

**A CRITIQUE OF REFLECTIVE EQUILIBRIUM'S INITIAL  
CREDIBILITY**

**The Bias of Appealing to intuition**

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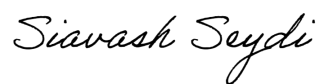
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## AUTHOR'S DECLARATION

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## Abstract

My claim in this thesis is that John Rawls' method of justification, Reflective Equilibrium, lacks initial credibility. I will argue that one of the method's admitted content, "considered judgments," or "intuition", could carry ideological implications; by ideology, I mean a worldview in service of power to serve their interests. Ideological principles will result in arbitrary distinctions between individuals in a society; therefore, the method will yield unjust results. In the first chapter, I will reconstruct John Rawls' arguments regarding his principles of justice and his justifications for them, which is applying his method of justification, Reflective Equilibrium, on the hypothetical initial situation of the Original Position. I will mainly focus on discussing Reflective Equilibrium, and especially on considered judgments, one of the two entries of the method, and in doing so, I will refer to other philosophers, such as McMahan, to give a more comprehensive definition of considered judgments. In the second chapter, I will introduce various critiques of Reflective Equilibrium and critical ideas, which will be the foundation for my arguments in the third chapter. I will refer to Singer and his problem with appealing to intuition in methods of justification. I will move on to another approach, however, as I will claim that his critique while making some good points about the nature of intuition, is ultimately implausible since it fails to address the diversity of intuitive thoughts and judgments and does not fit into the theoretical framework of Rawls. The following approach belongs to Fairclough, which, by mixing Marxian theory with Foucauldian thoughts, gives a plausible conception of intuition and defines it as ideological. But I will argue that his approach is also not applicable to the Rawlsian framework, as his Marxian definition of society and power limits normative theorizing. To come up with a solution, I draw on Foucault's definition of power, which goes beyond the limited scope of the Marxist conception of society. In the third chapter, I will start my critiques by using this new definition of intuition as a container of

ideological judgments. I will argue that the ideological implications hidden in our intuitive judgments will create arbitrary distinctions – which goes against our initial aim of justifying principles – whether it is used in the real world or in the Original Position. Then, I will claim that Reflective Equilibrium cannot eliminate these ideological judgments, unlike Knight's argument. Finally, I will suggest adding a ‘critical constraint’ on the method to identify ideological judgments and will argue that the inherent circularity of Reflective Equilibrium and its lack of criteria for making adjustment decisions does not pose a problem, and could in fact help us weed out ideological judgments.

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# Introduction

There is one question that is always at the back of every concerned mind, even when everything seems fine, and especially when we feel that the order of things is disrupted and things are not the way they should be, like when Plato saw the demise of once the great city of Athens or when Rawls witnessed the horrors of the Second World War: 'What we ought to do?' What are we supposed to do when we think that the world is not a just place to live? "Justice as Fairness", and its method of justification, "Reflective Equilibrium", is John Rawls' attempt at answering this question. It's a normative theory of what a just society should look like and how we should justify its principles. In defining justice, Rawls argues that human cooperation and its arrangements should not have arbitrary distinctions within itself, and instead, they all must be justified. However, this thesis argues that Rawls's method of justification, Reflective Equilibrium, fails to adhere to this principle and, by carrying ideology, creates arbitrary distinctions between individuals by favoring the interests of some over others.

In the first chapter, I will start by reconstructing Rawls' arguments regarding his definition of justice and what theories and principles of justice are about: how the advantages and burdens of our social cooperation must be distributed. Then, I will move on to discuss his answer to this question: "Justice as Fairness". I will explain how individuals in the Original Position, by using Reflective Equilibrium, inevitably reach the two principles of Justice as Fairness. I will introduce in detail this methodology, describing it as a coherent set of judgments and principles, reached from a state of incoherency to equilibrium. I will give a detailed description of Reflective Equilibrium; I will describe how this method works and what we need for this methodology, which brings us to the definition of considered judgments. This thesis argues that these judgments - some might call it intuition, and for the most part I also follow this principle - are highly subject to bias

since they are a place of exercise of power. Ideology, a representation of the order of things in favor of the interests of a particular group and not the whole society, is rationalized as intuition, which will lead to biases and prejudices that go against our condition of not creating arbitrary distinctions. I will discuss Rawls' definition of considered judgments, but to complement this concept theoretically, I will also refer to McMahan's definition of intuition.

In the next chapter, I will introduce three critical approaches that are going to form the basis of my critique of appealing to intuition in Reflective Equilibrium. I will start by discussing Singer's critique, which argues that intuition is no more than arbitrary facts based on our evolution. Therefore, it should not have any impact on moral justification. However, I will claim that while making plausible points about intuition, Singer's arguments about the nature of intuition do not fit into the theoretical framework of John Rawls since they can only explain a small portion of our moral judgments. Instead, I will bring up the second approach, which combines Marxist theory and Foucauldian's ideas regarding power. According to Fairclough, society is structured around power struggles, with class struggle being the most important one. He argues that to maintain dominance, the dominant class has two ways of exercising power: oppressive and ideological. Rather than forcing people to live by unequal power relations, ideological power persuades them by providing a worldview that rationalizes these power relations as "common sense", or intuition. Nevertheless, while Fairclough's definition of intuition gives us helpful insight into the nature of considered judgments, his definition of society and class struggle as its primary power relation limits us when it comes to normative theories. To come up with a solution, I refer to Foucault, who rejects the Marxian understanding of society and presents a new conception of power relations that, together with Fairclough's definition of common sense, provides a coherent approach for my critique.

I will begin my critique of Reflective Equilibrium in Chapter 3, where I start by arguing how intuition, being ideological, could lead to arbitrary distinctions. Then, I will claim that even implementing it in the Original Position, which masks prejudices, cannot lead to just results since our assumptions about the individuals in the original positions can also be ideological. I will further support my claim by providing an example from John Rawls himself, where he fails to recognize the ideological implications of having heads of the family as the parties of the original position. I will argue that unlike what others such as Knight claim, Reflective Equilibrium cannot weed out these prejudices, and we need to add a critical constraint to Reflective Equilibrium so that we can identify ideology. Furthermore, unlike what Haslett argues, the circularity of Reflective Equilibrium and its lack of criteria for adjustment decisions are not only a ‘problem’ of Reflective Equilibrium but can actually contribute to identifying and modifying ideological implications. Finally, by referring to Mercier’s idea of improving reasoning through discussion and deliberation, I will claim that users of Reflective Equilibrium can also benefit from being introduced to diverse opinions and judgments regarding justice.



# First Chapter

## Introducing Reflective Equilibrium and the concept of considered judgments

My aim in this chapter is to construct Rawls' arguments regarding justice and his method of justification, the Reflective Equilibrium, and clarify some of the concepts that I am going to use in my thesis. I will start by discussing how Rawls defined justice and its theories, and then I will present his theory of justice by referring to the initial state, the original position, in which individuals inevitably reach the two principles of justice. I will continue constructing Rawls' arguments by elaborating in detail on the method of Reflective Equilibrium, which is used by individuals in the original position to reach the theory of justice as fairness, and after that, I will focus on one of the two inputs of Reflective Equilibrium, our intuition. To present a clearer definition of intuition, I will also refer to McMahan's conception of intuition.

