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THE SOCIAL SCIENCES AND THE LEGITIMACY OF AGREEMENT

THIS BOOK DEALS WITH the relation between agreement and discord. Its primary aim is to build a framework within which a single set of theoretical instruments and methods can be used to analyze the critical operations that people carry out when they want to show their disagreement without resorting to violence, and the ways they construct, display, and conclude more or less lasting agreements.

The issue of how agreements are reached is one of the fundamental issues that the social sciences have taken over from political philosophy, appropriating it in the languages of order, equilibrium, norms, culture, and so forth (Habermas 1984–87). But the study of the agreement-reaching process should not exclude an examination of instances in which order breaks down, as evidenced by some moment of crisis, disequilibrium, critique, dispute, or contestation. For example, there is no reason to maintain a radical opposition between sociologies of consensus and sociologies of conflict, although they derive from quite different traditions. Our intent here, on the contrary, is to treat instances of agreement reaching and critique as intimately linked occurrences within a single continuum of action.

Contemporary social scientists often seek to minimize the diversity of their constructs by situating them within a single basic opposition. In one tradition, rooted in Durkheimian sociology, the ordering principle rests in the notion of the collective. In another tradition, any sort of order or equilibrium is construed as the unintended result of individual choices; this principle informs approaches that borrow the rational choice model from economics. Our own perspective offers a third approach: we seek to embrace the various constructs within a more general model, and to show how each one integrates, in its own way, the relation between moments of agreement reaching and moments of critical questioning.

The opposition between what belongs to the collective and what belongs to the individual has been reinforced through a series of crosscutting critiques that often pit sociologists and economists against one another. For example, the sociologist Alessandro Pizzorno points out that utilitarian presuppositions do not suffice to account for voter confidence; some specific explanatory factor such as identification with a political party—which is totally irrelevant from a utilitarian standpoint—must be added

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(1990, 305). The opposition between explanations based on groups and explanations based on individuals not only marks the boundary between sociology and economics, it can also arise within each of these disciplines; the opposition between the two approaches appears so radical that, more often than not, it defines the basic methodological choice made by contemporary social scientific researchers.

It is possible, of course, to bridge the gap and develop arguments that recognize the reality of social phenomena (collective determinations) while drawing on rational calculations normally attributed to individuals (personal strategies), as when we speak of collective strategies. The kinds of explanations produced by political science in particular encourage such accommodations: this is the case with analyses that seek to address the “negotiation” (an interpersonal relationship described with reference to a market modality) of interests that are deemed “collective” in nature (a designation presupposing the establishment of a general interest). But a reaffirmation of the opposition between individualism and collectivism threatens to break these explanatory assemblages apart by foregrounding their internal contradictions.

Must all developments in the social sciences conform to this dichotomy? How can we deal with empirical materials and results produced by disciplines that appeal alternately to one or the other of these explanatory modes? How might we imagine bringing them together and coming to terms with their contradictions in a way that goes beyond the unsatisfying juxtaposition of common references to the economic and social realms, to individual interests and collective forces?

The Critique of Sociology’s Lack of Realism

Scholars who account for human behavior in terms of individual choice challenge the first approach by showing that its “holism” is untenable and that it remains too tainted by metaphysics to satisfy the requirements of science. They hold that one cannot base an explanation on the reality of so-called collective phenomena; on the contrary, what one has to show is how these phenomena can result from the behavior of the only beings pertinent to the analysis, the individuals involved. From this standpoint, it would be more fitting conceptually to treat persons as individuals than as agents, for we would be positing individuals free from all normative constraints who can follow the dictates of their personal appetites. This line of argument, crystallized in the opposition between collectivist and individualist disciplines, implies that sociology takes people in groups as its only empirical subjects, whereas economics, a more realist discipline, concerns itself only with individuals.

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F. A. Hayek's *Scientism and the Study of Society* offers a particularly trenchant formulation of these critiques. The author contrasts "methodological individualism" with a "scientistic approach treating as facts those collectives which are no more than popular generalizations"—or, as he puts it later on, "vague popular theories" (1952, 38, 54). To dismantle the totalist (collectivist) prejudice, he borrows the terms in which Charles Victor Langlois and Charles Seignobos formulated their critique of sociology: "[I]n the imagination as in direct observation, [collective acts] always reduce to a sum of individual actions. The 'social fact,' as recognized by certain sociologists, is a philosophical construction, not a historical fact" (210–11 n. 29).

