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A Dialectical Version of Philosophical Discussion

Adler's work on freedom has been of two distinct and different kinds: One has been philosophical, in which he has developed and expressed his deepest and best thought about the nature of freedom, work accomplished in his most recent books. The other has been dialectical, in the work he has done with a large staff in analyzing the idea of freedom and the controversies concerning it that have run through the entire history of philosophy.

Adler has long been deeply concerned with controversy in philosophy. It wasn't so much that, like Kant, he deplored the existence and extent of disagreement in philosophy, as that the disagreement was not sharp and clear enough, being more often merely non-agreement of minds not even meeting and hence not capable of genuine disagreement such as to establish a valid controversy. Hence, from the time of his first book in 1927, he has called for the construction of a *Summa Dialectica* to analyze, map, and clarify the controversy regarding basic philosophical ideas. For that purpose, the Institute for Philosophical Research was established in 1952, and the method of analysis perfected and put to work that resulted in the two-volume *The Idea of Freedom*. It is about that method that I wish to talk to you for the next few minutes.

However, I must say and warn you at once that I shall not talk about that method as applied to and displayed in the analysis of freedom. For my purposes, it is better to take not freedom but the idea of justice. I have two reasons for this choice. In the first place, I served only as a consultant for the work on freedom, whereas I was responsible for the Institute's book on the idea of justice.¹ Secondly, there is another and weightier reason. As

¹Cf. Otto Bird, "The Idea of Justice," *The Great Ideas Today*, 1974 (Chicago: Encyclopedia Britannica, 1974), 167–209.

Adler wrote in the foreword to that book:

The work that the Institute has done on the ideas of freedom, progress, happiness, and love . . . has not eventuated in the formulation of a controversy that is nearly as well structured as . . . in the case of justice (xi).

Hence, the idea of justice offers a simpler and clearer instance of that method than freedom does. In expounding that method, let me say at once that my understanding and practice of it has come from a long association with Mortimer Adler. With this as introduction, we can begin to consider a simplified version of how a genuine controversy can be constructed.

If disagreement is to be real and not merely apparent, so as to give rise to a genuine controversy, there are certain basic conditions that have to be met. The first of these conditions is that the participants must be talking about the same thing and not just about the same word, if that word is used to mean different things. Nor need the word for that thing be the same in every case. It is possible for one person to speak of "freedom," whereas another uses "liberty," and yet both be talking of the same subject. This much, of course, is obvious especially in the case of writers who use different languages. In other words, there must be an identifiable subject of discussion that is addressed by all who enter into that discussion, whatever the word.

This first requirement must be understood in a minimal sense. It is not necessary that all talking about justice should mean the same thing by it in every respect. It is sufficient that there is some one respect in which all agree.

The second requirement is that this one identifiable subject be such that questions can be raised about it that elicit different answers and so establish different positions with regard to the issues posited by those questions. In short, there can be no disagreement if there is not first some one subject about which questions can be raised and to which different answers can be given.

Thirdly, for the answers and positions to be such as to generate any considerable controversy, they must have some relation to one another and be coordinated into a theory that claims to explain and make understandable the subject and the issues about it.

There are three remarks to be made about these three preliminary conditions for controversy. The first is that for disagreement, real not apparent disagreement, to exist there must be initial agreement upon at least the three points that are involved here: (1) agreement upon the subject under discussion; (2) agreement upon the questions that can be asked about it; and (3) agreement upon what constitutes an answer to those questions.

The second remark is that in the actual historical analysis and treatment of a basic idea it is rare indeed to find any of these agreements made explicit and commented upon. Even Aristotle, who began a dialectical analysis of the thought of his predecessors, did so for his own doctrinal purposes, to distinguish the true from the false in their accounts and adopt the true for the development of his own doctrines. Hence, for the most part, in order to analyze and clarify, it is necessary to construct the controversy by establishing its basic subject and issues so as to identify the positions genuinely opposed.