*What is Justice?* - Rawls begins his influential book, *A Theory of Justice* (1999), with a striking argument: "Justice is the first virtue of social institutions." Just as any systematic thinking must strive for truth (no matter how 'truth' is defined), social institutions should not be fundamentally unjust. He begins by assuming that society is a self-sufficient cooperation of individuals, with certain rules of conduct asserted to sustain this cooperation. Furthermore, he assumes that these rules of conduct are there for nothing other than to "advance the good of those taking part in it" (Rawls 1999, 4). Meticulously, however, instead of defining society as a mere association, he also recognizes conflicting interests among individuals since everybody would want a more significant share to fulfill their interests (Rawls 1999, 4). With society being a mutual cooperation and a conflict of interests at the same time, he argues that we need principles to assert rights and duties

justly so that the benefits and burdens of this association are rightly attributed. These are principles of “social justice”.

No one can claim that the principles of justice should be unjust, for it would mean that the rules of conduct are not rightly asserted, regardless of how ‘justice’ is defined. Rawls defines conceptions of justice as “constituting the fundamental charter of a well-ordered human association” (Rawls 1999, 5) as without one, the positioning of individuals and institutions and distribution of benefits cannot be possibly legitimized, endangering this cooperation. Nevertheless, regardless of what we think of justice, according to Rawls, no arbitrary distinction must be made between individuals when assigning rights and duties in any theory of justice. This argument is particularly important to us, as I will return to it when discussing the biasedness of reflective equilibrium. To conclude the introduction of the definition of justice, for Rawls, the primary subject of justice is determining the division of advantages of this cooperation and distribution of rights by social institutions. I will now focus on what Rawls thinks a just society would look like: his theory of “Justice as Fairness” and his method of justification, “Reflective Equilibrium.”

*Rawl’s theory of justice and the Original Position* - Rawls regards his theory of justice as an advancement of the social contract theory. A social contract theory can be defined as imagining what idealized agents would or could accept under certain specified constraints, leaving their state of uncertainty, and entering a contract (Quong 2017). For Rawls, the pre-contract situation, the “initial status quo,” is the “original position”: a state where free and rational individuals, under the veil of ignorance that obscures their characteristics such as social status, race, and gender, arrive at principles to regulate their conduct and further their own interests.

One might argue that the original position is a hypothetical situation, and the agreements reached in it do not have any value in the real world since reality is quite different from postulations. To this challenge, Rawls would reply that it does not have to represent the real world necessarily; the assumptions made about the original positions come from our considered judgments that all accept (or should accept), and that is the whole point of the original position. According to Rawls, the two principles of justice as fairness are accepted by rational, equally moral individuals to advance their interests by agreeing upon the primary conditions of their cooperation. Right from the start, we can eliminate egoistic tendencies: no one can obtain all they desire. Therefore, the best possible situation is that they all share a conception of good. Now, Rawls argues that persons in the original position must choose from various courses of action. The one they will choose depends on our assumptions about their beliefs, interests, situations, and options (Rawls 1999, 103). Two conditions are made regarding their situation: the first one is the objective circumstance of moderate scarcity. There are resources to be used, but not so much that their abundance makes everyone needless to work and rely on each other. The second condition is the subjective circumstance: each and every person is pursuing their own interests, and these interests will conflict with each other at some point. But the thing is, the outcome of the original position does not depend on the balance of social forces of this conflict or any arbitrary condition; all individuals are behind a veil of ignorance that masks their social identity and status. These people are rational; they aim to maximize the primary goods such as basic liberties, wealth, and social status), and they also have a sense of need for fairness while being self-interested at the same time. Rawls assumes that we all believe in these assumptions about the original position and its persons. Using Rawls' method of justification, the Reflective Equilibrium, individuals agree upon two main principles that are at the core of "Justice as Fairness": 1-The principle of basic liberties, which

implies that all individuals have certain equal rights regarding basic liberties, and 2-The difference principle which allows social and economic inequalities only if they are in the advantage of the worst-off and subject to fair equality of opportunity.

In this thesis, my focus is not on the principles of justice discussed by Rawls themselves but on the method of justification that Rawls introduces and implements to reach his two principles of justice. It is indeed by this method, the Reflective Equilibrium, that individuals in the original position agree upon specific ways of cooperating and justify the arrangement of institutions by reaching the two principles of justice. Before discussing this method, I must mention that this thesis focuses only on the original, “narrow” Reflective Equilibrium defined in *A Theory of Justice*. Rawls and others have made numerous additions and modifications. I will not go into the details of these later versions of this method. However, I assume that since my main argument is against one element of the Reflective Equilibrium, considered judgments (intuition), which remains the same throughout all varieties of the method, the critique can also be applied to the later versions (such as the “wide” Reflective Equilibrium) as well.

*Rawls' method of justification, Reflective Equilibrium* - Reflective Equilibrium is a method of justifying principles of justice by bringing them into accord with our beliefs and “considered judgments.” On one side, we have considered judgments: convictions of justice which we make intuitively. According to Rawls, these judgments must be made in an ideal situation, without the interference of external forces or under pressure, since otherwise, they would lose their credibility. Therefore, we would not actually believe in them; they would not be ‘our’ convictions anymore. They act as starting points that we think must be included in any conception of justice. However, one can never be sure of his beliefs and convictions. A reflection is needed, according to Rawls,

on our judgments for us to be able to agree upon a set of principles that we think are just. This brings us to the other element of the method: any contending principle of justice relevant to our topic. With our considered judgments on one hand and principles of justice on the other, we begin the process of reflecting: we try to match our judgments with principles to see which one is a better fit or, by looking at some novel principles that seem attractive to us, we can do the exact opposite and give up on our intuition and embrace the contending principle. We continue this process until we reach a state of equilibrium, a coherence of our beliefs and principles. For the remainder of this chapter, after elaborating on the process of reaching the equilibrium in more detail, I will discuss in detail the concept of considered judgments since it is the main focus of my critique.

So far, I have discussed the elements of Reflective Equilibrium, considered judgments and principles of justice, and concluded that equilibrium is a state of coherency between judgments and principles through reflection. But Rawls does not precisely specify how this equilibrium is reached. When confronted with a list of principles related to our topic with our considered judgments, different scenarios can occur. Although Rawls explicitly argues that we must be prepared to give up our firmest convictions (Rawls 1999, 18), it seems that most of the time, he suggests that a change in our judgments is needed only if we are not *entirely* sure about them:

*“We can note whether applying these principles would lead us to make the same judgments about the basic structure of society which we now make intuitively and in which we have the greatest confidence; or whether, in cases where our present judgments are in doubt and given with hesitation, these principles offer a resolution which we can affirm on reflection ... These [firm] convictions are provisional fixed points which we presume any conception of justice must fit. But we have much less assurance as to what is the correct distribution of wealth and authority. Here we may be looking for a way to remove our doubts. We can check an interpretation of the initial situation, then, by the capacity of its principles to accommodate our firmest convictions and to provide guidance where guidance is needed.” (Rawls 1999, 17-18)*

On another occasion, when Rawls addresses the priority problem, he argues that as long as there is a shared, firm conception of justice among individuals, no principles are needed to account for the judgments of the group whatsoever (Rawls 1999, 39). He continues to argue that if the set of principles fits perfectly well with our judgments, then we have no problem; we need to make a choice, however, if there are inconsistencies between what our intuition judges and the set of principles we have at our disposal. Now, the choice would be, of course, between letting our previous judgments go or finding another principle that corresponds with our intuition.