Individualism: A Different Social Metaphysics

Our work seeks to bring to light certain elements of similarity underlying the apparently irreconcilable methodological opposition we have described (an opposition that becomes particularly pronounced when it is expressed as an antinomy: "individual" vs. "collective"). To this end, we shall focus on those aspects of the competing modes of explanation that remain obscured when this antinomy is used to elucidate their differences.

First of all, let us note that an explanation based on social factors can also recognize persons. Indeed, this dual constraint accounts for the importance granted by such explanations to the internalization of collective determinations, in the form of a quasi unconscious lying deep within every human being. In parallel fashion, and contrary to what the term "individual" generally implies, whether it is used by economists who vaunt "individualism" or by sociologists who critique it while denouncing the anomic character of risky trade among competitors (Durkheim 1997 [1893], xxxi–xxxviii), individuals as viewed by economists—individuals who enter into relationships in a marketplace—function as qualified persons. We shall seek to show that, on the contrary, the conception of the individual required by economists to make their argument imposes constraints on the social actor that make him a moral being. We are not using the term "moral" here as it is used by certain theoreticians of liberalism, in the limited sense of having a benevolent disposition that would compensate for self-interested greed. We shall try to show that moral capacity is presupposed in the construction of an order of market exchanges among persons, who must be capable of distancing themselves from their own particularities in order to reach agreement about external goods that are enumerated and defined in general terms. The fact that the goods are private property often obscures the hypothesized common knowledge that the universality of their definition implies. The conventions defining common knowledge allow acquisitive

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desires to compete and adapt to one another, but these conventions generally remain implicit (natural) in economic theory. We shall relate them to Adam Smith's efforts to define persons who display this moral capacity in terms of the notions of "sympathy" and "impartial spectator" that he develops in his *Theory of Moral Sentiments* (1976 [1759]).

As soon as one can show persons acting "under" the group, or point to the convention of market competition that weighs "on" individuals, the opposition begins to fade, suggesting that the collective/individual dichotomy is not the appropriate way to account for the differences between the two models. The models cannot address their common object, human commerce, without making a twofold reference, on the one hand to the singular status of these persons, and on the other hand to the possibility of transcending the particular traits of persons and laying a foundation for agreement in what we shall call a *higher common principle*. This principle can be spelled out in quite different ways, depending on whether it is expressed through the collective will or through the universality of market goods. The tension between reliance on general forms and reference to particular persons does not result, then, from a confrontation between the two explanatory systems; rather, it is intrinsic to each system. A bilevel configuration, incorporating both the level of particular persons and a level of higher generality, forms a common theoretical framework that constitutes the two systems as a political metaphysics.

Political Metaphysics as a Social Science

Our effort to bring out common elements in seemingly contrasting explanatory methodologies—one based on "individual" behavior and one based on "collective" behavior—will allow us to sketch a new object for the social sciences, an object that can tie together the requirements for agreement and the conditions for discord.

To do this, we shall have to pay much more attention than is customary to the structure of each of the two methodological constructs. These are reduced to cursory outlines by oppositionalist accounts, and they are ignored altogether by crosscutting critiques. However, to simplify the exercise and to make our own approach easier to grasp, we shall consider only two of the theoretical developments offered by the social sciences; we shall not attempt to cover all the disciplines they include, or everything the terms "sociology" or "economics" may ordinarily designate. We have chosen to work with the sociology of collective phenomena and the economy of the marketplace because the explanatory schemas that underlie these theoretical constructs are coherent and can be integrated in a variety of ways.

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Because each of these disciplines seeks to formulate laws according to which human beings enter into relationships, whether they come to terms in an expression of the collective will or negotiate their acquisitive desires in a marketplace, each relies on a rule for reaching agreement (on collective identity or market goods); each refers to a universal form that extends beyond the idiosyncratic characteristics of particular persons. Our effort to bring to light the political metaphysics underlying both economics and sociology is complicated by the break with philosophy that allowed each of these fields to be constituted as a scientific discipline. Nevertheless, we should like to suggest that each one is a product of the political philosophy that served as its matrix and in which the underlying metaphysics is clearly discernible.

Our investigation of the origins of these disciplines reveals that in each case a normative higher common principle was transformed into a positive scientific law. This reductive operation, which is characteristic of naturalism in the social sciences, is the price paid by economics and sociology for becoming associated with the natural sciences, with a political physics. But such a reduction profoundly modifies the meaning of the rule adopted for reaching agreement and the way it relates to particular persons. In political philosophy, a rule is a convention, a support that can ensure collective agreement among persons familiar with the convention. Later on, we shall see how a political philosophy is elaborated in an effort to justify such a convention. In the political physics that the social sciences are helping to develop, a rule is a scientific law that applies to persons and things alike. There is no longer any place for collective agreement about a form of generality. The two levels of political metaphysics are projected onto a single plane, one on which beings can no longer be distinguished except by the extent to which their behavior conforms to a common pattern, and this will depend on the degree to which they comply more or less scrupulously with the law.

