with confidence.

According to LN, it is a sociological or historical law that the evolution of modern liberalism must be preceded by activities that significantly violate liberal ideals, activities involving severe injustice, exploitation, and expropriation. Whether one thinks this particular modal notion of historical necessity is ultimately defensible would require careful and detailed evaluation of substantive accounts of it, such as Hegel's story that the complex workings of *Geist* turn human enslavement and suffering into historical achievement; and Marx's view that human progress requires the development of productive forces, which involves misery, degradation, and oppression of the many. This is an enormous task that I cannot undertake here. What I want to do instead is to defend LN by appealing to some intuitive considerations. More specifically, I shall motivate the lamentable necessities thesis by appealing to Derek Parfit's discussion of the nonidentity problem, together with an analogy between historical injustices in the genesis of modern liberalism and carnivorous behavior in the maintenance of the biosphere.

One way to motivate LN is by drawing an analogy between ethical life and personal identity. In his discussion of the nonidentity problem, Parfit observed that our actions, and the events that influence them, determine not only the conditions of life of our offspring, but also who and indeed whether they are.²⁴ Events, from the large-scale to the minor ones, can bring into existence individuals who would not have otherwise existed. After only a few generations, there would be a large number of people whose existence is owed to

²⁴ Derek Parfit, *Reasons and Persons* (Oxford: Clarendon Press, 1984), 352.

such contingencies. If this is right, then events or institutions of the past, such as slavery and the slave trade, and the appropriation of the lands of native people in the New World, would have had a significant effect in determining who is brought into existence and who, after the course of several generations, currently exists. This is because, were it not for these practices and the social conditions they produced, people would not have met and conceived when they did and different individuals would have been born than in fact were.

Just as one might think that unjust events and institutions condition the identities of those who come into existence, so one might think that certain large-scale unjust events and institutions condition the forms of ethical life that come into existence. Distant historical events can shape the desires, dispositions, and normative expectations of a group of people. Historical injustices condition not only whether we are, but also what kind of people we are: what kind of people we aspire to be ethically and what kind of social world we live in and pass on to the next generation. Some of these earlier injustices of a decidedly nonliberal character, rooted in theocratic and absolutist modes of thought, helped to promote liberalism as a critical reaction to them, and it is not at all obvious that liberalism could have emerged in any other way.²⁵ I challenge those who think that liberalism could have emerged without the occurrence of distinctly antiliberal practices involving severe injustices to spell out how a more benign yet viable historical path could have resulted in liberalism.

If we accept Parfit's idea that the particular individuals now existing in the world would not be here but for the occurrence of certain large-scale past injustices, then we should at least place the burden of proof on those who reject LN. Like personal identities, forms of ethical life are no less fundamentally contingently brought about by historical circumstances. Indeed, the history of a form of ethical life is also the history of some set of people. That same manifold of historical contingencies and forces that generated our identities also generated our ethical outlook and practice. That same

²⁵ See Ronald Dworkin, "Liberalism" in *Public and Private Morality*, ed. Stuart Hampshire (Cambridge: Cambridge University Press, 1978); and Charles Taylor, "The Politics of Recognition" in *Multiculturalism: Examining the Politics of Recognition* (Princeton: Princeton University Press, 1994).

collection of contingencies and forces also accounts for the fact that modern liberalism is our ethical life.

The historical sociologist W. G. Runciman once wrote that,

nobody who has studied in any depth the evidence of the historical and ethnographic record, can fail to be struck by the way in which the most elaborate forms of culture and the most complex patterns of [institutional] structure [constitute a sequence which] is, no less than natural selection, both random in its origins and indeterminate in its outcome.²⁶

If Runciman is right, then the causal-historical conditions of the emergence of modern liberalism are in fact rather fragile, that is, fairly sensitive to perturbations in the historical circumstances leading up to the emergence of the thing in question. Without at least the occurrence some of the severe injustices and moral atrocities that are part of its causal history, modern liberalism would not have come into existence.

Due to the achievements of modern biology and the modern decline of superstition, there is a lot more about which we are certain regarding the conditions of personal (biological) identity. That same degree of knowledge cannot be ascribed to our present understanding of the conditions of the emergence of forms of ethical life. The precise causal sources of our ethical ideas and practices are complex and just not well understood at this time. Given the current state of our knowledge (or rather ignorance), it would be overly optimistic to suppose that extreme injustices of a decidedly nonliberal character were not necessary to the emergence of liberalism.