As pointed out by Haslett (1987), it is not exactly clear that when confronted with the choice of modifying our beliefs or searching for another set of principles that accommodates them, exactly which one of them we are to choose. This is of particular importance since it leaves the choice up to us. Therefore, again, it is our “judgment” that we must make this decision and either look for alternative principles or change our beliefs.

Now, I will discuss the definition of considered judgments (since it is particularly this part of the Reflective Equilibrium that I am critical of), both as John Rawls himself defined it and how different philosophers perceive it.

*What are considered judgments?* - Since Rawls does not elaborate on the concept of “intuition”, it is somewhat difficult to define. As I have discussed, Rawls does not elaborate so much on what constitutes our considered judgments or the processes that shape them. He prefers to settle down on a general, broad definition and has his own reasons for it. In this section, I will delve deeper into what Rawls perceives as “considered judgments”, and in chapter 3, I will argue that this lack of attention to the nature of intuition is troublesome, and his reason for not focusing on it is

misplaced. I will claim that this key concept is an essential part of exercising power. Not taking it seriously means disregarding something directly related to the interests of positions of power, which Rawls himself acknowledges as an inherent part of human association.

He begins by describing the innate social character of our conceptions of justice: it is by the social circumstances that a sense of justice, of what is wrong or right, is developed within us. This conception of justice can potentially guide our actions and create expectations that others should do so too (Rawls 1999, 41). Therefore, by acknowledging the social roots of our judgments, he implicitly rejects a natural implication of intuition and our sense of justice. His argument that our intuitive conception of justice creates expectations supports the social character of judgments; by expecting certain ways of conduct from others, we contribute to forming their conception of justice. This ‘expectation’ (along with other social factors) constitutes these “social circumstances.” These expectations are, of course, a complex (Rawls 1999, 41) and perhaps contradictory and incoherent set of values that is hard to describe and evaluate. It manifests our moral sentiments (Rawls 1999, 104), displaying our moral capacity. There are specific constraints on it, however: it must have a desirable degree of confidence and must not be made under pressure or the influence of extreme emotions such as fear or sadness. Also, one must not gain anything from it. They are all there to let our sentiments lead the way without any “distortions” (Rawls 1999, 42).

Elsewhere, when Rawls is defining moral intuitionism, he regards it as weighing a set of irreducible principles balanced by our considered judgments to see which one is more just (Rawls 1999, 30). Therefore, since our considered judgments are balancing principles in intuitionism, it is safe to argue that conceptually, intuition is essentially the same as considered judgments, or at least parts of which is related to conceptions of justice and morality. Similar to when he is defining

considered judgments, he argues that intuition is a product of custom and expectations and also, strangely, our “own situation” (Rawls 1999, 31). This seems rather odd since one might wonder what constitutes our situation except for customs, the moral expectations of others, and other social factors. Nevertheless, Rawls does not explore these concepts more than this, but we can find a helpful definition of intuition by McMahan (2000), which corresponds with how Rawls used these definitions in his work. He describes moral intuition as moral judgments about a particular topic that is not the result of inferential reasoning. They stand on their own without being rooted in any other belief.

Ultimately, Rawls claims that one might at first interpret a theory of justice as an attempt to describe our conceptions of justice, i.e., our intuitive sense of what is right and wrong systematically (Rawls 1999, 41). It is a formulation of principles, in coherence with our considered judgments, ready to be applied in all justice-related cases. However, it does not mean that we do not have judgments if we do not have a formulated conception of it. He brings up an interesting analogy to prove his point (Rawls 1999, 41): We all use language as a means of communication as native speakers, yet most of us are not familiar with the grammar and formulations of our own language. We just use it. He argues that, in fact, we do not fully know what our conception of justice is unless we have a way of understanding it systematically. All of these being said, Rawls clearly does not think that theories of justice are mere descriptions of our intuitive conceptions of justice, for it would mean that he is an intuitionist, which is not clearly the case since he specifically argues against conventional theories of justice such as intuitionism and utilitarianism. Reflective Equilibrium is proof of this: on the path of constructing a theory of justice, our considered judgments are prone to change, just as the principles are.



Using the definitions introduced by Rawls and McMahan, I will now present an initial definition of considered judgments/intuition. This is the concept that, from now on, I will refer to in the following chapters: ‘They are judgments, coming from our sentiments, that we make about the social and economic arrangement of society. They are not the result of inferential reasoning, which makes them irreducible, standing on their own.’

One last thing. Although he clearly argues against intuitionism, Rawls admits that any conception of justice must somehow rely on intuition (Rawls 1999, 36), contrary to the position of some philosophers, such as Peter Singer, who opposes any use of intuition in justification, as I will discuss in detail in the next chapter. Nevertheless, he also promotes less reliance on intuition. In the end, intuitionism fails to give a systematic account of principles’ weight and cannot solve the priority problem. Less direct appeal to intuition is the whole point of Reflective Equilibrium; it is based on our openness to alter our convictions by reflecting on them together with principles of justice. There is a catch, however. All these being said, after putting aside “distorted” judgments, we are free to use any judgment that comes to mind. “Moral theory must be free to use contingent assumptions and general facts as it pleases” (Rawls 1999, 44). As suggested by Knight (2017), the hope is that the process of reaching an equilibrium would weed out unjust or incompatible judgments. Perhaps this is why he does not elaborate on what intuition exactly is and what constitutes it. In the following chapters, however, I will argue that our everyday conceptions of justice, or in other words, our intuition, can carry with them ideological elements that most likely will affect the final result of the equilibrium, serving the interests of positions of power and therefore undermining the whole concept of justice which I discussed at the beginning of this chapter by creating “arbitrary distinctions” between individuals in distributing advantages and burdens of social cooperation.

## Second Chapter

### Introducing Critical Literature

This chapter will introduce critical ideas and theories, as well as a specific criticism of Reflective Equilibrium, argued by Peter Singer. Based on these assumptions and ideas, I will begin my own critique of Reflective Equilibrium in the next chapter. There are different kinds of critiques of Reflective Equilibrium, and I will start by discussing Peter Singer's critique of Reflective Equilibrium, which argues that, essentially, intuition cannot be a part of any method of justification. I will argue that although his concern for involving intuition is genuine, his arguments for it are insufficient, and his conception of intuition is implausible. To find a solution to this problem, I will discuss a Marxian critique of Reflective Equilibrium. Inspired by Fairclough, I will argue that an ideological conception of intuition can account for the diversity and unreliability of intuition. I will begin by discussing the concepts of ideology and common sense as defined by Fairclough; then, however, I will claim that although Fairclough's definition of common sense corresponds with the definition of intuition discussed in the previous chapter, his Marxist view of society limits us in theorizing normative justifications, and we need a more comprehensive theory of power. I will then bring up another type of critique of Reflective Equilibrium from Foucault, a source of inspiration for Fairclough, to present a new conception of power that does not have the limitation of the Marxian theory of class conflict and allows us to use the concept of ideological intuition (or common sense, as mentioned by Fairclough) in normative theories.