Thus, in Durkheim's sociology, the collective being is not only a moral being (it becomes a moral being when Durkheim writes not as a sociologist but as a political philosopher) but also an object that is as real as a specific person, and even more "objective." The reductive conflation of the two levels—that of the collective moral being and that of individual persons—that is implied by the sociological realism of collective phenomena is accompanied by the metamorphosis of a principle of agreement (the general will) into a law that applies to persons. Durkheim shunts aside the resulting theoretical difficulties by developing an explanatory system based on the assumption that people will (more or less consciously) internalize—as a compelling or determining factor—the principle of political philosophy that allows them to enter into relationships with others and to reach collective agreement.

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Economists are confident that they can expose the metaphysics underlying the sociological approach, and they challenge the claim that sociology is a science. Economists question the reality of collective phenomena, which they view as human constructs. Like all institutions, such constructs have to be explained in terms of the interests of individuals, which are the only realities economists are willing to recognize. This line of argument is crystallized in the opposition between disciplines focusing on the collective and disciplines focusing on the individual: the implication is that sociology recognizes only people in groups as empirical subjects, while economics, more grounded in reality, deals only with particular individuals.

However, economists feel free to condemn the social metaphysics of sociologists only because they are not aware of the higher common principle that is also embedded in the positive laws their own discipline brings to light. One can look for this principle in the property that economic actors share: they are driven by interest or needs. We shall probably be able to articulate the principle most clearly if we begin with market goods, which play precisely the same role in economic law that collective beings play in Durkheim's sociology. Individuals as seen by economists, individuals who interact in a marketplace, are not particular persons; they are moral beings capable of distancing themselves from their own particularity and coming to terms over commonly identified goods on which their acquisitive desires have converged and reached agreement. Market goods, which are commonly evaluated in terms of price, provide the framework for the political metaphysics embedded in economics.

We should highlight, here, an important difference in the way the reductive conflation of the two levels of metaphysics is achieved in each of the two explanatory systems we have mentioned, a difference that may account for the persistence of the collective/individual opposition in efforts to relate the two explanations. As we have seen, sociological realism achieves reduction through the internalization of collective reality, a process that takes on the aspect of an unconscious. In economics, a comparable reduction is achieved by differentiation between goods and persons. The fact that the goods in question acquire value only if they are appropriated by persons masks the fact that they need to be qualified in terms of a common definition. This commonality is the condition for reaching agreement by means of competition, and it offers persons a way to transcend their own particularities. However, the common good deriving from market competition cannot be reduced and transformed into a positive law without leaving traces on the proposed model of human understanding or of the psychology of human actors themselves. For economists, individuals are not riven by tension between their internalized collective representations and their own personal motivations, as persons are for sociologists;

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nevertheless, they carry within themselves the trace of a desire transformed into interest, that is, they have a direct relation with market goods that overrides all other forms of desire.

The Question of Agreement

At the heart of the argument between two social sciences that are generally presumed to be in mutual opposition in every respect, we can thus recognize the same basic structure (a conventional higher common principle bringing together particular persons), the same naturalism relying on the same fundamental transformation (of a higher common principle into a positive law), whether the explanatory system is based on social phenomena or market individualism. This demonstration leads us to challenge the prevailing dichotomy and to draw two conclusions from the infiltration of a metaphysical construct into disciplines conceived on the basis of a break with philosophical approaches.

The first conclusion, a positive one, stems from the observation that each of the scientific explanatory systems we are considering demonstrates the reality of a possible form of agreement reaching among persons (by means of the group in the one case, by means of the marketplace in the other). To be sure, the social sciences in question treat collective agreement as if it were subject to a positive law that governs interpersonal interactions universally, independently of the will of individuals. It can be shown, however, that each of the disparate forms for reaching agreement corresponds to a general principle proposed by an earlier political philosophy in order to provide a basis for the common good and to ensure agreement by harmonizing individual wills. The positive data contributed by each of our two disciplines—and which we have no intention of rejecting—thus provide proof of the effectiveness of the various principles, and suggest that we should take them seriously when they are invoked as justifications.