We might also motivate LN by drawing an analogy between ecology and history, more specifically between historical injustices in the genesis of modern liberalism and carnivorous behavior in the maintenance of the biosphere. Ecologists argue that the biosphere is a highly complex and intricately interdependent system. They argue that the notion that it would be a better world overall where there were only plants and peacefully grazing herbivores—a world without carnivores like lions tearing apart the flesh of young buffaloes—might turn out to be rather naïve. After all, it is by no means clear that an

²⁶ W. G. Runciman, *A Treatise on Social Theory II: Substantive Social Theory* (Cambridge: Cambridge University Press 1989), 449; 285.

ecosystem is best off without violent creatures like lions and tigers; a significant amount of animal suffering may simply be an unavoidable feature in a flourishing ecosystem.²⁷

Of course, considerations about ecological stability and variety can hardly be translated straightforwardly into justifications for the infliction of suffering and deprivation on individuals and populations by a ruler or state to further political ends.²⁸ Still, the point is that in the same way that the biosphere is a highly complex and interdependent system, the processes and structures of history are also very complicated; injustices on massive scale in the distant past may simply be one of the conditions of existing stability and justice in some present social worlds.

IV

To help carry my argument, I want to present two historical illustrations of LN. The first describes the necessity of the expropriation of indigenous lands to the emergence of American, Australian, and Canadian liberalism; the second describes the necessity of sectarian violence to the emergence of the liberal virtue of tolerance.²⁹

A. Indigenous Expropriation and the Emergence of Liberal States. Consider the tremendous human cost in the death or near

²⁷ See Eugene Odom and Gary Barrett's classic text, *Fundamentals of Ecology*, 5th ed. (Belmont, CA: Cengage Learning, Inc., 2004).

²⁸ The thinking here would be similar to the thinking of historical leaders who thought prospectively, "You can't make an omelet without breaking eggs," and committed morally atrocious actions, doing so with the aim of, say, unifying warring factions and establishing political stability.

²⁹ I should be clear about the status that I am assigning to these cases in discussing them. Unlike the work of historians or sociologists or anthropologists, my aim is not to figure out what actual events in the past were in fact necessary causal conditions of the emergence of modern liberalism. Rather, in addition to exploring the general plausibility of LN, I am concerned with the implications for some of our evaluative attitudes, if certain past activities are necessary to the emergence of modern liberalism. The normative question "What should our retrospective attitudes toward certain past activities be, given the self-conscious recognition of the likely truth of LN?" does not strike me as proper to any of the social sciences. With this in mind, I present the following cases without the crucially important level of detail that would be expected if this paper were a work of history or social science.

death of many indigenous peoples and cultures, which has allowed for the emergence of liberal states in the modern world. Nonindigenous Americans, Australians, New Zealanders, South Africans, and Canadians, all members of paradigm liberal states, are now benefiting from injustices done to indigenous communities. In addition to having their land appropriated, the indigenous peoples faced forced inclusion into the state while being denied the legitimacy of their own cultural forms of life; and in this process, many indigenous peoples were attacked, defrauded, and expropriated. If the native people had not lost their land and had maintained their traditional relationship with the land, on which their form of life depended, then liberal society could not have developed in the way that it has. The historical record being what it is, we know the development of some liberal societies is a consequence of broken treaties and settlements on land unjustly seized. Thus, the liberal way of life that some enjoy cannot be accounted for without citing the annihilation of many indigenous practices and peoples by conquest.

Here, one might wonder whether the injustices committed against the native populations are strictly necessary causal conditions of the emergence of modern liberal states. Could core states of the liberal system like the U.S., Australia, and Canada have emerged in any other way than by the destruction of indigenous ways of life, or by something similarly morally horrible? Here, I am inclined to think not. Unless there is reason to think that these liberal states could have emerged without the expropriation of indigenous populations in some form, it is hard to avoid the conclusion that the welfare of many contemporary liberals was made possible only by the morally unjustified treatment of indigenous peoples. What would such an alternative even look like? Genuinely free cooperation and noncoercive, fully informed agreement between the Europeans and the natives resulting in the latter group handing over their land to the former?

In effect, then, we would have to think it was a readily plausible possibility for the natives to simply relinquish their way of life voluntarily, convinced that the practices of the Europeans were superior when they came into contact with these practices. I find it difficult to accept this, or something like it, as a genuine historical alternative, if we are realistic about the limits of human psychology and the constraints of historical development. Given what we know of

the respective dispositions, skills, states of mind, and knowledge base of the Europeans and the natives, respectively, the option of free cooperation, noncoercion, and fully informed agreement was not a genuine alternative for the respective parties at the time. To think otherwise, given the particular demands placed on them at the time would require characterizing past persons and their psychologies in such a way that they would no longer be the kinds of agents they were.

The natives, after all, were a people with a strong sense of dignity and independence, and would not voluntarily permit 200 million people to take over the land. They saw themselves as deeply rooted in the land. Their identities and self-conceptions were bound up with their land, which, for them, was not seen as a commodity to be bought and sold. On the other hand, many Europeans, with their conviction that they were God's chosen people, arrived in the New World with a sense of superiority and entitlement. They had an image of it as a place with abundant space and resources that were theirs for the taking. Moreover, the Europeans were coming from a place where land was in short supply, where ownership of land was a mark of status and source of wealth. Given these facts, it is hard to see how the European settlement of the New World could have occurred peacefully and justly. To suppose otherwise would be to have our historical accounts shade into fiction. In short, many liberal societies today would not exist but for the severe injustices committed against native populations.