*Singer's critique of appealing to intuition in normative theories* - In the paper "Ethics and Intuition" (2005), Singer takes a critical stance against using intuition in any moral justification

and its role in undermining the Rawlsian method of justification, particularly Reflective Equilibrium. He begins his argument by bringing up and agreeing with, Jim Rachels' critique of involving intuition in moral justification: Instead of promoting the "Orthodoxy", meaning the status quo which is supported by intuition, we must explicitly challenge intuition and the assumptions (read considered judgments) we "unthinkingly" have on moral issues (Singer 2005, 3). Developing on this position, Singer argues that, first of all, modern science has been showing us things about our judgments that were not known to philosophers until today; secondly, there is absolutely no reason for us to develop normative theories that confirm our intuition about moral issues. I will now discuss these two arguments in order.

To Singer, intuition is just a biological residue of our evolutionary history (Singer 2005, 1). He claims that although philosophers were able to move beyond the idea that moral intuitions have a divine origin, they could not possibly realize that our intuitions are not only *not* from a mythical background but are the result of a natural selection of our genes. As the "basic unit for the transmission of inherited characteristics between generations" (Singer 2005, 4), they explain and support Hume's argument that we intuitively love our relatives more than strangers; genes that cause sympathy toward our relatives are more likely to survive than the ones which do not lead to preferences. He claims that this survival is because we share more genes with our relatives than strangers (Singer 2005, 4). He also claims that our natural love for certain personal characteristics is because they are to our benefit (Singer 2005, 5).

He then refers to Jonathan Haidt's research on moral decision-making (Singer 2005, 8), arguing that his research confirms that moral judgments are usually the result of automatic, intuitive responses to a situation. In Haidt's experiment, the participants were asked to judge a brother and sister having protected sex: most participants thought that this act was wrong but did

not have any reason to support it, or their reasoning was post-facto; a rationalization of a choice that they made beforehand. Furthermore, he also refers to the works of Joshua Greene on brain activity and moral judgments (Singer 2005, 11). In his study, Greene found that while making a moral decision, people utilize a certain part of their brain associated with their emotions. When some of them want to reach a more complex judgment, it is first the emotional part of their brain that is used (like other participants), but then they try to reason and find out if there is another answer to this moral situation. This is why they take longer to respond than the others who rely only on their intuition. All these arguments correspond well with the conception of considered judgment (intuition), which we defined earlier: a non-inferential judgment rooted in our sentiments.

He then focuses on Reflective Equilibrium, a method of justification that incorporates intuition. He presents an argument against Reflective Equilibrium, building on the studies he discussed previously: given that intuition is just a biological residue of our evolution and has no inherent moral value, there is no reason whatsoever to try to justify them; they are no more than arbitrary judgments that are determined by our evolution, and have no moral value. He claims that Reflective Equilibrium regards intuition as “some kind of data from which we can learn what we ought to do”, like a scientific theory aiming to explain the data from the world out there (Singer 2005, 16).

*The implausibility of Singer's critique* - While I do agree that moral justification does not completely correspond to our intuition, and I find his argument about using intuition in moral theories plausible, his critique of Reflective Equilibrium is not justified. At least on paper, Reflective Equilibrium aims to reach a consistent equilibrium of our intuition and moral principles

by modifying either one of them. We are barely this open to changing the data we have gathered in scientific theories, while in Rawls' methodology, this data modification is entirely accepted.

Singer's arguments about his evolutionary concept of intuition have other problems. First, he does not present enough evidence to support the argument that our evolutionary history determines intuition. Furthermore, there are contradictions. Imagine an individual born and raised in the US with a Middle Eastern background. His moral judgments, conceptions of justice, and 'intuition' are probably very much different from those of a Middle Eastern born in the Middle East. He is more likely to adopt more Western views of religion, sexuality, and society. If our evolutionary history's influence was supposed to be so strong that it effectively shaped our intuition, then why do we have such a diverse set of moral principles, sentiments, and reactions? One might wonder how exactly this evolution shaped our intuition. Does this diversity of views implicate a diversity of evolutionary paths? Our example of a Middle Eastern individual rejects this idea. Even if we focus only on what Singer argues for, then this conception of intuition takes us nowhere since apparently it only explains (considering that enough evidence is provided) our love for relatives. Singer's take on intuition is so general that, even if true, it will not fit in the framework of Reflective Equilibrium. Considered judgments are our intuitive response to moral dilemmas and problems, varying from how unequal a society can be allowed to be to the question of sparing or sacrificing the life of an obese man on top of a bridge to save a few more lives. Singer's conception of intuition cannot answer any of these questions. I am not claiming that evolution had no part in the formation of our intuitive moral judgments whatsoever. However, the immense diversity of what is right and wrong among different societies and even between individuals in a single society argues for a more comprehensive conception of justice.

*A Marxian critique of appealing to intuition* - With this being said, I will now introduce a new conception of intuition, proposed by Norman Fairclough, influenced by Marxian socioeconomic theory, and the ideas of Michel Foucault on Ideology and discourse. This new definition corresponds with the one defined in the previous chapter – irreducible judgments about questions regarding justice, made under certain conditions of mental and physical wellness - and adds crucial elements to it, which will be the foundation of my critique. But before starting the discussion of this new conception, I would like to add some final comments about Singer’s paper. Although I am refuting his argument that intuition is the outcome of our evolution, his use of scientific studies to confirm that intuition, or in other words, our considered judgments, is the result of a quick, non-inferential reaction to a moral situation and usually manifests our emotions is well taken. Also, his argument that normative moral theories should not follow our intuition was well-received by me since my initial idea was to reject the use of intuition completely in moral justification. But as I will argue in the later chapters, and as Rawls argues, there is no running away from involving our intuition in justifying judgments and principles, whether we agree with its involvement or not.

I begin by defining the structure of society as discussed by Norman Fairclough (2015), then I will introduce the concept of ideology as a tool for exercising power, and finally conclude this section of chapter 2 by introducing the concept of ideological common sense. This conception has fundamental distinctions from that of John Rawls; consequently, our normative approaches will go on a different approach if we accept this definition. While Rawls admits that conflicts of interest are an inherent part of any human association, he also emphasizes the cooperation aspect of our association, that we all agree upon certain arrangements and distribution of advantages and burdens. Our ultimate goal is to reach a state where this conflict of interest is resolved by reaching an agreement among ourselves, and this agreement can certainly include inequalities (to a certain

extent). Fairclough, however, inspired by Marxian description of society's structure, finds this struggle for interests the main characteristic of a capitalist society. According to Fairclough, the fundamental structural features of a society are how economic production is organized and how social classes take part in it (Fairclough 2015, 63). He argues that since the driving force of capitalism is maximizing profit, the dominating class must ensure that economic production fulfills this requirement, which results in the dominant class exploiting the dominated. They must ensure that they will optimize the profit made out of production; this is achieved by controlling the means of production by the dominant class and having the working class participate in the production by selling their workforce but not paying the workers the surplus value, the profit of production (which means unpaid work). Therefore, we have a power relation between social classes: social groupings with different interests engaging with one another. On the one hand, the dominant class owns the capital and the means of production, while the working class owns nothing except their workforce. He claims that while power relations can exist everywhere, power relations and the struggle between social classes are fundamental since society is based on logic. Their interests essentially go against each other, as the logic of capitalism is the logic of exploitation. One side makes money at the expense of the other and will grow stronger as a result. In contrast, the other side keeps getting weaker since they do not own anything, contributing to maintaining and widening the unequal power relation between classes.