The second conclusion, a negative one, complicates the approach suggested by the first. At a minimum, two incommensurable principles of agreement exist: consequently, neither of the two disciplines that transform these principles into positive laws can address the relation between the two forms of law. This inability is particularly troublesome in the treatment of objects that cross boundaries—organizations, for example. Such objects owe their appearance entirely to “good neighbor” concessions granted by adherents to one or the other of the two approaches: economic actors entering into exchanges in a competitive marketplace or social actors subjected to norms. These concessions are fragile, and they can easily be denounced if one of the protagonists breaks the pact by insisting on the universality of his own system for explaining human behavior.

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Our undertaking is grounded in these conclusions. How can it be that economics and sociology both translate a metaphysical principle into a positive law, when each discipline subscribes to a definition of reality that is radically opposed to metaphysics? Our response is that neither can deal with the interactions of people in society, which is what both aim to do, unless they take the forms of agreement that people have fashioned into account. And yet each treats agreement reaching as if it were a natural law, so that the way agreement is constructed becomes by that very token exempt from analysis. The construction of agreement is the object we propose to study, in a project that presupposes taking seriously the requirements for reaching agreement and for resolving disputes in general. For the time being, then, we shall set aside all behaviors that are not subject to these requirements; we shall consider them again only at the end of our study.

Association and Forms of Generality

Our approach to the coordination of human behavior led us to pay attention to the cognitive ability that allows human beings to establish associations among things that count, to identify beings independently of circumstances, and to reach agreement on forms of generality. Associations are based on a relation—one that can be made explicit, if only by a single word—to something that is more general, something common to all the objects brought together. Association is distinguished here from simple spatial or temporal contiguity, even if proximity can support a form of similarity (Foucault 1973, 18). The fact remains that persons are not always obliged to make their associations explicit, and, a fortiori, they are not obliged to provide grounds for establishing them; we also have to allow for the possibility of ill-founded associations.

We shall not study the human capacity to establish associations for its own sake, and we shall not explore the universe—a limitless one, moreover—that includes all the systems of classification (taxonomies, nomenclatures, and the like) that have already been put into service or that remain to be developed. Among the infinite number of possible associations, we shall be concerned only with those that are not only common, and thus communicable, but that can be supported through *justifications*.

In the absence of other persons, the obligation to establish common associations does not arise, and we shall show that when others are present, one of the ways to avoid making comparisons in order to shift one's focus back to the circumstances (an operation we shall call *relativizing*) consists precisely in setting aside the presence of the others (as human beings) or, if that cannot be done, in ignoring it. However, if persons are not to remain

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confined within relativization, they must have a means of reaching agreement about their associations.

Despite disagreement about associations, people may be able to come to terms, that is, to reach an understanding—a momentary, local understanding—in such a way that the disagreement is smoothed over even though it is not resolved by reference to a common association. A settlement of this type may be described as not being completely defensible in “logical” terms.

If the parties to a dispute cannot come to terms, the associations cannot remain at the discretion of the persons involved. Tensions rise, and so does the level at which agreement is sought and in view of which disagreements are formulated. It is no longer a question of choosing between the colors brown and green, for instance, or of settling on greenish brown. What the protagonists are demanding is a meeting of the minds on the classification in terms of which the colors in question are only particular classes. To provide a basis for association, the parties involved thus need to have access to a principle that determines relations of equivalence. This process of shifting to a higher level of generality, which in classificatory orderings takes the form of referring to more abstract categories, could be pursued indefinitely in the quest for an ever higher principle of agreement.

However, instead of proceeding through an interminable regression of this sort, disputes most often end in convergence on a higher common principle, or in the confrontation of several such principles. Very quickly, in fact, a question of the following sort tends to be raised: “On what basis are we choosing the color?” This question manifests a shift from a simple association to a judgment aiming at generality; the answer will lead to the formulation of the principle that justifies the associations being made, and it will make it possible to specify the nature of the test that will allow the parties to reach agreement about the adequacy of these associations to the particular things to which they apply. To designate these forms of association, people generally refer either to a technical definition implying a standard measure implemented by means of scientific devices, to a subjective belief influenced by common opinion, to a prevailing usage that perpetuates an entrenched tradition, to an ineffable aesthetic sentiment, or even to an ethical or political requirement, if it so happens, for example, that the color under consideration is to serve as an emblem.