B. Religious Violence and the Emergence of Tolerance as a Virtue. A central feature of liberal societies is their *toleration*, the particular liberal concern with the accommodation of diversity with respect to people's normative and evaluative beliefs. Although practices of toleration and attitudes of tolerance have a central place in the liberal tradition, for most of human history these have been hard to come by. In the opening chapter of *On Liberty*, John Stuart Mill writes that

so natural to mankind is intolerance in whatever they really care about, that religious freedom has hardly anywhere been practically realized, except where religious indifference, which dislikes to have

its peace disturbed by theological quarrels, has added its weight to the scale.³⁰

If Mill is right that what is natural to human beings is *intolerance* rather than tolerance, how do we explain the fact that some people in certain parts of the world should recently have come to possess attitudes and dispositions of tolerance, when people previously possessed those of intolerance and mere indifference?

We can distinguish between the virtue of tolerance and the practice of toleration. As a personal virtue or attitude, tolerance is a feature of individual character and involves the belief that within certain limits, it is morally good in itself (rather than simply instrumentally good) to keep in check feelings of opposition to practices that one strongly disapproves of. Toleration as a practice, on the other hand, involves putting up with the existence of the other, disapproved of group *as a matter of fact*. As a practice, toleration is defined and enforced by a legal or institutional arrangement. So understood, toleration as a practice need not in principle be sustained by tolerance as a virtue. As Rawls reminds us in *Political Liberalism*, toleration as a practice can be reached on the basis of views like those held by Catholics and Protestants in the sixteenth century, as a “*mere modus vivendi*,” in which toleration was accepted on prudential grounds on the basis of self- or group-interest.³¹

Because the emergence of the social practice of toleration does not require the existence of the personal virtue of tolerance, it may be that the former had to come about historically prior to the latter. Historically, the *practice* of toleration emerged during and after the European Wars of Religion, as a set of practical arrangements aimed at defusing violent sectarian conflict by requiring members of religious majorities to accommodate religious minorities. As Samuel Scheffler writes, “We may view it as a rare stroke of political good fortune that, in their efforts to defuse violent sectarian conflict, liberal societies devised arrangements and institutions that turn out also to make available their own distinctive satisfactions and rewards.”³² The need

³⁰ John Stuart Mill, *On Liberty*, (Indianapolis, IN: Hackett, 1978), 8.

³¹ John Rawls, *Political Liberalism* (New York, NY: Columbia University Press, 1993), 148.

³² Scheffler, “Introduction,” in *Equality and Tradition*, 11.

for a *modus vivendi* may account for the emergence of the practice of religious toleration for the first time. Once this practice took hold, it was broadened and generalized, as the liberal tradition developed, to apply to commitments of a nonreligious nature as well. It was only at a later stage of liberalism's development—after the practice of toleration had taken hold and began to broaden—that members of these societies came around to appreciate toleration's "own distinctive satisfactions and rewards," cultivating an ethos that included tolerance as a virtue.³³

If the development of the virtue of tolerance could have occurred only through a series of historical stages, sectarian conflict may have been a condition of that development. This is because the institution of toleration that enables the development of the virtue of tolerance almost always takes hold for a group of human beings initially for reasons having to do with the need for a *modus vivendi*.³⁴ The reasons almost certainly are never those of the moral good in itself of toleration.³⁵ Here, it is helpful to distinguish between the historical explanation of why liberal institutions like toleration take root in a society for the first time and the distinctly liberal moral justifications for such institutions that become available to members of that society only at later stages. On the picture that I am suggesting, tolerance as a virtue emerges in a society only after toleration as a practice has already taken root in it, given the need for a *modus vivendi* in the face of sectarianism and violence. It is only after a group of human beings has lived for some time in a tradition where toleration is a practice that they are able to begin to develop the virtue of tolerance.

Here again, one might wonder whether sectarian violence is a strictly necessary condition of the emergence of the virtue of toleration. I am inclined to say "yes"—there actually had to have been

³³ See Benjamin Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge, Mass.: Harvard University Press, 2007).

³⁴ A *modus vivendi* is a strategic compromise among contending groups in a society none of whom is in a position to impose its preferred way of life on the others without unacceptable costs and each of whom as a result adopts a policy of mutual accommodation as the best that it can hope to achieve under its circumstances.

³⁵ Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe*.

the occurrence of sectarian violence in order that people on a large scale could come to develop such dispositions as being viscerally, morally outraged in the presence of intolerance.³⁶ Certainly, reflection of a purely theoretical character about the good of toleration alone would hardly suffice to bring about the historical instantiation in the mass population of a moral psychology that includes the virtue of tolerance.