According to Fairclough, in order to assert and maintain an unequal power relation, the dominant can exercise its power in two forms: one of them is through coercive power: through using force, and by making the other side of the power relation obedient and thus controllable. But often, this form of power is costly and will lead to further consequences. This brings us to the second form of power and domination: through the consent of the dominated, which is obtained

by “Ideology” (Fairclough 2015, 64). Ideological power is defined as “the power to project one’s practices as universal”, and Ideology as a set of assumptions about the world and what is right and wrong that directly or indirectly legitimizes existing power relations. Fairclough argues that institutions construct “subjecthood” or “subjectivity” in an ideology, a position of identity through which the subject can understand the world that is achieved by imposing ideological constraints upon them “as a condition for qualifying them to act as subjects” (Fairclough 2013, 42). This subjecthood requires us to act and see the world a certain way, as a specific order, which is taken for granted. Subjecthood determines how an individual’s identity is constructed in an ideology. For example, in a classroom, the way a teacher is expected to behave, react, and judge events in a classroom constitutes its subjecthood, which is quite different from that of a student. It also varies from context to context; a classroom in Iran requires certain etiquettes that are nonexistent in Austria, and vice versa. We can see how seeing things in the context of their ideology correlates with the diversity that Singer’s definition could not explain. Depending on the ideological context and its changed subjecthood, how we see the world and, therefore, our judgments can vary significantly.

Now, Fairclough argues that this subjecthood, with its ideology - a view about the order of the world – can be taken as mere ‘common sense’; in other words, it will be considered as “natural” (Fairclough 2015, 114): “Such assumptions and expectations are implicit, backgrounded, taken for granted, not things that people are consciously aware of, rarely explicitly formulated or examined or questioned.” (Fairclough 2015, 101)

He argues that this naturalization of ideological assumptions occurs during a process of “Rationalization,” meaning that common sense is explained and reasoned to be legitimized in order to sustain unequal relations of power. This involves how issues and judgments that are supposed



to be naturalized are framed, nominalized, repeated, and also accompanied by certain assumptions that will help rationalize common sense.

Fairclough admits that not all common sense is ideological (Fairclough 2015, 106); we all know intuitively that pushing an unlocked door will open it, even if we are unfamiliar with classical physics laws and theories. Nevertheless, common sense is substantially ideological, especially when it comes to human conventions and the arrangement of society. This definition of common sense not only corresponds with intuition as it is non-inferential and even subsequently rationalized according to Singer but also adds something to it: that it might include ideological elements that preserve certain unequal power relations, not to mention that both Rawls and Singer referred to intuition as common sense in some (though very limited) occasions (Rawls 1999, 25) (Singer 2005, 4).

*Limits of the Marxian theory* - As I have described, Fairclough regards the class struggle as the fundamental mechanism of our society, determining the social structure and the distribution of advantages and burdens. While the class struggle - the conflict between the interests of the working class and the capitalist class - cannot certainly be ignored, one might wonder if it is enough of a basis for studying society and/or normative justification. There are cases in which the mechanism of class struggle, at the very least, indirectly exists, but still are clear examples of ideological dominance. Jihadist movements, capable of convincing thousands of people to die for a religious cause, are perhaps related to the power dynamics between local powers trying to mobilize people against (often, but not always) foreign powers present in the region. We also have the discourses of sexuality, asserting the dominance of one gender over the others. They are both good examples of significant power relations that are not related to the struggle between classes. They both existed

long before the emergence of capitalism, but also they exist within it and probably will continue to exist if capitalism were to disappear. There is also another reason to look for a different conception of power and the structure of society instead of a class struggle-based one if we are to use the concept of ideological intuition in normative theory such as that of Rawls: Reflective Equilibrium is a normative method of justification. It does not matter whether we live in a modern, capitalist society or a feudal one; all we need is our intuition and a set of moral principles. One could simply claim that if what Fairclough argues for - the class struggle being the main power relation in a society - is plausible, then by overthrowing capitalism, everything would be solved, and we can freely use intuition when justifying moral principles. Now, by going back to one of the main sources of inspiration for Fairclough, Michel Foucault, I will present a new conception of power that allows the use of the concept of ideological intuition and is not limited to a specific period of history or certain modes of production.

*Foucault's conception of power* - Foucault introduced a novel conception of power: instead of considering it only as a restrictive method of control, he considers power as something “productive” (Foucault 1998). Power not only limits human actions by suppressing them but also expands them by producing ideology. It creates norms, subjectivities, and ideologies. Concepts such as national identities, jihadis, or a simple student/teacher identity within a school are all products of power. Like Fairclough, he also regards power as something relational; it only comes to existence when it is exercised in a relationship. However, what makes this conception different from that of Fairclough is that unlike him, Foucault does not consider power as something ‘inherently’ bad. For Fairclough, ideologies exist as a product of power relations only to assert the dominance of the ruling class, while for Foucault, it is how we have been living all this time; our

realities would not exist without it, since power and knowledge both contribute to the production of each other and an objective reality that corresponds with an objective knowledge does exist by itself. It is always negotiated and does not exist within a person since it is relational; it has meaning only in the context (Foucault 1998). It exists in all human relationships and not only in a top-down form, making it similar to a network. But when power is exercised in a top-down form, it is not only the dominant that influences how power is exercised: the situation of the dominant also determines the exercise of power by reacting to it, whether it is accepting the domination or resisting it. As a result, Foucault's theory of power acknowledges the potential for agency in power. Therefore, unlike Fairclough, who focuses only on the power relation between classes and finds it as something inherently 'bad', Foucault finds significant power relations everywhere, in schools, hospitals, institutions, etc., and these power relations are simply how we are living our lives.

This definition of power gives a more comprehensive answer to the nature of power and ideology. It is not constrained by the limits of the Marxist theory of class struggle and tries to explain why we think and view things and situations a certain way, whether intuitively or consciously. With this conclusion and a new definition of intuition on our hands as an ideological knowledge used in exercising power, I will start my critique of Reflective Equilibrium in the next chapter.

## Third Chapter

### The Critique

In this chapter, I will present my main arguments against Reflective Equilibrium by showing that intuition carries with itself ideological implications that will lead to arbitrary distinctions among individuals. I will discuss this matter in two parts: first, if we were to use Reflective Equilibrium right now, in the real world with its social conflicts and ideological struggles, and second, in the hypothetical situation of the Original Position. I claim that the Original Position while acknowledging the conflict of interests, does not take into consideration that this conflict comes with an ideological struggle, creating social status and social identities, which are all supposed to be masked in the original position. Therefore, Reflective Equilibrium cannot work in the Original Position either. In the next section, I will argue that, unlike Knight's (2017) arguments, Reflective Equilibrium cannot take care of injustices (in our case, arbitrary distinctions made by ideology) in its process, and there is a good chance that it will lead to fortifying prejudices which are themselves the result of ideological power.

*Problems of using Reflective Equilibrium in the real world* - In the previous chapter, I argued that intuition can carry with itself an ideology, a view about the order of the world that serves the interests of an individual, a group, or an institution in a power relation. This is fundamentally against the definition of a conception of justice that Rawls argues for: instead of mutually entering into a contract and agreeing upon a set of arrangements for distributing the advantages and burdens of social cooperation, some individuals have imposed an ideology that benefits themselves the most, therefore creating an arbitrary distinction between individuals. This goes against the very

definition of justice since the original intention was to organize a society in which to settle the matter of the conflict of interests; individuals consciously agree on a set of arrangements, while ideology serves the interests of only a specific group of people it is meant to serve. Others, having internalized this ideology as intuition, are not even aware that their worldview, their judgments about what is just and unjust, and how their society should be organized, is, in fact, in the interests of not themselves but the dominant.