An attempt to confront such varied principles of judgment with one another cannot fail to appear incongruous, given how incommensurable and incompatible they seem to be. This appearance of incompatibility is made manifest by the plurality of oppositions that traverse them: material/symbolic, positive/normative, reality/values, subjective/objective, singular/collective, and so on. And yet our aim is to treat these different modalities of identification (“technical constraint,” “argument of an aesthetic nature,”

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or “moral viewpoint”) within a single analytic framework. Focusing on associations capable of bringing about agreement and of being incorporated into judgments, we shall argue that the foregoing modalities refer to principles of *justice* (or of *justness*, a less incongruous term when a technical mode of justification is in question) that presuppose the presence of other persons. As Henri Lévy-Bruhl (1964) points out, justice has the property of bringing disputes to an end; we shall treat that property as a distinctive feature of justice. From this standpoint, we shall try to subject associations that are normally kept separate to the same requirements, whether these associations emerge from the singularities of the individual psyche addressed by psychology, engage the collective interests studied by sociology, belong to an economic or political order, or arise from a technical judgment based on one of the natural sciences. Thus the disagreements we shall examine may take the form of discord among people considered in their singular relationships or personal disputes under the sway of some passion, as well as collective conflicts, political struggles, even economic hardships or technological malfunctions.

The perspective we have in view is in many respects disconcerting. It may seem excessive to suggest a direct link between a cognitive operation of association and the foundation of a form of justice. Is there not a primordial gap between the human exercise of identifying objects and the establishment of laws that apply to persons by governing their mutual understanding? If we do not maintain this gap, do we not regress toward a prescientific state of knowledge, in which values and facts would be confused at the heart of a natural order? And will not this providential confusion necessarily lead to the “self-evidence” of a perennial order that excludes the question of agreement and contradicts our earlier remarks on the plurality of forms of agreement?

At the point where we are about to begin examining these questions in greater depth, let us note that there are many instances in which associations are not subject to an imperative of justification but are instead perceived as fortuitous. In such cases, we deem the attendant circumstances *contingent*; these include things and persons related by contiguity that need not be taken into account. Immersed in circumstances, one yields to the particular without seeking to establish equivalencies and consequently without seeking to specify the importance of the persons and things involved. The passerby one bumps into may be anyone at all—a judge or a celebrity, for instance; if the encounter goes no further, it hardly matters. The circumstances are not important because the true nature of the beings that come into contact in such cases need not be at issue. Beings that can be qualified according to incompatible modalities may cross paths or bump into one another without recognizing one another. Thus, on some fall afternoon in a forest, persons who are unacquainted with one another may

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be walking in the same wooded glen: strollers, lovers, hunters, mushroom gatherers, woodcutters, Boy Scouts, and so on. Their presence in the same space is a matter of circumstance and does not produce a situation with which they have to deal in common. Bringing these strangers together within the field of an objectivizing gaze, placing them on the same stage, making them present in the same space, each one carrying on his own activity according to his own nature: this device is a mainspring of comedy, especially vaudeville. But in everyday life, unlike the theater, there is no framework to circumscribe the stage and offer it to the spectator's gaze; in our everyday experience, coexistence does not always produce a situation. The beings whose paths cross by chance do not ordinarily share a common involvement in the circumstances. If they do become involved—for example, if an accident occurs—the question of justification comes to the fore: does the forest belong to the strollers or to the people who are working to maintain it?

Although the study of these sorts of circumstances does not fall within our purview, to the extent that no constraint of agreement applies to them, the fact remains that the attempt to return to a state of contingent circumstance after a disagreement over the value of making associations has arisen can be understood only in relation to an imperative to justify that this effort seeks to suspend. At the end of our study, we shall look again at the operation of *relativizing*, which is a way of seeking to remain within contingent circumstances by setting aside or ignoring those beings whose prominence tends to recast a situation of contingency as a situation of a defined nature.

The Order of the General and the Particular

Even when the capacity or propensity for association that persons use to coordinate their behavior has been recognized, it does not automatically follow that the forms in which associations are made will have the same type of generality. In order to imagine a world in which a common type of generality has been acquired, let us imagine situations—we call them *natural* situations—in which agreement over associations is perfectly established. A company manager shows some foreign industrialists the most modern assembly line in the factory in which he holds a position of responsibility. Everything goes smoothly, and every being he points out to his visitors is a wholly typical member of the class to which it belongs. The visitors see objects devoid of any irregularities: no particular feature stands out to catch anyone's attention. Both the words of the host's commentary and the casings of the new machines reflect the infinite series of similar things that they bring together under a single technical term. Even the

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factory and office workers carrying out their duties are qualified according to the same form of generality. The visitors and their guide are certain to understand what they are seeing—that is, the efficient functioning of the assembly line—in the same way. If all parties were asked to produce reports at the end of the visit, the results would not necessarily be identical, but reading them side by side would not produce any troubling contradictions; the accounts would complement one another harmoniously.