V

Having discussed the attitude of greatly valuing modern liberalism and motivated the lamentable necessities thesis, my plan is to argue that a form of regret is rationally ruled out for those who greatly value modern liberalism and accept the lamentable necessities thesis.

It will be helpful to first say something about the character and objects of regret in general. Regret is structured by the evaluative thought that it would have been better if things had been otherwise than they were. It is also constituted by the attitude of wishing or preferring that things in some respect should have been otherwise. Regret can be a response to one's own action (or omission) or a response to some circumstance or event that is not part of one's agency. Thus, we can distinguish between agent-regret and impersonal-regret. The particular sense of regret that is my focus, overall regret about events in the distant past, falls under the latter category of impersonal regret. This attitude takes as its object activities, events, and states of affairs in the distant past. Since one's own agency does not, indeed cannot, play a part in the distant past, historical regret is a form of impersonal regret.

Following R. Jay Wallace, we can also distinguish between regretting something in an all-things-considered sense and regretting something in a non-all-things-considered sense.³⁷ An agent that *overall*

³⁶ Consider the fact that many people today are so easily morally outraged and reactively exercised by instances of anti-Semitism. Would this be a moral disposition possessed by large numbers of people today, if the Holocaust (or something similarly morally horrible) had not been an actual chapter of human history?

³⁷ Here and in what follows, I rely on a distinction between "regrets" (regret non-all-things-considered) and "all-in regret" (regret all-things-

regrets a distant event regrets it in an all-things-considered sense, preferring, all things considered, that the event in question should not have occurred. This is an attitude one has on the basis of considering “the totality of subsequent events” that one acknowledges to have been set in motion by the action or circumstance that is the object of one’s retrospective attention.³⁸ The on balance preference might be understood as amounting to a present willingness to choose the nonoccurrence of the object of regret, if (contrary to fact) one were somehow able to now to have a real choice in the matter.³⁹ Thus, an agent that experiences overall historical regret about a distant event has an all-things-considered preference that the event in question had not occurred.

Since ordinary talk of regret pertains mostly to things oneself or one’s contemporaries are causally responsible for, talk of regretting distant activities such as the expropriation of native populations by the Europeans several hundred years ago may sound strange to some. However, to the extent that we can be interested in the question whether, in the light of our historical knowledge, we prefer on balance the nonoccurrence of these distant events to their occurrence, this is a context in which the notion of overall historical regret can have useful application.

VI

I am now in position to demonstrate that those who accept the lamentable necessities thesis, and greatly value modern liberalism, are rationally precluded from overall regretting certain past injustices. Suppose that an agent, S, greatly values modern liberalism and also accepts LN. In particular, suppose S believes the occurrence of some

considered) drawn by R. Jay Wallace in “Justification, Regret, and Moral Complaint,” in *Luck, Value and Commitment: Themes from the Ethics of Bernard Williams*, ed. Ulrike Heuer and Gerald Lang (Oxford: Oxford University Press, 2012), 163–92.

³⁸ See Wallace, “Justification, Regret, and Moral Complaint,” 177.

³⁹ That we have these implicit preferences regarding possibilities that are not real options for us is tied up with our attachment to things we greatly value. On this point, see Wallace’s “Justification, Regret, and Moral Complaint,” *supra* note 28 on 177

activity, say, the marginalization of native populations (or native marginalization, for short), *instantiates* LN. That is, S believes that the emergence of modern liberalism would not have been possible but for the occurrence of native marginalization. In addition, suppose that S overall regrets native marginalization.

It follows that S violates an intuitive rational constraint on our preferences, which I will call the *preference coherence principle of rationality* (or PC, for short):

PC: For any event, rationality requires an agent not to (simultaneously) both

- (1) prefer all things considered that event's occurrence over its nonoccurrence, and
- (2) prefer all things considered that very same event's non-occurrence over its occurrence.

The rational requirement that all-things-considered preferences be consistent strikes me as an intuitive synchronic rational constraint on an agent's preferences.

Here it might be objected that there cannot be a rational requirement on an agent to have his all-things-considered preferences be consistent because it is impossible for an agent's all-things-considered preferences to be inconsistent.⁴⁰ The reason for this is that whenever we have a case in which two all-things-considered preferences are obviously inconsistent, and (it is purported that) the agent is aware both that he holds the two preferences and that the preferences are inconsistent, we can start to lose our hold on the notion that the agent has both preferences. Similarly, when two beliefs are obviously inconsistent, and (it is purported that) the agent is aware that he has both beliefs and that they are inconsistent, we can start to lose our hold on the notion that he actually has both beliefs. Still, people do commonly have inconsistent beliefs because they fail to realize that the beliefs are inconsistent, perhaps because the beliefs are not obviously inconsistent. They can also fail to know what they believe—that is, fail to know the contents of their beliefs—even if they are well aware that, say, two beliefs (contents) which in fact they

⁴⁰ Compare Elizabeth Harman, "I'll Be Glad I Did It' Reasoning and the Significance of Future Desires," in *Philosophical Perspectives* 23 (2009): 184.

accept are inconsistent. Likewise, people may hold inconsistent all-things considered preferences because either they do not realize the preferences in question are inconsistent or they do not realize they hold both preferences. Both of these cases can apply to those who accept the lamentable necessities thesis, greatly value modern liberalism, and overall regret certain historical injustices.