Here are some real-world examples of the ideological exercise of power, rationalized or being rationalized as intuition. Since gender inequality has been a significant issue regarding social justice and needs no further introduction, I will bring up examples regarding this matter (in an ironic way, we all could say that gender equality is intuitively just, as a considered judgment. However, we will see that unfortunately, that is not the case for everyone.): In the article *Gendered discourse: A critical discourse analysis of newspaper headlines in Ghana* (2024), authors critically analyze newspaper headlines and argue that the figure of women is being constructed as weak, needy and passive human beings while men are being represented as strong independent and the agents of this world. For example, in the headline “Woman Beaten Up for Stealing Man’s Sex Organ”, the ideology of masculine dominance is reproduced by representing the woman of this case, the victim, as a seductive thief who was “beaten up”, the subject of the sentence (the man who got his sex organ stolen) removed, just because the woman had “spiritually taken away his manhood”. In another case, the headline “Excellent as her male colleagues by gaining popularity through sincere service” indicates that men are the role models that women should strive to become. In another research, *A Study of Audience Perception about the Portrayal of Women in Advertisements of Pakistani Electronic Media* (2013), the authors argue that the figure of women portrayed in advertisements in Pakistan is highly biased, as they primarily represent women as

either an obedient wife that belongs in the household or an object of attraction. According to the Human Rights Commission of Pakistan, 384 “honor killings” were reported in 2022 alone, which involved the murder of women who had “dishonored” the men of the family. While for sure, it cannot be argued that it was the media and the advertisements alone that is responsible for the misogynistic judgments toward women as the root causes of gender inequality are complex and there are lots of other factors contributing to this issue, at the very least these ideological messages reproduce sexist judgments toward women.

One could argue that these examples are extreme cases that have yet to be resolved in some underdeveloped countries. We must not forget, however, that just decades ago, a similar discourse on gender was dominant in Western media, being perceived as the natural order of the world (Fairclough, 2015 and 2013). Conceiving women as figures that belong ‘in’ the house, taking care of the household and the children, was seen as ‘normal’ not that long ago. With new views being introduced regarding the environment, LGBTQ+, and other ‘not normal’ orders of things, we can never be sure about where we stand. Furthermore, our method of justification must also work in a more ideological, totalitarian context. In fact, a justification method is more useful than ever in such a context where injustice is much more present. What good will it do if it cannot justify gender equality in a highly gendered society? If we need a method of justification, then we need it for such context more than anywhere else.

Thus, if somebody influenced by this sexist ideology of women were to start the process of Reflective Equilibrium, instead of accepting a new principle that does not allow for gender inequality, he might decide not to give up on his misogynist judgments. He still would be following the methodology of Reflective Equilibrium, as the choice of adjusting his intuition or moral principles is completely up to him. But usually, it is way more nuanced than this, as the person

trying to justify principles using the Reflective Equilibrium might not even be aware of the arbitrary distinction they are making. As I will discuss later, the same thing happens with Rawls himself, and as I will argue in a later section of this chapter, there is no guarantee that the Reflective Equilibrium can weed out injustices and arbitrary distinctions.

Now, I will argue that while Rawls explicitly tries to mask social status, class, and other factors that disrupt the balance of equal moral power between individuals in the original position, ideology will find its way in this hypothetical situation nonetheless. First, I will argue that Rawls himself is affected by ideology, like any other individual, and this will have an impact on his hypothesizing of the original position. Secondly, I will claim that theoretically, some of the assumptions about the original position are implausible as they ignore the ideological weight of the conflict of interests between individuals. Therefore, using Reflective Equilibrium in the Original position is not the answer to our problem.

*Ideology of the Original Position* - As I discussed in the first chapter, Rawls makes certain assumptions about the context of the pre-contract situation, the original position, and the individuals within it. He considers these assumptions as considered judgments; intuitively just assumptions that we all agree on, such as equal moral capacity and individual freedoms. But the problem is that all of these judgments, which Rawls considers as intuitively just, are the result of real-world social cooperations and conflicts, or in other words, the result of the struggle in real-world power relations, with ideology as one of its most important elements. Therefore, all of these assumptions made about the original position can carry within themselves ideological implications, and in fact, they do. In the first edition of *A Theory of Justice* (Rawls 1999, 128), Rawls considers heads of families as the parties of the original position, thus putting men as the

breadwinner of the household in a more active position with a much higher agency than women. The right thing to do, as Munoz-Dardé (1998) argues, is to define the parties strictly as individuals. This position faced a significant amount of criticism from feminists, which made Rawls admit to the biased position he took and revise it in later editions. Now, readers of Rawls' works usually realize his deep dedication to devising a 'just' theory. He probably never intended to make this arbitrary distinction between men and women; he just intuitively went along with the usual theoretical frameworks of his time. It is also true that back in his days, the US workforce was dominated by men. But since this theoretical framework (household as the operating unit) and arrangements of society and distribution of advantages and burdens – which were in favor of men – were prevalent, he might have 'intuitively', without criticizing his position, made this biased decision. This is a good example of how ideological intuition could lead to arbitrary distinctions and, therefore, unjust results.

Besides the ideological issues with the assumptions made about the original position, there are some other problems regarding the whole theoretical framework of the original position, which renders it implausible. In the previous chapter, referring to Foucault's ideas, I argued that it is through the inextricable relation between power and knowledge that we act, live, see the world, and construct realities. It is in the power relations that meaning is constructed, and ideology is an important part of it. Now, Rawls himself admits that conflict of interests, or in other words, power relations, exist in the original position. However, to prevent these conflicts of interest from disrupting the balance of the original position, he simply tries to force a veil of ignorance on individuals, masking their social class, status, identity, and anything that might affect the process of decision-making of individuals. If we accept Foucault's ideas, however, we cannot separate power relations from things Rawls is trying to mask: the idea of the supremacy of certain social



identities, such as class superiority or male dominance, is an inextricable part of power relations. These subjectivities were constructed as the result of the conflict of interests in real life, which cannot be stripped of each other. As discussed in the first chapter, Rawls himself acknowledges that our considered judgments are shaped by our interactions with society. Therefore, either individuals in the original position do not have an intuitive conception of justice at all – which is implausible – or their intuition is shaped by power relations, just like our real world, which makes room for ideology, thus rendering the concept of the veil of ignorance implausible. It seems that individuals of the original position are in a void; they never were in a conflict of interests with each other, constructed identities to rival each other, and just simply existed. We must either make some assumptions about their considered judgments and mindset using our own, real-world considered judgments, which, as I argued, can be ideological, or completely strip them of any considered judgments, which makes the whole thing implausible. Trying to mask these ideological meanings through the veil of ignorance is like burying our problems somewhere deep in a basement, hoping that they never come back and haunt us. Instead of running away from them, we might be better off facing them directly.