It is easy to recognize here the sanctity of an Eden-like world in which such scenes would be repeated in the course of a long ceremony that follows a firmly established protocol to the letter. It would take a very astute observer indeed to detect the difference between the protocol and the enactment, between a report and what really happened. Yet in the societies we are studying, natural situations in which everything holds together, in which there are no exceptional beings, cannot last. How is the harmonious arrangement of things and persons in a state of common generality likely to be disrupted? Most simply, by a breakdown. Let us imagine a visitor whose attention has been drawn to a motionless machine with waiting parts piled up in front of it, or to a vacant work station, or to a heap of rubbish in the bottom of a packing case. Puzzled, the visitor asks questions about these awkward things that invite doubts about the smooth operation of the assembly line. We should stress here and now the way the visitor fastens onto these things in support of some doubt of his own. The looming disagreement cannot be expressed in a pure debate over ideas; arguments have to be substantiated by things. In order to ease the discomfort produced by the visitor's questions, the host has to "go into detail" and cut back on the requirement of generality that kept his commentary at a high level and brought agreement in its wake. The machine, he explains, has a defect resulting from a particular problem with the manufacturing process; the worker is absent for a particular personal reason; the parts are flawed because of a particular impurity in the raw materials. The clamor of particular details that invade the situation and threaten to upset its harmony brings out, a contrario, the accommodations that are needed to disentangle from discrete circumstances things and persons that have been assembled by associations and to involve these things and persons in a situation that holds together.

The example makes it clear that after the fall from Eden illustrated by the failings described above, the operation of association entails a hierarchical ordering that distributes the classes of beings in question according to their level of generality, thus attributing relative values to those classes. A machine that functions normally is situated at a higher level of generality than a defective machine, which is endowed with a lower capacity than the former to do its job—to ensure regular production—in the future; the defective machine will be termed less "reliable." Even in the extreme case

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in which the scale from the highest level of generality to the lowest is compressed as tightly as possible, at least two states remain, the state defined by the association and the state of the particular element that falls outside the more general state. Now, instead of being related in the way a whole is related to its parts, as the logic of set theory would have it, these states are related by an order that treats the general as superior to the particular. The order thus constituted leads to the qualification of persons in just the same way as it determines the qualification of objects, on the basis of their associations.

**The Requirement of General Agreement
and the Legitimacy of Order**

Under what conditions can a form of equivalence be common?—that is, under what conditions can it allow a qualification of persons and objects capable of framing an agreement or substantiating arguments in a disagreement? In answering this question, we propose to take seriously the imperative to justify that underlies the possibility of coordinating human behavior, and to examine the constraints that weigh on agreement concerning a common good. We are not satisfied, for example, with the use of the notion of “legitimization,” which, in the wake of Max Weber’s work, tends to confuse justification with deceit by rejecting the constraints of coordination and resorting to a relativism of values. Justifiable acts are our focus: we shall draw out all the possible consequences from the fact that people need to justify their actions. In other words, people do not ordinarily seek to invent false pretexts after the fact so as to cover up some secret motive, the way one comes up with an alibi; rather, they seek to carry out their actions in such a way that these can withstand the test of justification.

How can a social science hope to succeed if it deliberately neglects a fundamental property of its object and ignores the fact that persons face an obligation to answer for their behavior, evidence in hand, to other persons with whom they interact? It suffices to be attentive, as we try to be in the pages that follow, to the justifications that people develop, in speech and in action, to see that the social sciences must begin to take this phenomenon into account, must reckon with the fact that the ordinary course of life demands nearly constant efforts to maintain or salvage situations that are falling into disarray by restoring them to order. In everyday life, people never completely suppress their anxieties, and, like scientists, ordinary people never stop suspecting, wondering, and submitting the world to tests.

The act of bypassing justice and behaving only as one pleases, without being burdened by the requirement to explain, is the defining act of

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violence. But by the same token, such acts fall outside the scope of our research. Without denying the possibility of such acts or the role that they may play in human affairs, we shall thus exclude civil war from our study, along with tyranny (which bases the order of the polity on force and fear); more generally, we shall rule out situations that are submerged by violence and in which the process of justification has been completely set aside.