So here is why PC is violated for our agent S. On the assumption that S overall regrets native marginalization, S prefers all-things-considered the nonoccurrence of native marginalization to its occurrence. Further, since by hypothesis, S believes that native marginalization instantiates LN, and greatly values modern liberalism, S prefers all-things-considered the occurrence of native marginalization to its nonoccurrence. But now, we have deduced *both* that S prefers (overall) the nonoccurrence of native marginalization to its occurrence and that S prefers (overall) the occurrence of native marginalization to its nonoccurrence. Holding these preferences violates PC. Thus, S is inconsistent or irrational.⁴¹

So how does this conclusion relate to the pair of questions that Williams put to those partial to Kantian, universalistic conceptions of morality? Recall that Williams asked the following:

Does one accept that among the conditions of the emergence of universalistic morality were many historical activities that depended on the non-acceptance of universalistic morality? . . . Does the Kantian [or universalist] really wish that Kantian [universalistic] morality had prevailed?⁴²

The force of these questions, I take it, is this: To be a Kantian (or, for purposes this discussion, a *liberal universalist*) involves holding certain attitudes toward certain activities. Thus, one accepts that every society should give all of its members an equal voice, that everyone ought to be able to practice their religion, that all persons should enjoy equal freedom, that no one should be arbitrarily denied access to economic roles because of their race or sex, that diverse ways of life should be tolerated by all, and so on. One also condemns

⁴¹ Note that there is still an important sense of overall regret available to S. S can overall regret that historical circumstances were such that modern liberalism could not have emerged but for the occurrence of certain injustices.

⁴² Williams, "History, Morality, and the Test of Reflection," 217.

slavery, serfdom, absolutist monarchy, persecution on the basis of people's ethnic origins, and so forth, seeing these activities as morally wrong for everyone, everywhere, at all times.⁴³ But suppose the historical instantiation of modern liberalism, including the liberal universalist outlook, would not have been possible but for the occurrence in the past of the very kinds of activities the liberal universalist has to morally reject—including slavery, absolutism, and sectarian violence. After all, on the assumption that LN is true, the liberal universalist outlook could not have historically emerged in any other way than through the occurrence of these or similar injustices. What stance, then, should the liberal universalist adopt, on reflection, towards those past activities on which the historical instantiation of his moral outlook depends in this way? In particular, can the liberal universalist, if he greatly values modern liberalism, overall regret their occurrence? Williams's suggestion is that the liberal universalist cannot in good faith do so, and that he cannot is in tension with his universalism—his commitment to liberal values, principles, and ideals as the one true or correct ethical system.

Here, the following worry might arise about whether Williams's argument, as construed, can even *get off the ground*. Suppose we grant the lamentable necessities thesis; in particular, a version of LN according to which, say, Greek slavery was a necessary condition of modern liberalism.⁴⁴ Now imagine the situation faced by those in Ancient Greece. It may appear that the only alternatives available to the Greeks were:

⁴³ I put to the side utilitarian versions of contemporary liberal theory, because I think utilitarianism's aggregative character renders it incapable of providing a sufficiently secure foundation of individual rights. For this reason, I focus on nonutilitarian (or deontological) conceptions of liberalism.

⁴⁴ As Friedrich Engels argues: "It was slavery that first made possible the division of labour between agriculture and industry on a larger scale, and thereby also Hellenism, the flowering of the ancient world. Without slavery, no Greek state, no Greek art and science, without slavery, no Roman Empire. But without the basis laid by Hellenism and the Roman Empire, also no modern Europe. We should never forget that our whole economic, political and intellectual development presupposes a state of things in which slavery was as necessary as it was universally recognised. In this sense we are entitled to say: Without the slavery of antiquity no modern socialism." See Engels, *Anti-Duhring*, as reprinted in *On Violence: A Reader* ed. Bruce B. Lawrence and Aisha Karim (Durham: Duke University press, 2007), 58.