This neglect of the nature of power relations has affected other arguments regarding the individuals of the original position. One of the assumptions Rawls makes about the process of decision-making of the individuals in the original position is that they will gain anything personally from their judgments. For example, while inheritance law favoring men is clearly in the interest of men, they are supposed to reject it since it is making an arbitrary distinction for no reason. This argument seems rather odd. The thing is that men who reject this judgment, and any other judgment that benefits them but is unjust, are actually gaining something far more valuable than some inheritance money; they get to live in a just, ordered society, which is quite better than a state of

nature. Therefore, in the end, they are all making decisions that help them gain something, decisions that are in their interests. If we are not egoists, it is because it will lead to our ruin in the first place. According to this line of argument, then, it is all about the conflict of interests between individuals, and they will act accordingly, to their own benefit and interests, which again signifies the power of the conflict of interests between individuals.

All of these points were made to argue that the Original position has the same problems as Reflective Equilibrium: ideological assumptions about the world and its individuals. Therefore, implementing Reflective Equilibrium in the Original Position will not solve the problem of arbitrary distinctions, and as I will argue in the next section, Reflective Equilibrium itself is defenseless against ideology.

*Reflective Equilibrium's weakness against Ideology* - So far, I have argued that using intuition without any constraint in the Reflective Equilibrium can result in justifying unjust principles since intuition might carry ideology within itself, leading to arbitrary distinctions in favor of certain groups or institutions. To this challenge, some might argue that the whole purpose of the process of Reflective Equilibrium is to overcome these inconsistencies and biases within our considered judgments; otherwise, we could have simply accepted all considered judgment that comes to mind and taken an intuitionist approach. We are putting our judgments against different sorts of principles of justice, therefore reflecting on them to see whether we should accept them or not. This is what Knight (2017) argues for against the 'epistemic constraint' critique of the Reflective Equilibrium. This critique claims that our considered judgments cannot directly enter the process of the Reflective Equilibrium. We must gather enough empirical evidence to justify our considered judgments before using them to justify principles of justice. Knight replies that doing this is exactly

like “putting the cart before the horse” (Knight 2017), as they are like pieces of a coherent puzzle, which is the ultimate result of the process, the equilibrium. According to Knight, trying to justify considered judgments is like determining the nature of inquiries before the inquiries themselves. Considered judgments are nothing more than those made in “conditions favorable for deliberation and judgment in general” (Knight 2017). Furthermore, he argues that these constraints will limit the admissible content of judgments, and our judgments must seem pre-theoretically plausible to us, which grants them ‘independent credibility’ (Knight 2017, 48). He admits that there might be some “subconscious biases” in our judgments; he claims that we just need to be aware of them and exercise extra caution.

I will now argue that the method of Reflective Equilibrium, as it is right now, without any constraint on the considered judgments admitted to the process, cannot overcome the challenge of weeding out the ideological implications our intuition might have; therefore, although the end result of the Reflective Equilibrium might be coherent, it still might contain ideology, creating arbitrary distinctions and resulting in unjust principles. To begin my argument, I will refer to Haslett’s critique of Reflective Equilibrium. Although his critique is ultimately implausible, I will argue that he made some good points about the whole process that could help us understand whether Reflective Equilibrium is able to identify ideology or not.

Haslett (1987), quoting Norman Daniels, claims that the methodology of Reflective Equilibrium, like descriptive linguistics, is mostly descriptive since it presents our intuition with minor modifications as the solution to questions of justice and morality. According to Haslett, the lack of criteria to make adjustment decisions, i.e., the choice between our judgments or the principles, and the inherent circularity of the method (considered judgments are justified by moral

principles and vice versa) will create an ideal environment for rationalization of prejudices (Haslett 1987, 7).

As I have argued before, presenting the Reflective Equilibrium as a mere description of our intuition misrepresents the whole methodology. Rawls clearly states that both our considered judgments and moral principles are subject to change. Either we have to argue that somehow the methodology ends up being descriptive, despite the fact that we are indeed able to give up our considered judgments or call the Reflective Equilibrium an implausible critique. Now, I will begin my own argument on how the Reflective Equilibrium can nurture prejudices (in other words, ideology) by simply rationalizing them.

Haslett refers to an important characteristic of Reflective Equilibrium to prove his points: the lack of any guidance or criteria for making adjustment decisions while reaching equilibrium. Without any clear instructions, we do not know whether Rawls intended to favor considered judgments or not. We have to assume that he left the choice entirely to ourselves. On multiple occasions, however, it seems that Rawls favors keeping considered judgments rather than modifying them (Rawls 1999, 17,18,39). He specifically argues that reflection is needed when we are unsure about a particular moral dilemma, and moral principles can help us eliminate our doubts by “accommodating our firmest convictions and providing guidance where guidance is needed” (Rawls 1999, 18). On another occasion, he claims that the final practical aim is to “reach a reasonably reliable agreement in judgment in order to provide a common conception of justice”, and even argues that if everybody firmly believes in a judgment, then there is no need for justifying it at all (Rawls 1999, 39). But none of these arguments are enough to prove that Reflective Equilibrium is descriptive. First of all, they have nothing to do with the method itself. It might be that Rawls is subconsciously favoring considered judgments. There might be a problem with John

Rawls himself, but not with the methodology. Secondly, Rawls also argues for a less direct appeal to intuition (Rawls 1999, 36), which does not add up with previous arguments. Nevertheless, nothing more can be deduced by looking at how Rawls intended to use the methodology, and it would be better if we delve deeper into the methodology itself.

Going back to Haslett's critique, it all boils down to the point of making the adjustment decisions. Reflective Equilibrium must somehow help us eliminate our ideological judgments and prejudices during its process. But choosing to give up our ideological judgments when we are confronted with the choice of either keeping or modifying them requires identifying them beforehand; for how can Reflective Equilibrium convince us that certain judgments are ideological and need to be adjusted? When Rawls decided to introduce households as the operating unit of society without modifying it, perhaps he intuitively saw it as a natural order of society. Perhaps it just made sense to him, and he never gave it a second thought. It was something that his predecessors and contemporaries were doing, and he never felt the need to change it. Ideology is acting as intuition here; it just seems natural and makes sense.

However, some factors contribute to persevering and nurturing ideology in the process of reaching equilibrium. In the last chapter, I brought up Haidt and Green's research on moral decision-making. Haidt argues that most people rely on their intuition when they are faced with a moral situation, and Green's research claims that when making a moral decision, most people intuitively utilize a particular part of their brain associated with emotions. It is as if these research are telling us that most people prefer to keep on relying on their intuition rather than to change them. Changing a view about the world and its order, about how people interact and ought to interact, a view that we have been keeping with ourselves for a long time, seems like a very challenging task, and it seems that people need a good reason to do it. It is simply very hard for us

to forsake a firm conviction that we thought was just and right, and most of the time, it is these firm convictions that turn out to be the most ideological ones. Judgments such as those that make fathers murder their own daughters and brothers slaughter their own sisters as ‘honor killings’.

But perhaps one of the most important contributing factors to preserving ideology while justifying moral principles is the ideological nature of intuitive judgments itself; going against them could mean going against very powerful interests. Rawls originally used the Reflective Equilibrium in the original position, where everyone was under the veil of ignorance, and as I argued, even the original position is not safe from ideological implications. Considered judgments of real-world Reflective Equilibrium user could, in fact, be in their interests, which makes forsaking them even harder. We should remember that in its current state, the Reflective Equilibrium allows all sorts of considered judgments to be admitted, without any consideration or second thought. What are the chances of modifying a firm, intuitive conviction that is also in our interests against simply keeping it? The user must first identify it as ideological and not the natural order of things, then realize that it also serves their interests and, therefore, is not just. Reflective Equilibrium offers no such guidance.