Some situations of discord may well turn out to be temporarily suspended between justification and violence, poised on a watershed where they may still shift toward the search for a resolution or, on the contrary, sink into violence. But the moment they degenerate into violence they escape us, and we abandon them. In contrast, we refuse to assert that flyers distributed by strikers to denounce the injustice of low salaries, or declarations by management ordering the strikers to go back to work, are forms of violence (qualified in such cases as symbolic), or that we are dealing here with false appearances concealing an underlying violence, or that such appearances would draw all their force and reality from the violence that has preceded them or that threatens to follow.

Thus we shall ask under what conditions a principle of agreement is held to be legitimate. From the foregoing remarks, we draw what we take to be two major difficulties in the construction of legitimacy. The first has to do with order. We have suggested the way the requirement of reaching agreement might lead to the constitution of an order. Order is needed for disputes to end—for example, when two persons are “sizing one another up” and challenging one another over the unequal importance of two facts that are being compared. But do the inequalities that result from this process not enter into tension with what may appear to be a principle governing the entire set of legitimate forms of justification that we have taken as our object, a principle we shall call the *principle of common humanity*? In the light of this principle, cannot the application to humanity of any ordering principle at all be viewed as an unjustifiable act of “domination” that only serves the “personal interests” of those who would benefit from it?

Let us note that the theory of sublimation (to which Freud failed to give any systematic form) is one of the most fully developed attempts ever made to address this question; it offers an explicit theoretical formulation of the way our society understands worth and of the arguments sometimes invoked to justify the existence of the worthy. This theory accounts for the possibility that men and women can be great (that is, worthy), and it therefore accounts for the possibility of an acceptable form of inequality. In this sense, it is the theory of the legitimacy of a social order. It implies an internal economy of the individual (the economy of the libido and of the displacement of psychological investments), an economy of relations among persons within society, an economy of the inequalities that prevail in the distribution of worth (between sexes, classes, and so on), and an

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economy of the relation between cultures. Furthermore, Freud also uses the term “sublimation” to refer to a form of generalization. The libido, a mysterious energy that unifies the seemingly disparate ways in which persons attract one another and relate to one another, allows for displacements along the axis connecting the particular with the general. Thus, if one takes to heart the “general interests of humanity,” worries about them, speaks in their name, one is transforming a private desire associated with an embodied attachment (to a member of one’s family) into a disembodied generic relation that can no longer be the object of individual bodily satisfaction. However, the analytic construction and its methodological apparatus are riddled with powerful tensions. One approach is to take seriously the process by which a person increases in worth, and to demonstrate the place of this process in the foundation of a society. A different approach entails a critical unmasking of discourse: when a subject speaks in the name of the “general interests of humanity,” “science,” or “art,” his or her particular interests, drives, and passions come to light. In this second case, as Paul Ricoeur points out (1974, 99–159), interpretation grounded in suspicion then shifts from the general to the particular, and more especially from the general interest to the particular interests of persons. Each person is endowed with a biological identity and a libido that claims its due, in conformity with a generic instinct, of course, but to the benefit of the person’s own body. This tension between the constitution of an order and the critical move that calls it into question lies at the heart of our investigation.

The second major difficulty is related to our observation of the seeming plurality of forms of agreement. How is that plurality possible when, as many have noted, universality seems to be a necessary condition of legitimacy? How can persons act and reach agreement even when multiple modalities for agreement seem to obtain?

In our view, these two difficulties cannot be resolved separately; analyzing the way the two questions are linked is our best hope for reaching an understanding of the notion of legitimacy. Thus we devote part 2 to this analysis, and to the development of a common model of the *polity*, to which we relate the legitimate forms of agreement that serve as the ultimate recourse for clarifying and resolving disputes. We seek to identify the way these forms of agreement are constructed by examining the way they are treated in political philosophy. Conceived as a grammatical enterprise intended to pin down these forms and make them explicit, our undertaking allows us to spell out the constraints with which a higher common principle must comply in order to be acceptable and consequently to be applied in justifications.

An initial study of market political philosophy allows us to identify constraints that we can then systematize in a model of political grammar tested

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against other examples of political philosophy. This grammar is clearly dependent on the definition of the whole to which it applies. We do not claim that this whole covers all the social orders that have ever been constructed, and we leave open, provisionally, the question of what is encompassed in it. Given the range of political philosophies that have allowed us to illustrate the model and to derive examples of primary forms of the common good, readers will be able to judge the adequacy of our selection for themselves. The primary forms we have extracted are not the only ones compatible with the grammar, moreover, and we shall have occasion to suggest a way in which new formulations of the common good may be constituted.