- (1) to have the practice of slavery in a way that would eventually lead to the emergence of modern liberalism, or
- (2) to have the practice of slavery in a way that would never have led to the emergence of modern liberalism

Scenario (1) represents what actually happened—a world in which some “bad” activity X is done (Greek slavery exists) and then a “good” social form emerges (modern liberalism is historically instantiated). Scenario (2), by contrast, looks even worse from our perspective, as it is a world in which some equally “bad” activity is done (Greek slavery exists) and the “good” social form never emerges (modern liberalism does not come into existence). The worry is that it appears that the options for our retrospective “choice” here are, on the one hand, a world in which some bad thing X is done and the good social form emerges, and, on the other, a world in which something equally bad is done and the good social form never emerges. Given these alternatives, what is there to even overall regret about how things actually unfolded? After all, scenario (3), a world in which the Greeks did not have slavery because they had already achieved modern liberalism is not a genuine possibility, since *ex hypothesi* the emergence of modern liberalism is not possible until the occurrence of slavery.

This worry dissolves once we see that though (3) might not have been possible for the Greeks, (1) and (2) do not fully capture all of the options that were available. In particular, the Greeks might have declined to have slaves without thereby having achieved a fully liberal system. So there exists yet another scenario where the Greeks did not engage in the nonliberal practice of slavery, but otherwise kept their still significantly less-than-fully-liberal ethical system intact. Call this option (4). Option (4) describes a world that never leads to modern liberalism. We could then suppose that, in overall regretting the fact that the Greeks had slavery, what we are overall regretting is that they had slavery rather than taking option (4), an option that, unlike (3), was genuinely available to them, even granting LN as a premise. This would allow the worry to at least get off the ground, because now our variant of Williams’s question—“Does the liberal universalist really wish that modern liberalism had prevailed?”—can be understood as asking whether we really overall regret that (1) obtained rather than (4), both of which were genuinely possible.

So the question is whether the existence of modern liberalism is, by our lights, overall worth the horrible past injustices that made liberalism's emergence possible. We probably cannot answer this question satisfactorily unless and until we have a sufficiently filled-in account of how far away from modern liberalism history would have taken us had certain past injustices not happened; and how far away from the occurrence of certain past injustices history could have drifted while still having the emergence of modern liberalism come about as a result. To achieve this fuller account would require a significant amount of historical, causal, and counterfactual knowledge that is probably beyond what anyone could realistically achieve at the moment. However, something like the following might be close to the truth: there are some decidedly nonliberal injustices such that history could have gotten a little bit away from them and still something close to modern liberalism would have developed; but history could not have gotten very far away from these injustices, and still have had something close to modern liberalism emerge; if history had gotten very far from these injustices, then something very different than modern liberalism would have developed. If this is right, we may still have strong reason to greatly value modern liberalism. After all, we think modern liberalism is an admirable ethical life. Moreover, there are central strands in our liberal outlook—such as the ideal that every human being deserves equal consideration or has equal moral worth—strands that we simply cannot conceive a possible alternative outlook rejecting, if, at the same time, we want to be able to see that outlook as at least equally morally admirable to ours. Additionally, we believe that liberal institutions make possible our self-fulfillment, providing opportunities for us to exercise our talents and realize ourselves. Few people could say truthfully that they would give this all up if (contrary to fact) they could “choose” the nonoccurrence of historical injustices that were necessary to the emergence of modern liberalism.

Still, even if we should continue to greatly value modern liberalism, this does not mean we should attach *absolute* value to it. We should not cling *too* tightly to modern liberalism as it in fact emerged in the course of events. That is, we should not value modern liberalism so highly that we would not prefer (to the actual history) an alternative history in which things would have gone a little bit away from certain past injustices (say, the Greeks had indentured servitude

instead of slavery) with the result that a form of ethical life that was not exactly modern liberalism, but had a close family resemblance to it, evolved. Correspondingly, there may be certain historical injustices that we *should* overall regret, if the nonoccurrence of those injustices would still have resulted in something sufficiently close to (though different than) modern liberalism.

VII

I earlier argued that if we greatly value modern liberalism, and accept the lamentable necessities thesis, this rationally precludes overall regretting the occurrence of past injustices necessarily bound up with modern liberalism's emergence. If the argument is sound, what are its ramifications? What, in other words, is at stake philosophically in the question whether or not certain past injustices can be rationally regretted? In the remainder of the paper, I will examine whether the notion that certain historical injustices cannot be overall regretted poses a threat to liberal universalism, the view that liberalism embodies the one true or correct ethical-political system for everyone, everywhere, at all times.

A certain assumption about the relationship between moral justification and regret might lead one to the view that not being able to regret certain historical injustices is a problem for liberal universalism. The idea is that the inability to rationally regret some activities of the past amounts to something like a retrospective justification of these activities. This is a line of thought that Williams seems to defend in "Moral Luck."⁴⁵ As I understand him, Williams suggests that our decisions and actions can be assessed retroactively as justified or not justified in virtue of outcomes that were not and could not have been foreseen with certainty in advance of our decision. It may be that we cannot always act in such a way that, whatever happens, we will have no reason to regret. Luck can determine whether what we have done is justified or not, as the events

⁴⁵ Williams, "Moral Luck," 35–6. For an illuminating discussion of this idea in Williams, see Wallace's "Justification, Regret, and Moral Complaint." My discussion of Williams's views on regret and retrospective justification is indebted to Wallace's paper.

which our actions set in motion will determine the standpoint of retrospective assessment on our earlier action.