Thus, in investigating the idea of justice, the first task consists in examining the major theories dealing with justice. Thus, one has to spend considerable time and effort studying those theories with a view to determining which of them fulfill the basic conditions. Such a work calls for the writing of many reports analyzing writings about justice, from Plato and Aristotle down to the present, all looked at from our particular point of view. As the result of such studies, it finally becomes possible to identify a common subject that would obtain the agreement of many authors as a subject they would recognize as justice. The subject is identified by the notes or the characteristics that it is judged to have, and these notes can be gathered from a consideration of the kinds of things that the theories would agree upon in calling "just." In the case of justice, this consideration yielded three notes for the idea: justice is a social norm; it is approbative; it is obligatory.

To say that justice in our minimal sense is a social norm is to claim that it is a relational concept in that it involves many terms; that it is social in that it applies to persons in association with one another; and that it serves as a norm for directing persons in their dealings with one another.

But more than this one note is needed, since society has more norms than justice alone. There are norms of manners and decency, of taste, of grammar and of logic, and none of these are matters of justice except in an extended sense. Justice is more closely associated than these with law and morality. However, neither law nor morality can supply a further note for justice as a common subject of dispute, since there is disagreement precisely about the relation of justice to both law and morality. Yet there is agreement in the theories that justice is an approbative concept. For when a writer, in expounding his theory of justice, claims that x is just, he is evaluating that x is good and is something that he would approve of. It is an expression of a *pro*-attitude towards x . Thus, it involves also the emotional side of man and enters into the world of value.

The third and final note that determines justice as a common subject of discussion is that it is obligatory. It establishes an *ought*: the just thing to do is something that ought to be done; the unjust thing, something that ought

not to be done. The foundation of this *ought* is an issue in dispute, e.g., whether it is moral and objective, for instance.

These three notes that determine the idea of justice, whether or not they are always explicit, have been found in the literature about justice. It is in this sense a dialectical discovery, since it concerns how men have thought and written about justice. Such a discovery may be of help to a person endeavoring to work out a true understanding of what justice is. However, that is not the purpose that we have for these notes. We have located and identified them as a means of obtaining better understanding of the dispute and controversy about justice. These notes, in establishing a common subject, provide the evidence needed to show that participants in the dispute are indeed talking about the same thing.

The next step in constructing the controversy consists in identifying questions regarding the common notes that all writers on the subject can be seen to answer and even to answer differently. Not all questions are equally useful. Some theories of justice may emphasize special concerns, as Hegel does about freedom or Del Vecchio about spirit, which others do not consider at all. Such concerns may illuminate the nature of justice. But they do not illuminate the controversy, since they are not of common concern and hence not fundamental to it, in our sense.

The questions fundamental to the controversy as a whole are those that formulate issues regarding the common notes; issues on which differing and opposed positions may be taken; answers which, taken together, constitute a theory that claims to explain those notes. For the idea of justice, six questions are sufficient to distinguish and identify the major different theories. They are as follows:

- Is justice the same as legality?
- Is justice a criterion of law?
- Is justice based on natural law?
- Is justice, in any other sense than that of legality, an objective norm of human action?
- Is justice obligatory on its own, apart from legal or social sanctions?
- Is justice a distinct virtue?

In most cases, the wording of the issue shows its relation to the common notes. Thus, law establishes a norm that is in some sense both obligatory and approbative. Hence the first four questions deal with justice as a norm: whether or not it is based on natural right.

Each of the questions is such as to elicit a "yes" or "no" answer and thus provides a dichotomous criterion of classification. Some of them are

so related that the answer to one question entails an answer to another. For example, to say that justice is the same as positive legality is also to deny that it is a criterion of law and that it is based on natural rights. As a result, it is possible to obtain different combinations of affirmative and negative answers to the questions; and these answers put together are such as to identify the basic theories of justice, and so map the controversy as a whole. On seeking answers to these questions in the literature on justice, we find only three theories of justice that are basic or paradigmatic to the whole controversy.