Once we have posited the model as a system of constraints with which the constitution of a legitimate order (that is, an order capable of encompassing disagreement) must comply, we shall be able to expand it by specifying a competence with which persons must be endowed if they are to be capable of justifying their judgments in response to criticism, or of adjusting situations in such a way as to forestall criticism.

The Reality Test and Prudent Judgment

The possibility of resorting to several different principles of agreement, which is suggested when we face the facts established by economic and sociological approaches to human actions, opens the door to additional difficulties. In this respect, we can speak of a *complex* society, for the reference to a culture, which might account for the community of associations in terms of a shared symbolism, does not provide a way to resolve the problem of reaching agreement. The recognition of a plurality of cultures or value systems shared by communities or groups of persons still does not remove the difficulty resulting from their problematic juxtaposition. Thus, despite these contradictions, in order to explain the absence of discord, we would have to move toward the hypothesis of systematic deception that would conceal the domination of some parties by others.

In our view, people need to involve things in *tests* in order to handle disagreements. In order to carry out such tests, it is not enough to make use of principles of equivalence. When such principles are invoked, they are understood to be accompanied by objects that the persons involved can use to measure themselves against one another. Indeed, the greater or lesser capacity of persons to endow these objects with *value* is what gives rise to a justified order. Each of the sets of objects associated with the various higher common principles forms a coherent and self-sufficient world, a *nature* for which we suggest representations in part 3.

A test leads the persons involved to agree on the relative importance of the beings that turn out to be implicated in the situation, whether the issue

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is, for example, the relative usefulness of two machines or two investments, the relative merits of two students, the competence of two business executives, or the tokens of respect that two local dignitaries owe one another. Very diverse beings—persons, institutions, tools, machines, rule-governed arrangements, methods of payment, acronyms and names, and so forth—turn out to be connected and arranged in relation to one another in groupings that are sufficiently coherent for their involvement to be judged effective, for the expected processes to be carried out, and for the situations to unfold correctly (as opposed to disrupted situations that are qualified, depending on the applicable discipline, as pathological, dysfunctional, or conflictual, for example). In order for the system to be open to judgment with reference to a higher common principle, each being (person or thing) has to be adjusted to it. When these conditions are fulfilled, we can say that the situation “holds together.” A situation of this type, which holds together in a coherent way and which includes no questionable objects, is a *natural* situation. The simplest way to construct a situation conducive to natural behavior is to include in it beings that share the same nature, and to exclude from it beings of different natures. If some of the beings involved in the situation have the same general extension while others remain contingent or possess a different type of generality, the situation does not hold together.

Our approach differs from others, even from those that leave open the possibility of several forms of “legitimacy” or “rationality,” in that we have opted to treat scientific and technical justness in the same way as other forms of justification (forms that are usually distinguished from scientific and technological forms by their ethical character), yet we do not reduce all these forms of generality to a single equivalent (for example belief, or force). In our construct, the nature studied by scientists and technologists—which is viewed by some as having the privilege of reality and objectivity—is not the only one in which objects can be found. Every nature has its objects, and all objects can be used for testing.

Thus we are led to short-circuit the distinction between the two definitions of what is *adjusted*, oriented respectively toward *justness* and *fitness*, and to use a single set of conceptual instruments to deal with situations in which maladjustment will be qualified either in the register of injustice or else, for example, in that of dysfunctionality. Maladjustment may thus result from human failure, for instance when what is at stake in a dispute—as in a crisis involving honor—is the proper distribution of the respect with which the persons involved regard one another; or it may result from a failure on the part of persons and objects—as in a disagreement involving the distribution of goods (income, jobs, material objects, diplomas, and so on) among persons. But maladjustment may also have to do with the very ordering of objects among themselves, for instance, when it is necessary to

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bundle together the technical characteristics of a machine, the modalities of its financing, and the mechanisms that govern its use.

The requirement of testing modifies the scope of our inquiry, which moves from the study of the constructs of political philosophy to the study of practical reason, or, to go further back in the tradition, to the study of prudent behavior. Just as we shall seek to understand the way the polity model is structured by the requirement that the plurality of principles of agreement must be reduced, we shall attempt to show that the model is similarly informed by the way the tensions inherent in a universe embracing multiple natures—tensions between reason and practice, between generality and contingency, and between justice and equity—constrain judgment while allowing it a certain latitude. Part 5 of our work will thus be devoted to the study of the procedures that make it possible to bring disputes to a close.