To illustrate the idea, Williams discusses the stylized example of Paul Gauguin, who abandons his family in Paris in order to pursue his art in Tahiti, and who will be able to regard the choice retroactively as justified if and only if he turns out to be a great artist.⁴⁶ If he turns out to be a great artist, he will be unable to regret his earlier decision, thereby making it the case that his earlier decision was justified. Importantly, Gauguin's deliberative situation is such that he cannot know in advance of his decision what its outcome will be. However, the outcome that results from Gauguin's decision will ultimately determine retroactively whether he is able to regret it or not, and so whether the decision was in fact justified. As Wallace explains Williams's point:

If the imagined Gauguin is an artistic failure, then there will be nothing in his life to set over against the fact that he wronged his family as a youth. He will be left only with regrets, and this fact will function to render the decision unjustified. If on the other hand he turns out to be an artistic success, then he will be unable, looking back, to regret his earlier behavior. His success will determine that he takes an affirmative attitude toward his life, as it has actually gone, and this will preclude his regretting the earlier decision that was a necessary condition of its turning out as it did. His decision will in this case be justified *ex post facto* by his success.⁴⁷

Thus, the idea is that whether one's earlier decision was or was not justified is determined by the events that decision brings about and the retrospective attitude one ends up adopting toward that decision given those events.⁴⁸

So how might these ideas from "Moral Luck" translate over to the case of modern liberalism and the activities that condition its historical emergence? One thought is that the fact that one cannot rationally regret past activities that condition the ethical life that one

⁴⁶ Williams, "Moral Luck," 35–6.

⁴⁷ Wallace, "Justification, Regret, and Moral Complaint," 186.

⁴⁸ Does this mean that Gauguin's success as an artist renders his decision to abandon his family *morally* justified? This depends on whether the moral justification of one's action needs to silence the complaints of others who have been wronged by it. What Williams says is that the fact that Gauguin cannot use the fact of his artistic success to justify himself to his family does not show that he is morally unjustified. See Williams, "Moral Luck" 23–24, 39.

greatly values would amount to something like a retrospective justification for those past activities. But what would it mean for these activities to be justified by history, absent the supposition that there exists a *superintending agent* of history about whom it could be claimed did not exhibit a “deliberative” failing? By “superintending agent,” I mean an agent who has the capacity to act with the intention of promoting the ethically good and the just for human beings at the world-historical level and who has the power to achieve this end (for example, God or Hegel’s *Geist*). A superintending agent would be the counterpart in the historical case to agents like Gauguin in the individual case. Many people today cannot, however, take seriously the notion that there exists a superintending agent, and without this notion we cannot give much sense to past activities being justified or unjustified apart from their being *morally* justified or unjustified by our lights.

Perhaps what motivates Williams’s questions is a slightly different thought: the fact that we cannot rationally regret past activities that condition the emergence of the liberal tradition would amount to something like a retrospective *moral* justification for those past activities. Or at very least, we cannot see the activities as unjust and condemn them. This notion is suggested by a question Williams poses but does not pursue in a footnote in *Ethics and the Limits of Philosophy*: “An important question is how we can think the past unjust while knowing that we owe it almost everything we prize.”⁴⁹ The thought is that there is something problematic in judging as unjust those activities in the distant past that condition the things we value most in the present. If activities such as slavery in the ancient world and the European conquest of the New World cannot be (overall) regretted by those who greatly value modern liberalism, then those activities are retrospectively morally justified through historical development: they cannot be seen as injustices. So if a historical analysis of the necessary conditions to the historical emergence of liberalism demonstrates conclusively that the existence of slavery in Antiquity was one such condition, the liberal universalist who greatly values modern liberalism cannot, with his reflective awareness,

⁴⁹ Williams, *Ethics and the Limits of Philosophy* (Cambridge, Mass.: Harvard University Press, 1985), 243.

condemn slavery in the ancient world as an injustice.⁵⁰ If this is right, the liberal universalist who greatly values modern liberalism should give up his universalism.

However, I do not think this is the way we should be thinking about matters. The notion that the justice or injustice of past activities can be determined by the long-range overall historical effects and outcomes of these episodes goes against the grain of our ordinary moral thinking. To see this, consider our intuitive reactions to smaller-scale cases. In his memoir *Man's Search for Meaning*, Viktor Frankl suggests that, as a result of his imprisonment in a Nazi concentration camp, he developed certain resources of character, insights into the human condition, and capacities for appreciation that he would not otherwise have had.⁵¹ Suppose for the same sake of argument that Frankl's mistreatment by the Nazis was indeed a *necessary* condition for the richness of his later life and outlook on the world, and that, had the Nazis behaved differently toward him, his life would have been, on balance, less full and good.⁵² Frankl might greatly value his own life and worldview, but I doubt most of us would be inclined to say that he thereby has reason to deny that his imprisonment in a concentration camp was an injustice.