One theory answers the first question in the affirmative—justice is identical with positive law—and all the remaining questions in the negative. Hence, it can be called the Positive Law theory of justice. Of this theory, Hobbes and the contemporary Scandinavian Alf Ross are good representatives.

At the other extreme from this is the Natural Right theory of justice. This answers the first question in the negative, denying that justice is identical with legality, and then answers all the remaining five questions in the affirmative. Aristotle and Adler himself are holders of this position.

The third paradigm, the Social Good theory of justice, falls in between these two. It answers the first and third questions in the negative, by denying that justice is identical with positive law or founded on natural right. And it replies in the affirmative to questions 2, 4, and 5, by claiming that justice is a criterion of law, that it is an objective norm, and that it is obligatory apart from legal sanctions. It qualifies its affirmative answer to the sixth by assimilating justice to the virtue of benevolence. Hume and John Stuart Mill are typical representatives of the Social Good theory of justice.

These three paradigmatic theories are basic to the controversy concerning justice in that they identify the positions from which the entire controversy can be viewed and analyzed, by providing the types according to which any theory can be measured and located. Of course, combinations of any of these three may also occur. In fact, many of the recent theories, and especially those put forward by Anglo-American thinkers, can be understood as efforts to combine the Social Good and the Natural Right theories, notably the highly touted theory advanced by John Rawls.

The main purpose of making such a construction, for construction it is, lies in its effort to make sense of the frequently confusing discussion of philosophers. It does so by attempting to find the issues on which there is real, not merely apparent, agreement and disagreement and to state those issues in a language that is both clear and neutral with respect to any of the theories it analyses. Some philosophers, notably Descartes, Kant, and Wittgenstein, have attributed philosophical confusion to the lack of proper

method for solving philosophical problems. Adler's contention, in the respect with which we are here concerned, is that it has not been a good controversy in that the issues of agreement and disagreement have not been clearly stated. The result: not disagreement, but non-agreement—trains passing in the night.

The method of reading philosophical literature that we have analyzed and identified is one way of making sense of that literature. Its matter is provided by the literature produced during the long history of philosophy. Yet the method and its results are neither philosophical nor historical, neither a philosophical nor an historical account of thinking about justice, but rather the theories and literature about that idea. Philosophical it may be, in that it reads the writings of philosophers; historical, in that they occurred in an historical context. Yet the result of the method is neither philosophical nor historical, but dialectical.

However, to identify the method as dialectical is not immediately illuminating, since dialectic has meant many things in philosophical discussion. Adler, while he was at work perfecting this method and putting it to work in the analysis of the idea of freedom, had occasion to write an essay on the subject of the dialectic. In this essay, he distinguished this dialectical method from two other kinds of dialectic.²

One theory of dialectic is that which identifies it with the method of philosophy and the knowledge it achieves. It is Noetic dialectic, of which the foremost representative is Plato.

Another kind of dialectic may be called Regulative, in that it is taken as the fundamental law underlying the development of both reality and history. This dialectic we know best from the work of Hegel and Marx.

The third basic dialectic is identified neither with philosophy nor with ontological and historical development. It is taken as an auxiliary to philosophy, not philosophy itself. Hence, it may be called the Reflexive theory of dialectic. Here, Aristotle is the earliest and foremost example.

The method that has been analyzed and exemplified here is obviously closer to the Reflexive kind than to either the Noetic or the Regulative. Yet it differs sharply from Aristotle's use of it. He made a dialectical examination of the work of his predecessors, but he did so with a doctrinal, not a dialectical, purpose in view. He used their work as a means of advancing his own examination of things. His writings reveal his use of that method for the further purpose of discovering the truth about reality.

²Mortimer J. Adler, "The Idea of Dialectic," *The Great Ideas Today*, 1986 (Chicago: Encyclopedia Britannica, 1986).

The dialectical method of our concern here does not reach so far. The truth at which it aims is truth about philosophical discussion and literature, such as that devoted to freedom and justice. Its hope, of course, is that it may offer help to further the philosophical search for the truth about the ideas with which it deals. But by itself it does not claim to do so much.