So far, I have argued that the methodology of Reflective Equilibrium could result in justifying unjust principles and judgments by admitting ideological judgments into its process. In the remainder of this chapter, I will offer some brief solutions to this issue. I will argue that, in fact, the circularity of Reflective Equilibrium is not a problem and can be utilized to reach a just, coherent set of judgments and principles by adding a constraint on the admitted considered judgments. I will claim that an appeal to intuition is a necessary part of any method of justification, and Reflective Equilibrium, with an added constraint, can do an excellent job of considering our intuitive conceptions of justice when justifying moral principles.

In previous chapters, I discussed a few critiques of Reflective Equilibrium besides my own. One of the most important ones was Haslett's; he argued that because there are no criteria for making adjustment decisions and because of Reflective Equilibrium's inherent circularity, this methodology will end up nurturing and rationalizing prejudices. I claim that, in fact, none of these two problems are an issue. Quite the contrary, these two characteristics of Reflective Equilibrium can help us utilize our intuition – which, as I will argue, is inevitable – to justify principles of justice and, with an added constraint, solve the problem of ideological intuition.

*Why appealing to intuition is inevitable* - Reflective Equilibrium is a method of reflecting on our intuition and moral principles by confronting them together to reach a coherent, justified set of principles. Singer has argued that we must not rely on our intuition at all, and Haslett has claimed that there must be some guidance when making adjustment decisions between considered judgments or moral principles. First of all, the idea of discarding our intuition sounds highly implausible. We are all constantly using our intuition in our daily lives, and most of the time, we actually never 'argue' or 'reason' when making decisions in various aspects of our lives. Even if we wanted to disregard our intuition to justify moral principles completely, we needed such a high degree of self-awareness about our deep intuitive thoughts and judgment that would render the whole thing too demanding, if not absolutely impossible. Moral theories such as Utilitarianism, which try to remove appeal to intuition, end up being incoherently appealing to it. Utilitarianism fails to discuss the exact nature of 'utility' or 'pleasure' in a convincing and plausible way, and intuitionism does the exact opposite by blindly accepting our intuitive judgments. Perhaps, like how Green argued, our brains are wired in a way that appealing to intuition seems inevitable. Even if we intend to go beyond it when confronted with a moral problem, we will have an intuitive judgment about it at first.

*No criteria are needed for adjustment decisions* - Secondly, restricting our options when making adjustment decisions does not seem like a good idea. Deciding between modifying the principles or the considered judgments is itself another judgment. By setting criteria for adjustment decisions, we are stripping ourselves of the freedom to go back and forth between our options, reflect on them, and reach a coherent equilibrium. I cannot think of any criteria that can help us achieve this aim. The problem of nurturing prejudices lies in the fact that Reflective Equilibrium is defenseless from ideology. By adding a constraint on the admitted considered judgments, we can solve the problem of ideological intuition. I will discuss this constraint shortly, but for now, I will keep focusing on answering other critiques.

*The circular nature of Reflective Equilibrium* - The circular nature of Reflective Equilibrium can, in fact, contribute to eliminating the ideological implications of intuition. Nothing, neither the moral principles nor intuition, would be safe from being changed and modified. Everything is susceptible to alteration. If – considering the circular nature of Reflective Equilibrium as a problem – we were to come up with another form of theory, it ought to be ‘linear’ in its line of arguments, meaning that it must start from somewhere, from an irreducible fact. This fact either has to be something divine or something attributed to the nature of things, which is an objective, constant fact that I do not know of and has never been proven. On the other hand, Reflective Equilibrium allows for total dynamism and provides a methodology to constantly come up with new arrangements and agreements for our social cooperation without having to ‘believe’ in some sort of starting point.

*In the end, how to deal with ideological intuition?* - All of this depends on dealing with ideological meanings deeply embedded within our intuition. Devising a detailed alternative for Reflective



Equilibrium is not in the scope of this thesis, but I can offer some directions that could help Reflective Equilibrium solve the issue of nurturing ideology. The most important part of solving this issue is identifying ideological implications in our considered judgments. Therefore, adding a constraint on the judgments that are going to be admitted to the process seems like a plausible idea. Numerous ideological critiques can be useful when implementing this constraint, such as different schools of Critical Discourse Analysis; but even being aware that our considered judgments can lead to arbitrary distinctions by being ideological could help us be more careful of the judgments we are introducing to the process. For sure, this extra step will add much work to the process and limit the admitted judgments, as Knight argued. But this is not a good excuse. Our ultimate is to reach a justified, coherent set of principles. If we must double our efforts to achieve this goal, then so be it.

One final idea that can significantly help us identify and exclude ideological judgments is Mercier's concept of reasoning in deliberative contexts (Mercier 2012). He argues that people's reasoning is threatened by 'confirmation bias'; we tend to search for arguments that favor our opinions. By appealing to this argument, the main critique of this thesis can be supported: when using Reflective Equilibrium individually, there is a good chance that we end up reaffirming our ideological judgments without sensing the need to modify them. We will simply look for principles that match our judgments. Instead, Mercier suggests that arguing and discussing in a diverse group, with each person bringing a new perspective to the table, will improve reasoning. The same thing can be applied to Reflective Equilibrium. Interestingly, Fairclough argues that one of how ideology rationalizes itself is by removing other explanations, to the point that only the ideology itself seems like a possible explanation (Fairclough 2015). By using Reflective Equilibrium in the context of deliberation, we get to know that our opinion is not the natural, commonsensical judgment we

thought it was. In this way, we might have a better chance of identifying ideology and a much better chance of coming up with a solution for it, as there will be a high number of judgments and opinions that everyone is sharing with each other.

## Conclusion

This thesis aimed to show that Reflective Equilibrium cannot be used to reach justified principles in its current state. Drawing on Singer, Fairclough, and Foucault's ideas about the arbitrary fact within intuition, I argued that since Reflective Equilibrium admits considered judgments and takes them for granted, ideology will find its way to the final results. Even the Original Position cannot do anything about it since it is also prone to ideological assumptions. These ideological judgments are not weeded out in the process of reaching equilibrium since this methodology has no way of identifying them, and most of the time, we tend to reaffirm and nurture our prejudices. To come up with a solution, I suggested adding a 'critical constraint' to identify ideology hidden within our considered judgments and using Reflective Equilibrium in a deliberative context, together with a number of people with different opinions who share the same concern that was discussed in the introduction: what we ought to do.

With all of these critical arguments against Reflective Equilibrium, I have to admit that it excels at something that other theories of justice and their methodologies fail to accomplish: the search for an answer to our concern for justice will never end, and we always have to try to find prejudices and argue against them. We will never be saints and must always be ready to change our judgments. Reflective Equilibrium offers a dynamic method to devise a solution each time a new challenge is brought up against us. It does not begin with a principle and does not end with one. It is at its best when done in a group with a varied set of judgments entering the process, resulting in a more comprehensive equilibrium with a good chance of ideological judgments being identified and modified. Considering all of the arguments made here, I would like to conclude by saying that perhaps the search for justice is never-ending, and we are better off doing it together, with an eye open for prejudices hidden in our deepest, firmest convictions.

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