Suppose I had promised to drive you to the airport but decided, at the last minute, to break my promise. As a result, you end up missing your flight. However, the flight that you were supposed to be on ends up crashing, with no survivors on board. In this case, I doubt that you would overall regret the fact that I failed to pick you up as I had promised I would. You will instead feel very lucky to have been caused to miss the flight. Still, I do not think that just because you would not overall regret the fact that I broke my promise to drive you

⁵⁰ Those *motivational internalists* who might find it implausible to deny that wrongdoing should always be overall regretted would find this conclusion especially difficult to reject, as would those consequentialists and Marxists inclined to strongly instrumental, goal-oriented assumptions.

⁵¹ Viktor Frankl, *Man's Search for Meaning* (New York: Simon and Schuster, 1959).

⁵² Compare with James Woodward "The Non-identity Problem," *Ethics* 96 (1986): 804–31.

to the airport, you would, for that very reason, now think that my act of promise-breaking was morally justified.⁵³

Analogously, institutions and activities such as Greek slavery, the European conquest of the New World, and absolutist monarchy may condition the existence of modern liberalism, and so one's liberal identity. If a liberal greatly values his liberal ethical life, then he is precluded from overall regretting these activities; but this does not mean that he should give up viewing these things as massive injustices. The fact that some historical activity cannot be rationally regretted does not entail that it was morally justified. Therefore, the conclusion that certain historical injustices cannot be rationally regretted does not in fact threaten universalism.

VIII

Let me conclude by situating the position I've staked out in relation to the others I've considered. Williams, as I understand him, argues in the following way: If liberal universalists who greatly value modern liberalism cannot overall regret certain past activities, specifically those injustices of a decidedly nonliberal character that are necessary to the emergence of modern liberalism, then they should give up their universalism and not condemn the historical activities in question. They cannot regret these activities, because they greatly value modern liberalism. Therefore, liberal universalists should give up their universalism.

Williams's argument might be objected to on the grounds that the claim that we cannot overall regret certain past injustices is false. This could be argued in two ways. The first is by denying that past injustices of a decidedly nonliberal character were necessary to emergence of our ethical life. If these activities were not necessary to our ethical life, then it is open to us to overall regret them. I suspect that some people's resistance to the idea that certain past injustices were necessary to the historical emergence of the liberal ethical life is explained by their deep commitment to that ethical life. Because of

⁵³ This example is adapted from Wallace, "Justification, Regret, and Moral Complaint," 179–80.

the great value they attach to modern liberalism, they cannot bring themselves to accept that morally horrific activities may very well have been necessary conditions of its existence. This mix of denial, wishful thinking, and perhaps willful ignorance depends on the notion that the existence of things genuinely wonderful cannot have truly awful actions and events as preconditions. I see this position as too optimistic.

A second way to disagree with the claim that we cannot regret certain past injustices is to deny that we attach enormous value to the liberal ethical life.⁵⁴ If we do not value our ethical life all that much, then we are open to overall regretting its necessary conditions. Here, I wonder whether the reluctance to acknowledge one's deep attachment to the liberal way of life is explained by a kind of survivor guilt rooted partially in anxiety over the very possibility that modern liberalism's historical emergence could not have occurred but for the occurrence of severe historical injustices. Confronted with all the horrors in human history, and the dawning realization that some of them were necessary to the existence of those aspects of modern liberalism one holds most dear, one thinks that maybe one should not adopt such a strongly affirmative attitude toward modern liberalism after all. I believe liberals need not be so diffident to acknowledge the enormous value they attach to modern liberalism and the deep significance of its role in their lives.

According to the view that I have explored and elaborated in this paper, liberal universalists can hold on to their universalism, and still greatly value their ethical life, modern liberalism, so long as they acknowledge that some injustices were necessary to its historical emergence. Adherence to this position strikes me as honest in two important respects: it is honest with respect to one's ethical experience, insofar as one acknowledges the tremendous value that one places on modern liberalism; and it is honest with respect to history, insofar as one faces up to the fact that the emergence of modern liberalism was conditioned on severe injustices. To be true to their ethical experience and truthful in their historical understanding,

⁵⁴ Note that a version of my argument could just as well be run with respect to a single strand of liberalism (say, the strand that concerns the value of toleration).

liberals who greatly value their ethical life should thus do without an assumption shared by Williams, and perhaps by those who would disagree with him in the two ways just mentioned: that not being able to regret a past activity entails that one cannot condemn it as morally unjustified. Indeed, being able to condemn past injustices and moral atrocities is crucial to being able to appreciate the tragic dimension of human history and historical development.⁵⁵

University of Hawaii

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